



AGENDA ITEM MEMORADUM

Town Attorney

Department

Susan L. Trevarthen

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> May 8, 2012	April 27
<input checked="" type="checkbox"/> May 22, 2012	May 11
<input type="checkbox"/> June 12, 2012	June 1
<input type="checkbox"/> June 26, 2012	June 15
<input type="checkbox"/> July 10, 2012	June 29
<input type="checkbox"/> July 24, 2012	July 13

***Subject to Change**

- Presentation Reports Consent Ordinance
 Resolution Quasi-Judicial Old Business New Business

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Ordinance Authorizing Placement of Charter Amendments on November 2012 Ballot Related to Term of Office and Term Limits Applicable to Mayor-Commissioner

EXPLANATION: At its May 9, 2012 meeting, the Town's Charter Review Board voted 6-1 to recommend that the Town Commission place on the November 2012 ballot an amendment to the Town Charter to extend the term of office of the Mayor-Commissioner from two to four years.

In order to amend its charter, the Town Commission must adopt an ordinance placing the amendment on the ballot. The Supervisor of Elections has advised that the last date that municipalities can submit ballot questions for the November 6, 2012 election is June 8, 2012.

The Town Manager called a special meeting of the Town Commission on May 15, 2012, to obtain guidance on whether to proceed with placing this ordinance on the May 22 Commission agenda for first reading, due to the tight timeframe, and to obtain guidance on exactly how the Commission wanted the amendment to be prepared.

At the special meeting on May 15, 2012, the Town Commission voted 4-0, with Mayor Minnet abstaining, to have the ordinance propose three separate charter amendments that would accomplish the following changes:

- a. Extend the term of office of the position of Mayor-Commissioner from two to four years;
- b. If the four-year term is approved by the voters, apply the change to extend the term of the current Mayor-Commissioner; and
- c. If the four-year term is approved by the voters, reduce the number of terms that future Mayor-Commissioners can serve from three to two.

The Town Commission also directed that the ordinance provide for placement of these questions on the November 6, 2012 ballot. Finally, the Town Commission set June 5, 2012 at 7 pm as the date and time for a special meeting for second reading of this ordinance, to enable timely advertising and adoption in case it is approved on first reading on May 22, 2012.



The statutory requirements for the form and wording of these ballot questions are contained in Section 101.161, Florida Statutes, which provides as follows:

Referenda; ballots.—(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. This subsection does not apply to constitutional amendments or revisions proposed by joint resolution.

The applicable caselaw requires that a ballot question not be misleading, and not contain editorial comment, political rhetoric or advocacy. It is required to convey the chief purpose of the proposed change, in order to provide the voters with fair notice so that they can intelligently cast their votes. It need not describe every detail and ramification of the proposed change to the charter.

EXPECTED OUTCOME: Town Commission decision whether to approve, approve as amended or reject, the Ordinance on first reading. If the Ordinance is approved on first reading, the ad will be placed and the special meeting will be held on June 5 at 7 pm for the second reading of the Ordinance. If the ordinance is approved on second reading, the questions authorized by the Ordinance will go on the November 6, 2012 ballot.

EXHIBIT(S): Ordinance 2012-10
Article VI of the Town Charter
Draft Minutes of Charter Review Board, May 8, 2012
Draft Minutes of Town Commission, May 15, 2012

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA

1
2
3 **ORDINANCE NO. 2012-10**

4 **AN ORDINANCE OF THE TOWN COMMISSION OF THE**
5 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,**
6 **PROVIDING FOR THE SUBMISSION TO THE ELECTORS**
7 **OF PROPOSED AMENDMENTS TO THE TOWN**
8 **CHARTER, PURSUANT TO SECTION 166.031, FLORIDA**
9 **STATUTES, FOLLOWING TOWN COMMISSION REVIEW**
10 **AND CONSIDERATION OF CHARTER AMENDMENTS**
11 **RECOMMENDED BY THE CHARTER REVIEW BOARD**
12 **IN ACCORDANCE WITH SECTION 2.7 OF THE TOWN**
13 **CHARTER; SUBMITTING PROPOSED CHARTER**
14 **AMENDMENTS CONCERNING AMENDMENT OF**
15 **SECTION 6.1 "MAYOR-COMMISSIONER AND**
16 **COMMISSIONERS, TERM OF OFFICE, ELECTION,**
17 **TRANSITION," AND SECTION 6.3. "QUALIFICATIONS**
18 **OF MEMBERS OF TOWN COMMISSION;" CALLING A**
19 **SPECIAL ELECTION ON THE PROPOSED CHARTER**
20 **AMENDMENTS TO BE HELD ON TUESDAY, THE 6TH**
21 **DAY OF NOVEMBER 2012, IN CONJUNCTION WITH THE**
22 **GENERAL ELECTION BEING HELD ON SAID DATE;**
23 **PROVIDING FOR VOTING AT THE POLLS; PROVIDING**
24 **FOR NOTICE OF ELECTION; PROVIDING FOR**
25 **REQUISITE BALLOT LANGUAGE; PROVIDING FOR**
26 **INCLUSION IN THE CHARTER, SEVERABILITY AND**
27 **FOR AN EFFECTIVE DATE.**

28 **WHEREAS,** pursuant to Section 2.7 of the Town Charter, the Charter Review Board has
29 determined that certain revisions are needed to the Town Charter and has submitted its
30 recommendation of proposed amendments to the Town Charter to the Town Commission; and

31 **WHEREAS,** pursuant to Section 2.7 of the Town Charter and Section 166.031, Florida
32 Statutes, the Town Commission has considered the recommendation of the Charter Review
33 Board and has determined, at the Town Commission's discretion, to submit to the electors of the
34 Town for approval or rejection only those amendments to the Town Charter (the "Charter
35 Amendments") that are set forth herein.

36 NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION
37 OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

38 **Section 1. Recitals Adopted.** Each of the above stated recitals is hereby adopted and
39 confirmed.

40 **Section 2. Charter Amendments.** Pursuant to Section 2.7 of the Town Charter and
41 Section 166.031, Florida Statutes, and subject to the approval of the electors as described in
42 Section 8 below, the Town Charter of the Town of Lauderdale-By-The-Sea, Florida, is hereby
43 amended by amending Section 6.1 "Mayor-Commissioner and Commissioners, Term of Office,
44 Election, Transition", and Section 6.3 "Qualifications of members of Town Commission" of the
45 Town Charter, described below, to read as follows:¹

46 **ARTICLE VI. - ELECTIONS**

47 **Sec. 6.1. - Mayor-Commissioner and Commissioners; term of office; election;**
48 **transition.**

49
50 (1) Beginning with the regular election to be held on the second Tuesday in the
51 month of March, 2014 ~~2008~~, and every four (4) ~~two (2)~~ years thereafter, a Mayor-
52 Commissioner shall be elected for a term of four (4) ~~two (2)~~ years until his
53 successor is elected and qualifies.²

54
55 (2) Commencing with the regular election of the Town held in March, 2006, and
56 continuing with successive elections at intervals of four years, candidates may
57 qualify for the offices of Town Commissioner Seat 1 and Town Commissioner
58 Seat 2, each elected at large. Town Commission Seat 1 and Town Commission
59 Seat 2 shall replace the two Commission seats vacated by the expiration of the
60 term of the two Commissioners in March, 2006. The candidate for Seat 1 shall
61 reside in the north district of the Town. The candidate for Seat 2 shall reside in the
62 south district of the Town. The candidates receiving the most votes for each seat
63 shall be elected, and shall serve a term of four (4) years.

¹ Proposed additions to existing Town Charter text are indicated by underline; proposed deletions from existing Town Charter text are indicated by ~~strikethrough~~.

² If approved by the voters at the November 6, 2012 election, the term of the Mayor-Commissioner in office on November 6, 2012 is also extended from two years to four years.

64
65 (3) Commencing with the regular election of the Town held in March, 2008, and
66 continuing with successive elections at intervals of four years, candidates may
67 qualify for the offices of Town Commission Seat 3 and Town Commissioner Seat
68 4. Town Commission Seat 3 and Town Commission Seat 4 shall replace the two
69 Commission seats vacated by the expiration of the term of two Commissioners in
70 March of 2008. The candidate for Seat 3 shall reside in the north district of the
71 Town. The candidate for Seat 4 shall reside in the south district of the Town. The
72 candidates receiving the most votes for each seat shall be elected, and shall serve
73 a term of four years.
74

75 (4) All elections for the position of Town Commissioner or Mayor-Commissioner
76 shall be held on the second Tuesday of March of each even-numbered year, or as
77 provided for by law.
78

79 (5) The geographic boundary for the northern and southern districts shall be
80 designated, prepared and identified no later than the first of September, 2004, and
81 again in 2012 through a contract entered into by the Town with an accredited four
82 (4) year college or university located within the state of Florida for the purpose of
83 identifying and designating the northern and southern election districts within the
84 Town. The Town Commission district boundaries shall be of equal population,
85 compact, proportional, and logically related to the natural internal boundaries of
86 the neighborhoods within the Town. The principal of nondiscrimination and one
87 person/one vote shall be adhered to strictly.
88

89 (6) In the event no candidate qualifies for election for any designated Town
90 Commission seat within the first ten (10) calendar days of the qualifying period,
91 then any qualified person who resides anywhere in the Town may qualify for such
92 seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared
93 and filled in accordance with this Charter.
94

95 (7) The Town Commission shall adopt by Ordinance the creation and
96 establishment of the boundaries of the initial northern and southern Town
97 Commission seat districts no later than January 1, 2005. The Ordinance shall
98 provide for the implementation of said election districts to be effective for the
99 elections to be held in the Town commencing in March, 2006.
100

101 * * *

102
103 **Sec. 6.3. - Qualifications of members of Town Commission.**
104

105 (1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of
106 the Town of Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-
107 Commissioner or Commissioner, the individual shall be a bona fide resident and

108 citizen of the Town of Lauderdale-By-The-Sea, shall have resided in the said
109 town for the six (6) months immediately preceding the date of election, shall be a
110 registered voter pursuant to Florida law, and shall be otherwise qualified as
111 provided for in the Charter.

112
113 (2) No person may be a candidate for Commissioner, nor may be appointed to fill
114 a vacancy as a Commissioner, if that person has served during both of the two
115 preceding consecutive Commission terms for that seat as a Commissioner or a
116 Mayor-Commissioner or both, without a two year break in service.

117
118 (3) Beginning with the regular election to be held on the second Tuesday in the
119 month of March, 2014, nNo person may be a candidate for Mayor-Commissioner,
120 nor may be appointed to fill a vacancy as the Mayor-Commissioner, if that person
121 has served during each of the three two (2) preceding consecutive Mayor-
122 Commissioner terms as a Mayor-Commissioner.

123
124 (4) Service of one year or less of a term by a person who had not previously
125 served as either a Commissioner or Mayor-Commissioner shall not be considered
126 for purposes of term limits.

127
128 (5) Service for purposes of term limits shall be determined as of the time the
129 person would take office.

130 * * *

131
132
133 **Section 3. Election Called.** A special election is hereby called for Tuesday, November
134 6, 2012, in conjunction with the general election being held on said date, to present to the
135 qualified electors of the Town of Lauderdale-By-The-Sea (the "Town"), each of the ballot
136 questions provided in Section 4 of this Ordinance.

137 **Section 4. Form of Ballot.** The form of ballot for the Charter Amendments provided for
138 in Section 2 of this Ordinance shall be substantially as follows:

139

140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182

(1) LENGTH OF MAYOR-COMMISSIONER'S TERM OF OFFICE

The Town Charter currently provides for a two-year term of office for the Mayor-Commissioner, while providing four-year terms of office for the Town Commissioners. It is proposed that the Charter be amended to establish a four-year term of office for the Mayor-Commissioner.

Shall the above-described Charter amendment be adopted?

YES []

NO []

(2) APPLICABILITY TO CURRENT MAYOR-COMMISSIONER'S TERM OF OFFICE

If a four-year term of office is established for the Mayor-Commissioner, it is proposed that this amendment shall apply to extend the term of office of the current Mayor-Commissioner from two years to four years.

If a four-year term is established for the position of Mayor-Commissioner, shall the above-described Charter amendment also be adopted?

YES []

NO []

(3) TERM LIMITS FOR MAYOR-COMMISSIONER

The Charter limits the Mayor-Commissioner to three consecutive two-year terms of office (six years). If a four-year term of office is established for the position of Mayor-Commissioner, it is proposed that the Charter shall also be amended to limit the Mayor-Commissioner to two consecutive terms of office (eight years).

If a four-year term is established for the position of Mayor-Commissioner, shall the above-described Charter amendment also be adopted?

YES []

183
184 NO []
185
186

187 **Section 5. Vote at Polls.** Balloting shall be conducted between the hours of 7 A.M. and
188 7 P.M. on the date of the election, and early and absentee balloting shall also be permitted as
189 provided in conjunction with the general election. Polling places shall be those polling places
190 provided for the general election for the electors of the Town, pursuant to applicable laws. All
191 qualified Town electors who are timely registered in accordance with law shall be entitled to
192 vote. The Town Clerk is authorized to obtain any necessary election administration services
193 from the Broward County Supervisor of Elections. The County registration books shall remain
194 open at the Office of the Broward County Supervisor of Elections office until October 9, 2012,
195 as provided by law, at which date the registration books shall close in accordance with the
196 provisions of the general election laws. The Town Clerk and the Broward County Supervisor of
197 Elections are hereby each authorized to take all appropriate action necessary to carry into effect
198 and accomplish the electoral provisions of this Ordinance. This Charter Amendment election
199 shall be canvassed by the County Canvassing Board unless otherwise provided by law.

200 **Section 6. Notice of Special Election.** Notice of said special election shall be published
201 in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the
202 Town at least 30 days prior to said election, the first publication to be in the fifth week prior to
203 the election (to-wit: during the week commencing Sunday, September 30, 2012), and the second
204 publication to be in the third week prior to the election (to-wit: during the week commencing
205 Sunday, October 14, 2012), and shall be in substantially the following form:
206

207

"NOTICE OF SPECIAL ELECTION

208

PUBLIC NOTICE IS HEREBY GIVEN THAT, PURSUANT TO
ORDINANCE NO. 2012-__ ADOPTED BY THE TOWN
COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-
SEA, FLORIDA (THE "TOWN"), A SPECIAL ELECTION HAS
BEEN CALLED AND ORDERED TO BE HELD WITHIN THE
TOWN, IN CONJUNCTION WITH THE GENERAL
ELECTION, ON TUESDAY, THE 6TH DAY OF NOVEMBER
2012, BETWEEN THE HOURS OF 7 A.M. AND 7 P.M., AT
WHICH TIME THE FOLLOWING CHARTER AMENDMENT
PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED
ELECTORS OF THE TOWN:

209

210

211

212

213

214

215

216

217

218

219

(1) LENGTH OF MAYOR-COMMISSIONER'S TERM OF
OFFICE

220

221

222

The Town Charter currently provides for a two-year term of office
for the Mayor-Commissioner, while providing four-year terms of
office for the Town Commissioners. It is proposed that the Charter
be amended to establish a four-year term of office for the Mayor-
Commissioner.

223

224

225

226

227

228

Shall the above-described Charter amendment be adopted?

229

230

YES []

231

232

NO []

233

234

(2) APPLICABILITY TO CURRENT MAYOR-
COMMISSIONER'S TERM OF OFFICE

235

236

237

If a four-year term of office is established for the Mayor-
Commissioner, it is proposed that this amendment shall apply to
extend the term of office of the current Mayor-Commissioner from
two years to four years.

238

239

240

241

242

If a four-year term is established for the position of Mayor-
Commissioner, shall the above-described Charter amendment also
be adopted?

243

244

245

YES []

246

247

248

NO []

249

250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266

(3) TERM LIMITS FOR MAYOR-COMMISSIONER

The Charter limits the Mayor-Commissioner to three consecutive two-year terms of office (six years). If a four-year term of office is established for the Mayor-Commissioner, it is proposed that the Charter shall also be amended to limit the Mayor-Commissioner to two consecutive terms of office (eight years).

If a four-year term is established for the position of Mayor-Commissioner, shall the above-described Charter amendment also be adopted?

YES []

NO []

267
268
269
270
271
272
273
274
275

Polling place information, the enabling Ordinance including the full text of the proposed Town Charter Amendments and the ballot questions, are available at the office of the Town Clerk, located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308.

Town Clerk

276
277
278

Section 7. Copies. Copies of this Ordinance proposing the Charter Amendments are on file at the offices of the Town Clerk located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308, and are available for public inspection during regular business hours.

279
280
281
282
283
284

Section 8. Effectiveness. Each Charter Amendment provided for in Section 2 of this Ordinance shall become effective if the majority of the qualified electors voting on that specific Charter Amendment, as described in the ballot summaries of Section 4 of this Ordinance, vote for its adoption. Each Charter Amendment shall be considered adopted and effective upon certification of the election results, except that Ballot Questions (2) and (3) shall not be effective unless the Ballot Question (1) establishing a four-year term of office for the position of Mayor-

285 Commissioner is approved by the majority of the qualified electors voting on that specific
286 question at the November 6, 2012 election. Following adoption of the Charter Amendment(s),
287 the Town Clerk shall incorporate the adopted Charter Amendment(s) into the Town Charter and
288 shall file the revised Town Charter with the Office of the Secretary of State as required by
289 Section 166.031, Florida Statutes.

290 **Section 9. Inclusion in the Town Charter.** Subject to the requirements of Section 8
291 above, it is the intention of the Town Commission and it is hereby provided that the Charter
292 Amendments shall become and be made a part of the Charter of the Town of Lauderdale-By-
293 The-Sea, Florida, and that the Sections of this Ordinance may be renumbered or relettered to
294 accomplish such intention.

295 **Section 10. Severability.** The provisions of this Ordinance are declared to be
296 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
297 held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining
298 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
299 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
300 part.

301 **Section 11. Effective Date of Ordinance.** This Ordinance shall become effective
302 immediately upon adoption hereof on second reading.

303 **PASSED AND ADOPTED** on First Reading this 22nd day of May, 2012.

304 **PASSED AND FINALLY ADOPTED** on Second Reading this 5th day of June, 2012.

305
306
307
308

Mayor Roseann Minnet

309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328

Attest:

Town Clerk, June White, CMC

Approved as to form:

Susan L. Trevarthen, Town Attorney

First Reading

Second Reading

Mayor Minnet

Vice-Mayor Sasser

Commissioner Brown

Commissioner Dodd

Commissioner Vincent

ARTICLE VI. - ELECTIONS

Sec. 6.1. - Mayor-Commissioner and Commissioners; term of office; election; transition.

Sec. 6.2. - Vice Mayor and acting Mayor Pro-Tem.

Sec. 6.3. - Qualifications of members of Town Commission.

Sec. 6.4. - Qualifications of candidates; notice of candidacy; payment of fee.

Sec. 6.5. - Vacancies.

Sec. 6.6. - Forfeiture of office.

Sec. 6.7. - Forfeiture hearing and process.

Sec. 6.8. - Filling of vacancies.

Sec. 6.9. - Extraordinary vacancies.

Sec. 6.1. - Mayor-Commissioner and Commissioners; term of office; election; transition.

(1) Beginning with the regular election to be held on the second Tuesday in the month of March, 2008, and every two (2) years thereafter, a Mayor-Commissioner shall be elected for a term of two (2) years until his successor is elected and qualifies.

(2) Commencing with the regular election of the Town held in March, 2006, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commissioner Seat 1 and Town Commissioner Seat 2, each elected at large. Town Commission Seat 1 and Town Commission Seat 2 shall replace the two Commission seats vacated by the expiration of the term of the two Commissioners in March, 2006. The candidate for Seat 1 shall reside in the north district of the Town. The candidate for Seat 2 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four (4) years.

(3) Commencing with the regular election of the Town held in March, 2008, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commission Seat 3 and Town Commissioner Seat 4. Town Commission Seat 3 and Town Commission Seat 4 shall replace the two Commission seats vacated by the expiration of the term of two Commissioners in March of 2008. The candidate for Seat 3 shall reside in the north district of the Town. The candidate for Seat 4 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four years.

(4) All elections for the position of Town Commissioner or Mayor-Commissioner shall be held on the second Tuesday of March of each even-numbered year, or as provided for by law.

(5) The geographic boundary for the northern and southern districts shall be designated, prepared and identified no later than the first of September, 2004, and again in 2012 through a contract entered into by the Town with an accredited four (4) year college or university located within the state of Florida for the purpose of identifying and designating the northern and southern election districts within the Town. The Town Commission district boundaries shall be of equal population, compact, proportional, and logically related to the natural internal boundaries of the

PART I - CHARTER
ARTICLE VI. - ELECTIONS

neighborhoods within the Town. The principal of nondiscrimination and one person/one vote shall be adhered to strictly.

(6) In the event no candidate qualifies for election for any designated Town Commission seat within the first ten (10) calendar days of the qualifying period, then any qualified person who resides anywhere in the Town may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.

(7) The Town Commission shall adopt by Ordinance the creation and establishment of the boundaries of the initial northern and southern Town Commission seat districts no later than January 1, 2005. The Ordinance shall provide for the implementation of said election districts to be effective for the elections to be held in the Town commencing in March, 2006.

Sec. 6.2. - Vice Mayor and acting Mayor Pro-Tem.

On the second Tuesday following each regular election, one (1) member of the Town Commission may be designated, by resolution, as Vice Mayor to preside in the absence of the Mayor-Commissioner. In the event that the designated Mayor-Commissioner and the Vice Mayor are absent at any meeting of the Town Commission, any member of the Town Commission may be designated by the Town Commission to act as Mayor Pro-Tem for such meeting.

Sec. 6.3. - Qualifications of members of Town Commission.

(1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of the Town of Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-Commissioner or Commissioner, the individual shall be a bona fide resident and citizen of the Town of Lauderdale-By-The-Sea, shall have resided in the said town for the six (6) months immediately preceding the date of election, shall be a registered voter pursuant to Florida law, and shall be otherwise qualified as provided for in the Charter.

(2) No person may be a candidate for Commissioner, nor may be appointed to fill a vacancy as a Commissioner, if that person has served during both of the two preceding consecutive Commission terms for that seat as a Commissioner or a Mayor-Commissioner or both, without a two year break in service.

(3) No person may be a candidate for Mayor-Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner, if that person has served during each of the three preceding consecutive Mayor-Commissioner terms as a Mayor-Commissioner.

(4) Service of one year or less of a term by a person who had not previously served as either a Commissioner or Mayor-Commissioner shall not be considered for purposes of term limits.

(5) Service for purposes of term limits shall be determined as of the time the person would take office.

Sec. 6.4. - Qualifications of candidates; notice of candidacy; payment of fee.

Any individual who possesses the qualifications as provided in this Charter, may be a candidate for the office of Mayor-Commissioner or Commissioner by filing a verified notice of candidacy for Town Commission with the Town Clerk. Such notice shall be in the following form:

NOTICE OF CANDIDACY FOR

PART I - CHARTER
ARTICLE VI. - ELECTIONS

TOWN COMMISSIONER OR MAYOR-COMMISSIONER

I, _____ (Name of Candidate) _____, residing at _____
(Residence Address of Candidate) _____/_____/_____,
Lauderdale-By-The-Sea, Broward County, Florida, do hereby give notice of my candidacy for
the office of Town Commissioner/Mayor-Commissioner of the Town of
Lauderdale-By-The-Sea, Florida, in the forthcoming election to be held in said Town on
_____ (Date of Primary) _____. I do further state that I am a citizen of the
United States of America, and a resident of the Town of Lauderdale-By-The-Sea; that I have
resided in the Town of Lauderdale-By-The-Sea for the six (6) months immediately preceding
the date of the election to be held; and that I have fully satisfied all conditions precedent to
such candidacy, pursuant to the provisions of the laws of the State of Florida and the Town
Charter.

(Candidate's Signature)

STATE OF FLORIDA

COUNTY OF BROWARD

Before me, the undersigned authority, this day personally appeared _____ (Name of
Candidate) _____ who, upon being duly sworn, deposed and said: that he/she is the
candidate referred to in the foregoing Notice; that he/she is familiar with the contents of said
Notice, and that the facts and matters therein stated are true; and that he/she did sign said
Notice for the purpose therein specified.

(Candidate)

Sworn to and subscribed before me, this the _____ day of
_____/_____/_____, 20_____.

Notary Public, State of Florida

My commission expires: _____

The individual who files the notice as prescribed, and who pays the qualifying fee as prescribed, if
otherwise found to be qualified, shall be entitled to have his/her name printed upon the official ballot at
such town election.

Sec. 6.5. - Vacancies.

The office of a Commissioner, or the office of the Mayor-Commissioner, shall become vacant upon the
person's death, resignation, removal from office in any manner authorized by law, or forfeiture of the
office, such forfeiture to be declared by the remaining members of the Town Commission.

Sec. 6.6. - Forfeiture of office.

A Commission member, or the Mayor-Commissioner, shall forfeit the office if the person:

- (1) Lacks, at any time during a term of office, any qualification for the office prescribed by this Charter or general law;
- (2) Violates any standard of conduct or code of ethics established by law for public officials;
- (3) Is convicted of a felony while in office;
- (4) Fails to attend four (4) consecutive regular meetings of the Town Commission without being excused by the Town Commission by formal action entered upon the minutes; or
- (5) Becomes incapable of performing the duties of the office for a period of more than three (3) months.

In all circumstances arising under this section, the Town Commission shall be the judge of its own membership.

Sec. 6.7. - Forfeiture hearing and process.

A member of the Town Commission charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least thirty days before the scheduled hearing. The Town Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's or Mayor-Commissioner's office, including whether or not good cause for absence has been, or may be, established. The Commissioner in question shall have the burden of establishing good cause for absence; provided, however, that any Commissioner may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other Commissioner, from any past, present, or future meeting(s), which motion, if carried, shall be conclusive. A Commissioner whose qualifications are in question, or who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. Any final determination by the Town Commission that a Commissioner or the Mayor-Commissioner has forfeited his or her office shall be made by resolution approved by a unanimous vote of the remaining members of the Town Commission. All votes and other acts of the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

Sec. 6.8. - Filling of vacancies.

A vacancy on the Town Commission, including the office of Mayor-Commissioner, shall be filled in the following manner:

- (1) If there are less than one hundred eighty (180) days remaining in the unexpired term, or if there are less than one hundred eighty (180) days before the next federal, state, county or Town election, the remaining Commissioners, including the Mayor-Commissioner, shall, by majority vote, appoint a successor within thirty (30) days of the occurrence of the vacancy from among all qualified applicants. The person or persons so appointed must possess all of the required qualifications to be a member of the Town Commission. The Commissioner or Mayor-Commissioner appointed by the Town Commission to fill the vacancy as specified herein shall serve only until the next federal, state, county, or Town election. Further, the Commissioner or Mayor-Commissioner elected at such election shall serve only the unexpired term of the

PART I - CHARTER
ARTICLE VI. - ELECTIONS

Commissioner or Mayor-Commissioner whose position became vacant.

(2) If there are more than one hundred eighty (180) days remaining on an unexpired term, or if there are more than one hundred eighty (180) days before the next federal, state, county, or Town election, the Town Commission shall schedule a special election to be held no sooner than ninety (90) days nor more than one hundred twenty (120) days following the occurrence of the vacancy. The Commissioner or Mayor-Commissioner elected to fill the vacancy at any special election shall serve only the unexpired term of the Commissioner or Mayor-Commissioner whose position became vacant.

(3) In the event of the death, resignation, or removal of the Mayor-Commissioner, the Vice Mayor shall forthwith commence to serve as interim Mayor-Commissioner until the position of Mayor-Commissioner is filled by election or appointment. When the Vice Mayor becomes interim Mayor-Commissioner, the Town Commission, by majority vote shall appoint one of the remaining Commissioners to become interim Vice Mayor. The Commissioner serving as Mayor-Commissioner, or the Vice Mayor, shall serve as Commission-Mayor, or Vice Mayor, until the newly elected or appointed Commissioner-Mayor, or Vice Mayor, is sworn into office. The interim Mayor-Commissioner, and interim Vice Mayor shall then return to the positions of Vice Mayor and Commissioner which he/she previously held to serve the remainder of his or her unexpired term.

(4) In the event of the death, resignation, or removal of the Vice Mayor, the Town Commission shall, by majority vote, elect one of the Commissioners to serve as Vice Mayor.

Sec. 6.9. - Extraordinary vacancies.

In the event that all members of the Town Commission are removed by death, disability, or forfeiture of office, the Governor of the State of Florida shall appoint an interim Town Commission that shall call a special election as provided above to fill the vacancies.

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

Special Meeting Minutes

Jarvis Hall

4505 Ocean Drive

Tuesday, May 15, 2012

5:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 5:00 p.m. Vice Mayor Scot Sasser, Commissioner Stuart Dodd, Commissioner Chris Vincent, and Commissioner Mark Brown were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan Trevarthen, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ITEMS FOR DISCUSSION AND/OR ACTION

a. Charter Review Board Recommendation Regarding Mayor's Term Length

Mayor Minnet stated that public comment would be taken out of order and allowed with each item as it came up.

Mayor Minnet stated she would be abstaining from the vote on this issue and passed the gavel to Vice Mayor Sasser.

Vice Mayor Sasser opened the item for public comments.

Edmund Malkoon favored placing the Mayoral term limit on the ballot. Mr. Malkoon was unsure of the reason to rush it to the November 2012 ballot. He thought it could go on the March 2014 ballot.

Diana Kugler asked whether the 4 year term would be retroactive and whether the current Mayor's term would be extended 2 years. She believed it should happen in a timely fashion. Ms. Kugler thought 2 years was a tough amount of time as 2 years come quickly and then the Mayor has to campaign again. She did not want to stall the issue.

With no one else wishing to speak, Vice Mayor Sasser closed public comments.

Vice Mayor Sasser asked how this change would affect the current Mayor's term.

Attorney Trevarthen stated that the Charter Review Board recommended that the Commission consider placing on the November 2012 ballot the question of whether the

Mayoral term, beginning in 2014, would be extended to 4 years. However, the Commission had the power to form the question however they saw fit. They could write that there shall be a 4 year term and apply that term to the current office, if they so desired.

Commissioner Brown questioned whether the current three consecutive 2 year terms, were changed to two consecutive 4 year terms, would that have to be done in tandem with another Charter amendment which would change the terms of term limits, to make it consistent with the longer term.

Attorney Trevarthen said it would not have to be changed with another Charter amendment. The Commission may choose to change the current three term limit. She explained the issues being discussed guided the form of ordinance that would place the question on the ballot that would change the Charter. The number of terms in the term limit can be changed with or without the other as they were independent of each other.

Commissioner Vincent was concerned with losing the option for majority change every 2 years. For informational purposes he explained that three seats had the potential to change every 2 years. It gave the taxpayers control to make elected officials step up and make changes or not every 2 years. Commissioner Vincent stated that by doing this, the option for majority change would occur every 4 years not every two years. He wondered if the term changed would it apply so that current mayor sat 2 more years to 2014. If the current Mayor sat for 4 years, to 2016, the Mayor's term would always cycle with seats 1 and 3 only. If the current Mayor sat for a 2 year term her seat would come up for election at the same four year cycle as seats 2 and 4. . Therefore, the Mayor elect would always cycle with either seat 1 and 3 or seat 2 and 4. This is a decision the Commission will have to make. He pointed out that if a Commissioner wanted to run for the Mayor elect, no matter the seat number, they would have to forfeit the remaining 2 years of their term.

Attorney Trevarthen said the Commission could decide whether to do this or not. It was not a legal issue; it was a political or policy question. The circumstance to be evaluated was the person in the seat that was out of cycle with the Mayoral seat had two choices. They could either resign early to enter the Mayoral cycle or they could take a two year break and run for the Mayoral seat two years after they complete their commission term.

Commissioner Vincent commented that two seats would be affected by the change. He believed the Commission should discuss whether the cycle should be 2016 or 2018. If they extended the term to 2016 it would affect seat 2 and 4 and 2018 would affect seat 1 and 3, or will the Commission leave it in the hands of the people to make a decision on a majority basis.

Attorney Trevarthen pointed out the Commissioner could either resign to run or he could wait.

Vice Mayor Sasser pointed out the decision of the Commission was to allow the people to decide.

Commissioner Dodd believed there was a burden put upon the Mayor to campaign every 2 years. He favored extending the term to two terms of 4 years. He raised the issue as to whether Mayor Minnet would want to continue for another term.

Vice Mayor Sasser inquired as to whether the Commission wanted to put the issue on the ballot and then debate the term.

Attorney Trevarthen stated that motions would be required to address all the relevant issues.

Vice Mayor Sasser believed there was Commission consensus for the question to go to the voters as to whether they want a 2 year or 4 year Mayoral term.

Mayor Minnet asked whether she had the option to abstain from the vote because it would be a benefit to her.

Attorney Trevarthen said the ethics law allowed her to vote on this issue as there was no personal financial gain. She added this was a political aspect, such as in redrawing districts.

Attorney Trevarthen said State Statute stated if the Mayor felt there would be an appearance of a conflict of interest, she could abstain if she chose to do so.

Commissioner Dodd made a motion to approve move forward with an ordinance placing the question of whether the Mayor's term should be a 4 years on the November 2012 ballot.

Commissioner Brown questioned whether the motion required that the 4 year term be retroactive to the January 2012 election, or to begin with the March 2014 election, or to extend the term of the current Mayor 2 years.

Commissioner Dodd said the motion was to put the Mayoral term before the people to vote for 4 years with a two term limit; a total of 8 years. Once that was done, the Commission could decide how they would do it. The motion did not address an effective date.

Commissioner Brown seconded the motion.

Commissioner Vincent questioned whether the vote was for discussion, or to put it on the ballot for people to vote for a 4 year Mayoral term. He asked what the criteria would be, whether the change would be retroactive and whether the Commission will discuss the criteria at this meeting or at a future meeting.

Town Commission Special Meeting Minutes
May 15, 2012

Vice Mayor Sasser explained the Commission was voting on whether to begin with an ordinance for the next meeting that would begin the process of putting the question on the ballot. He believed there was a consensus to let the people vote on this and as was pointed out, many details surrounded it. Vice Mayor Sasser stated the Commission could vote for an ordinance for a 4 year term, and once that vote was done the Commission would discuss and vote on those details. He believed there could be two questions on the ballot; let them vote on the 4 year term and then, below that question they could vote on whether the term should be retroactive.

Commissioner Brown asked whether this motion was to instruct the Town Attorney to draft an ordinance.

Attorney Trevarthen explained the purpose of the meeting was so the Commission would have something to vote on at the May 22, 2012 Commission meeting. Nothing can become law until it is properly advertised and goes to first and 2nd reading. While it is a vote to do something, it is really a vote to give direction for a particular wording to come back for a vote. Or, the commission could decide they don't like this idea, and the ordinance would not be prepared. The purpose of the meeting is to have guidance to prepare an ordinance for first reading on May 22, 2012, if that was the Commission's desire.

The motion carried 4-0. Mayor Minnet abstained.

Vice Mayor Sasser requested Commissioner comments for direction on particular wording regarding the procedure and the criteria.

Commissioner Brown felt that people should have the opportunity to give their input. He wanted an ordinance drafted for 1st reading so people can speak. He questioned whether the extended term should take affect with 2014 Municipal election or will it extend the current Mayor's term 2 years. He hoped people would give their views on that matter.

Commissioner Dodd said the Commission could put any question they wanted on the ballot for the people to vote on. In order for the question to be placed on the ballot the Commission needed to have two public hearings on 1st and 2nd reading of an ordinance and adopt the ordinance. He added that if Mayor Minnet would like to remain then one option could be that the wording should state the term would be retroactive from 2012. If Mayor Minnet only wished to finish her term then the wording could state an effective date of 2014.

Attorney Trevarthen stated that any question can go on the ballot to the people. If Mayor Minnet would like to remain, the wording could be made for that to take effect; otherwise the wording could make the start date in 2014.

Commissioner Vincent favored a 4 year term and to make it retroactive from 2012 and extend the Mayor's term to 2016. It would be her choice in 2 years as to whether she

wanted to continue to 2016 or end her term in 2014, if it was not mandated for her to continue. Campaigning every 2 years is a financial burden for both the Mayor and for a Commissioner that wished to campaign for that office, should the Mayor decide not to run again. Commissioner Vincent pointed out these are choices the Commission had. He noted a 4 year Mayoral term removed the potential for the majority to be unseated by the people every two years, which was also choice of the people.. He questioned whether the Commission wanted to remove that cycle of choice.

Vice Mayor Sasser believed the Commission needed to focus on how they would present this to the public to allow them to vote on it. He noted they could only vote on what was presented to them, such as an effective date. Vice Mayor Sasser requested input from Mayor Minnet.

Mayor Minnet stated she will be termed out in 2014. She understood the Mayor's term was three consecutive 2 year terms when she ran for office. It was the Commission's choice as to how they want to present term limits to the people. Mayor Minnet felt that the term for the Mayor should have been 8 years, two 4 year terms. Had that been the case, she would be running again in 2014.

Vice Mayor Sasser requested the Commission discuss how they wanted to present this to the voters.

Attorney Trevarthen advised, legally the wording on the ballot would not be "retroactive". The nature of the act would be for the voters to extend the Mayor's term from 2014 to 2016.

Vice Mayor Sasser asked whether the Commission should decide the ballot entry be to extend the Mayoral term for an additional 2 years. He asked whether an election would be required at that point, or can the voters say they want to extend the term to 2016 and the Mayor would sit for an additional 2 years.

Attorney Trevarthen said the ballot question could read "there shall be a 4 year Mayoral term and it shall be effective with the current Mayoral term" so that the current Mayoral term would be extended. It could also say "effective with the 2014 election", or "effective with the 2016 election", or whatever the Commission desired. It would not be presented as a retroactive act. The voters have to power to redefine the current term of office.

Vice Mayor Sasser preferred to present two separate questions to the voters. Whether they want two 4 year terms, and when they want the change to become effective. Commissioner Brown, Commissioner Vincent and Commissioner Dodd agreed.

Attorney Trevarthen believed the Commission was seeking a motion that called for a second ballot question which will ask the voters whether the 4 year Mayoral term was approved will it apply to the current Mayor's term of office.

Commissioner Dodd made the motion as presented by the Town Attorney. Commissioner Brown seconded the motion. The motion carried 4-0. Mayor Minnet abstained.

Attorney Trevarthen clarified the first question was a 4 year term, 2 terms, for a total of 8 years. She said an ordinance will be drafted making that term conditional. If the voters do not pass it, the current three 2 year term would remain. The second question was whether it will apply to the current Mayoral term.

Attorney Trevarthen inquired whether the Commission wanted to place these questions on the November 2012 ballot, on a ballot for a special election, or on the March 2014 ballot.

Commissioner Dodd asked whether there were additional costs to add to the November Ballot. Attorney Trevarthen was not aware of whether there were costs involved. Town Manager Hoffmann recalled the cost was minimal to move their March 2012 election to the Presidential Primary Election in January 2012. Clerk White stated she would find out what costs were involved.

Commissioner Dodd made a motion to place both questions on in the November 2012 ballot. Commissioner Brown seconded the motion. The motion carried 4-0. Mayor Minnet abstained.

Attorney Trevarthen stated she would draft an ordinance for first reading. She noted second reading of the ordinance would only be possible on June 5th, 6th or 7th due to advertising requirements and the June 8th deadline date.

Town Manager Hoffmann asked the Commission to set the date for second reading of the ordinance so the advertisement could be made ready to go to publication, should 1st reading of the ordinance pass at the May 22, 2012 Commission meeting. Attorney Trevarthen added that it was calculated that the ad would be sent on the 23rd to meet advertising requirements.

It was the consensus of the Commission to schedule a Special Meeting on June 5, 2012 at 7:00 p.m.

Vice Mayor Sasser passed gavel back to Mayor Minnet.

b. Schedule for Presentation of East Commercial Schematic Design

Town Manager Hoffmann said that Commissioner Dodd requested the item be rescheduled. The designers would be available to make their presentation at the June 12, 2012 Commission meeting. She said that would allow time to review the design. Commissioner Dodd said he wanted to give the residents and businesses ample time to look at the schematic diagrams and offer their comments to the Commission.

Commissioner Brown asked whether there could be presentation to the public prior before the Commission actually votes on the design.

Town Manager Hoffmann advised that schematic plans contain much detail and that it is more effective if people can peruse them, as opposed to see them at a presentation. She said the schematic plans would be available in Town Hall 10 days prior to the June 12, 2012 Commission meeting for public viewing.

It was the consensus of the Commission to place the item on the June 12, 2012 Commission meeting. At that time the Commission will take a vote.

Mayor Minnet opened the item for public comments.

Marie Chiarello urged the Commission to continue going forward with the East Commercial Boulevard project.

With no one else wishing to speak, Mayor Minnet closed public comments.

4. PUBLIC COMMENTS

Mayor Minnet took public comments out of order. Public comments were taken when the item was considered.

5. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 5:55 p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White, CMC

Date

Discussion/Action regarding Charter Review Board's Recommendation Regarding Mayor's Term Length

Ken Kugler made a motion to modify the Mayor's term from 2 to 4 years. Ms. Green seconded the motion. The motion carried 6-1. Chairman Wessels voted no. Sandra Green seconded the motion. The motion carried 6 - 1. Chairman Wessels voted no.

Chairman Wessels asked that the minutes of the discussion be transmitted to the Town Commission.

Attorney Trevarthen stated the Board may also want to note in the minutes there were no members of the public present.

Chairman Wessels explained that due to the timeliness of the issue, the decision was made in absence of the public.

Mr. Kugler added that the public would have the opportunity to be heard at the Town Commission meeting.

Vice Chair Delegal noted that at this time the Board had a valid reason to make the exception for this particular issue, and would not be making future recommendations to the Commission in this manner. Before items are sent to the Commission, they will go through the entire process.

Assistant Town Manager Bentley noted there was no mention of urgency in the motion, nor was there any mention of the November election. The Commission will not have the underlying desire of the Charter Review Board. He recommended a second motion to clarify that for the Commission.

In consideration of the time restraints and attempting to have this issue addressed prior to the upcoming election, Mr. Kugler made a second motion to recommend that the Charter amendment to amend the Mayor's term from 2 years to 4 years be placed on the November 2012 ballot, if possible. Sandra Green seconded the motion. The motion carried 6-1. Chairman Wessels voted no.

Mr. Kugler made note this was being proposed to the Commission at this time without having the benefit of public input, knowing that the opportunity will be presented to the public when brought before the Town Commission.

Assistant Town Manager Bentley noted the recommendation will be placed on the May 22, 2012 Town Commission agenda, whereby the Commission will request the Town Attorney to prepare an ordinance.

Mr. Brandt believed the only way this could work structurally, would be for the Commission to see receive an ordinance at the May 22nd Commission meeting, or have 2 special meetings.

Assistant Town Manager Bentley stated that if the Commission was to be made aware of the Board's recommendation, they may decide to hold a special meeting prior May 22nd, and make a decision as to whether an ordinance should be drafted for consideration. He also stated that the Commission would have to waive their policy to have the 1st and 2nd reading of the ordinance and the public hearings would be held out of sequence.

Chairman Wessels said the Board will send the recommendation and the Commission will decide whether they wish to follow through. If they reject it, or send it back to the Board, the Board could consider it for the March 2014 Election.

Attorney Trevarthen stated it could be considered either for the March 2014 Municipal Election or there could be a Special Election before that time.

DRAFT