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MEMORANDUM

DATE: July 23, 2026

TO: Tyler Smith, Certified Local Government Coordinator
Alissa S. Lotane, Director, Florida Division of Historical Resources

FROM: Jay Daigneault, Town Attorney

CC: Ashley Bernal, Town of Belleair CLG Coordinator & Asst. Town Manager

RE: Town of Belleair – FY 2026 Certified Local Government Evaluation

Dear Mr. Smith and Ms. Lotane:

The Town of Belleair recently received the attached correspondence, dated May 19, 2026, from Ms. Lotane on behalf of the State of Florida's Division of Historical Resources regarding the State's evaluation of the Town's Certified Local Government (CLG) program. Specifically, the Town was informed that, based on the State's evaluation, the Town's CLG program is not in good standing "due to a lack of compliance with the Florida CLG guidelines."

In reaching this determination, the State first cites Section B.2. of the *Florida Certified Local Government Guidelines*, which requires the Town to "establish a historic preservation review commission composed of professional and lay members." On July 19, 2022, the Town adopted Ordinance No. 547 (the "Ordinance"), as codified in Sections 66-91 through 66-94 of the Town's Land Development Code ("LDC"). These Sections are enclosed herewith for reference. Before the adoption of the Ordinance, the Town Commission created a seven-member Planning and Zoning Board, serving as the Town's local planning agency pursuant to Chapter 163, Florida Statutes, as well as a seven-member Historic Preservation Board. However, for a variety of reasons, the Town experienced difficulties establishing a quorum sufficient to conduct the business of both the Planning and Zoning Board and the Historic Preservation Board. Thus, the Ordinance assigned the Planning and Zoning Board the powers and duties of that of the Historic Preservation Board. This Ordinance satisfies the State's requirements set forth in Section B.2. of the *Florida Certified Local Government Guidelines*, which are listed and analyzed below.

a) Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.

Section 66-92(a) of the Town's LDC requires the Planning and Zoning Board to consist of 5 members and 2 alternates appointed by the Town Commission by resolution. The members of the Planning and Zoning Board must be citizens of the Town, and those with a demonstrated concern for historic preservation receive special consideration. *See Secs. 66-91, 66-92(b)-(c).*

b) Appointments shall be made by the appropriate local official of the jurisdiction concerned.

The members and alternates of the Planning and Zoning Board are appointed by the Town Commission by resolution. Sec. 66-92(a).

c) To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.

Section 66-92(c) of the Town's LDC provides that the Planning and Zoning Board should include as many as possible of the following: 1) an architect or landscape architect, 2) a neighborhood activist, 3) a person engaged in real estate sales or development, 4) a natural or environmental scientist, 5) an archaeologist, 6) a historian, and 7) a lawyer.

d) Commission members should be residents of the jurisdiction for which they serve.

The members of the Planning and Zoning Board must be citizens of the Town. *See Secs. 66-91, 66-92(c).*

e) Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State

Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.

The Town makes reasonable efforts to appoint members to the Planning and Zoning Board who satisfy the vocations set forth in Section 66-92(c) of the Town's LDC, as enumerated above. Whenever possible, the Town aims to include at least one member for each of those subject areas. As the Board is comprised of volunteers from a Town of less than 5,000 people, the Town is not always presented with applications from such professionals. Currently,

f) The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years' duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.

Each member of the Planning and Zoning Board shall be appointed to a two-year term pursuant to Sec. 66-92(b) of the Town's LDC. These terms are staggered, as Board Members [insert names] are currently serving with terms expiring on [insert expiration date], and Board Members [insert names] are currently serving with terms expiring on [insert expiration date].

g) Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.

Pursuant to Sec. 66-92(a) of the City's LDC, the Planning and Zoning Board shall consist of 5 members and 2 alternates appointed by the Town Commission. Thus, in the event of a vacancy on the Board, an alternate is available to fill that vacant seat.

h) Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.

Section 66-94(c) of the Town's LDC requires the Planning and Zoning Board to meet no less than 4 times per year, and minutes of each meeting shall be kept.

i) Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.

Section 66-94(e) of the Town's LDC provides that each Board member "should make a reasonable effort to attend the state historic preservation office orientation program and any subsequent training programs for certified local governments. Also, each member should make every effort to be represented at any informational or educational meetings, conferences, or workshops pertaining to duties and functions of the board scheduled by the state historic preservation officer."

j) The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions) or by other means that the State Historic Preservation Officer determines appropriate.

The powers and duties of the Planning and Zoning Board pertaining to historic preservation are enumerated in Sec. 66-94 of the Town's LDC. Specifically, the Board is directed to propose designations of significant structures and historic districts for protection under the Town's Code, review proposed National Register nominations within the Town, and seek expertise in the relevant field when a discipline is not represented on the Board. Sec. 66-94(8).

k) The legislation shall contain specific time limits within which the Commission shall act.

Section 66-94(c) of the Town's LDC requires the Planning and Zoning Board to meet no less than 4 times per year, and, at a minimum of one meeting of the Board each year, the Board shall identify those structures or districts, if any, within the Town which are historically and architecturally significant.

l) The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.

Section 66-94(d) of the Town's LDC requires the Town to make available Town staff or consultants to the Town as necessary in order to sufficiently undertake the requirements for State certification and carry out the duties and responsibilities authorized under the State certification program.

m) The Commission shall adopt Rules of Procedure for use in all transactions involving the public.

[Attach Rules of Procedure]

n) *All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.*

The Board works to carry out its responsibilities in accordance with the requirements contained in 36 CFR 61, as restated in the *Florida Certified Local Government Guidelines*.

The subject Ordinance satisfies the requirements set forth in Section B.2. of the *Florida Certified Local Government Guidelines* for the reasons set forth above. Also enclosed with this memorandum are the reports, agendas, meeting minutes, designation reports, and ordinance changes for the 2022-2023 year in satisfaction of Section C.2.e. of the *Florida Certified Local Government Guidelines*.

I trust that this memorandum satisfies and corrects the deficiencies set forth in Ms. Lotane's correspondence. Please do not hesitate to contact me directly should you have any questions or concerns.

Respectfully,

TRASK DAIGNEAULT, LLP.

A handwritten signature in blue ink, appearing to read 'JD' followed by a stylized flourish.

/s/ Jay Daigneault, Esq.
Town Attorney

JD/zr
Enclosures