



CHARTER REVIEW COMMITTEE May 25, 2016

*City Hall – Commission Conference Room
228 S. Massachusetts Av.*

Regular City Commission meetings are cablecast live throughout Polk County on Bright House Channel 643 or Fios Channel 43. City Commission meetings are also webcast live on www.lakelandgov.net. Please visit www.lakelandgov.net for a complete list of all meetings available on the Lakeland Government Network. For more information, contact Mike Mustard, CableCast Producer at 863/834-5013.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding should contact the City Manager's Office no later than two (2) days prior to the proceeding at (863) 834-6006, for assistance. The City Manager's office is located in City Hall, 228 S. Massachusetts Avenue, Lakeland, FL 33801-5086. If **HEARING impaired**, please contact TDD (TDD-Telecommunications Device for the Deaf) at Local - (863) 834-8333 – or 1-800-955-8771. If **VOICE impaired**, please contact the Florida Relay Service at 1-800-955-8770, for assistance.

Call to Order – Chairman Joe Mawhinney

Introductions – New Members

**Glenn Higgins
Will Harrell**

Approval of Minutes

Comments from the Public

Schedule of Future Meetings

I. Section 1. – Tim McCausland – City Attorney

Sec. 1. - Present municipality abolished.

The present municipal government existing under the name of the City of Lakeland, Polk County, Florida, be and the same is hereby abolished. (It is intended that this provision of the charter of 1959 be preserved in the amended charter of the City of Lakeland, 1976, without having the effect of abolishing the government which exists on the date of adoption of such amended charter.)

II. Section 2. – Tim McCausland – City Attorney

Sec. 2. - Title, rights reserved; contracts binding; officers continue to serve; ordinances continue in effect.

The title, rights and ownership of property, uncollected taxes, dues and claims, judgments, decrees and choses in action held or owned by the City of Lakeland, Polk County, Florida, shall pass to and be vested in the municipal corporation organized under this charter to succeed the municipality abolished, and no obligation or contract of the said City of Lakeland, including bonds heretofore issued, shall be impaired or void, but shall pass to and be binding upon the new municipality which is hereby organized and created, and all assessments heretofore made are hereby declared to be valid and binding, and all bonds heretofore issued are hereby declared to be valid and binding obligations of the City of Lakeland, and all officers now holding office shall continue to hold their respective office[s] until their successors are elected and qualified under the provisions of this charter; and all existing ordinances not in conflict with the charter shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

- (a) [What would happen if government shut down and never reopened?](#)

III. Section 3. – Tim McCausland – City Attorney

Sec. 3. - Municipal government created with perpetual succession.

The said municipality, and all the inhabitants comprehended within the territorial limits hereinbefore described, shall be, and are hereby created and constituted a body corporate and politic under and by the name of the City of Lakeland, and by that name may have perpetual succession, may hold real estate, personal and mixed property, and dispose of the same for the benefit of the city; and may purchase, lease, receive, acquire by eminent domain and hold property, real and personal, within or beyond the limits of the city to be used for the burial or cremation of the dead, the erection and maintenance of electrical generating facilities, power lines, waterworks, water lines, pumps and water systems, airports, neutralizing or otherwise destroying of sewage, garbage and refuse, to extend sewer and drainage pipes and water mains, and for any public municipal purpose that the city commission may deem proper; and may sell, lease or dispose of said property for the benefit of the city to the same intent that natural persons might do.

- (a) [Article VIII Section 2 - Florida Constitution](#)
- (b) [Home Rule](#)
- (c) [The Effectiveness of Home Rule: A Preemption and Conflict Analysis](#)
- (d) [Extra Territorial Exercise of Power](#) (Memo)

IV. Section 4.

Sec. 4. - Boundaries. (Legal Description)

V. Section 5. – Joe Mawhinney

Sec.5. - Form of government.

The form of government of the City of Lakeland provided for under the charter shall be that known as the "commission manager plan." The commission shall constitute the governing body with power as hereinafter provided to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers hereinafter provided.

- (a) [Forms of Municipal Government](#)
- (b) [Forms of Government for Florida Cities](#)

VI. Section 6. – Tim McCausland – City Attorney

Sec. 6. - Vacancies; forfeiture of office; filling of vacancies.

- (a)

Vacancies. The office of a commissioner or that of mayor, shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission.

 - (1) Suspension/Removal from Office
 - (i) [F.S. 112.501](#)
 - (ii) [F.S. 112.51](#)
 - (iii) [F.S. 112.52](#)
 - (2) Cases
 - (i) [Gilbert v Morrow](#)
 - (ii) [Spence-Jones v Dunn](#)
 - (iii) [Slaton v Pizzi](#)
- (b)

Forfeiture of office. A commissioner or the mayor shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this charter or by law.

(c)

Filling of vacancies. A vacancy of the commission or the office of mayor shall be filled in one of the following ways:

(1)

If there are less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission by a majority vote of the remaining members shall choose a successor to serve until the newly elected mayor or commissioner is qualified. If two (2) years remain in the term of the vacated seat at the time of the next regular election, that seat shall be filled by election for the remaining two (2) years;

(2)

If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy, and if a runoff election is necessary, it shall be scheduled three (3) weeks after the special election.

Any vacancy occurring later than fourteen (14) days prior to the last day on which a candidate could qualify to fill such vacancy shall be filled by interim appointment and a special election shall be called as provided under (2) herein. Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members may by majority vote, appoint additional members under either (1) or (2) above.

(d)

Extraordinary vacancies. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in (c) above.

Adjourn