



CHARTER REVIEW COMMITTEE

July 20, 2016

3:30 p.m.

*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

Approval of Minutes – [June 15, 2016](#)

Comments from the Public

I. Section 8. – Tim McCausland – City Attorney

- **Sec. 8. - General powers and duties of commission.**

(a)

The city commission of the City of Lakeland, as the governing body pursuant to the provisions of Article VIII, Section 2(b) of the state constitution and the provisions of the Municipal Home Rule Powers Act, Chapter 73-129, Laws of Florida, has the power to enact any legislation concerning any subject matter upon which the state legislature may act except when expressly prohibited by law and shall have the governmental, corporate and proprietary powers to enable it to conduct municipal functions, and render municipal services, and may exercise any power for municipal purposes, as provided by law, except when expressly prohibited by law.

(b)

All powers of the city, except such as are vested in the jurisdiction of the municipal court ⁽²⁾ and except as otherwise provided by this charter, or by the constitution of the state, are hereby vested in the city commission; and except as otherwise provided by this charter, or by the constitution of the state, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised.

- (c) The city commission shall have authority to provide electric, gas and water systems within and beyond the corporate limits and to operate, extend or modify the same within or beyond the corporate limits and to acquire and hold by grant, lease, eminent domain, purchase, conveyance or otherwise lands, easements, rights or privileges corporeal or incorporeal as may be necessary or incident to the full execution and use of this power.
- (d) To provide, maintain and support a pension or group insurance plan or both, for the employees of the said city.
- (e) To take and appropriate private grounds and property in the manner and form provided by law for condemnation, for widening streets or parts thereof or for extending the same or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public convenience may require, and to assess the costs and expenses of such improvement pro rata upon the property especially benefited thereby; to take and appropriate cemeteries, cemetery lots, parcels, places of entombment and burial or interment rights and to remove and relocate deceased bodies from graves, tombs, burial plots or parcels of land when same may be required for streets or parts thereof or for extending same or for laying out new streets, avenues, alleys, squares or parks or for other public purposes when the public convenience may require.
- (f) The city commission shall fix the salary or compensation of the city manager and his assistants, and the city attorney and his assistants, by appropriation in the city budget.
- (g) The city commission shall have complete supervision over lakes or parts of lakes, or submerged lands, within its corporate limits, with the right to regulate and restrict the filling of lake shores or lake bottoms.
- (h) The members of the city commission shall constitute the trustees of the sinking fund, and as trustees of the sinking fund shall be the trustees of all outstanding bonds and certificates of indebtedness as have been issued or may hereafter be issued from time to time for legally authorized municipal purposes, and shall manage and control the sinking funds created for the liquidation of such bonds subject to the provisions of the general laws of the state and the ordinances of the city with relation to the management of such funds.
- (i) Sale of city owned lands:
 - (1) The city commission, by a majority vote, may offer for sale lands the title to which is now vested or which shall become vested in the City of Lakeland, at private sale or, at the option of the city commission, may offer the sale of such lands or any part or parcel thereof at public outcry to the highest cash bidder therefor.
 - (2) The city commission shall by resolution fix the procedure for the sale of such lands either at private sale or public outcry and shall provide in such resolution the terms of the sale and the requirement for publication of notice if same shall be sold at public outcry.
 - (3) The city commission may reserve the right to reject any bids received for lands offered for sale at public outcry.

(4)

Upon the approval of the sale or disposition of any lands by the city commission, the purchaser of such lands shall be entitled to receive a deed of conveyance to said lands; provided, however, that such deed shall not contain any warranty of title.

(5)

This section shall not be deemed to require any specific act or procedure by the city commission to convey or dispose of lands owned by the city, but shall authorize the city to dispose of its lands, for the benefit of the city, in the same manner and to the same extent that natural persons might do.

(6)

Where the City of Lakeland has by gift, purchase, dedication, condemnation or eminent domain acquired any property, it may lease, sell or dispose of same for the benefit of the city to the same extent that natural persons might do regardless of the manner in which such property was held and regardless of the purpose for which such property was held and regardless of the purpose for which such property was acquired.

(A) Excerpt from Florida Municipal Officials Manual - The Municipal Charter

II. Section 9. – Tim McCausland – City Attorney

- **Sec. 9. - Limitations on powers of city commission.**

(a)

Neither the commission nor any of its members, individually or collectively, shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

Except for general inquiries concerning administrative procedures and policies, the commission and its members shall deal with officers and employees of the city who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor any of its members shall give orders to any such officer or employee, either publicly or privately, directly or indirectly. Nothing in the foregoing is to be construed to prohibit individual members of the commission from scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. However, it is the expressed intention hereof that recommendations for improvement in city operations by individual commissioners be made to and through the manager.

Any violation of a provision of this section by a member of the commission shall constitute grounds for removal from office.

(b)

The City of Lakeland shall not sell, lease or otherwise dispose of any water plant, or all or substantially all of the assets of the electric utility until such sale or lease has previously been authorized by an affirmative vote of two-thirds (2/3) of the electors, otherwise qualified to vote in an election duly called for that purpose. For the purpose of this section only, electric utility shall mean those assets used to engage in the business of generating, transmitting, or distributing electrical energy, as well as any related activities authorized by this Charter or applicable law.

(A) Ethics Article

III. Recommendations – Tim McCausland – City Attorney

- **Sec. 8. - General powers and duties of commission.**

(a)

The city commission of the City of Lakeland, as the governing body pursuant to the provisions of Article VIII, Section 2(b) of the Florida Constitution state constitution and the provisions of the Municipal Home Rule Powers Act, Florida Statutes 166.011, et seq., Chapter 73-129, Laws of Florida, has the power to enact any legislation concerning any subject matter upon which the state legislature may act except when expressly prohibited by law and shall have allthe governmental, corporate and proprietary powers to enable it to conduct municipal functions, and render municipal services, and may exercise any power for municipal purposes, as provided by law, except when expressly prohibited by law.

(b)

All powers of the city, ~~except such as are vested in the jurisdiction of the municipal court ¹²¹ and~~ except as otherwise provided by this charter, or by the constitution of the state, are hereby vested in the city commission; and except as otherwise provided by this charter, or by the constitution of the state, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised.

(c)

The city commission shall have authority to provide electric, gas, communications, and water and wastewater systems within and beyond the corporate limits and to operate, extend or modify the same within or beyond the corporate limits and to acquire and hold by grant, lease, eminent domain, purchase, conveyance or otherwise, lands, easements, rights or privileges corporeal or incorporeal as may be necessary or incident to the full execution and use of this power.

(d)

To provide, maintain and support a pension or group insurance plan or both, for the benefit of the employees of the said city.

(e)

~~To take and appropriate private grounds and property in the manner and form provided by law for condemnation, for widening streets or parts thereof or for extending the same or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public convenience may require, and to assess the costs and expenses of such improvement pro rata upon the property especially benefited thereby; to take and appropriate cemeteries, cemetery lots, parcels, places of entombment and burial or interment rights and to remove and relocate deceased bodies from graves, tombs, burial plots or parcels of land when same may be required for streets or parts thereof or for extending same or for laying out new streets, avenues, alleys, squares or parks or for other public purposes when the public convenience may require.~~

To acquire by eminent domain any interest in real property, both within and without the corporate limits of the City, for any municipal purpose as provided by law.

(f)

The city commission shall fix the salary or compensation of the city manager ~~and his assistants~~, and the city attorney ~~and his assistants~~, by appropriation in the city budget.

(g)

The city commission shall have complete supervision over lakes or parts of lakes, or other bodies of water, or submerged lands, within its corporate limits, with the right to regulate and restrict the filling ~~of~~ of lake shores or lake bottoms as provided by law. -

(h)

The members of the city commission shall constitute the trustees of the sinking fund, and as trustees of the sinking fund shall be the trustees of all outstanding bonds and certificates of indebtedness as have been issued or may hereafter be issued from time to time for legally authorized municipal purposes, and shall manage and control the sinking funds created for the liquidation of such bonds subject to the provisions of the general laws of the state and the ordinances of the city with relation to the management of such funds.

(i)

Sale of city owned lands:

(1)

The city commission, by a majority vote, may sell, gift, or otherwise convey, or offer for sale gift or otherwise convey in any manner it shall determine, ~~offer for sale~~ lands the title to which is now vested or which shall become vested in the City of Lakeland, at private sale or, at the option of the city commission, may sell gift or otherwise convey~~offer the sale of~~ such lands or any part or parcel thereof at public outcry to the highest cash bidder therefor.

(2)

The city commission shall by resolution, or contract fix the procedure for the sale of such lands either at private sale or public outcry and shall provide in such resolution or contract the terms of the sale and the requirement for publication of notice if same shall be sold at public outcry.

(3)

The city commission may reserve the right to reject any bids received for lands offered for sale at public outcry.

(4)

Upon the approval of the sale or disposition of any lands by the city commission, the purchaser of such lands shall be entitled to receive a deed of conveyance to said lands; provided, however, that such deed shall not contain any warranty of title.

(5)

This section shall not be deemed to require any specific act or procedure by the city commission to convey or dispose of lands owned by the city, but shall authorize the city to dispose of its lands, for the benefit of the city, in the same manner and to the same extent that natural persons might do.

(6)

Where the City of Lakeland has by gift, purchase, dedication, condemnation or eminent domain acquired any property, it may lease, sell or dispose of same for the benefit of the city to the same extent that natural persons might do regardless of the manner in which such property was held and regardless of the purpose for which such property was held and regardless of the purpose for which such property was acquired.

- **Sec. 9. - Limitations on powers of city commission.**

(a)

Neither the commission nor any of its members, individually or collectively, shall in any manner dictate the appointment or removal of any city administrative officers, [department heads](#) or employees whom the [city](#) manager or any of his subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the [city](#) manager anything pertaining to appointment and removal of such officers and employees.

Except for general inquiries concerning administrative procedures and policies, the commission and its members shall deal with officers and employees of the city who are subject to the direction and supervision of the [city](#) manager solely through [city](#) the manager, and neither the commission nor any of its members shall give orders to any such officer or employee, either publicly or privately, directly or indirectly. Nothing in the foregoing is to be construed to prohibit individual members of the commission from scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. However, it is the expressed intention hereof that recommendations ~~related to for improvement in~~ city operations by individual commissioners be made to and through the [city](#) manager.

Any violation of a provision of this section by a member of the commission shall constitute grounds for removal from office.

(b)

The City of Lakeland shall not sell, lease or otherwise dispose of any water plant, or all or substantially all of the assets of the electric utility until such sale or lease has previously been authorized by an affirmative vote of two-thirds (2/3) of the electors, otherwise qualified to vote in an election duly called for that purpose. For the purpose of this section only, electric utility shall mean those assets used to engage in the business of generating, transmitting, or distributing electrical energy, as well as any related activities authorized by this Charter or applicable law.

Adjourn