



CHARTER REVIEW COMMITTEE

October 19, 2016

3:30 P.M.

*City Hall – Commission Chambers
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 – [September 21, 2016](#)

Comments from the Public

I. City Attorney Report - Restricting LE Sales Proceeds

Can you?

If you can, then how do you?

If you can, and there's a way, Should you?

II. Sec. 11 - Qualification of Members.

A. [Existing Text.](#)

B. Are term limits good or bad?

1. “After all, the advantage of incumbency is well documented throughout American history. To see it, one need look no further than the past election, when over three-fourths of those in Congress were reelected, despite the body's 9 percent approval rating—a figure making it less popular than colonoscopies, used car salesmen, and lice.”

By JOHN F.M. KOCSIS January 30, 2013 The Harvard Crimson

2. Reasons for/against term limits.

Reasons for:

Eliminates career politicians who amass too much power.
Getting reelected less of a priority in decision making.
Reduces concentration of power in senior members.
Provides for fresh ideas-incumbents are too hard to beat.

Reasons against:

We already have them they are called elections.
Takes away the freedom of voters to choose.
Eliminates good members for an arbitrary reason.
Long learning curve in complex governmental operations.
Concentrates too much power and influence in staff.

3. [Wikipedia](#)

C. Recommended Changes.

Members of the city commission shall have been residents of the city for one (1) year, and have the qualifications of electors of the city. No one shall serve, ~~or but for resignation would have served,~~ more than twelve (12) consecutive years, or three (3) complete terms, whichever is longer, in the ~~singular~~ position of ~~either~~ Mayor or Commissioner or more than sixteen (16) consecutive years, or four (4) complete terms, whichever is longer, in any combination of the positions of Mayor and Commissioner. Partial terms greater than 2 years shall constitute a term for purposes of this paragraph. The foregoing limitations shall not apply to ~~any years or terms served prior to January 1, 1999, or to partial terms served thereafter, or to~~ any years or terms served beyond the foregoing limitations as a result of election as a write-in candidate. Elective officers of the city shall not hold any other elective public office, shall not serve as employees of the City of Lakeland during their terms of office and shall not be interested in the profits or emoluments of any contract, work, or service for the city, and any such contract in which any officer or employee is or may become interested shall be void, and so declared by the city commission. Any member ceasing to possess the qualifications for office ~~herein~~ required by this charter shall forfeit his office.

III. **Sec. 12 - Judge of its own election; grounds for forfeiture of office.**

A. [Existing Text.](#)

B. Recommended Changes.

The city commission shall be the judge of the election and qualification of its members, subject to review by the courts. Any member of the commission who shall be convicted of any felony during the term of his office shall thereby forfeit his office. Any member charged with conduct constituting grounds for forfeiture of his office as enumerated in this charter or in ordinances of the City of Lakeland shall be entitled to public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

IV. Sec. 13 - Mayor pro tem.

A. Existing Text.

B. Recommended Changes.

The city commission shall elect one of its members as mayor pro tem of the city, at the first regular or regular adjourned meeting in January of each year.

(Ord. No. 2976, § 3, 12-21-87, election of 3-8-88)

V. Sec. 14 - Functions and powers of mayor and mayor pro tem; absence, death, resignation or removal.

A. Existing Text.

B. Recommended Changes.

(a)

The mayor shall be a member of the commission, shall preside at all meetings of the commission and shall perform such other duties consistent with his office as may be imposed by the commission; and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments or writings or other necessity arising from the general laws of the state so require; but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. ~~He may take command of the police and govern the city by proclamation during times of grave public danger or emergency.~~ The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this charter and no others.

(b)

In the absence of the mayor, the mayor pro tem shall have the same powers and duties as the mayor; and in the event of death, resignation or removal of the mayor in accordance with this charter, the mayor pro tem shall become mayor and shall continue in office until the vacancy is filled in accordance with the provisions of this charter.

(Ord. No. 2976, § 4, 12-21-87, election of 3-3-88)

VI. Sec. 15 - Meetings.

A. Existing Text.

B. Recommended Changes.

The city commissioners shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than twice each month.

VII. Sec. 16 - Special meetings, how called; commission rules, etc.

A. Existing Text.

B. Recommended Changes.

(a)

The mayor, any three (3) members of the city commission, or the city manager, may call special meetings of the commission upon at least three (3) hours' notice to each member, which notice shall announce the purpose of the meeting. ~~served personally, or left at his usual place of residence.~~ All meetings of the city commission and of ~~any~~the committees thereof shall be open to the public, and any citizen shall have access to the minutes and reports thereof at all reasonable times.

(b)

The commission shall determine its own rules and order of business and keep a journal of its proceedings.

Adjourn