



CHARTER REVIEW COMMITTEE

November 2, 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, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Coordinator, David Uria, P.E., no later than forty-eight (48) hours prior to the proceeding, at (863) 834-8447, Email: david.uria@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance

Call to Order – Chairman Joe Mawhinney

Approval of Minutes – [October 19, 2016](#)

Comments from the Public

Consent Agenda

All items listed with an asterisk (*) are considered routine by the Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Committee member requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

I. *Sec. 10 – City Commission

A. [Existing Text](#)

B. Recommended Language

The city commission shall consist of seven (7) electors of the city, including the mayor, elected at large, all of whom shall hold office for four (4) years [or until their successor takes office](#). ~~unless that term is altered due to a change in municipal election dates authorized by this ordinance~~. One each of

the commissioners shall have been for one (1) year immediately prior to ~~election~~taking office, a resident of that part of said city described as follows:

District A: Being that part of said city bounded on the east by State Road 35 and on the south by the Seaboard Coast Line Railroad tracks, extending westerly and northerly to the city limits line;

District B: That part of said city lying east of State Road 35 and north of Seaboard Coast Line Railroad tracks, extending easterly and northerly to the city limits line;

District C: That part of said city lying south of the Seaboard Coast Line Railroad tracks and west of State Roads 35 and 37 extending westerly and southerly to the city limits line;

District D: That part of the city lying south of Seaboard Coast Line Railroad tracks and east of State Roads 35 and 37 extending easterly and southerly to the city limits line of the City of Lakeland;

and two (2) commissioners shall be elected at large, without regard to the district in which they may reside. The mayor shall likewise be elected at large. The present members of the city commission shall hold office for the terms for which they are respectively elected, unless a vacancy occurs by death, resignation or removal in accordance with the terms of this charter and respective successors to the present commissioners shall take office at the first city commission meeting in January after their election, or as soon thereafter as may be practicable.

~~The city commissioners elected from Districts C and D, the at large commissioner, and the mayor, whose terms would otherwise expire on the first regular city commission meeting in the year 2005, shall have their terms respectively extended for one (1) year with the election for those offices to be held on November 1, 2005. In the event a run-off election is required, it shall then be conducted on December 6, 2005. Those city commissioners representing District A and B, and the at large commissioner whose term would have expired on the first regular city commission meeting in the year 2007, shall have their terms respectively extended for one (1) year. The election for those offices shall be held November 6, 2007. In the event a run-off is required for that election, the run-off election shall be held on December 4, 2007. Those commissioners elected pursuant to this section shall take office in accordance with the provisions of this Charter.~~

II. Sec. 11. - Qualification of members.

A. Existing Text

B. Recommended Language

Members of the city commission shall have been residents of the city for one (1) year immediately prior to taking office, and have the qualifications of electors of the city. No one shall serve, ~~or but for resignation would have served, more than~~ 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 complete 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.

Members in office upon the effective date of this Section, shall not serve more than twelve (12) consecutive years or three complete terms in the singular position of Mayor or Commissioner or more than sixteen (16) consecutive years, or four (4) complete terms in any combination of Mayor or Commissioner.

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

A. Existing Text

B. Recommended Language

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 ~~their~~^{his} office shall thereby forfeit ~~their~~^{his} office. Any member charged with conduct constituting grounds for forfeiture of ~~their~~^{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. 14 – Functions and powers of mayor and mayor pro tem; absence, death, resignation or removal*

A. Existing Text

B. Recommended Language

(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 ~~they~~^{he} shall have a voice and a vote in the proceedings of the commission, but no veto power. He ~~or she~~ 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 ~~or she~~ 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.

V. Sec. 17 - Absence from meeting.

A. [Existing Text](#)

B. Recommended Changes.

No commissioner shall be absent from any regular meeting of the commission without an excuse acceptable to the commission. Absence from four (4) consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission by resolution setting forth the facts of each excuse duly entered upon the journal.

VI. Sec. 18 - Compensation of city commission.

A. [Existing Text](#)

B. Recommended Changes.

The city commission shall fix the salary or compensation of the mayor and the city commissioners by appropriation in the city budget; provided, however, that before the compensation of the mayor or the other city commissioners may be increased from their respective compensations received in the next preceding budget year, the city commission shall first hold a public hearing upon the matter of the increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakel and one time not less than thirty (30) days prior to the hearing. The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred fifty (150) percent of the salary or compensation of a city commissioner.

(Ord. No. 2976, § 5, 12-21-87, election of 3-8-88)

VII. Sec. 19 - Ordinance enactment.

A. [Existing Text](#)

B. Recommended Changes.

Every proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title. In addition to other requirements of law, each ordinance or resolution shall require the affirmative vote of four (4) members for passage and the passing of all ordinances and resolutions shall be taken by "yeas" and "nays" which shall be recorded in the minutes.

VIII. Sec. 20 - City manager—Appointment and removal.

A. Existing Text

B. Recommended Changes.

The city commission shall appoint a city manager who shall be chosen solely on the basis of his or her executive and administrative qualifications. The city manager shall receive such salary as may be fixed by the city commission. No city commissioner shall, during the time for which he is elected, be chosen as city manager. The city manager shall be appointed for an indefinite term and shall be removable for cause by the city commission; and, before the city manager may be removed for cause, as determined-by a majority of the city commission, if he or she so demands, ~~he~~ shall be given a written statement of the reason for ~~his~~ removal and the right to be heard publicly thereon at a meeting of the city commission, prior to the final vote on the question of his or her removal, but pending and during such hearing the city commission may suspend him or from the duties of the office. The action of the city commission in appointing, suspending or removing the city manager shall be final. It is the intention of this charter to vest all authority and fix all responsibility for such appointment, suspension or removal in the city commission.

IX. Sec. 21 - Same - Powers and duties, generally.

A. Existing Text

B. Recommended Changes.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He or she shall be responsible to the city commission for the proper administration of all affairs of the city and to that end, ~~he~~ shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the city, remove officers and employees of the city except as otherwise provided by the civil service laws relating to the city and as otherwise provided by its charter and except as the city manager may authorize the head of a department or office to appoint and remove subordinates in such department or office.
- (2) Prepare an annual budget and submit it to the city commission and be responsible for its administration after adoption.
- (3) Prepare and submit to the city commission as of the end of the fiscal year a complete report on the finances of the city for the preceding year.
- (4) Keep the city commission advised of the financial condition and future needs of the city and make such recommendations as may ~~be seem to him~~ advisable.
- (5) Enforce~~See that~~ the laws and ordinances of the city. ~~are enforced.~~
- (6) Exercise control and direct supervision over all departments and divisions of the municipal government under its charter, including public utilities owned or operated by the city.
- (7) Attend all meetings of the city commission, and of its committees, with right to take part in the discussions but without having a vote.

Adjourn