



CHARTER REVIEW COMMITTEE

November 16, 2016

3:30 P.M.

*City Hall – Commission Chambers
228 S. Massachusetts Av.*

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Call to Order – Chairman Joe Mawhinney

Approval of Minutes – [November 2, 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. Future Charter Review – Tim McCausland, City Attorney

- A. [Polk County Charter Review Commission](#)
- B. [Article Re: Charter Review Process](#)

II. 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~~ applicable to the city and as otherwise provided by ~~its~~ this charter; ~~and except provided however 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, unless otherwise excused, with the right to take part in the discussions but without having a vote.

III. Sec. 22. - Absence of the city manager.

A. Existing Text

B. Recommended Changes

By letter filed with the commission, the manager shall designate, ~~subject to approval of the commission~~, a qualified city administrative officer to exercise the powers and perform the duties of the manager during his or her temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his or her disability shall cease.

IV. Sec. 23. - Administrative departments.

A. Existing Text

B. Recommended Changes

The city manager may establish such departments and offices as may be required for the efficient operation of the city. At the head of each department there shall be a director who ~~shall be an officer of the city and~~ shall have supervision and control of the department subject to the city manager. The city attorney and his or her assistants ~~and the municipal judge¹³¹, city prosecutor and public defender~~ are excepted from all provisions hereof relative to supervision and control by the city manager, and shall be responsible only to the city commission.

V. Sec. 24. - Purchasing.

A. Existing Text

B. Recommended Changes

The city manager shall be responsible for the purchasing of all supplies, materials and other matters or things necessary for the operation of the affairs of the City of Lakeland, both in its governmental and proprietary capacity. A purchasing department may be created as hereinabove provided, to conduct all purchases and sales of real and personal property which the city manager or city commission may authorize. ~~to be purchased or sold for the use and benefit of the City of Lakeland.~~ All sales and conditions of all contracts for the furnishing of work, labor and material shall conform to such regulations as the city manager or city commission may prescribe, but in any case if an amount in excess of ~~one five~~ thousand ~~five hundred~~ dollars (\$~~1,500~~5,000.00) be involved, opportunity for competition shall be given. This section shall not preclude purchases without opportunity for competition being provided in cases of emergency where the existence of an emergency and the need for purchasing in the manner chosen are confirmed by the city manager and documented in the appropriate department's files, and shall not apply to purchases which are made from the sole source of supply of such materials or services.

(Ord. No. 3471, § 1, 11-1-93)

VI. Sec. 25. - City attorney—Appointment; duties, generally.

A. Existing Text

B. Recommended Changes

- (a) The city commission shall appoint a city attorney who shall hold office at the pleasure of the city commission, and who shall act as the legal advisor to, and attorney and counselor for, the municipality and all its officers in matters relating to their official duties.
- (b) ~~He~~ The city attorney shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his or her approval or disapproval of the form and correctness thereof.

- (c) ~~When required to do so by resolution of the city commission, he~~The city attorney shall prosecute and defend, for and ~~in~~ on behalf of the city, all complaints, suits and controversies in which the city is a party or has a legal interest.
- (d) ~~He~~ The city attorney shall furnish the city commission, the city manager, the head of any department, or any officer or board not included in any department, his or her opinion on any question of law relating to their respective powers and duties.
- (e) The city attorney shall maintain an office in the city hall. His or her compensation shall be fixed by the city commission. Should it become necessary for the city attorney, or his or her assistants, in the proper ~~presentation~~ representation of the interests of the city, to go beyond the limits of the City of Lakeland, the city commission may, in its discretion, reimburse him or her for all expenses properly incurred in connection therewith.
- (f) The city attorney and his or her assistants shall be members of the Florida Bar in good standing or shall become members of the Florida Bar in good standing within one year of their appointment.

VII. Sec. 26. - Same—Specific duties.

A. Existing Text

B. Recommended Changes

Before any ordinance or resolution ~~so proposed~~ shall be submitted to the city commission, it shall first be approved as to its form by the city attorney or an assistant, whose duty it shall be to draft such proposed ordinance or resolution ~~in proper legal language if called upon so to do,~~ and to render such other service related to such ordinance or resolution ~~persons desiring to propose such ordinances~~ as shall be necessary to make the same proper for consideration by the city commission.

VIII. Sec. 27. - Same—Additional duties.

A. Existing Text

B. Recommended Changes

In addition to the duties especially imposed under the preceding section, he or she shall perform such other professional duties as may be required ~~of him~~ by ordinance or resolution of the city commission, or as are prescribed for city attorneys under the general law of the state, which are not inconsistent with this charter.

IX. Sec. 36. - Finance director.

A. Existing Text

B. Recommended Changes

~~There shall be~~ The city manager shall appoint a finance director, ~~and who shall appoint~~ an assistant finance director who shall act in ~~his~~the absence of the finance director.

- (a) The finance director's duties shall include:
- (1) ~~To~~ invest all funds of the city according to law, and ~~the instructions of the~~in accordance with policy duly adopted by the city commission.
 - (2) ~~To~~ pay out on behalf of the city under the supervision of the city manager by checks or other orders of payment, all payments due from the city, provided that the city commission shall provide by ordinance or resolution, the manner in which all checks or other orders of payment are to be signed, which shall require at least two (2) countersignatures, all of which may be by facsimile.
 - (3) ~~To~~ prescribe all records and forms pertaining to the disbursement and receipt of funds.
 - (4) ~~To~~ submit ~~monthly~~ financial statements to the city commission as they may require showing all receipts and disbursements, and the financial condition of the city in accordance with generally accepted accounting principals.
 - (5) To furnish to the city manager such financial services as may be required from time to time.
- (b) The finance director shall:
- (1) Have access to inspect, copy, or take possession of all records relating to the receipt or expenditure of funds of the city.
 - (2) Require regular reports from each department, office or employee receiving or disbursing funds of the city, showing the amounts, source and purpose thereof.
 - (3) Keep an accurate account of all appropriations made by the city commission.
- (c) The city commission shall annually employ an independent auditor to make a complete audit of the city or its agencies.

X. Sec. 37. - Certification of funds by finance director.

A. Existing Text

B. Recommended Changes

No contract, agreement or other obligation involving the expenditure of money shall be entered into by the city commission, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission, nor shall the city commission authorize any officer of the city to create any such obligation, unless the ~~finance director publicly announces to the city commission in a regular or special session that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which announcement shall be recorded in the minutes of the meeting of the city commission at which such announcement is made. After such announcement,~~expenditure has been appropriated in the city budget. The the sum necessary for the fulfillment of such contract, agreement or other obligation shall not thereafter be considered unappropriated until the city is discharged from such obligation or the city budget properly amended. All moneys in the treasury to the credit of the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriation

involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments, or from sales or services, products or byproducts, or from any city undertaking, fees, charges, accounts, and bills receivable, or other claims in the process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the money to be derived from lawfully authorized bonds sold and in process of delivery, shall, for the purpose of ~~public announcement~~the city budget, be deemed in the treasury to the credit of the appropriate fund,~~and subject to such public announcement.~~

XI. Sec. 38. - Audit and approval of claims.

A. Existing Text

B. Recommended Changes

All claims and demands against the city shall be examined and adjusted and their correctness approved by the finance director before payment. ~~He~~The finance director shall keep a record of accounts and financial transactions, and such books shall be open to the inspection of all interested parties.

Adjourn