



CHARTER REVIEW COMMITTEE

December 7, 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 16, 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. Recommended New Language

[In January of 2024, and in January of each eighth year thereafter, the city commission shall appoint a Charter Review Committee. The Committee shall consist of 15 qualified electors selected in a manner determined by the city commission, and appointed by resolution of the city commission. Such Committee shall review the Charter of the City of Lakeland and within one year, recommend to the city commission such revisions or amendments if any](#)

to this Charter as in its judgement are indicated. After consideration of the recommendations if any of the Committee, the city commission may submit all or any of such proposed revisions or amendments to the electorate by referendum in accordance applicable law. The members of the Charter Review Committee shall serve without compensation.

III. Sec. 39. - City clerk.

A. Existing Text

B. Recommended Changes.

~~There-~~The city manager or his or her designee~~finance director~~ shall ~~be appoint~~ a city clerk who shall ~~be appointed according to law and who shall~~ act under the supervision of the finance director. The ~~finance director or the assistant finance director~~city clerk shall appoint a deputy city clerk who shall serve act in the absence of the city clerk. The city clerk shall attend ~~all~~ meetings of the city commission and shall keep ~~minutes~~a journal of its proceedings, which shall be certified to by the signature of the clerk and of the presiding officer of the city commission. The city clerk shall maintain a registry of all duly enacted ordinances and resolutions of the city commission and shall record and memorialize any official acts taken by the city commission in the performance of their official duties. The city clerk shall be the custodian of the seal of the city and of all contracts, records and papers of a general character pertaining to the affairs of the municipality and shall perform such other duties as may be assigned, or required by ordinance or resolution of the city commission.~~-No contract~~Contracts executed on behalf of the city shall be ~~valid unless acknowledged~~countersigned by the city clerk, with the city seal affixed. ~~clerk.~~

IV. Sec. 40. - Oath of office.

A. Existing Text

B. Recommended Changes

Every elected official of the city shall, before entering upon the duties of his office, take or subscribe to an oath or affirmation before the city clerk, who shall retain a copy thereof; which oath shall be in the form herein prescribed as follows:

"I do solemnly swear (or affirm) that I am a citizen of the United States, and the State of Florida, and the City of Lakeland, and have all the qualifications as required by the charter for the office upon which I am about to enter and that I will support the Constitution of the United States and the Constitution of the State of Florida, and the ordinances of the City of Lakeland, and that I will faithfully perform the duties of the office upon which I am now about to enter. ~~So help me, God.~~"

Every police officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed with the city clerk; which oath shall be in the form herein prescribed as follows:

"I do solemnly swear (or affirm) that I am a citizen of the United States and a resident and have my domicile within the State of Florida and have all the qualifications as required by the charter for the office upon which I am about to enter, and that I will support the Constitution of the United States, and the Constitution of the State of Florida, and the ordinances of the City of Lakeland, and that I will faithfully perform the duties of the office upon which I am now about to enter." ~~So help me, God.~~"

V. Sec. 41. - City treasurer.

A. Existing Text

B. Recommended Changes

There shall be a city treasurer who, under the supervision of the finance director, shall collect and be the custodian of all moneys of the city and shall keep and preserve the same in such manner and in such places as may be determined by the city commission.

VI. Sec. 42. - Annual budget.

A. Existing Text

B. Recommended Changes

Prior to the end of each fiscal year, the city manager shall prepare and submit to the city commission a budget and explanatory budget message for the ensuing fiscal year. The budget shall be compiled from detailed information, and in its arrangement the classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the city, and shall provide the following information:

- (a) Proposed expenditures for each department and division of city government, including all public utilities and enterprises conducted by the city.
- (b) Expenditures for the preceding fiscal year and projected expenditures for the current fiscal year for corresponding items.
- (c) Such other information as is required by the city commission or as the city manager may deem advisable to submit.

The budget, constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions and departments of the city government for the ensuing period. Sufficient copies of the budget of the city manager shall be prepared that there may be copies on file with the city clerk for inspection by the public.

VII. Sec. 43. - Appropriation ordinance.

A. Existing Text

B. Recommended Changes

The city commission shall annually adopt a budget as required by applicable law. they may amend the items included within the budget submitted by the city manager, but where the total proposed expenditures are increased the city commission shall increase the total anticipated revenue to at least equal such proposed expenditures. After review and revision of the budget submitted by the city manager, the city commission shall cause an appropriation ordinance to be prepared to meet the requirements of the budget, and before finally acting upon such ordinance shall fix a time and place for holding public hearing upon the intended appropriation, and shall give public notice at least one time, not less than one week prior to the hearing, in a local newspaper or as otherwise may be required by law. - At such hearing the city commission may revise the proposed appropriation ordinance and may adjourn the hearing from time to time until the appropriation ordinance is finally acted upon. If the city commission fails to adopt such appropriation ordinance prior to the commencement of the next fiscal year, the amounts appropriated for current operations for the current fiscal year shall be deemed appropriated for the ensuing fiscal year on ~~a~~^{the} month to month basis with all items prorated accordingly until such time as the city commission adopts a budget for the ensuing fiscal year

VIII. Sec. 44. - Transfer of funds.

A. Existing Text

B. Recommended Changes

Upon approval of the finance director, the city commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between departments in the same fund or between funds.

IX. Sec. 45. - Limitations of appropriations.

A. Existing Text

B. Recommended Changes

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated and hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such use as will

not conflict with any uses for which specifically such revenue accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriation made by the city commission.

X. Sec. 46. - Payment of claims.

A. [Existing Text](#)

B. Recommended Changes

No check for the payment of any account or claim shall be issued by the finance director until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the city for all loss and damage sustained by the city by reason of corrupt or improper approval of any such claim or account against the city

XI. Sec. 47. - Special tax.

A. [Existing Text](#)

B. Recommended Changes

The city commission may annually levy and collect a special tax for permanent improvements, and the adornment, paving and improvement of the streets and public grounds of the city, and the property of the city beyond the limits of the city, which levy shall not exceed one-quarter (0.25) of one percent of the assessed value of the taxable property of the city. The city commission shall also levy and collect annually upon its taxable property aforesaid such sums as may be necessary:

- (1) To pay interest upon the indebtedness of the city, and for the maintenance and repairs of its properties and public works;
- (2) To create a sinking fund for the payment of such indebtedness as may be incurred;
- (3) And to pay the bonds of the city already issued, or any bonds which may be issued in accordance with law;
- (4) To pay any judgment against the city, and any such sums as may be commanded to be levied by any mandamus legally issued against the city.

XII. Sec. 48. - Special assessments for local improvements.

A. [Existing Text](#)

B. Recommended Changes

The city commission shall have the power by resolution to provide for the installation, laying, construction, reconstruction, repair and maintenance by contract, or directly by the

employment of labor and furnishing materials of and for all things in the nature of local improvements for any public purpose. ~~, including, but not limited to, whiteways, grading, regrading, paving, repaving, general repairing, replacing or improving public ways, sewers, drainage or other local improvements of any kind and description within the city.~~

XIII. Sec. 49. - Limitation of assessments.

A. Existing Text

B. Recommended Changes

The city commission shall limit all special benefits conferred upon the property assessed, and in no case shall there be levied on any lot, lots, parcel or parcels of land, any assessments for any and all improvements, in excess of the amount of the estimated benefits accruing to such property by reason of such improvement.

XIV. Sec. 50. - Method of making special assessments.

A. Existing Text

B. Recommended Changes

Special assessments upon the property deemed to be benefited by local improvements shall be assessed upon the property specially benefitted in proportion of the benefit derived from the improvement. by the front footage of the property abounding and abutting upon the improvements or other property deemed to be benefited by such improvements in by such other method as the city commission may determine.-

The city commission may, if it finds that any local improvement should not be borne entirely by the abounding and abutting property, pay for such portion of such improvement as may be deemed proper.

Adjourn