



CHARTER REVIEW COMMITTEE

February 29, 2024

*Lakeland Electric Conf. Rm 1A & 1B
501 E. Lemon St.*

AGENDA

- I. Election of Chair and Vice-Chair**
- II. Approval of Feb. 7, 2024 Minutes**
- III. Review Sections 1-9 of City Charter**
- IV. Schedule for Future Meetings**
- V. Comments from the Public**
- VI. Adjourn**

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 Specialist, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@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.

- **Sec. 1. - Present municipality abolished.**

The present municipal government existing under the name of the City of Lakeland, Polk County, Florida, be and the same is hereby abolished. (It is intended that this provision of the charter of 1959 be preserved in the amended charter of the City of Lakeland, 1976, and the amended charter of the City of Lakeland adopted the 5th day of November, 2019, without having the effect of abolishing the government which exists on the date of adoption of such amended charter.)

([Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 2. - Title, rights reserved; contracts binding; officers continue to serve; ordinances continue in effect.**

The title, rights and ownership of property, uncollected taxes, dues and claims, judgments, decrees and choses in action held or owned by the City of Lakeland, Polk County, Florida, shall pass to and be vested in the municipal corporation organized under this charter to succeed the municipality abolished, and no obligation or contract of the City of Lakeland, including bonds heretofore issued, shall be impaired or void, but shall pass to and be binding upon the new municipality which is hereby organized and created, and all assessments heretofore made are hereby declared to be valid and binding, and all bonds heretofore issued are hereby declared to be valid and binding obligations of the City of Lakeland, officers now holding office shall continue to hold their respective office(s) until their successors are elected and qualified under the provisions of this charter; and all existing ordinances not in conflict with the charter shall continue in effect and be unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

([Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 3. - Municipal government created with perpetual succession.**

The municipality, and all the inhabitants comprehended within the territorial limits, shall be, and are hereby created and constituted a body corporate and politic under and by the name of the City of Lakeland, and by that name shall have perpetual succession, may hold real estate, personal and mixed property, and dispose of the same for the benefit of the city; and may purchase, lease, receive, acquire by eminent domain and hold property, real and personal, within or beyond the limits of the city to be used for any public municipal purpose that the city commission may deem proper; and may sell, lease or dispose of said property for the benefit of the city to the same extent that natural persons might do.

([Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 4. - Boundaries.**

The City Commission may amend the corporate limits from time to time in accordance with applicable laws. The official boundary map shall be maintained by the City Clerk and made available for inspection.

([Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 5. - Form of government.**

The form of government of the City of Lakeland provided for under the charter shall be that known as the "commission manager plan." The commission shall constitute the governing body with power as hereinafter provided to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers hereinafter provided.

- **Sec. 6. - Vacancies; forfeiture of office; filling of vacancies.**

(a) *Vacancies.* The office of a commissioner or that of mayor, shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of office, such forfeiture to be declared by the remaining members of the commission.

(b) *Forfeiture of office.* A commissioner or the mayor shall forfeit their office if they lack at any time during their term of office any qualification for the office prescribed by this charter or by law.

(c) *Filling of vacancies.* A vacancy of the commission or the office of mayor shall be filled by election at the next available regular city election. The commission, by a majority vote of the remaining members, shall choose a successor to serve until the newly elected mayor or commissioner is qualified. If two (2) years or more remain in the term of the vacated seat at the time of the next available regular city election, that seat shall be filled by election for the remainder of the vacated term. If a vacancy occurs in one of the commission seats designated by district, any successor chosen by the commission to fill the vacancy until the next available regular city election shall reside in the district for which the vacancy exists and shall otherwise possess all qualifications required to serve on the city commission. No individual otherwise precluded by length of previous service from holding the office of city commissioner, or mayor in the case of a vacancy in the office of mayor, may be appointed by the city commission to fill a vacancy in such office.

(d) *Extraordinary vacancies.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members shall, by majority vote, appoint additional members in accordance with the procedures set forth in (c) above until successors are elected at the next available regular city election. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that

shall call a special election to fill each vacancy, which special election shall be held not sooner than sixty (60) nor more than ninety (90) days following their appointment.

([Ord. No. 5773](#), Att. A, 11-5-19; Ord. No. [5886](#), § 2, 8-16-21)

- **Sec. 7. - Power to borrow money.**

The city commission shall have the right to borrow money to pay debts or for any proper and authorized city purpose, and may give a bond or bonds or a note or notes evidencing same which shall be executed by the mayor or the mayor pro tem, after ordinance or resolution by the city commission authorizing same.

([Ord. No. 5773](#), Att. A, 11-5-19)

- **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 and the provisions of the Municipal Home Rule Powers Act, Florida Statutes 166.011 et seq., 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 all 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 as otherwise provided by this charter, or by the Florida Constitution, are hereby vested in the city commission; and except as otherwise provided by this charter, or by the Florida Constitution, 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, data/voice transmissions, solid waste, water, wastewater and other municipal service 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) The City Commission shall have the authority to provide, maintain and support a pension or group insurance plan or both, for the benefit of the employees of the said city.

(e) The City Commission shall have the authority 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 the city attorney by appropriation in the city budget.

(g) The city commission shall have 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 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, 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 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 is hereby authorized to exercise any power necessary to implement the provisions of Paragraphs (1) and (2) above, and such authority shall include but not be limited to the following:

a. May reserve the right to reject any bids received for lands offered for sale at public outcry.

b. 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.

c. 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.

d. 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.

([Ord. No. 5773](#), Att. A, 11-5-19)

- **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 the city manager's 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 the city 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 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 ($\frac{2}{3}$) 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.

(Res. No. 4155, § 1, 11-19-01; [Ord. No. 5773](#), Att. A, 11-5-19)

CHARTER REVIEW COMMITTEE February 7, 2024

The Charter Review Committee met in Lakeland Electric Administration Conference Room 1A-B. Members Slyvia Blackmon-Roberts, Pat Steed, Frank McCaulley, Lincoln Jacobs, James Edwards, Terry Coney, Teddra Porteous, James Ring, Michael Workman, and Veronica Rountree were present. Members Jason Rodda, Scott Reed, and Kimberly Elmhorst were absent. Will Harrell and Denise Gilmore have resigned from the Committee. City Attorney Palmer Davis and Deputy City Clerk Heather Bradman were present along with a member of the media.

City Attorney Palmer Davis called the meeting to order at 3:01 p.m. He asked everyone to provide a brief introduction.

Palmer Davis provided background information on the preceding Charter Review Committee. Their recommendations ultimately led to a referendum that was voted on at the November 2019 general municipal election.

Government in the Sunshine – City Attorney Palmer Davis

The Florida Sunshine Law provides that no action may be officially taken except at a publicly-noticed meeting open to the public and for which minutes are taken. Any action taken outside of these requirements is null and void. Florida courts have interpreted the Sunshine Law expansively. No two members of the same public body may talk about matters that may come before them except at a publicly-noticed meeting that is open to the public. As a result, members of the Charter Review Committee are not allowed to talk to each other about charter review matters except at publicly-noticed meetings of the Committee. This limitation only applies to members of the same body. As a result, individual members of the Charter Review Committee may talk to individual members of City Commission.

State financial disclosure laws do not apply to members of the Charter Review Committee.

Other Legal Considerations

Palmer Davis explained the concept of home rule in Florida. Florida municipalities may enact legislation concerning any subject matter the State Legislature may act upon unless preempted by the State or unless the local legislation is inconsistent with State law.

State law provides three primary ways to amend a municipal charter:

1. The legislature can pass a special act amending a local charter.
2. Citizens may organize a petition. If they can get 10% of the registered voters from the preceding general election to sign the petition, the City is obligated to include

their issue(s) on the ballot at the next regular City election or at a special election called for such purpose. Amendment of the charter by this method would require a majority vote of the electors voting at the referendum.

3. The City Commission may adopt proposed changes to the charter by ordinance, which would then be voted on at the next regular City election or at a special election called for such purpose. Amendment of the charter by this method would likewise require a majority vote of the electors voting at the referendum.

In 2019, voters amended the Charter to create a Charter Review Committee, consisting of 15 members tasked with reviewing the City charter and recommending changes to the City Commission within a 1-year period. The City Commission has discretion as to whether to adopt the recommendations of the Charter Review Committee and include them on the ballot at the next City election. Any recommendations made by the current Charter Review Committee and adopted by the City Commission would be voted on by the electorate at the November 2025 municipal election.

Schedule for Future Meetings

The City Attorney advised that the Committee would need to review an average of 12 sections of the Charter per month in order to complete the review process within a year. Some sections are more involved while other sections are brief. The Committee collectively decided to meet the last Thursday of each month from 3 p.m. to 5 p.m. in Lakeland Electric Conference Room 1A-B.

Election of Chair and Vice-Chair

The City Attorney stated that a Chair and Vice Chair must be elected. The Chair will present the Charter Review Committee's recommendations to the City Commission at the end of the process.

Motion: Member Sylvia Blackmon-Roberts moved to appoint Mike Workman as the Chair. Member James Ring seconded.

The Committee discussed if Mike Workman was interested in serving as Chair. Mr. Workman requested more time to think about the nomination and will make his decision at the February 29th Charter Review Committee meeting.

No Action Taken: The election of a Chair and Vice Chair will be the first order of business at the February 29, 2024 Charter Review Committee meeting.

Comments from the Public – None

The Committee adjourned at 3:49 p.m.