



CHARTER REVIEW COMMITTEE

April 25, 2024

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

AGENDA

- I. Approval of March 27, 2024 Minutes**
- II. Review Language Changes from Previous Meeting**
- III. Continue Review Sections 6,10-19 of City Charter**
- IV. Comments from the Public**
- V. 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. 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. 10. - City commission.**

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. One each of the commissioners shall have been for one (1) year immediately prior to 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.

(Ord. No. 2340, § 1, 4-5-82, election of 11-2-82; Ord. No. 2599, § 1, 8-6-84, election of 11-6-84; Ord. No. 2976, § 2, 12-21-87, election of 3-8-88; Ord. No. 4486, § 3, 11-17-03; [Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 11. - Qualification of members.**

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, more than three (3) complete terms 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 section. 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 required by this charter shall forfeit the 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.

(Ord. No. 3845, § 1, 9-15-97, election of 9-1-98; H.B. 0825, 2005; [Ord. No. 5773](#), Att. A, 11-5-19)

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

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 office shall thereby forfeit their office. Any member charged with conduct constituting grounds for forfeiture of their 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, or otherwise in a manner provided by law, at least one week in advance of the hearing.

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

- **Sec. 13. - Mayor pro tem.**

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)

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

(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 the office as may be imposed by the commission; and they 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 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. The powers and duties of the mayor shall be such as are conferred 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; [Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 15. - Meetings.**

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.

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

(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. All meetings of the city commission and of any 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.

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

- **Sec. 17. - Absence from meeting.**

No commissioner shall be absent from any regular meeting of the commission without an excuse acceptable to the commission. Absence from three (3) consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission.

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

- **Sec. 18. - Compensation of city commission.**

The mayor and city commission shall receive the across the board increase as provided to general employees at the beginning of each fiscal year. The city commission shall fix any salary or compensation of the mayor and the city commissioners in excess of the across the board increase 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 Lakeland, or as otherwise provided by law, one time not less than sixty (60) 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. 5773](#), Att. A, 11-5-19)

- **Sec. 19. - Ordinance enactment.**

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.

CHARTER REVIEW COMMITTEE

March 27, 2024

The Charter Review Committee met in the LE Conference Rooms 1A and 1B. Mike Workman (chair) and Sylvia Blackmon-Roberts, Terry Coney, Kimberly Elmhurst, Ellis Hirsch, Lincoln Jacobs, Frank McCaulley, Teddra Porteous, Scott Reed, James Ring, Jason Rodda, Veronica Rountree, and Jim Scelfo (members) were present. Jim Edwards and Patricia M. Steed (members) were absent. City Attorney Palmer Davis and City Clerk Kelly Koos were also present.

Terry Coney called to order at 3:07 p.m.

Approval of February 29, 2024 Minutes

Action: James Ring moved to approve the minutes. Veronica Rountree seconded and the motion carried unanimously.

Review Language Changes from Feb. 29, 2024 Meeting

Motion: Kimberly Elmhurst moved to review Sec. 9(b). Jason Rodda seconded and the motion carried.

The Committee debated the issue.

- There was a desire for middle ground.
- The previous attempt was to change to a requirement of 2/3 vote of the Commission and 65% of the voters who turn out. That attempt failed at referendum.
- Lakeland's population has grown and people change their minds.
- The City Commission can attempt a charter change without the Charter Review Committee's recommendation.
- The existing threshold was impossible to meet.
- There were concerns about low voter turnout for a special election.
- Suggested language: 2/3 support of the electors who vote at a referendum and a unanimous vote of the City Commission.

Mike Workman arrived at 3:17 p.m. and Terry Coney relinquished the chair.

The Committee continued to debate the issue:

- There were concerns about special interests.
- The attempt to change that portion of the charter did not have to be at a special election. It could take place at any municipal election.
- There was some support for a unanimous vote of the Commission and 2/3 affirmative vote of the electors voting at a referendum. That was a high bar but not impossible.

- The City Commission could choose not to put the issue on the ballot irrespective of the Charter Review Committee's recommendation.
- Lowering the bar to sell the utility did not make it probable that the Commission would sell the utility. It may increase the utility's value.

Motion: Frank McCaulley moved to table the issue until next month and instruct the City Attorney to bring back language for their review. Scott Reed seconded.

The suggested language was a unanimous vote of the City Commission and 2/3 affirmative vote of the electors voting at a municipal general election or at a special election specifically called for that purpose.

Action: Mike Workman called for the vote and the motion carried unanimously.

Review Language Changes from Feb. 29, 2024 Meeting Continued

Action: Jason Rodda moved to approve changes to Sec 1 and 2. Frank McCaulley seconded and the motion carried unanimously.

Review Sections 6, 10-19 of the City Charter

The Committee discussed the makeup of the Commission. Lakeland has had 7 elected officials since at least 1960. Most comparable cities have 5. There were some cities with 7 members, but the majority have 5.

Sec 10

Palmer Davis explained the new state law on redistricting, F.S. 166.0321. He introduced Carl Metz, who has procured software for redistricting, and Chuck Barmby, Planning and Transportation Manager for the City. Chuck Barmby is aware of development since 2020 and development expected to build out in the near future.

Jason Rodda asked whether the boundary adjustment should be based on the 2020 census or current numbers.

Palmer Davis explained that the statutory language was loose. The most conservative course was to base the boundaries on the 2020 census data. However, the Committee could choose among several approaches.

The Committee was interested in the changes since 2020 even if they will not play into the proposed boundary adjustments.

The Committee discussed Jim Edwards email opposing single member voting districts.

Carl Metz showed the current city commission district boundaries and the current district populations. An integrity check showed that Lakeland's districts were out of balance.

He then showed a proposed map that balances the population levels as close as possible. He tried to adhere to the original boundaries as much as possible.

Terry Coney asked about areas outside the city limits. Chuck Barmby explained that there were two big areas. The area along Memorial Blvd. was the Wabash area in the northwest. In the southwest, it was the area south of the rail line. There would have to be a referendum to bring these areas into the city limits. It would be expensive to annex those areas. However, many of the residents in those areas do use city services.

The proposed new districts would not affect the incumbent commissioners.

The Committee discussed:

- Demographics: They would like to see the demographics for the current and proposed districts. Staff will email those to the Committee.
- Compliance: What if the voters do not approve the proposed changes? Would the City be out of compliance with State law?
- Removing boundaries from the Charter. The Commission could set the boundaries by ordinance. The voters may not want to surrender the authority to create the district boundaries.
- Penalty for noncompliance: Palmer Davis advised that state law permits the City Commission to amend the Charter to comply with a court order.
- The Florida Attorney General could bring a lawsuit if Lakeland did not rebalance their districts.

Mike Workman stated that the group had multiple options:

1. Make a motion based on the information provided today.
2. Table the issue until next month.
3. Remove the district boundaries from the charter completely.

The Committee continued to discuss the boundary issue:

Does the city have to rebalance after each annexation?

Is the census the trip wire? Palmer Davis advised that the statute is silent on these questions.

Chuck Barmby reviewed pending development in the districts. The SW district has the most pending development.

Palmer Davis asked if the committee was interested in removing the district boundaries from the charter.

The Committee discussed:

- A desire to review the demographics and the party affiliation of the districts. The City does not have party affiliation information. The City is nonpartisan and not all citizens are registered to vote. Lakeland has a population of approximately 120,000 citizens and 63,000 registered voters.

Entitlements: Developments generally have entitlements for five years. If they are acting in good faith, they are not likely to lose their entitlements. Development orders do expire but can be extended.

Motion: Ellis Hirsch moved to remove Sec. 10 from the Charter. Lincoln Jacobs seconded.

The Committee discussed that some of the language in Sec. 10 did not involve district boundaries and was necessary. Mike Workman asked Ellis Hirsch if he wanted to amend his motion.

Amended Motion: Ellis Hirsch amended his motion to only remove the description of the district boundaries. Lincoln Jacobs seconded.

Frank McCaulley spoke against the motion. Balancing was not political. Delegating it to the Commission could make it political.

Palmer Davis restated the motion to amend to confirm that it was only to remove the descriptions of the boundaries from Sec. 10.

Action: Mike Workman called for the vote on the motion to amend and the motion failed.

Action: Mike Workman called for the vote on the main motion to delete Sec. 10 in its entirety. The motion failed.

Motion: Jason Rodda moved to accept the boundaries as presented today, subject to the review of additional information at the next meeting. Terry Coney seconded.

The group wanted to see the demographics for the proposed districts and the new boundaries written out.

Mike Workman clarified that the motion under consideration was approval of the proposed district boundaries as provided by the software upon approval of the final written language.

Action: Mike Workman called for the vote and the motion carried unanimously.

Sec. 11

There were audience members present to speak on the issue of term limits.

Palmer Davis explained that the second paragraph of Sec. 11 was grandfather language that applied only to incumbent commissioners as of January 1, 2020 - Mayor Bill Mutz and Commissioners Stephanie Madden, Sara Roberts McCarley, and Bill Read.

Former Commissioner Don Selvage asked the Committee to recommend different language on term limits. He wanted 12-year term limits for commissioners and 8-year term limits for the mayor. He would like to see the two positions treated differently with term limits. Many mayors will have served multiple terms as a commissioner prior to becoming mayor and will be eligible for only one term as mayor, which is not enough to be effective.

Former Mayor Howard Wiggs asked the Committee to consider what would benefit the City. He stepped into the role of mayor feeling like he was running out of time and agreed with Don Selvage's comments. He stated that one of the reasons for the initial term limits was to keep elected officials from receiving a pension under State law upon serving 20 years in office.

The Committee discussed:

Whether elected officials serving for 20 years would be entitled to a pension.

The only way to avoid 20 years of service and allow two terms as mayor would be to limit commissioners to 8 years of service and the mayor to 8 years of service.

Motion: Frank McCaulley moved to set the limits at 3 terms for commissioners and 2 terms for mayor, with a cap of 16 years total. Slyvia Blackmon-Roberts seconded.

The Committee discussed:

- The decision to run for mayor early enough to serve 2 terms was up to the individual.
- A mayor can drive the direction of the commission. Should that be limited?
- The pension implications of allowing an elected official to serve 20 years.

Action: Frank McCaulley withdrew his motion and Slyvia Blackmon-Roberts withdrew her second.

Motion: Terry Coney moved to limit commissioners to 3 terms and the mayor to 2 terms without a cap on the number of years served. Frank McCaulley seconded.

Jason Rodda clarified that only the second sentence of Section 11 was being modified by the motion. The other qualifications for office and the grandfather clause in Sec. 11 were not being modified. The Committee discussed the pension implications of this. The City Attorney would have to research that law to see if and how it would affect Lakeland.

Action: Mike Workman called for the vote and the motion carried unanimously.

ADJOURN

Action: Veronica Rountree moved to adjourn at 5:29 p.m. Slyvia Blackmon-Roberts seconded and the motion carried unanimously.

- **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.

(b) 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.

(c) Any violation of a provision of this section by a member of the commission shall constitute grounds for removal from office.

~~(b)~~(d) 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 or~~ other disposal has previously been authorized by (i) a unanimous vote of the members of the city commission approving such sale, lease or other disposal and authorizing a referendum on the subject, and (ii) an affirmative vote of two-thirds (2/3) of the electors voting in such referendum authorized by the city commission, otherwise qualified to vote in an election duly called for that purpose. A referendum called by the city commission under this subsection shall take place either at a regular city election or at a special election at which the only question to be decided is the sale, lease or other disposal of a water plant or the assets of the electric utility. 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)

Sec. 11. - Qualification of members.

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, more than three (3) complete terms ~~in any combination of the positions of Mayor and as a~~ Commissioner and more than two (2) complete terms as Mayor. Partial terms greater than two (2) years shall constitute a complete term for purposes of this section. 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 required by this charter shall forfeit the office.

Members in office ~~upon the effective date of this Section, on January 1, 2020~~ 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.

(Ord. No. 3845, § 1, 9-15-97, election of 9-1-98; H.B. 0825, 2005; [Ord. No. 5773](#), Att. A, 11-5-19)