

RESOLUTION NO. ____

PROPOSED RESOLUTION NO. 19-045

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, RELATED TO AN ISSUE ELECTION; FINDING THAT ALL APPLICABLE PROCEDURES AND REQUIREMENTS FOR CALLING AN ISSUE ELECTION HAVE BEEN SATISFIED; CALLING AN ISSUE ELECTION TO CONDUCT A REFERENDUM ON PROPOSED CHARTER AMENDMENTS FOR NOVEMBER 5, 2019; PROVIDING THE BALLOT TITLE AND THE BALLOT SUMMARY FOR THREE (3) PROPOSED CHARTER AMENDMENTS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lakeland has enacted Ordinance No. 5773 pursuant to the requirements of 166.031 Fla. Stat. and Lakeland Municipal Election Code Sections 30-56, and finds that the requirements of 30-58 have been satisfied requiring the City Commission to call an issue election on the proposed charter amendments for a vote of the electors; and

WHEREAS, Section 30-58 of the Lakeland Municipal Election Code requires that the City Commission shall, by resolution, provide the language to appear on the ballot, and the date upon which the election shall be held.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The City Commission of the City of Lakeland, Florida hereby calls an issue election to be conducted on November 5, 2019 on three proposed amendments to the Lakeland City Charter.

SECTION 2. The first proposed charter amendment to appear, attached as Exhibit "A", shall be as follows:

The Ballot Title to appear on the ballot shall be as follows:

- A. An amendment to the Charter to eliminate obsolete provisions, eliminate gender references; other miscellaneous provisions.

The Ballot Summary to appear on the ballot shall be as follows:

- B. Do you favor an amendment to the Lakeland City Charter eliminating

unnecessary or obsolete references and provisions; amending any gender related references; adopting applicable state law provisions; providing periodic commissioner pay adjustments similar to city employees; eliminating reduction in force provisions; creating a charter review committee and providing a periodic charter review process every 8 years; delegating regulation of taxi cabs to the City Commission; eliminating obsolete references to the Hospital Board?

Yes_____

No_____

SECTION 3. The second proposed charter amendment to appear, attached as Exhibit "B", shall be as follows:

The Ballot Title to appear on the ballot shall be as follows:

- C. An amendment reducing terms for commissioners/mayor from 4 to 3; not applicable to incumbents.

The Ballot Summary to appear on the ballot shall be as follows:

- D. Do you favor an amendment to the Lakeland City Charter that reduces the maximum allowable terms of city commissioners and mayor from 4 terms to 3; defining a term as any service in office over 2 years; allowing existing incumbent commissioners to serve a total of 4 terms as commissioner and mayor combined?

Yes_____

No_____

SECTION 4. The third proposed charter amendment to appear, attached as Exhibit "C", shall be as follows:

The Ballot Title to appear on the ballot shall be as follows:

- E. An amendment changing the requirements necessary to sell any City water plant or electric utility.

The Ballot Summary to appear on the ballot shall be as follows:

- F. Do you favor an amendment to the Lakeland City Charter that changes the approval necessary to sell any water plant or electric utility from the existing requirement of 2/3 of all electors qualified to vote to 2/3 vote of the City Commission and 65% of those actually voting in the next general election following City Commission approval?

Yes_____

No_____

SECTION 5. The election on the proposed charter amendment shall be held on November 5, 2019 in accordance with applicable law.

SECTION 6. The City Clerk and the City Attorney are hereby directed and authorized to perform all administrative duties necessary to carry out the purpose of this Resolution.

SECTION 7. This Resolution shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 5th day of August, A.D. 2019.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. MCCAUSLAND
CITY ATTORNEY

**PROPOSED CHANGES TO THE CHARTER
DIVISION I**

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 _____ day of _____ without having the effect of abolishing the government which exists on the date of adoption of such amended charter.)

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 ~~said~~ 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, ~~and all~~ 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.

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

The ~~said~~ municipality, and all the inhabitants comprehended within the territorial limits ~~hereinbefore described~~, 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~~may 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 ~~the burial or cremation of the dead, the erection and maintenance of electrical generating facilities, power lines, waterworks, water lines, pumps and water systems, airports, neutralizing or otherwise destroying of sewage, garbage and refuse, to extend sewer and drainage pipes and water mains, and 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 ~~intent~~extent that natural persons might do.

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.

~~Beginning at the SW corner of Section 31, Township 28 South, Range 24 East; thence run east along the south line of said Section 31 to the SE corner of said Section 31, the same being the NW corner of Section 5, Township 29 South, Range 24 East; thence continue east along the north line of said Section 5 a distance of 560 feet; thence south 480 feet parallel to the west line of said Section 5; thence west 560 feet parallel to the north line of said Section 5 to the west line of said Section 5; the same being the east line of Section 6, Township 29 South, Range 24 East; thence continue west 555 feet parallel to the north line of said Section 6; thence south parallel to the west line of said Section 6 to the north right-of-way line of Rolling Woods Lane as recorded in O.R. 740, pages 426, 427, 428, public records of Polk County, Florida; thence easterly and southerly along said right-of-way line to a point on the easterly right-of-way line of said Rolling Woods Lane 275.33' south of the north line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of aforesaid Section 5; thence east parallel to said North $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ line to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence south along the west line of E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 5 to a point 74.55 feet north of the SE corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 5; thence west parallel to the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 130 feet; thence south parallel to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 74.55 feet to the aforesaid south line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence continue south parallel to the east line of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ 379.95 feet; thence west parallel to the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 179.35 feet; thence north parallel to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 208.02 feet; thence west parallel to the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 354.97 feet to the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence north along said west line 171.93 feet to the SW corner of aforesaid NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; thence continue north on the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ to a point 595.23 feet south of the NW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence east parallel to the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ to a point 514.23 feet west of the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence north parallel to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 25 feet; thence east parallel to the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ to a point 172.82 feet west of the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence north parallel to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 140 feet; thence west parallel to the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ to the east line of NE $\frac{1}{2}$ [sic] of SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of aforesaid Section 6; thence north on said east line 123.08 feet; thence west parallel to the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ 201.25 feet; thence north parallel to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ to the south line of aforesaid SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence continue north parallel to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ to a point 605.33 feet from the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence west parallel to said north line 201.25 feet to a point 402.50 feet west of the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$; thence north 0°25'38" West to a point of intersection with the south right-of-way line of Rolling Woods Lane as identified herein before; thence westerly along said south right-of-way line to a point 475.02 feet east of the west line of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of aforesaid Section 6; thence south parallel to said west line 180.17 feet to a point on the south line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence east along said south line to the NW corner of Lot 13 of Stonegate Subdivision, as recorded in Plat Book 48, page 24, public records of Polk County, Florida; thence south along the west lot line of~~

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~~Lots 13, 12 and 11 to the SW corner of Lot 11; thence east along the south lot line of said Lot 11 to the west right-of-way line of Cheverly Drive in said Stonegate Subdivision; thence south and southeasterly along said west right-of-way line to a point of intersection with the west line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of aforesaid Section 6; thence south along the west lines of said $\frac{1}{4}$ $\frac{1}{4}$ and of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 6 to the NE corner of N $\frac{1}{2}$ of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 6, the same being the NE corner of Brookwood Subdivision as recorded in Plat Book 58, page 21, public records of Polk County, Florida; thence circumscribe the boundary of said subdivision, returning to said NE corner thereof; thence east along the south line of N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 to the SE corner thereof; thence north along the east line of said N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 to the NE corner thereof; thence east along the south lines of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and of E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of aforesaid Section 5 to the NW corner of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5; thence south along the west lines of said N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5 to the SW corner of said $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$; thence east along the south line of said $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ to a point 165 feet west of the SE corner thereof; thence north parallel to the east line of said $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ 185 feet; thence east parallel to the south line of said $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ 165 feet to the east line of said $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$; thence north along the east line of said $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ to the NE corner thereof; thence east along the south lines of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ to the SE corner of said N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence south along the west lines of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the N $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ to the SW corner of said N $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence east along the south line of said N $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ to a point on the west right-of-way line of State Road S-37-B (Lakeland Highlands Road); thence north along said right-of-way line to a point 1270 feet south of the north line of aforesaid Section 5; thence deflect 89°24'58" left and run 808.00 feet; thence deflect 89°24'58" right and run 808.00 feet; thence deflect 90°35'02" right and run 808.00 feet to a point on aforesaid right-of-way line; thence north on said right-of-way line 462 feet to the north line of aforesaid Section 5; thence east along said north line to the NE corner of said Section 5; same being the SE corner of Section 32, Township 28 South, Range 24 East; thence north to the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 32; thence west to the east line of the west 606.25 feet of the E $\frac{3}{4}$ of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32; thence north 880 feet along said east boundary of the west 606.25 feet to a point; thence east to a point on the west right-of-way line of State Road S-37-B (Lakeland Highlands Road) lying 449.57 feet south of the north line and 85 feet west of the east line of aforesaid Section 32; thence north parallel with said east line along said west right-of-way line 399.57 feet to a point on the back tangent of a curve to the northeast defining the south right-of-way boundary of State Road S-33-A (Edgewood Drive); thence west along aforesaid back tangent 348.38 feet to the P.C. of said curve; thence northeasterly along said curve (south right-of-way line) to its intersection with the east line of Section 29, Township 28 South, Range 24 East; thence south along said east line to a point 40 feet north of the SW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 28 South, Range 24 East; thence east parallel with the south line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ 460 feet; thence deflect 90°09' left and run 10 feet; thence deflect 90°09' right and run 175 feet; thence deflect 90°09' left and run 250 feet; thence run S~~

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~~89°44'51" E a distance of 265.52 feet to a point 300 feet north of the south line of aforesaid Section 28; thence run N-00°14'20" E a distance of 311.88 feet to a point on the south right-of-way line of State Road S-33-A (Edgewood Drive); thence continue N-00°14'20" E a distance of 120.00 feet to a point on the north right-of-way line of said State Road S-33-A; thence run easterly along said north right-of-way line to the east line of aforesaid SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28; thence north along said east line to the NE corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the SE corner of the W $\frac{3}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28; thence north along the east line of said W $\frac{3}{4}$ to the southern right-of-way line of Sylvester Road; thence east along said right-of-way line and its easterly extension to its intersection with the easterly right-of-way line of the Seaboard Coast Line Railroad, which is oriented on a NW-SE bearing; thence run S-44°05'41"-E along said right-of-way line a distance of 1061.97 feet to intersection with the east line of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of aforesaid Section 28; Township 28 South, Range 24 East; run thence S-0°10'45" E along said east line a distance of 72.12 feet coincident with a reduction in RR right-of-way width, to a point of resumption of the NW-SE orientation of the easterly RR right-of-way line; run thence S-44°05'41"-E along said right-of-way line of Seaboard Coast Line Railroad a distance of 39.30 feet to the northwesterly right-of-way line of A-Z Park Road; run thence N-45°53'45" E along said right-of-way line of A-Z Park Road a distance of 86.06 feet to the beginning of a curve to the right having a radius of 411.97 feet; run thence northeasterly around said curve, through a central angle of 43°49', an arc distance of 315.05 feet to the end of said curve; run thence N-89°42'45"-E along north right-of-way line of A-Z Park Road, a distance of 927.15 feet to the beginning of a curve to the left having a radius of 351.97 feet; run thence easterly around said curve, through a central angle of 3°46'22", an arc distance of 23.22 feet to an intersection with the east line of NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of aforesaid Section 28; run thence N-0°16'15"-W along said east line, a distance of 691.20 feet to the NE corner of said $\frac{1}{4}$ - $\frac{1}{4}$; run thence northerly along east line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 28, to the NE corner thereof; run thence westerly to the east line of the west $\frac{1}{2}$ of Lot 9 in O.C. Lanphear's Subdivision as recorded in Plat Book 3, page 65, public records of Polk County, Florida; thence run northerly along said east line to the NE corner of said west $\frac{1}{2}$ of Lot 9; run thence westerly along the north line of Lots 9 and 10 to the NW corner of Lot 10 of said subdivision; thence run southerly along west line of Lot 10 to the SW corner thereof, this being also the northwest corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of aforesaid Section 28; continue southerly along west line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the southwest corner thereof; thence run westerly along the north line of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28 to the easterly right-of-way line of Seaboard Coast Line Railroad; thence run northwesterly along said easterly right-of-way line to the west line of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 20, Township 28 South, Range 24 East; thence north along the west line of said E $\frac{1}{2}$ of SE $\frac{1}{4}$ to its intersection with the southern shoreline of Lake Bonny; thence run southeasterly along said shoreline to its intersection with a line lying 264 feet east of and parallel to the west line of said E $\frac{1}{2}$ of SE $\frac{1}{4}$; run thence S-0°14'-19"-W along said line 190 feet, more or less, to an iron rod; continue thence S-0°14'19"-W 914.15 feet, more or less, to an iron rod; thence N-89°52'30" E 519.12 feet more or less to a concrete monument; thence run S-3°33'-W 233.63 feet, more or less; thence run west~~

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~~180 feet, thence run S-3°33'-W 222.37 feet to the north line of Department of Transportation lateral drainage ditch easement recorded in O.R. 282, page 495, Public Records, Polk County, Florida; thence run easterly along said north line to its intersection with the west line of a Department of Transportation lateral drainage ditch right-of-way recorded in O.R. 282, page 495, Public Records, Polk County, Florida; thence run northerly along said west line of said ditch right-of-way to an intersection with the southern shoreline of Lake Bonny; thence turning northeasterly, run along the southern and easterly shoreline of Lake Bonny to its intersection with the west line of Section 16, Township 28 South, Range 24 East; thence run north along the west line of said Section 16, to its intersection with the south right-of-way line of U.S. Highway 92; thence easterly along said line to the northeast corner of Lot 4, Block 2, of Replat of Shore Acres Gardens as recorded in plat book 31, page 31, Public Records of Polk County, Florida; thence southwesterly along the east line of said Lot 4 to the SE corner thereof, located on the north right-of-way line of the Seaboard Coast Line Railroad; thence easterly along said right-of-way line a distance of 431.93 feet; thence north and parallel to the aforesaid west line of Section 16 to the shoreline of Lake Parker; thence follow said shoreline of Lake Parker northeasterly, northerly, and northwesterly to its intersection with the south line of the E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 4, Township 28 South, Range 24 East; thence run east along said south line to its intersection with the westerly right-of-way line of Lake Parker Drive as recorded in O.R. 631, page 128 of the Public Records of Polk County, Florida; thence run northwesterly along said right-of-way line to its intersection with the east line of the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 4; thence run northerly along said east line to its intersection with the south line of Township 27 South, Range 24 East; thence run easterly along south line of Sections 32 and 33 of said township and range to the east line of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33; thence north to the NE corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence west along north lines of said $\frac{1}{4}$ - $\frac{1}{4}$ and of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of aforesaid Section 32 to the NW corner of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence run south 773.94 feet along the west line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence run west 1418.03 feet; thence run south 660 feet to a point on the aforesaid south line of Township 27 South located 664.25 feet east of the NW corner of NE $\frac{1}{4}$ of Section 5, Township 28 South, Range 24 East; thence continue south 1365.59 feet; thence run east 330 feet; thence run south 1274.48 feet more or less to the northerly shoreline of Lake Parker; thence run westerly and northerly along said shoreline to its intersection with the aforesaid shoreline of Township 27 South, Range 24 East; thence run west along the south line of said Township 27 South, Range 24 East, to the SE corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, Township 27 South, Range 24 East; thence run north on a bearing of N-0°15'E a distance of 338.80 feet; thence run westerly on a line parallel with the south line of said Section 31 a distance of 782.28 feet to its intersection with the east right-of-way line of Lakeland Hills Boulevard also known as S.R. No. 33; thence run southerly along said right-of-way line to its intersection with the south line of aforesaid Township 27 South; thence run west along said line to the NE corner of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 6, Township 28 South, Range 24 East; thence south along east line of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ to the SE corner thereof; thence west along south line of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ to the SW corner thereof; thence north along west line of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ to~~

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~~the NW corner thereof; thence west along the north line of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 1, Township 28 South, Range 23 East to NW corner thereof; thence south along the west line of said E $\frac{1}{2}$ of E $\frac{1}{2}$ to the SW corner thereof; thence west along the south line of the SE $\frac{1}{4}$ of Section 1 to the SW corner thereof; thence south along the north-south center line of Section 12, Township 28 South, Range 23 East to the center of said Section 12; thence west along the east-west center line of said Section to the SW corner of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 12; thence north 1112 feet along the west line of said E $\frac{1}{2}$ of E $\frac{1}{2}$ to the point; thence westerly to a point on the west line of said Section 12 located 208 feet south of the southwest corner of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 12; thence south 159.32 feet along the west line of said Section 12; thence run west on a line parallel to and 367.32 feet south of the north line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 11, Township 28 South, Range 24 East to its intersection with the westerly right-of-way line of Montrose Avenue, as shown on plat of Rochester Heights recorded in Plat Book 9, Page 50, Public Records of Polk County, Florida; thence run north and northeasterly along said right-of-way line to an intersection with the westerly right-of-way line of Kathleen Road, also known as S.R. No. 35A; thence run northwesterly along said road right-of-way line to its intersection with the westerly line of Lot 42 in said Rochester Heights; thence run southwest and south along said westerly lot line to an intersection with the aforesaid line located 367.32 feet south of and parallel to the north line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 11; thence west along said parallel line to the north-south center line of said Section 11; thence south along said center line to a point located 1030.15 feet north of SE corner of NE $\frac{1}{4}$ of said Section 11; thence west 474.62 feet on a line parallel to the south line of said NE $\frac{1}{4}$; thence south 267.19 feet to a point located 762.96 feet north of said south line of NE $\frac{1}{4}$; thence east 8 feet; thence south 762.96 feet; thence east 466.62 feet to aforesaid SE corner of NE $\frac{1}{4}$; thence continue south along said north-south center line of Section 11 to the north line of Lot 11, Block 13, Weswego Unit No. 3, as recorded in Plat Book 12, Page 32, Public Records of Polk County, Florida; thence follow the perimeter of said Lot 11 along its north, west and south line to a point of intersection with the aforesaid center line of Section 11; thence continue south along said center line of Section 11 and the center line of Section 14, Township 28 South, Range 23 East to the NE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 14; thence west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 14; thence west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the east right-of-way line of S.R. 600-B (Wabash Avenue); thence south along said east right-of-way line to an intersection with the south line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence west to the SW corner of said $\frac{1}{4}$ - $\frac{1}{4}$, said corner being also the NE corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, Township 28 South, Range 23 East; thence west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the NW corner thereof; thence south along the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ to a point 408 feet north of the intersection of the said west line and the north right-of-way line of U.S. Highway 92; thence northeasterly parallel with said north right-of-way line 209 feet; thence south parallel with the aforesaid west line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the south line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence east along said south line 479.69 feet; thence north parallel with aforesaid west line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the aforesaid north right-of-way line of U.S. Highway 92; thence northeasterly along said north right-of-way line to the west line of~~

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~~the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of aforesaid Section 14, Township 28 South, Range 23 East; thence south along said west line to its intersection with the south right-of-way line of aforesaid U.S. Highway 92; thence northeasterly along said south right-of-way line 806.50 feet to the west right-of-way line of Strain Boulevard, according to plat of Tampa Highway Industrial Addition recorded in Plat Book 30, Page 49-A, Public Records of Polk County, Florida; thence south along said west line of Strain Boulevard and the west line of Strain Boulevard extended, to the north right-of-way line of the Seaboard Coast Line Railroad; thence southwesterly along said right-of-way line to the west line of Section 23, Township 28 South, Range 23 East; thence south along said west line to SW corner of the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 23; thence east along the south line of said N $\frac{1}{2}$ of NW $\frac{1}{4}$ to the NW corner of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 23; run thence south along the west line of said E $\frac{1}{2}$ to the north right-of-way line of Josephine Street; thence east along said right-of-way line to the west line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 23; thence south along said west line to the SW corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence east along the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the SE corner thereof; thence north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the SW corner of Lot 14, in Block "A" of Pinewood Park, according to the plat thereof recorded in Plat Book 8, Page 31, Public Records of Polk County, Florida; thence east along the south lines of Lots 14 thru 26 of said Block "A" to the west line of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of aforesaid Section 23; thence south along said west line to the SW corner of said E $\frac{1}{2}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$; thence east along the south line of said E $\frac{1}{2}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$ to the SE corner of said Section 23, the same being also the NW corner of Section 25, Township 28 South, Range 23 East; thence south along the west line of said Section 25 to the SW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25; thence east along the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the NW corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25; thence south along the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the SW corner thereof, the same being the NW corner of Block 1 of West Hollingsworth Road Addition according to plat thereof recorded in Plat Book 6, Page 16, Public Records of Polk County, Florida; thence follow the perimeter of said Block 1 in a clockwise direction along its north, east, southeast, south and west lines to the south right-of-way line of Beacon Road; thence west along said south right-of-way line and said right-of-way line extended to the east line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 26, Township 28 South, Range 23 East; thence north along said east line to the NE corner of said N $\frac{1}{2}$ of SE $\frac{1}{4}$; thence west along the north line of said N $\frac{1}{2}$ of SE $\frac{1}{4}$ to the NW corner thereof; thence south along the west boundary of said N $\frac{1}{2}$ of SE $\frac{1}{4}$ to the SW corner thereof; thence east along the south line of said N $\frac{1}{2}$ of SE $\frac{1}{4}$ of said Section 26, and along the south line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of aforesaid Section 25 to the SE corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence south along the west line of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 25 to the SW corner thereof; thence east along the south line of said E $\frac{1}{2}$ of SW $\frac{1}{4}$ to the SE corner thereof; thence south along the west line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 28 South, Range 23 East to the SW corner thereof; thence east along the north line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 36 to the NW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 36; thence south along the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the SW corner thereof; thence east along the south line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 36 to the west line of the east 105 feet of the west 210 feet of Acreage Tract 1, Block A, South Oaks~~

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Subdivision, according to plat thereof recorded in Plat Book 45, Page 5 of the Public Records of Polk County, Florida; thence south along said west line to the south line of said east 105 feet; thence east 105 feet along said south line to the east line of said east 105 feet; thence north along said east line of said east 105 feet to the aforesaid south line of N $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 36; thence east along said south line to the east line of said Section 36; thence south along said east line of said Section 36 to the SE corner of said Section 36, the same being the SW corner of Section 31, Township 28 South, Range 24 East; that is, the point of beginning. Less and except: The east 240 feet of the north 150 feet of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 28 South, Range 23 East. Also, less and except: A strip of land 80 feet in width, the center line of which commences on the west line of the SE $\frac{1}{4}$ of Section 31, Township 28 South, Range 24 East at a point located 2,069.45 feet north of the SW corner of said SE $\frac{1}{4}$, and runs easterly, at an angle of 90° with said west line, to terminate at a distance of 1700 feet from said west line of the SE $\frac{1}{4}$ of Section 31. Also, less and except: A strip of land 85 feet in width measured at right angles to the center line, said strip being 45 feet in width on the northerly portion and 40 feet on the southerly portion; located 626.65 feet north of the SW corner of the SE $\frac{1}{4}$ of Section 31, Township 28 South, Range 24 East for a point of beginning of center line; run thence S. 89°52' E. for a distance of 1520.55 feet; thence N. 45°08'E. for a distance of 479.45 feet to a point of termination. Also, less and except: The south 220 feet of the west 855 feet of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 28 South, Range 23 East. Also, less and except: Lot 6, Block 7 of Waverly Place, according to plat thereof recorded in Plat Book 28, Page 46 of the Public Records of Polk County, Florida, and that portion of land lying south of Lot 6 between the south line of Lot 6 and the south boundary of Section 29, Township 28 South, Range 24 East, and bounded on the east and west by the east and west lot lines of said Lot 6 extended. Also, less and except: Begin at the SE corner of the SE $\frac{1}{4}$ of Section 29, Township 28 South, Range 24 East, run west along the south line of said SE $\frac{1}{4}$ 1603.96 feet; thence north 30 feet to a point of beginning; thence continue north 263.53 feet; thence east 6.5 feet; thence deflect 45°-00' from east to NE and run 96.65 feet; thence south 332.23 feet; thence west 75 feet to the point of beginning. Also, less and except: The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, Township 28 South, Range 23 East less Lots 17 thru 26 of W.E. Moody's First Addition, according to plat thereof recorded in Plat Book 6, Page 14 of the Public Records of Polk County, Florida. Also, less and except: Begin at the SE corner of the SE $\frac{1}{4}$ of Section 29, Township 28 South, Range 24 East, thence run west along the south line of said SE $\frac{1}{4}$ 1407.37 feet; thence north 30 feet to a point of beginning on the north right-of-way line of State Road S-33-A (Edgewood Drive); thence north 369.88 feet; thence east parallel to aforesaid south line of Section 29, 183.26 feet, more or less, to the west line of the south 800 feet of the east 1225 feet of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 29; thence south along said west line to a point 185 feet north of aforesaid south line of Section 29; thence southeasterly 169.82 feet to the aforesaid north right-of-way line of State Road S-33-A (Edgewood Drive); thence west along said north right-of-way line to the point of beginning. Also, less and except: Begin at the NE corner of the NE $\frac{1}{4}$ of Section 32, Township 28 South, Range 24 East; thence run west along the north line of said NE $\frac{1}{4}$ 860.29 feet; thence south

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~~30 feet to a point of beginning on the south right-of-way line of State Road S-33-A (Edgewood Drive); thence continue south to the north line of the south 880 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 32; thence west to the east boundary of the W $\frac{1}{4}$ of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32; thence north along said east boundary of W $\frac{1}{4}$ to its intersection with the aforesaid south right-of-way line of State Road S-33-A (Edgewood Drive); thence east along said right-of-way line to the point of beginning. Also, less and except: Beginning at the NE corner of the west 990.0 feet of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 28 South, Range 24 East, run thence east along the north line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 138.22 feet to the west line of Cleveland Heights Subdivision as recorded in Plat Book 8, Pages 36 and 37 of the Public Records of Polk County, Florida; run thence south along the west line of Cleveland Heights Subdivision a distance of 640.80 feet; run thence west a distance of 138.80 feet to the east line of Glendale Manor First Addition; run thence north a distance of 641.11 feet to the point of beginning of this exception. Also, less and except the following described tract: From a point 40 feet west of the NE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 28 South, Range 24 East, run south parallel to and 40 feet west of the east boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 590.23 feet to a point of beginning; thence deflect to the right 80°07' and run 380.00 feet; thence deflect to the left 5°17' and run 220.00 feet; thence deflect to the right 12°26'23" and run 84.57 feet; thence deflect to the left 46°25'23" and run 359.93 feet; thence deflect to the left 130°47'00" and run 75.00 feet; thence deflect to the right 89°53' and run 140.00 feet; thence deflect to the left 89°53' and run 75.00 feet; thence deflect to the right 89°53' and run 190.00 feet to the south boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 31, which point is 525.00 feet east of the SW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence east along the south boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ to a point which is 240 feet west of the east boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence north and parallel to said east boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 100 feet; thence east and parallel to the south boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 200 feet; thence north parallel to and 40 feet west of the east boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ to the point of beginning.~~

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

- (a) Vacancies. The office of a commissioner or that of mayor, shall become vacant upon ~~his~~ death, resignation, or removal from office in any manner authorized by law or forfeiture of ~~his~~ office, such forfeiture to be declared by the remaining members of the commission.
- (b) Forfeiture of office. A commissioner or the mayor shall forfeit his or her~~their~~ office if he or she lacks~~they lack~~ at any time during his~~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 in one of the following ways:

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- (1) If there are less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next 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 remain in the term of the vacated seat at the time of the next regular election, that seat shall be filled by election for the remaining two (2) years;
- (2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy, and if a runoff election is necessary, it shall be scheduled ~~three (3) weeks no sooner than thirty (30) days, nor more than sixty (60) days~~ after the special election.

Any vacancy occurring later than fourteen (14) days prior to the last day on which a candidate could qualify to fill such vacancy shall be filled by interim appointment and a special election shall be called as provided under (2) herein. 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 may by majority vote, appoint additional members under either (1) or (2) above.

- (d) Extraordinary vacancies. 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 as provided in (c) above.

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~~shall 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. ~~provided, however, that at no time shall the notes so given aggregate more than one hundred thousand dollars (\$100,000.00). The commissioners in the succeeding assessment shall provide for the liquidation of all amounts so borrowed and not repaid. The limitations of this section shall apply only to unsecured indebtedness.~~

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 state constitution and the provisions of the Municipal Home Rule Powers Act, Florida Statutes 166.011, et seq., Chapter 73-129, Laws of Florida, 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~~the~~ governmental,

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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 such as are vested in the jurisdiction of the municipal court ^[2] and~~ except as otherwise provided by this charter, or by the ~~constitution of the state~~Florida Constitution, are hereby vested in the city commission; and except as otherwise provided by this charter, or by the ~~constitution of the state~~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, and 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) To take and appropriate private grounds and property in the manner and form provided by law for condemnation, for widening streets or parts thereof or for extending the same or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public convenience may require, and to assess the costs and expenses of such improvement pro rata upon the property especially benefited thereby; to take and appropriate cemeteries, cemetery lots, parcels, places of entombment and burial or interment rights and to remove and relocate deceased bodies from graves, tombs, burial plots or parcels of land when same may be required for streets or parts thereof or for extending same or for laying out new streets, avenues, alleys, squares or parks or for other public purposes when the public convenience may require. 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 his assistants,~~ and the city attorney ~~and his assistants,~~ by appropriation in the city budget.

(g) The city commission shall have ~~complete~~ 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~~ 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, offer for sale 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~~offer the sale of~~ 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.

~~(4)~~

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.

~~(5)~~

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.

~~(6)~~

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.

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 ~~his~~ 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 for improvement in~~ 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.

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, 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.~~

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~~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, or otherwise in a manner provided by law, at least one week in advance of the hearing.

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.

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 ~~his~~the 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

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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.

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. ~~served personally, or left at his usual place of residence.~~ All meetings of the city commission and of any the 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.

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 ~~four~~ three (43) 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.

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 ~~the 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

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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 ~~thirty-sixty~~ (3060) 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.

Sec. 19 - Ordinance enactment. - No Changes

Sec. 20 - City manager—Appointment and removal

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~~ they are 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 her 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.

Sec. 21 - Same - Powers and duties, generally

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~~ this 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.

Sec. 22. - Absence of the city manager.

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.

Sec. 23. - Administrative departments

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 judge ^{f3}, 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.

Sec. 24. – Purchasing

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 thousand five hundred dollars (\$1,500.00)~~ that established by ordinance or resolution 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.

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

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- (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 assistants~~ shall be a members of the Florida Bar in good standing. The assistants shall be or become members of the Florida Bar in good standing within one year of their appointment.

Sec. 26. - Same—Specific duties

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.

Sec. 27. - Same—Additional duties

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.

Sec. 36. - Finance director

~~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:

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- (1) ~~To~~ invest all funds of the city according to law, and ~~the instructions of their~~ 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 principles.
 - (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 and its agencies.

Sec. 37. - Certification of funds by finance director

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.~~

Sec. 38. - Audit and approval of claims

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.

Sec 39 City Clerk

~~There e city manager or his or her designees shall be 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 shall serve~~There shall be a city clerk and a deputy city clerk who shall ~~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.~~

Sec 40 Oath of Office

Every elected official of the city shall, before entering upon the duties of ~~his~~their 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~~their 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."

Sec. 41. - City Treasurer – No Changes

Sec 42 Annual Budget

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 proposed budget ~~of the city manager~~ shall be ~~prepared that there may be copies~~ on file with the city clerk for inspection by the public.

Sec. 43 Appropriation ordinance

The city commission shall annually adopt a budget as required by applicable law. ~~they~~The city commission 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

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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 ~~at~~ 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

Sec 44 Transfer of funds

~~Upon approval of the finance director, the~~The city commission may authorize the transfer of 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.

Sec 45 Limitations of appropriations – No Changes

Sec 46 Payment of claims – No Changes

Sec 47 Special tax – No Changes

Sec 48 Special Assessments for local improvements

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.~~

Sec. 49. - Limitation of assessments – No Changes

Sec. 50. - Method of making special assessments

(a) Special assessments upon the property deemed to be benefited by local improvements shall be assessed upon the property specially benefitted in proportion to 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 or by such other method as the city commission~~

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may determine methodology that results in the legal and equitable apportionment of the costs of the improvements.

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

(c) The methodology of making special assessments set forth in this Charter shall be deemed to provide a supplemental, additional and alternative method or procedure for the making of special assessments and shall not be deemed to exclude the use of other methods or procedures for the making of special assessments provided by law or otherwise authorized under the home rule powers of municipalities.

Sec. 51. - Resolution relative to special assessments.

When the city commission may determine to make any local improvements and provide for the payment of the cost thereof, in whole or in part, by special assessment, declaration thereof shall be made by resolution stating the nature of the proposed improvement, designating the location of such improvement and what portion of the expense thereof is to be made by special assessment, the manner in which said assessment shall be made and when said assessment shall be paid, and what part shall be apportioned to be paid from the improvement fund of the city, if any; this provision, however, shall in no wise require the city to pay any portion of said improvements; said resolution shall also designate the lands upon which special assessments shall be levied and the estimated amount thereof. The resolution shall be considered at a public hearing at a time and place to be determined by the city commission. Notice of the public hearing at which the resolution will be considered shall be mailed by first class mail to the effected property owners no later than ten (10) days prior to consideration by the city commission. .; ~~said lands deemed to be specially benefitted abutting upon and contiguous to the contemplated improvements shall be sufficiently described as "all lots and lands adjoining and contiguous or abounding and abutting upon such improvements or is deemed to be benefitted thereby."~~ Said resolution shall also be published once in a local newspaper, or in such other manner as prescribed by law, at least fifteen (15) days before said improvement is started.

Sec. 52. - Assessment liens.

Special assessments for local improvements as herein described shall be payable by the owners of the property ~~abutting upon said public ways assessed for specially benefitted by~~ said improvement at the time and in the manner stated in the resolution providing for said improvements, and said special assessments shall be and remain liens superior in dignity to all other liens, except liens for taxes, until paid from the date of the assessment upon the respective lots and parcels of land assessed and shall bear interest not to exceed the rate of eight (8) percent per annum and may be, by resolution aforesaid, made payable in not more than ten (10) equal yearly installments, as nearly as practicable with accrued interest on all deferred payments unless paid within thirty

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(30) days after said assessments, which assessments shall stand approved and confirmed as provided herein.

Sec. 53. - When annual installments due and payable; collection. – No Changes

Sec. 54. - Plans, specifications and estimated cost of proposed improvement. – No Changes

Sec. 55. - City manager to cause improvement to be made.

When the city commission shall have passed a resolution determining that an improvement be made, to be paid in whole or in part by special assessment, the city manager shall, as may be provided by resolution, either directly by the employment of labor, or by entering into a contract therefore, cause the improvement to be made.

Sec. 56. - Publication of assessment resolution.

Upon the adoption of the resolution provided for herein, the resolution shall be published one time in a newspaper of general circulation in the city or in such other manner as provided by law.

Sec. 57. - Assessment roll. – No Changes

Sec. 58. - Publication of assessment roll; notice to property owners of hearing.

Upon the completion of said assessment roll, the city commission shall cause a copy thereof to be published two (2) times successfully, once each week, in a newspaper of general circulation, published in the city, or in such other manner as provided by law and in the publication of said special assessment roll the said city commission shall cause to be attached to the copy of the assessment roll, a notice directed to all property owners interested in said assessments of the time and place where complaints will be heard with reference to said assessments and when said assessment roll will be finally approved and confirmed by the city commission sitting as an equalizing board.

Sec. 59. - Meeting of commission as equalizing board to hear complaints as to special assessments. – No Changes

Sec. 60. - Authority of commission to make new assessments in certain instances.

If any special assessment made hereunder to defray the whole or any part of the expense of any ~~street~~ improvement shall be either in whole or in part annulled, vacated, or set aside, or if the city commission shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the city commission shall have omitted to make such assessment when it might have done so,

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the city commission is hereby authorized and required to take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or against any property benefited by any improvement, following as nearly as may be the provisions hereof and in case such second assessments shall be annulled, the city commission may obtain and make other assessments until a valid assessment shall be made.

Sec. 61. - Payment of costs out of general funds, etc. – No Changes

Sec. 62. - Informalities and irregularities in connection with special assessments.

Any informality or irregularity in the proceedings in connection with the levy of any special assessment hereunder shall not affect the validity of the same where the assessment roll has been confirmed by the city commission, and the assessment roll as finally approved and confirmed shall be competent and efficient-substantial evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the said assessment rolls were duly had, taken and performed as required herein; and no variances from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Sec. 63. - Construction and repair generally; notice to owner, etc.

~~The city commission may, by resolution, declare that certain specified sidewalks, curbing, gutters, drains, street paving, sanitary and storm sewers, shall be constructed or repaired. Upon the passing of such resolutions, the city manager shall cause written notice of the passage thereof to be mailed by first class U.S. mail to the owner of each parcel of land abutting upon such public improvement. Such notice shall be mailed to the owner as shown on the tax rolls of Polk County, Florida. The city manager shall also publish a copy of the resolution in a daily newspaper of general circulation in the city.~~

Sec. 64. - Method of procedure.

~~If sidewalks, curbing, gutters, drains, street paving, sanitary and storm sewers be not constructed or repaired within sixty (60) days from the mailing of the notice provided for in the preceding section, the city manager may proceed by direct employment of labor, or by contract, to carry out such construction or repairs at the expense of the owner, as in the case of other improvements, and all such expenses shall be reported by the city manager to the city commission. The city commission shall thereupon assess the cost and expense thereof upon the owner or the owners of all property bounding or abutting thereupon. Notice and all procedures of assessment required by the preceding sections shall apply to this section.~~

Sec. 65. - Assessment bonds.

~~The city commission may at any time borrow money, and authorize the issuance of notice to bond, and to bond therefor in anticipation of the collection of unpaid special assessments, levied for the purpose of paying the cost of constructing or repairing sidewalks, curbing, gutters, drains, street or alley paving, sanitary or storm sewers, which are to be or have been constructed by the city, because of the failure of the owners of the property to construct or repair the same pursuant to notice as hereinbefore provided for.~~

Sec. 66. - Assessment for removal of weeds, rubbish, etc.

(a) The city commission shall have power to provide by resolution for assessing against the abutting property, the cost of removing from vacant property and public ways all accumulations of weeds or rubbish, and for assessing against property the cost of cutting and removing therefrom obnoxious weeds or rubbish, including debris resulting from fires, storms, war, other calamities, or the demolition of buildings or other structures.

(b) If the owner of property subject to an order of the city to clean, clear or remove overgrown vegetation, debris or other unsanitary condition from the property, or to demolish or repair a dilapidated, unsafe or illegal structure or structures on the property, fails to clean, clear or remove such overgrown vegetation, debris or other unsanitary condition, or repair or demolish the structure or structures subject to said order, within the time period given by the city to do so, if any, the city may clean, clear or remove the overgrown vegetation, debris or other unsanitary condition or cause the dilapidated, unsafe or illegal structure(s) to be demolished and removed from the property, as the case may be. Upon completion of the cleaning, clearing or removal of such overgrown vegetation, debris or other unsanitary condition, or the demolition and removal of the violative structure(s), by the city, the city shall mail an invoice to the property owner requesting payment to the city for the actual costs of the city's corrective actions, plus any related administrative costs. The property owner shall be required to pay the amount of the invoiced charges within 30 days of the invoice date.

(c) If the property owner fails to pay the charges within 30 days, the city attorney shall cause a resolution to be prepared designating the name and address of the owner, a description of the lots or land and the charges to be assessed against such lots or land for the cleaning, clearing or removal of the overgrown vegetation, debris or other unsanitary condition, or the demolition and removal of the violative structure(s). The resolution shall be presented to the city commission by the city attorney and, upon approval of the resolution by the city commission, the city's costs shall be assessed against the property and shall be and remain a valid special assessment lien against such property prior to all other liens or interests, save and except taxes, and shall bear interest at a rate

not to exceed eight percent per annum, from the date the resolution is approved by the city commission.

- (d) Before adoption of the resolution specified in subsection (c), the city commission shall cause to be published a notice directed to the owner(s) of the subject property, designating a time and place where complaints will be heard with reference to the proposed assessment and when such assessment will be finally approved and confirmed by the city commission. A copy of such notice shall be served upon the property owner(s) by first class U.S. mail at the owner's last known address as same appears on the records of the property appraiser of the county. The failure to mail such notice or notices shall not invalidate any of the proceedings under this division.
- (e) At the time and place designated in the notice provided in subsection (d), the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such assessment and shall adjust and equalize the assessment, and when so equalized and approved and the resolution specified in subsection (c) adopted, such assessment shall stand confirmed and be and remain a legal, valid and binding special assessment lien upon the property against which such assessment is made until paid.

BONDS

Sec. 67. - How issued. APPROVED 06-15-16

(1)The city commission, ~~in its corporate capacity,~~ is authorized to issue, from time to time, general obligation bonds of said city of such denominations and bearing such rates of interest, ~~not exceeding six (6) percent,~~ and becoming due in such time and upon such conditions as may be determined by the City Commission, to an amount not exceeding in the aggregate seventeen (17) percent of the assessed value of the taxable real estate in the city at the time of issue; provided, that no such bonds shall be issued except for ~~the purpose indicated for the floating of the debt of the city,~~ refunding of previous issues of bonds, establishment of public works and utilities, construction of necessary municipal buildings, and for the purpose and improvement of parks, golf courses, playgrounds, highways, streets and alleys, lakes, and other municipal purposes; ~~as are of general benefit in their relation to the city;~~ provided, further, that before the issuance of any such bonds, an ordinance or resolution shall be passed expressing in exact terms the amount of the contemplated bond issue and purposes for which moneys so to be realized are to be used, which, ~~said ordinance proposing the issue of the bonds if such bond have a maturity of more than twelve months,~~ shall ~~subsequently~~ be approved by a majority of the votes cast in an election held for that purpose, at which time and in such manner as may be prescribed by law and city ordinances, in which a majority of the duly qualified electors residing in the City of Lakeland shall be eligible to participate, ~~without limitation to freeholders.~~

(2)The question of the issuance of bonds under this section for any specified purpose may be submitted from time to time, not ~~often~~more often than once each year, with relation to each purpose specified, provided that nothing in this section shall apply to refunding bonds, ~~capital fund~~revenue bonds or ~~special improvement~~other bonds which are issued under general or special act;or which do not require approval by referendum~~election~~.

Sec. 68. - Prerequisite to passing of bonding ordinance. APPROVED 06-15-16

~~Unless for special reasons which shall be stated in the ordinance levying an assessment, and providing for the issue of bonds to pay any part of the cost of any public improvement to be made pursuant to contract, no such ordinance shall be passed or assessment levied or money borrowed until estimates of the labor and material have been received, and the approximate cost of the improvement determined; provided, however, that nothing in this section shall be construed to prohibit the city commission from doing any necessary labor, and the purchase of the necessary supplies and material with separate account as to each improvement so made but the city commission may, upon declaration by ordinance or resolution, cause any public work or improvement to be done in such manner.~~

Sec. 69. - Advertisement and sale of bonds. APPROVED 06-15-16

~~All general obligation bonds issued under the provision of this charter shall be advertised for sale on sealed bids, which advertisement shall be published once a week for three (3) weeks in a newspaper of general circulation published in the city, and if there is no newspaper published in said city, the city commission shall cause the advertisement for the sale of said bonds to be published in a newspaper of general circulation published in the county in which said city is located. Notice of said sale may, at the option of the city commission, be published once a week for two (2) weeks in a financial paper published in the City of New York, Chicago, or Toledo, or any newspaper of general circulation published in the city in the State of Florida having a population of not less than twenty thousand (20,000) inhabitants according to the last Florida census.~~

~~If the bonds be not sold pursuant to such advertisement, they may be sold at private sale at any time after the date advertised for the reception of sealed bids, provided no bonds issued under the authority of this charter shall be for less than ninety-five (95) percent of the par value thereof, with accrued interest; and, provided further, that no private sale thereof shall be made at a price lower than the best sealed bid received therefor, and no private sale shall be made of said bonds subsequent to thirty (30) days after the advertised date for the reception of sealed bids.~~

Sec. 70. - Revenue ~~and excise tax~~ bonds. APPROVED 06-15-16

(1)The city shall have power to issue from time to time revenue bonds and industrial revenue bonds and other bonds payable from taxes other than ad valorem taxes, fees, charges, grants and the revenue derived from the electric system of the city, the water, storm water, and sewerwastewater system of the city, ~~the sewer system~~

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~~of the city,~~ the parking system of the city, including both on-street and off-street parking facilities, industrial plants, industrial parks, airports or any other revenue-producing undertaking or enterprise, or any combination of such systems, undertakings or enterprises, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, extension or improvement of such systems, undertakings or enterprises or any combination thereof, or the acquisition of any property, real or personal, therefor.

(2) Such revenue bonds shall mature at such time or times, not later than forty (40)~~thirty (30)~~ years from the date of issuance thereof, shall bear interest at the such rate or rates, ~~not exceeding eight (8) percent per annum,~~ may have such provisions ~~effor~~ redemption prior to maturity, under such terms and at such prices, and such other terms and provisions as the city commission shall determine by ordinance or resolution. Such revenue bonds may be authorized by ordinance or resolution, which need not be published or posted, which ordinance or resolution, may be adopted at a regular or adjourned meeting. Such revenue bonds may be sold at public sale after such advertisement as the city commission shall deem advisable, or at private sale without advertisement, at such price or prices as the city commission shall deem advisable, ~~but not in any event less than ninety five (95) percent of the par value thereof,~~ together with accrued interest thereon, if any.

(3) The city commission, in authorizing the issuance of such revenue bonds, may pledge all or any part of the revenue derived from any of said taxes, fees, charges, systems, undertakings or enterprises, or any combination thereof, and may make valid and legally binding covenants with the holders of said revenue bonds as to the fees or charges to be fixed and established and maintained ~~for the services and facilities of such systems, undertakings or enterprises,~~ which fees or charges shall in any event always be fixed, established and maintained at such rate or rates as shall be sufficient to pay all of the costs of operation and maintenance of such systems, undertakings or enterprises, the principal of and interest on such revenue bonds, and any reserve funds or other funds, including reasonable margins, which may be provided for in the proceedings authorizing such revenue bonds. The city commission may also in such proceedings provide for the trustee or trustees of the proceeds of such revenue bonds or such revenues, and enter into trust agreements or other forms of agreement which it shall deem necessary and advisable and may include in such proceedings, trust agreements, or other agreements, such other covenants, agreements and contracts which it shall deem advisable, all of which covenants, agreements and contracts shall be valid and legally binding obligations of the city in accordance with the terms thereof.

~~(4)~~

~~The city also shall have power to pledge as additional security for any of said revenue bonds any one or more of the utilities services taxes levied and collected in the city pursuant to F.S. ch. 167, and franchise taxes collected by said city for any public utilities, or any other excise taxes.~~

(5)

~~The city shall also have power to issue from time to time excise tax bonds payable from the proceeds of utilities services taxes, franchise taxes or any other excise taxes, referred to in paragraph (4) above, to finance or refinance the cost or part of the cost of the acquisition or construction of any properties, works, betterments or improvements which said city is authorized to acquire or construct pursuant to this charter or any other law or laws.~~

~~Notwithstanding the provisions of any other law or laws to the contrary, such excise tax bonds payable from the proceeds of utilities services taxes, franchise taxes or any other excise taxes, may be issued to finance the cost of the relocation of railroad depots, tracks, switching yards or other railroad facilities in the city, including the acquisition of a new site or sites for such railroad facilities and the demolition or removal, if deemed advisable, of such existing railroad facilities and any other purposes necessary therefor or appurtenant or incidental thereto. Any lands or buildings acquired by the city in connection with such relocation project may be used for any municipal purpose or disposed of in the manner provided by law.~~

~~Such excise tax bonds may be authorized and issued in the manner provided for the authorization and issuance of revenue bonds in paragraphs two (2) to five (5) hereof, and all of the provisions of paragraphs two (2) to five (5) hereof relative to revenue bonds shall apply fully to such excise tax bonds.~~

~~(46)~~All of said revenue bonds ~~and excise tax bonds~~ shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the Uniform Commercial Code of the State of Florida. All such revenue bonds ~~and excise tax bonds~~ shall be and constitute securities eligible for deposit for the securing of state, municipal or other public funds, and shall also be and constitute securities eligible for investment by banks, savings banks, executors, administrators, guardians and other fiduciaries, and all state, municipal and other public funds.

~~(57)~~No election of the qualified electors residing in ~~said~~the city shall be required for the issuance of any of said revenue bonds ~~or excise tax bonds~~ unless the full faith and credit and ad valorem taxing power of the city is pledged as additional security for the payment of the principal of and interest on such revenue bonds ~~or excise tax bonds~~. ~~Such revenue bonds or excise tax bonds may be issued under the provisions of subsections (1) to (8), inclusive, or of any other laws, and shall be subject to any limitations contained in any other laws.~~

~~(68)~~The authority granted in this section to ~~said~~the city ~~in paragraphs one (1) to eight (8)~~ to issue revenue bonds ~~and excise tax bonds~~ shall be deemed to be supplemental, alternative and complete authority for the issuance of such revenue bonds ~~and excise tax bonds~~, and such authority shall not be deemed to affect or

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take away the right of said city to issue such revenue bonds ~~or excise tax bonds~~ under any other laws of the State of Florida, subject to the limitations of such other laws.

Sec. 71. - Granting of franchises. – No Changes

Sec. 72. - Period of grants. – No Changes

Sec. 73. - Conditions.

The city commission shall, in ordinances granting or renewing any franchise to construct or operate a public utility, prescribe the kind and quality of service or product to be furnished, and the manner in which the streets and public grounds shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchasing all the property and property rights of the utility, as well as extensions thereof within or without the city, used in or useful in or connected with such utility, ~~and extension, as may be provided for in the ordinance making the grant or renewal, and including all contracts for service or motor power fairly and reasonably made in good faith by the utility~~ at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the granting or renewals of the grant, such contracts, if so purchased to be performed by the city. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful mode; and all such methods of acquisition shall be alternative to the power of purchase reserved in the grant or renewal, as hereby provided. In such event, however, said contracts of such utility shall be performed by the city. Upon the acquisition by the city of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

Sec. 74. - Assignment of grants. – No Changes

Sec. 75. - Extensions by annexation. – No Changes

Sec. 76. - Right of regulation, etc. – No Changes

Sec. 77. - Forfeitures. – No Changes

Sec. 78. - Accounts and reports required of public utilities.

Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall either keep and maintain at some place within the city suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits, and all the operations of such utility which are usually shown by a complete system of bookkeeping, or furnish said information upon request of the city commission.

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Each person or corporation, within sixty (60) days after the end of its fiscal year, unless the city commission shall extend the time, shall file with the city commission a report for the preceding fiscal year, showing the gross revenue, the net profits, expenses of repairs, betterments and additions, amount paid for salaries, amount paid for interest, and discount, other expenses of operation, and such other information, if any, as the city commission from time to time may prescribe. If the city commission shall prescribe the form for such reports then such reports shall be made in the form from time to time prescribed by such commission.

It shall be the duty of each such person or corporation to furnish the city commission such supplementary or special information about its affairs as the city commission may demand; and the city commission or its authorized representative shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any part thereof.

The duties herein prescribed may be specifically enforced by appropriate legal proceedings, and, in addition, each such person or corporation for failure to comply with the provisions of this section, shall be liable in damages to the City of Lakeland, Florida, to be recovered in a civil action in the name of the city.

~~The provisions of this section do not apply to any utility extending in its operations to other communities not properly suburban to the City of Lakeland, Florida; but the city commission, by ordinance, may make the same or any part thereof applicable to the portion of any such utility operated within the limits of the city and the suburban area adjacent thereto and served by said utility.~~

Sec. 79. - Revocable permits for laying spur tracks not considered grants.

~~Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a steam or electric railroad with any property in need of switching facilities, shall not be regarded as a grant within the meaning herein, but may be permitted in accordance with such terms and conditions as the city commission may by ordinance prescribe.~~

Sec. 80. - Powers of city commission not limited.

Nothing herein contained shall operate in any way, except as herein specifically stated, to limit the city commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions hereof or the constitution or laws of the state.

Sec. 81. - Elections; time and method of holding.

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(a) An election for the offices of city commission and mayor of the City of Lakeland shall be held every odd-numbered year on the first Tuesday after the first Monday of November and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city, provided two (2) or more candidates have become qualified for the office of mayor ~~and one or more positions on the~~ commissioner to be filled as herein provided. Should any candidate receive a clear majority of all votes cast, he or she shall be declared regularly elected. If no candidate receives a clear majority of all votes cast, the two (2) candidates for each place to be filled who received the highest number of votes in said election shall be certified as the candidates at a runoff election.

(b) The runoff election, if necessary, shall be held on the first Tuesday after the first Monday of December following the election specified in Section (a) and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city unless all candidates shall have received a clear majority of all votes cast, or were unopposed in the election, shall be declared elected. In the event of a tie between two (2) candidates, one shall be elected as provided by ordinance.

(c) The qualifications of all candidates shall be in accordance with the provisions of this charter. All candidates shall be voted on at large throughout the city.

(d) Candidates for the city commission, when qualifying, shall designate the district in which they are candidates, whether at large, or from one of the four (4) districts established herein. Candidates shall be grouped by district on the ballot at the election and any runoff election.

(e) Any matters which, by the terms of this charter, may be submitted to the electors of the city at any special election; may be submitted at any election herein provided for.

Sec. 82. - Elections scheduled to coincide with national, state or county elections.

– No Changes

Sec. 83. - Commission to make arrangements for holding; ~~inspectors and precinct~~ clerkspoll workers.

~~The city commission shall make all the necessary arrangements for holding all municipal elections, and shall declare the result thereof. ~~Inspectors and the~~ The clerks of precinctspoll workers elections shall be appointed by the city clerk who shall be responsible for their training and supervision. ~~commission, except that if the commission shall fail to appoint them at least two (2) days before the date of any election, the mayor shall appoint them.~~~~

Sec. 84. - Opening and closing polls; canvass of returns; certificates of election; when successful candidate to assume office.

The polls shall open at 7:00 a.m., and shall close at 7:00 p.m. The results of the voting at each polling place, when ascertained, shall be certified by return ~~in duplicate~~, signed by the precinct clerks of the election, ~~with and a majority of the inspectors of election a;~~ ~~one~~ copy being delivered by such precinct clerk ~~and inspectors~~ to ~~the~~ the mayor and the other to the city clerk. ~~The city clerk, both of whom~~ shall transmit such returns to the city commission at a meeting to be held within ~~ten (10)~~three (3) days following the election. At such meeting, the city commission shall canvass the returns and the result as shown by such returns which shall be declared by the commission as the result of the election.

The city clerk shall, not later than ~~noon on~~ the second day after the canvass, furnish a certificate of election to each person shown to have been elected. The person or persons so elected shall assume office at the first city commission meeting in January following the date of election, except that any person elected to fill a vacancy shall take office immediately ~~upon~~ receiving a certificate of election, and taking the oath of office.

Sec. 85. - Form of ballots.

The city commission, by ~~resolution ordinance~~, may shall prescribe the form of the ballot for city elections and charter amendments. Such ballots shall conform as nearly as possible to the form prescribed by the general laws of the State of Florida. A charter amendment to be voted on by the electors of the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words, "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's elector's choice, ~~or with a lever opposite "for approval" or "against approval" if voting machines are used.~~

Sec. 86. - Candidates; nominees; time and manner of qualifications of candidates; fee.

Any qualified elector of the City of Lakeland, Florida, possessing the requirements to hold the office of mayor or city commissioner, may become a candidate for ~~said~~ office of mayor or city commissioner by filing in the office of the city clerk ~~of said city~~ not earlier than noon of the fiftieth day prior to a regular or special city election, but not later than noon of the forty-sixth day prior to a regular or special city election, a request in writing that his or her name be printed on the next city election ballots as a candidate for such office and by paying the ~~said~~ city therewith, as an election or qualification fee, the sum of two hundred fifty dollars (\$250)~~enty five dollars (\$25.00)~~. Only the name or names of candidates so qualified shall appear on the ballots of the next regular or special election held in said the city.

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No candidate having qualified and thereafter withdrawing or becoming disqualified, under the provisions of this charter, shall be entitled to a refund of the fee paid by him or her.

Sec. 87. - General laws to apply. – No Changes

Sec. 88. - Initiative and referendum.

- (a) Initiative. The qualified ~~voters-electors~~ of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, such ~~voters-electors~~, shall have the power to ~~approve~~ ~~dept~~ or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) Referendum. The qualified ~~voters-electors~~ of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

Sec. 89. - Commencement of proceedings.

Any five (5) qualified ~~voters-electors~~ may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the city commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the city clerk or other official designated by the city commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

Sec. 90. - Petitions.

- (a) **Number of signatures.** Initiative and referendum petitions must be signed by qualified ~~voters-electors~~ of the city equal in number to at least twenty (20) percent of the total number of qualified ~~voters-electors~~ registered to vote at the last regular city election.
- (b) **Form and content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing which shall contain an explanatory statement not exceeding 75 words in length, explaining the chief purpose of the

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measure.- Each signature shall be executed in ink ~~or indelible pencil~~ and shall be followed by the address— of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

- (c) **Affidavit of circulator.** Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) **Time for filing referendum petitions.** Referendum petitions must be filed within ~~sixty~~sixtythree (~~60~~) days after adoption by the city commission of the ordinance sought to be reconsidered.

Sec. 91. - Procedure for filing.

- (a) **Certificate of clerk; Aamendment.** Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk or other official designated by the city commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail, or other method of service provided by law.- Grounds for insufficiency are only those specified in section 90¹. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee ~~filed~~files a notice of intention to amend it with the city clerk or other official designated by the city commission within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 90 hereof, and within five (5) days after it is filed, the city clerk or other official designated by the city commission shall complete a certificate as to the sufficiency of the petition as amended, and promptly send a copy of such certificate to the petitioners' committee by the same method ~~registered mail~~ as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request city commission review under subsection (b) of this section within the time required, the city clerk or other official designated by the city commission shall promptly present ~~his~~the certificate to the city commission, and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) **City commission review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after

¹ This section number may change as the Charter is amended.

receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the city commission's determination shall then be a final determination as to the sufficiency of the petition.

Sec. 92. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk or other official designated by the city commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, ~~or;~~
- (2) The petitioners' committee withdraws the petition, ~~or;~~
- (3) The city commission repeals the ordinance, ~~or;~~
- (4) After a vote of the electors of the city on the ordinance has been certified.

Sec. 93. - Action on petitions.

- (a) **Action by city commission.** When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance in the manner provided for adoption of ordinances, generally, or reconsider the referred ordinance by voting its repeal. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) **Submission to voters.** The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred ~~twentysixty~~ (120~~60~~) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the city commission shall provide for a special election, except that the city commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) **Withdrawal of petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the city commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 94. - Results of election.

- (a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote to repeal ~~against~~ it, it shall be considered repealed upon certification of the election results.

Sec. 95. - Recall. – No Changes

PROPOSED ADDITIONS TO THE CHARTER

Sec. 96 - Charter Amendment.

This charter may be amended in accordance with Florida Statutes 166.031 and the Lakeland City Code and supplemented as follows:

(A) Initiation by Ordinance. The city commission may, by ordinance, propose amendments to this Charter in accordance with the provisions of Florida Statute 166.031. Upon passage of the initiating ordinance, the proposed amendment shall be placed to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

(B) Initiation by Petition. The electors of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last preceding regular city election.

(1) Form and Content of the Petition - All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment.

a. The Petition shall prominently display on the face of the Petition, an explanatory statement of 75 words or less, which shall set forth the primary purpose of the amendment. The statement shall be clear and unambiguous and provide a comprehensive summary of the amendment free from bias or prejudice.

(2) Affidavit of Circulator – Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, that all the signatures were affixed in his or her

presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

a. Prior to circulation, a representative Petition shall be filed by the circulator with the City Clerk.

(3) Certification of Petition – Upon certification of the petition by the designated official, in accordance with applicable law, such certification to include the validity of the names of the petition as qualified voters registered to vote in the City on the date of the petition, the city commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

(C) This section shall be supplemental to the provisions of Florida law relating to the amendment of a municipal charter.

Sec. 97 – Charter Review Committee

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, not members of the city commission or the mayor, 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 with applicable law. The members of the Charter Review Committee shall serve without compensation.

Sec. 98 – Effective Date

Upon approval of a majority of the electorate voting at a referendum on these charter amendments, this amended charter will become effective on January 1, 2020.

DIVISION II RELATED LAWS

ARTICLE I. - CIVIL SERVICE BOARD

Sec. 1. - Created; composition.

A civil service board is hereby created, to be composed of seven (7) persons qualified as herein provided. Each member shall serve a three-year term.

Sec. 2. - Appointment of initial members.

~~On June 1, 2008, or as soon thereafter as practical, the city commission shall appoint three (3) persons and the full-time employees of the city shall appoint three (3) persons. The six (6) new members shall be appointed in the following manner: Two (2) to serve a one-year term; two (2) to serve a two-year term; and two (2) to serve three-year terms. Upon taking office, those members shall select a seventh member. That member shall serve a three-year term.~~

Sec. 3. - Appointment of subsequent members; terms.

~~Upon the expiration of the terms described above, successor members shall be appointed for terms of three (3) years.~~ Each year the city commission shall appoint one member and the full-time employees of the city shall appoint one member. Successors to the seventh member serving as the selection of the other members of the board shall be selected by the other members of the board. The method of election of members to the civil service board by full-time employees of the City of Lakeland under this section and the previous section shall be prescribed by ordinance.

Sec. 4. - Filling of vacancies. The Committee recommended no changes to this section.

Sec. 5. - Qualification of members.

Any qualified voter person residing in the City of Lakeland Electric Service Territory, as it may be amended from time to time, over the age of twenty-one (21) years, shall be eligible to hold office as a member of the civil service board, provided that no person who has been convicted of a felony, or who is or has been within one year prior to his or her election or appointment an officer or employee of the ~~said~~ city shall be eligible for election or appointment to such office.

Sec. 6. - Authority to employ civil service director, clerk, etc., and prescribe their duties. – No Changes

SEC 7- City commission to provide funds annually.

The city commission ~~of said city~~ is hereby required annually to budget, appropriate and provide a sum sufficient for the purpose of properly organizing and maintaining the civil service board, as herein created, and to carry out the purposes of this charter article.

Sec. 8. - Election of chairman; term; filling of vacancy.

Code: Words in ~~strikethrough~~ are deletions to existing Charter; words underlined are additions.

Upon initial appointment of the board and immediately after the first of January each year, the board shall organize by electing one of its members as chairman to hold office until the election and qualification of his successor at the next organization meeting of the said board. In the event the office of the board member, who ~~shall be~~is chairman, shall become vacant, a new chairman shall be elected by the board immediately after such vacancy ~~shall~~is filled.

Sec. 9. - Reports required. The Committee recommended no changes to this section.

Sec. 10-11 No Changes

Sec. 12. - Adoption of rules and regulations.

After notice of not less than two (2) weeks to city employees, and to the public and administration, the civil service board shall adopt and may amend a code of rules and regulations which it shall enforce, providing for the selection, examination, qualification, registration, employment, promotion, removal, suspension, demotion, reduction, re-employment, and discharge of employees within civil service. Any incumbents in the positions excepted herefrom who presently are within the civil service shall not be removed from civil service by this amended charter.

Sec. 13. - Examinations; preferred and regular lists of persons eligible for employment.

The civil service board shall provide for examinations in accordance with such rules and regulations so adopted, and shall at all times maintain a preferred and regular list of persons eligible for employment under the civil service of ~~said the~~the city.

Sec. 14. - Procedure for appointment of employees.

No person shall be eligible for employment within civil service, except upon recommendation from the civil service board and selection under the authority of the city manager. The city manager, or anyone acting under his or her authority, shall set the salary for newly created positions after receipt of a recommendation from the civil service board. When a vacancy exists within an employment position within the civil service, a list of eligible persons shall be furnished by the civil service board for such position, and the city manager, or an employee acting under his or her authority, shall select the person to be employed from such list.

Sec. 15. - Probationary period. No Changes

Sec. 16. - Reduction in number of employees; procedures; reemployment.

~~Whenever it shall appear to the city manager that an excessive number of persons are employed in any department of the city government, he shall notify the civil service board in writing of the excessive number of employees in such department, and thereupon said civil service board shall cause the excessive number of employees in such department to be discharged. In making such discharges, the person who stands lowest in rank or grade and lowest in point of seniority in that rank or grade, shall be first discharged, and such system of discharge shall continue until the excessive number of employees shall have been reduced in accordance with the notice of the city manager. And other employees, who may need to be demoted in rearranging the employments in such department shall likewise be demoted in accordance with their rank and grade. Upon any persons being discharged under the provisions of this section, such discharged persons shall be placed upon a preferred list of the civil service board, and shall have priority over all other applicants for reemployment in any type of municipal employment, to which he may be eligible. In the event a vacancy occurs in any department, persons discharged from that department, under the provisions of this section, who have been placed on the preferred list, shall be reemployed in their respective order as to rank and seniority, and the civil service board shall not recommend for employment any person or persons on the regular list until all persons upon the preferred list have been reemployed, even though in so doing it may necessitate recommendation of only one name for each vacancy. Upon the preferred list, the candidates for employment shall be classified first by rank and next by seniority. The person who was of the highest rank and who has served the longest period of time in said rank shall be the first on said list and shall be entitled to fill the vacancy of any employment, and such system shall be continued until all persons on the list shall be removed.~~

Sec. 17. - Removal, suspension, etc., of employees; for cause; review by civil service board.

No employee within the civil service shall be removed, suspended, demoted, fined, have a merit increase rescinded, or discharged except for cause shown upon written charges of misconduct or violation of law or rules of the civil service board and after reasonable notice, an opportunity to be heard in his or her own defense by him or her self, ~~his~~ witnesses and counsel. No employee within civil service shall have his or her salary or compensation reduced unless the salary and compensation of all other employees of similar class, rank and tenure be correspondingly reduced, unless such reduction is attributable to the rescinding of a merit increase or a demotion for cause. The city manager, or any employee acting under this authority, may suspend a subordinate for a reasonable period of time, not exceeding thirty (30) days, for any cause, which in the opinion of such manager or his or her delegate would be grounds for removal, suspension, demotion, fine or discharge, provided immediately upon such suspension being made, report thereof and cause therefor shall be given in writing to the civil service board and to the suspended employee. Any employee within the civil service who may claim to have been removed, suspended, demoted, reduced, fined, had a merit increase suspended, or discharged by the city or any officer thereof without

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full compliance with the provisions of this act or without cause, shall have the right to file a petition before the civil service board within fifteen (15) calendar days of such action, setting forth the facts upon which his or her complaint is based, and the board shall cause a copy thereof to be served upon the city manager and give reasonable notice of a hearing to be conducted before the board to investigate the complaint and in the event that it shall find that such petitioner was improperly removed, suspended, demoted, reduced, fined or discharged, the board shall certify its findings to the city manager and the petitioner shall be immediately reinstated and shall receive full compensation for all of the time for which he or she has not been theretofore compensated.

Sec. 18. - Causes and procedure for removal of members of board.

Any member of the civil service board who shall be found by the city commission of the City of Lakeland to no longer possess the qualifications for membership, be be unqualified, incompetent or to be guilty of misconduct, neglect of duty or of misfeasance, malfeasance, or nonfeasance in office, shall be subject to removal by the city commission by the adoption of a resolution setting forth the acts which justify removal. ~~and thereafter filing a petition for a writ of quo warranto in the name of the city with the circuit court in Polk County, Florida, to test the right of such member to remain in office and to determine whether or not a vacancy exists by reason of such member's misconduct.~~ Any member who shall fail to attend three (3) consecutive meetings without such absences being excused by the board shall thereby forfeit his or her membership on the board.

Sec. 19. - Authority of board to administer oaths, issue subpoenas, etc.; quorum.

In connection with his or her performance of any duty under this charter, each member of said civil service board shall have power to administer oaths, to issue subpoena to compel the attendance of witnesses, and the production of books, papers and documents and other matters and things relevant to any proceeding before it or investigation being conducted by it. Four (4) members of the said board shall constitute a quorum, and the concurrence of four (4) members of said board shall be necessary for any action taken by it, save the administration of oaths and the issuance of subpoena.

ARTICLE II. - CITY OF LAKELAND EMPLOYEES' PENSION AND RETIREMENT SYSTEM

Sec. 22.4. - Qualification of members.

Any qualified voter person residing in the City of Lakeland, Florida, over the age of twenty-one (21) years, shall be eligible to hold office as a member of the pension board, provided that no person who has been convicted of a felony, and, except as provided in this section, no person who is or has been within one year prior to his election or appointment an officer or employee of the ~~said~~ city shall be eligible for election or

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appointment to such office. The City Commission may appoint one person to the pension board who is or has been within one year prior to his election or appointment an officer or employee of the city and the full-time employees of the City of Lakeland may appoint one such individual to the board, provided that no more than two (2) such individuals, who shall be exempt from the City of Lakeland residency requirement, may serve on the board at any one time.

23.4.1. Retirement eligibility.

- (a) Plan members as of September 30, 2003 (Plan A) who have not elected to transition to Plan C pursuant to section 23.1 who have ten (10) or more consecutive years credited service in the Plan, and who have attained age fifty (50), shall be entitled to retire and to receive pension benefits hereunder, subject to the conditions of this section. Except as otherwise indicated, Normal Retirement Age under this Plan A shall be the attainment of age sixty (60) with contributions to the Plan for ten (10) or more consecutive years.

For members who entered the Plan on or after October 1, 2003, (Plan B) who have not elected to transition to Plan C pursuant to section 23.1 who have ten (10) or more consecutive years of credited service in the Plan, and who have attained age fifty-two (52), shall be entitled to retire and to receive pension benefits hereunder, subject to the conditions of this section. Except as otherwise indicated, Normal Retirement Age under this Plan B shall be the attainment of age sixty-two (62) with contributions to the Plan for ten (10) or more consecutive years.

For members who enter the Plan on or after February 26, 2012, (Plan C) and all members who have elected to transition to Plan C pursuant to section 23.1 who have five (5) or more consecutive years of credited service in the Plan, and who have attained age fifty-two (52), shall be entitled to retire and to receive pension benefits hereunder, subject to the conditions of this section. Except as otherwise indicated, Normal Retirement Age under this Plan C shall be the attainment of age sixty-two (62) with contributions to the Plan for five (5) or more consecutive years.

- (b) For Plan members who enter the plan prior to September 30, 2003 who have not elected to transition to Plan C pursuant to section 23.1, the amount of monthly pension benefit shall be equal to (1) multiplied by the sum of (2), and (3) multiplied by (4) as follows:

(1) ~~Is~~ three (3) percent multiplied by one-twelfth (1/12) of the number of completed months of continuous employment for which contributions are made up to a total of three hundred (300) months, plus one (1) percent multiplied by one-twelfth (1/12) of the number of completed months of continuous employment for which contributions are made in excess of three hundred (300) months.

(2) ~~Is~~ the average monthly salary determined by dividing thirty-six (36) by the total salary received in any consecutive thirty-six (36) month period prior to retirement so selected by the employee, excluding any payment for final unused

sick and vacation time, and including all overtime worked prior to July 2, 2011 that is included in the consecutive thirty-six (36) month period but no more than 300 hours of overtime worked in any overtime year after July 1, 2011 that occurs within the consecutive thirty-six (36) month period.

(3) The greater of:

- a. The number of hours of unused sick leave and annual leave that is accrued as of July 1, 2011 multiplied times the hourly rate upon retirement, subject to limitations on the percentage payable and the maximum lump sum payable pursuant to City Policy, and for unused sick time further limited to that portion of unused sick hours that could have been earned during the same period of time used to calculate average final compensation.
- b. The number of hours of unused sick leave and annual leave that is paid upon retirement, subject to limitations on the percentage payable and the maximum lump sum payable pursuant to City Policy, and for unused sick time further limited to that portion of any final payout that could have been earned during the consecutive thirty-six (36) month period prior to retirement so selected by the employee for purposes of determining average monthly salary; multiplied times the ratio of the percentage value calculated pursuant to section 23.4.1(b)(1) above for all completed months of continuous employment as of July 1, 2011 to the percentage value calculated pursuant to section 23.4.1(b)(1) above for all completed months of continuous employment as of the retirement date.

(4) ~~Is~~ the benefit factor determined from Benefit Factor Table I in section 23.4.2, based on the age of the employee in years and months on the day retirement benefits commence. If the employee's age is sixty (60) or greater, the benefit factor shall be one (1).

(c) For Plan members who enter the plan after September 30, 2003 who have not elected to transition to Plan C pursuant to section 23.1, the amount of monthly pension benefit shall be equal to (1) multiplied by the sum of (2), and (3) multiplied by (4) as follows:

(1) ~~Is~~ two (2) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made up to a total of one hundred twenty (120) months, plus three (3) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made in excess of one hundred twenty (120) months up to a total of three hundred sixty (360) months, plus one (1) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made in excess of three hundred sixty (360) months.

(2) ~~Is~~ the average monthly salary determined by dividing sixty (60) by the total salary received in any consecutive sixty (60) month period prior to retirement so selected by the employee, excluding any payment for final unused sick and vacation time, and including all overtime worked prior to July 2, 2011 that is

included in the consecutive sixty (60) month period but no more than 300 hours per overtime year of overtime worked after July 1, 2011 that occurs within the consecutive sixty (60) month period.

(3) The greater of:

- a. The number of hours of unused sick leave and annual leave that is accrued as of July 1, 2011 multiplied times the hourly rate upon retirement, subject to limitations on the percentage payable and the maximum lump sum payable pursuant to City Policy, and for unused sick time further limited to that portion of unused sick hours that could have been earned during the same period of time used to calculate average final compensation.
- b. The number of hours of unused sick leave and annual leave that is paid upon retirement, subject to limitations on the percentage payable and the maximum lump sum payable pursuant to City Policy, and for unused sick time further limited to that portion of any final payout that could have been earned during the consecutive sixty (60) month period prior to retirement so selected by the employee for purposes of determining average monthly salary; multiplied times the ratio of the percentage value calculated pursuant to section 23.4.1(c)(1) above for all completed months of continuous employment as of July 1, 2011 to the percentage value calculated pursuant to section 23.4.1(c)(1) above for all completed months of continuous employment as of the retirement date.

(4) ~~Is~~ the benefit factor determined from Benefit Factor Table II in section 23.4.2, based on the age of the employee in years and months on the day retirement benefits commence. If the employee's age is sixty-two (62) or greater, the benefit factor shall be one (1).

(d) For Plan members who enter the plan after February 26, 2012, the amount of monthly pension benefit shall be equal to (1) multiplied by (2) multiplied by (3) as follows:

- (1) ~~Is~~ two and forty-one hundredths (2.41) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made.
- (2) ~~Is~~ the average monthly salary determined by dividing sixty (60) by the total salary received in any consecutive sixty (60) month period prior to retirement so selected by the employee, excluding any payment for final unused sick and vacation time, and excluding all overtime.
- (3) ~~Is~~ the benefit factor determined from Benefit Factor Table II in section 23.4.2, based on the age of the employee in years and months on the day retirement benefits commence. If the employee's age is sixty-two (62) or greater, the benefit factor shall be one (1).

(e) For Plan members who enter the plan prior to September 30, 2003 and who have elected to transition to Plan C pursuant to section 23.1, the amount of monthly pension benefit shall be equal to (1) multiplied by (2) multiplied by (3) as follows:

(1) ~~is:~~

(a) Three (3) percent multiplied by one-twelfth (1/12) of the number of completed months of continuous employment as of February 25, 2011 for which contributions are made up to a total of three hundred (300) months, plus one (1) percent multiplied by one-twelfth (1/12) of the number of completed months of continuous employment as of February 25, 2011 for which contributions are made in excess of three hundred (300) months.

plus:

(b) Two and forty-one hundredths (2.41) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service after February 25, 2011 for which contributions are made.

(2) ~~is~~ the average monthly salary determined by dividing sixty (60) by the total salary received in any consecutive sixty (60) month period prior to retirement so selected by the employee, excluding any payment for final unused sick and vacation time, and excluding all overtime.

(3) ~~is~~ the benefit factor determined from Benefit Factor Table II in section 23.4.2, based on the age of the employee in years and months on the day retirement benefits commence. If the employee's age is sixty-two (62) or greater, the benefit factor shall be one (1).

(f) For Plan members who enter the plan after September 30, 2003 and who have elected to transition to Plan C pursuant to section 23.1, the amount of monthly pension benefit shall be equal to (1) multiplied (2) multiplied by (3) as follows:

(1) ~~is:~~

(a) Two (2) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made as of February 25, 2011 up to a total of one hundred twenty (120) months, plus three (3) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made as of February 25, 2011 in excess of one hundred twenty (120) months up to a total of three hundred sixty (360) months, plus one (1) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service for which contributions are made as of February 25, 2011 in excess of three hundred sixty (360) months.

plus:

(b) Two and forty-one hundredths (2.41) percent multiplied by one-twelfth (1/12) of the number of completed months of credited service after February 25, 2011 for which contributions are made.

- (2) ~~Is~~ the average monthly salary determined by dividing sixty (60) by the total salary received in any consecutive sixty (60) month period prior to retirement so selected by the employee, excluding any payment for final unused sick and vacation time, and excluding all overtime.
- (3) ~~Is~~ the benefit factor determined from Benefit Factor Table II in section 23.4.2, based on the age of the employee in years and months on the day retirement benefits commence. If the employee's age is sixty-two (62) or greater, the benefit factor shall be one (1).
- (g) The consecutive period so selected by the employee must be a period during which the employee has continuously contributed to the plan. Any employee with interrupted service, who has repaid into the fund the amount previously refunded to him in accordance with section 26-2 of this article, shall be treated as having continuously contributed to the Plan.
- For purposes of computing pension benefits, all accrued sick leave at date of retirement shall be credited as additional time of continuous employment at an equivalency ratio of one month service for every twenty-one (21) days of accrued sick leave.
- (h) The normal form of retirement benefits shall be an income to the member commencing at retirement and continuing during the life of the member. In the event of death of the retired member, any excess of the sum of the member's contributions over the total of such income received by the member shall be paid to the member's designated beneficiary as a refund of contributions.
- (i) Benefits under this plan shall not exceed the limits set under Section 415(b) of the Code.

Sec. 27. - Commencement, distribution and termination of benefits.

- (a) Except as otherwise provided in this Act, all employees of the city⁷ shall be entitled to a pension from the city⁷ and to retirement compensation according to the schedules herein set forth under the provisions of this Act. A request for pension benefits must be made by the active or inactive member⁷ on a form approved by the board. Computed benefit amounts shall be approved by the board.

ARTICLE IV. - ADDITIONAL POWERS AS TO TAXICABS

Sec. 43. - Further authority to regulate the transportation of persons and property for hire.

~~Further authority is hereby conferred upon the city commission of the City of Lakeland to regulate the transportation of persons and property for hire over the streets of said city by limiting the number of automobile taxicabs operating therein.~~

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Sec. 44. - Granting of franchise by ordinance; terms, conditions, etc.

~~The city commission of the City of Lakeland is hereby authorized to grant for a valuable consideration by ordinance two (2) or more franchises, including exclusive franchises, to different persons, firms or corporations for the use of the streets of said city for the operation of a taxicab business or businesses upon such terms and conditions and under such regulations as may be imposed by the city commission. The city commission shall grant at least two (2) franchises for said taxicab business and shall in said franchise ordinance or ordinances impose such terms, conditions and limitations as may insure against any monopoly of such business by any one individual, association of individuals or corporations.~~

Sec. 45. - Duration of franchises.

~~No franchise granted under the provisions of this act shall extend over a period longer than ten (10) years from the date of such grant.~~

Sec. 46. - Establishment and regulation of rates and charges.

~~The city commission of said city is authorized to provide by ordinance for the establishment and regulation of the rates and charges required by taxicabs for the transportation of persons and their baggage over the streets of said city and to establish from time to time minimum and maximum charges for such services.~~

ARTICLE V. - SEWAGE DISPOSAL PERMITS**Sec. 47. - Not to be granted for discharge of sewage into body of water in city.**

~~No permit, license or other authority shall be granted by the state board of health or any county health authority under authority granted by law, or under rules and regulations adopted by such board or authorities, for the discharge, or any action whereby the discharge is possible under any conditions, of any sewage or sewage effluent into any lake, stream or other body of water, which lies partly or wholly within the corporate limits of the City of Lakeland, Florida, unless the city commission of the City of Lakeland shall approve the discharge of such effluent.~~

Sec. 48. - Expiration of permits in conflict with act.

~~All permits, licenses or other authority heretofore issued in conflict herewith shall expire within six (6) months after the effective date of this act.~~

ARTICLE VI. - INTEGRATION OF ADJACENT TERRITORY**Sec. 49. - Boundaries of City of Greater Lakeland area.**

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The following area is hereby described as City of Greater Lakeland area:

~~Begin at the northeast corner of the west ½ of Section 34, Township 27 South, Range 24 East, run south to the southeast corner of said west ½ of Section 34; thence west to the northeast corner of the west ½ of Section 3, Township 28 South, Range 24 East, thence south through the centers of Sections 3, 10, 15, 22, 27 and 34 of Township 28 South, Range 24 East, to the southeast corner of the west ½ of said Section 34; thence west along the south line of Sections 34 and 33, Township 28 South, Range 24 East, to the southeast corner of Section 32, Township 28 South, Range 24 East; thence south along the west boundary of Section 4 to the southeast corner of the north ½ of Section 5, Township 29 South, Range 24 East; thence west through the center line of Sections 5 and 6, Township 29 South, Range 24 East to the southwest corner of the north ½ of said Section 6; thence continuing west through the center line of Section 1, Township 29 South, Range 23 East to the southwest corner of north ½ of said Section 1; thence north along the west boundary of said Section 1, to the northwest corner of said Section 1, Township 29 South, Range 23 East; thence north along the west boundary of Section 36, Township 28 South, Range 23 East, to the northwest corner of said Section 36; thence west along the south boundary of Section 26 to the southwest corner of said Section 26; thence north along the west boundary of said Section 26 to the northwest corner of said Section 26; thence west along the southern boundary of Section 22 to the southwest corner of said section; thence north along the west boundary of Sections 22 and 15 to the northwest corner of said Section 15; thence east along the northern boundary of Section 15 to the northeast corner of the northwest quarter of Section 15; thence north along the center line of Sections 10 and 3 to the northwest corner of the southwest quarter of the northeast quarter of Section 3, Township 28 South, Range 23 East; thence east along the south boundary of the north ½ of the northeast quarter of Section 3 to the northwest corner of the southwest quarter of the northwest quarter of Section 2; thence east along the center line of the north ½ of Section 2 to the northeast corner of the southeast quarter of the northeast quarter of Section 2; thence north along the east boundary of Section 2 to the northeast corner of said section, Township 28 South, Range 23 East; thence north along the west boundary of Section 36, Township 27 South, Range 23 East to the center line of said section; thence east along the center line of said Section 36 to the southeast corner of the northeast quarter of said section; thence north along the east boundary line of Section 36 to the northwest corner of Section 31, Township 27 South, Range 24 East; thence continuing east along the north boundary of Sections 31, 32, 33 and 34, Township 27 South, Range 24 East to the northeast corner of the west ½ of said Section 34 and the beginning point of this description.~~

Sec. 50. - Territory which may be integrated into city.

~~All or any part of such territory not within the corporate limits of the City of Lakeland as it now exists or may hereafter exist, lying contiguous or adjacent to any of the boundaries~~

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~~of said City of Lakeland, as they now exist or may hereafter exist, may be integrated into and made a part of said City of Lakeland. When so integrated into and made a part of said city, such territory shall be subject to the jurisdiction, obligation, debts, benefits and privileges of said City of Lakeland, except as herein otherwise provided, the same as the area now constituting the said City of Lakeland.~~

Sec. 51. - How territory may be integrated.

~~All or any part of such territory may be integrated into and made a part of the said City of Lakeland upon petition to said City of Lakeland of not less than sixty (60) percent of the qualified electors residing in the territory to be integrated into and made a part of the said municipality, who are registered as freeholders on the registration records of Polk County, Florida. Provided, no part of such territory having an area of less than ten (10) acres may be so integrated, unless such area shall contain not less than twenty-five (25) qualified electors residing in said territory who are freeholders, except as otherwise herein provided. And, provided, further, that the city commission of the City of Lakeland may, in its discretion, receive and accept petitions for the integration of areas of less than ten (10) acres or areas containing less than twenty-five (25) qualified electors residing in such territory who are freeholders, if such incorporation is deemed practical and expedient and in conformity with the overall plan for extending the boundaries of the City of Lakeland into the City of Greater Lakeland and all the owners thereof sign such petition; and provided further, that no unit or parcel, or units or parcels, of land consisting of one or more acres in one contiguous body or common boundary, (road rights-of-way intercepting or crossing the same, excepted) and use for business, commercial, agricultural or industrial purposes shall be included in or made a part of any area or territory sought to be so integrated, or be integrated into and made a part of the City of Lakeland, unless the person or persons, firm or firms, corporation or corporations, owning such unit or parcel, or units or parcels, shall sign the petition, or one of the petitions, provided for in this act, or shall, by written instrument filed with the city clerk of the City of Lakeland, assent to the integration of such unit or parcel, or units or parcels, into the territorial limits of said City of Lakeland.~~

Sec. 52. - Form of petition for integration; filing; certificate of county supervisor of registration; withdrawal of petition or name of petitioner; surveyor's certificate; resolution of city commission.

~~The petition or petitions for integration into the City of Lakeland shall be substantially in the following form:~~

~~PETITION TO INTEGRATE TERRITORY INTO THE CITY OF LAKELAND~~

~~This petition is filed pursuant to Chapter (here insert official Chapter number of this Chapter as the same appears in the office of the Secretary of State), Laws of Florida, Acts of 1953, for the purpose of integrating the hereinafter described lands into the City of Lakeland, Florida.~~

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~~We, the undersigned, being qualified electors residing in the hereinafter described territory, who are duly registered as freeholders on the registration records of Polk County, Florida, hereby file this our petition for annexation of the following described territory into the City of Lakeland, in accordance with the above described Chapter of the Laws of Florida, to wit: (Here describe territory).~~

~~(Here place signatures of petitioners, showing in detail place of residence, showing street and number when available.)~~

~~As many separate petitions as may be desired may be filed affecting the same area, and if such petitions are insufficient for any reason additional or supplemental petitions may be filed; provided, however, that such petitions shall be valid only for a period of sixty (60) days after same are filed with the city clerk of the City of Lakeland, Florida.~~

~~When completed, such petitions and additional and supplemental petitions shall be filed with the city clerk of the City of Lakeland who shall, within five (5) days after the filing of such petitions with him, deliver the same to the supervisor of registration of Polk County, Florida, who shall thereupon check the names of petitioners and shall certify within thirty (30) days which signatures on said petition are genuine, and which petitioners whose names appear on said petition or petitions are qualified in all respects under this act to sign said petition or petitions. In the event that the number of qualified petitioners is found to be insufficient, supplemental petitions may be filed until the sufficient number is obtained, and the supervisor of registration shall have the same time, as herein provided, to check such supplemental petition as the original petition. After filing with the city clerk, no petition shall be withdrawn for a period of sixty (60) days, nor shall any petitioner be permitted to withdraw his signature therefrom within sixty (60) days of the filing thereof with the city clerk, but after sixty (60) days the petition or any name thereon may be withdrawn. The petition meeting the requirements of this act shall thereupon be presented to the city commission at its next regular meeting, together with the aforesaid certificate of the supervisor of registration, and a certificate from a licensed surveyor, showing a sufficient legal description of the area to be annexed and the quantity of land contained in the said area. At said meeting the city commission may in its discretion adopt a resolution, setting forth the filing of said petition, the certification of the supervisor of registration as to the sufficiency of the petition, and the certification of the said licensed surveyor as to the sufficiency of the description and the quantity of land contained therein, and may thereupon resolve that the said area is incorporated into the City of Lakeland under the provisions of Chapter (insert Chapter number), Laws of Florida, Special Acts of 1953.~~

Sec. 53. - When area to become part of the city; when property subject to taxation.

~~Upon the adoption of the resolution and a certified copy thereof being recorded in the public records of Polk County, Florida, the area shall forthwith become a part of the City~~

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~~of Lakeland, except that not until January 1 following the date of the adoption of said resolution shall the property within said annexed territory be subject to ad valorem taxation.~~

Sec. 54. - Right of residents in annexed territory to vote and hold office; persons holding state and county licenses for profession, occupation or business.

~~After the adoption of said resolution, all residents in the newly annexed territory shall have the same rights to vote in the city elections and to hold public office within the city, as though the newly annexed territory had been a part of the City of Lakeland for at least six (6) months prior to the date of said resolution, provided that said residents shall meet all requirements of the city charter for qualified electors of the City of Lakeland. All persons, firms and corporations lawfully engaged in any profession, occupation, trade or business within the annexed territory on the effective date of its annexation and holding valid state and county licenses therefrom, may upon paying the license taxes required by the City of Lakeland thereupon be entitled to carry on their profession, occupation, trade or business in the City of Lakeland without the necessity of a permit or certificate granted by any examining board of the City of Lakeland, but such right may be terminated for cause after a hearing by the appropriate examining board of the City of Lakeland.~~

Sec. 55. - Other acts not repealed.

~~Nothing in this act shall be deemed to repeal or to be inconsistent with any other law of the State of Florida authorizing the extension of municipal boundaries.~~

ARTICLE VII. - MUNICIPAL HOSPITAL BOARD

Sec. 56. - Creation; composition; appointment; terms; vacancies; removal of members; ineligible persons; ex officio members; interest in contracts, etc.

~~There is hereby created a municipal hospital board of the City of Lakeland, to be composed of nine (9) members, who shall be owners of real property located in the City of Lakeland, and shall also be electors of Polk County, Florida; who shall be appointed by the city commission of the City of Lakeland, to serve a term of three (3) years each, or until their successors are appointed and have accepted such appointments, and who shall receive as compensation an amount not to exceed five dollars (\$5.00) per annum. Said board members shall serve for the period of their appointment, or until they have resigned, been disqualified or removed, or have failed to attend three (3) consecutive meetings of the board without its resolution granting such absence, and until their successors in office are qualified. However, the first appointment and terms of office shall be as follows: Three (3) members for a term of one year, three (3) members for a term of two (2) years, and three (3) members for a term of three (3) years. Thereafter, each person shall be appointed to membership on the board by the city commission of the City of Lakeland for a term of three (3) years; such appointments shall be made~~

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~~from nominations by the hospital board, wherein three (3) persons shall be nominated for appointment for each term of office or portion thereof to be filled, and such appointees shall possess all of the qualifications for membership as provided in this act. In the event of the resignation, death, disqualification or removal, or failure to attend meetings as prescribed herein, by any member of the board, the city commission, as aforesaid, shall fill such vacancy within thirty (30) days for the unexpired term of any such vacant office, unless otherwise provided herein.~~

~~No member of the board shall serve more than two (2) consecutive terms of office but may become eligible for reappointment after the lapse of one year. The board shall include, exclusive of its regular membership, the city manager, the hospital administrator, the president of the medical staff and the president of the women's hospital auxiliary, as ex officio members of the hospital board without voting power.~~

~~No member of such board during his or her tenure of office shall be interested in the benefits, emolument or any contract work or service for the hospital, and such contract in which any such member is or may become interested during such tenure of office, shall be void, and it shall be unlawful for any board member to directly or indirectly contract with any relative, whether by affinity or consanguinity, for the doing of any work, for the furnishing of any material or equipment or services to or for the hospital; provided, however, that such relative or relatives may be employed as laborers or in other capacities for the performance of manual labor, and that it shall be unlawful for any board member to directly or indirectly contract with any person, firm or corporation in which he is financially interested for the doing of any work or the furnishing of any material, equipment or services to or for the hospital.~~

~~Any board member may be removed from office for neglect of duty, for the commission of any felony or for any misconduct or offense involving moral turpitude or for mental incompetency. The municipal hospital board may by resolution inform the city commission of such act of any board member constituting ground for removal and request the city commission to remove such board member for cause. Upon receipt of such resolution, the city commission may remove such board member.~~

Sec. 56a. - City commission authorized to enter into leases with nonprofit Florida corporations; municipal hospital board relieved of responsibilities; requirements.

(1) The city commission of the City of Lakeland, Florida, ~~by ordinance and with the concurrence of the municipal hospital board of the City of Lakeland, Florida,~~ is authorized to enter into leases, contracts, management agreements or operating agreements with one or more nonprofit Florida corporations, public or private, for the purpose of creating a leasehold interest or for the operation or management of Merrell Memorial Hospital, Lakeland General Hospital, Lakeland Regional Medical Center, or any hospital or health care facility owned by the City of Lakeland, Florida.

(2) Any such lease, contract or agreement made pursuant hereto shall:

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- (a) Provide that the articles of incorporation of such nonprofit corporation be subject to the approval of the City ~~of Lakeland and the municipal hospital board of the City of Lakeland.~~
- (b) Require that the nonprofit corporation become qualified under Section 501(c)(3) of the United States Internal Revenue Code.
- (c) Provide for the orderly transfer of assets and facilities to such nonprofit corporation or corporations.
- (d) Provide for the return of such facility to the City of Lakeland, Florida, ~~and the municipal hospital board of the City of Lakeland, Florida,~~ upon the termination of such lease, leases, or the dissolution of such nonprofit corporation.

~~(3) During the term of such leases, contracts or agreements which provide for the leasing, operation or management of such hospital, hospitals or health care facilities the municipal hospital board of the city shall be relieved of any responsibility or powers for the management and operation of such hospitals or health care facilities as provided by Chapter 57-1506, Chapter 59-1483, Chapter 70-775, Laws of Florida, and the provisions of this article.~~

Sec. 57-61 re Municipal Hospital Board – Deleted

ARTICLE VIII. - PURCHASE OF NATURAL GAS

Sec. 62. - Authority to purchase for use or resale. – Deleted

ARTICLE IX. - MISCELLANEOUS RELATED LAWS

Sec. 63. - Tax on cigarettes; use of funds. - Deleted

Sec. 64. - Cemetery perpetual care fund.

- (1) The city commission of the City of Lakeland shall have authority to establish by ordinance a cemetery perpetual care fund for the city for the purpose of assuring that adequate funds will be available to maintain all cemeteries owned by the City of Lakeland. The ordinance shall prescribe that the City Commission shall serve as trustees of the fund which shall not constitute an additional office. The trustees shall determine the investment requirements for the fund and other administrative matters they shall deem necessary. ~~in~~ ~~qualifications of the trustees of said fund and shall provide for their selection. Any such ordinance shall prescribe the rights, powers and duties of the trustees.~~
- ~~(2) The cemetery perpetual care fund created by ordinance under authority of this act shall be for the purpose of assuring that adequate funds will be available to maintain all cemeteries owned by the City of Lakeland.~~
- ~~(3) The fund created by the ordinance authorized under this act shall be officially known and designated as "City of Lakeland, Florida, Cemetery Perpetual Care Fund," the~~

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~~trustees of which shall have and may exercise all powers necessary or convenient for the carrying out of the purposes authorized by this act.~~

~~(4) (1)~~

~~The trustees shall have the power and authority in the name of the City of Lakeland, Florida, Cemetery Perpetual Care Fund to acquire, invest, reinvest, exchange, retain, sell and manage property and securities for such fund as authorized herein.~~

~~(2) Not less than twenty-five (25) percent of such funds shall be placed in those investments authorized by the Florida Statutes for investment by private cemetery perpetual care funds.~~

~~(3) The remainder of such funds may be placed in property or securities authorized under the "prudent man rule" as defined by the Florida Statutes from time to time.~~

Sec. 65. - [Severability of provisions].- No Changes

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; ~~or but for resignation would have served,~~ more than e 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 paragraphsection. ~~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~~ 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.

Sec. 96 – Effective Date

Upon approval of a majority of the electorate voting at a referendum on this charter amendment, this amended charter will become effective on January 1, 2020.

EXHIBIT "C"

Sec. 9. - Limitations on powers of city commission.

(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 (2/3) of the city commission authorizing a referendum on the subject, electors, otherwise qualified to and the affirmative vote of sixty-five percent (65%) of the voters in an election duly called for that purpose the next general election following such city commission authorization. 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.

Sec. 96 – Effective Date

Upon approval of a majority of the electorate voting at a referendum on this charter amendment, this amended charter will become effective on January 1, 2020.