

**RESOLUTION NO. \_\_\_\_\_**

**PROPOSED RESOLUTION NO. 21-060**

**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 THE CALLING OF AN ISSUE ELECTION HAVE BEEN SATISFIED; CALLING AN ISSUE ELECTION FOR NOVEMBER 2, 2021 TO CONDUCT A REFERENDUM ON PROPOSED AMENDMENTS TO THE LAKELAND CITY CHARTER; PROVIDING BALLOT TITLES AND BALLOT SUMMARIES FOR THE PROPOSED CHARTER AMENDMENTS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Lakeland, Florida has enacted Ordinance No. 5886, proposing certain amendments to the Lakeland City Charter as set forth therein, pursuant to the requirements of §166.031, Florida Statutes and Section 30-56 of the City Code, and finds that all procedures and requirements for the calling of an issue election on the proposed Charter amendments have been satisfied; and

**WHEREAS**, Section 30-58 of the City Code provides that the City Commission shall, by resolution, specify the language to appear on the ballot for an issue election and shall establish the date upon which the election will be held; and

**WHEREAS**, the City Commission finds that it is in the best interests of the citizens of the City of Lakeland to conduct an issue election on the proposed Charter amendments as provided herein;

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

**SECTION 1.** The foregoing findings are true and correct and are hereby adopted and made a part hereof.

**SECTION 2.** The City Commission of the City of Lakeland, Florida hereby calls an issue election for the proposed amendments to the Lakeland City Charter set forth in Ordinance No. 5886 for November 2, 2021.

**SECTION 3.** The ballot title and ballot summary for the first Charter amendment proposed by Ordinance No. 5886, which proposed amendment is attached hereto 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 fill Commission vacancies at regular rather than special elections.

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

- B. Do you favor an amendment to the Lakeland City Charter to fill vacancies on the City Commission at the next regular City election following a vacancy rather than at a special election; requiring that interim commissioners appointed by Commission to fill vacancy in a district seat until next regular election reside in same district as the vacant seat; and prohibiting the interim appointment of individuals otherwise precluded by term limits from serving on the Commission?

Yes\_\_\_\_\_

No\_\_\_\_\_

**SECTION 4.** The ballot title and ballot summary for the second Charter amendment proposed by Ordinance No. 5886, which proposed amendment is attached hereto as Exhibit "B," shall be as follows:

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

- A. An amendment to the Lakeland City Charter to provide for alternates on City canvassing board.

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

- B. Do you favor an amendment to the Lakeland City Charter providing for the appointment of the City Attorney and City Manager to the City canvassing board if fewer than three (3) members of the City Commission are available to canvass the returns of a City election?

Yes \_\_\_\_\_

No \_\_\_\_\_

**SECTION 5.** The City Clerk and the City Attorney are hereby directed and authorized to perform all administrative duties necessary to carry out the purposes of this Resolution.

**SECTION 6.** This Resolution shall become effective immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 16th day of August, A.D. 2021.

\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST: \_\_\_\_\_

KELLY S. KOOS  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS \_\_\_\_\_

PALMER C. DAVIS  
CITY ATTORNEY

## EXHIBIT "A"

### Sec. 6 – Vacancies; forfeiture of office; filling of vacancies.

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

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

(c) *Filling of vacancies.* A vacancy of the commission or the office of mayor shall be filled ~~in one of the following ways:~~ by election at the next available regular city election.

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

~~(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 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.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members shall, by majority vote, appoint additional members in accordance with the procedures set forth in (c) above until successors are elected at the next available regular city election. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election ~~as provided in (c) above~~ to fill each vacancy, which special election shall be held not sooner than sixty (60) nor more than ninety (90) days following their appointment.

Words ~~stricken~~ are deletions; words underlined are additions.

## EXHIBIT "B"

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

(a) 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, signed by the precinct clerks of the election, with a copy being delivered by such precinct clerk to the city clerk. The city clerk, shall transmit such returns to the city commission at a meeting to be held within ten (10) 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.

(b) The city clerk shall, not later than 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.

(c) Whenever fewer than three (3) members of the city commission are available to canvass the returns of an election, the city attorney, the city manager, or both, shall be appointed by the available members of the city commission to participate in the canvassing of the returns of the election so that the canvassing board for any election consists of at least three (3) members.

Words ~~stricken~~ are deletions; words underlined are additions.