



CHARTER REVIEW COMMITTEE May 30, 2024

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

AGENDA

- I. **Approval of April 25, 2024 Minutes**
- II. **Review Language Changes from Previous Meeting**
- III. **Review of Sections 20-39 of City Charter**
- IV. **Comments from the Public**
- V. **Adjourn**

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (*free of charge*) should contact the City of Lakeland ADA Specialist, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

LAKELAND CITY COMMISSION

Charter Review Committee April 25, 2025

The Charter Review Committee met in the Lakeland Electric Conference Rooms 1A & 1B. Mike Workman (Chair), Terry Coney (Vice Chair), and Jim Edwards, Kimberly Elmhorst, Ellis Hirsch, Lincoln Jacobs, Frank McCaulley, Teddra Porteous, James Ring, Jason Rodda, Veronica Rountree, Jim Scelfo, and Pat Steed (members) were present. Syla Blackmon-Roberts and Scott Reed (members) were absent. City Attorney Palmer Davis, Assistant City Attorney Alex Landback, Urban Planning & Transportation Manager Chuck Barmby, GIS Analyst Carl Metz, and City Clerk Kelly Koos were present.

Mike Workman called the meeting to order at 3:03 p.m.

Approval of March 27, 2024 Minutes

Motion: Kimberly Elmhorst moved to approve the minutes. Terry Coney seconded.

Mike Workman asked for discussion.

Jim Scelfo objected to the minutes, specifically the last page and the last motion. He did not think the minutes were correct. He believed there was a cap of 12 years in any combination of Commissioner or Mayor.

The Committee disagreed. The consensus was that the minutes were correct and a commissioner may serve up to 3 terms and a mayor may serve up to 2 terms even if that results in total service of 20 years in office.

Mike Workman believed the minutes were correct. The Committee can entertain a motion to reconsider if someone on the prevailing side chooses to make such a motion.

Terry Coney reminded the group about the presentations from Don Selvage and Howard Wiggs regarding the need for more time as mayor. The group agreed they were good with the possibility of 20 years of service and the resulting eligibility for a pension.

Mike Workman clarified that Kim Elmhorst's motion with respect to Section 9 was a motion to reconsider. Kelly Koos will correct the minutes.

Action: Kimberly Elmhorst moved to approve the minutes as amended. Terry Coney seconded. Mike Workman called for the vote and the motion carried unanimously.

Review Language from Previous Meeting

Sec 9(b)

Palmer Davis reviewed the amendments to Sec 9(b). After renumbering, this would now be (d). The proposed language included the following requirements: i) a unanimous vote of the members of the City Commission approving the sale, lease or disposal of Lakeland Electric and authorizing a referendum on the subject, and ii) the affirmative vote of 2/3 of the electors voting in the referendum. The referendum must be held at a regular City election, or at a special election at which the only question is the sale, lease or other disposal of Lakeland Electric.

Mike Workman asked for a motion.

Motion: Kimberly Elmhorst moved for approval of the wording as presented. Frank McCaulley seconded.

Ellis Hirsch questioned the 2/3 vote. Was that just of those who showed up to vote? Yes.

Jason Rodda wanted the language to read a unanimous vote of all members of the City Commission.

Pat Steed brought up the water plant being included in that section. She thought they might remove the reference to the water plant. This may be left over from when the Water Department was part of Lakeland Electric & Water. At that time wastewater was controlled by Public Works.

The Committee debated removing references to the water plant.

Amended Motion: Kimberly Elmhorst made a friendly amendment to add the word "all" and strike the references to the water plant. Ellis Hirsch seconded.

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

Sec. 11

Palmer Davis reviewed the proposed changes to Section 11. Last month, the Committee expressed a desire to allow an individual to serve up to three complete terms as a city commissioner and up to two complete terms as mayor. This created the potential for someone to serve five complete terms. There is a State statute that provides that elected city officials who serve 20 consecutive years are entitled to a pension of one-half of their salary at the time of their retirement/resignation. The proposed change had the potential to allow an elected City official to receive a pension to be paid from the City's general fund.

In addition to this change, Palmer Davis included the date certain of January 1, 2020 for eligibility for the grandfathered term limits in the Charter, corresponding to the original effective date of that provision.

The committee discussed the changes.

Motion: James Ring moved to approve the language. Jim Edwards seconded.

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

Sec. 10 - District Boundaries.

Palmer Davis reminded the Committee that last month they approved amended district boundaries that balanced district populations and requested a written description of the new boundaries. It will take a while to get the boundaries written out. The Committee was provided demographic information about the proposed new boundaries as previously requested.

Terry Coney asked to use more common street names in the boundaries.

Chuck Barmby will make sure they use the familiar names. Mr. Barmby presented suggestions for the district boundaries which would not divide neighborhoods.

Carl Metz explained that he originally was trying to balance the district populations exactly. That is not a requirement of the new law.

Chuck Barmby reminded the group that the southwest district will grow significantly in the future.

The Committee discussed:

- Why they needed to balance the district populations when all members of the commission were elected at large.
- The map adopted last month (Map 1) did not really alter the racial balance of the districts.
- Staff preferred to keep neighborhoods whole in the same district.
- Scenario 2: South Lake Morton and FSC would be in the southwest district. East Lake Morton would be in the northeast district.
- Scenario 3: Brings the Lake Morton area into the northeast district.
- None of these maps affected incumbents.

The committee took a straw poll between 2 and 3.

Motion: Frank McCaulley moved to approve Scenario 3. Pat Steed seconded.

Mike Workman clarified that this would replace the district map approved last month.

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

Action: Frank McCaulley moved to reconsider Sec 10. James Ring seconded and the motion carried unanimously.

Frank McCaulley wanted to discuss single member voting districts. He was opposed to the change, but wanted to make sure the committee talked about it.

Terry Coney saw the merits on both sides. Historically, it has not been a problem. He was not sure we should upset the way we do everything because of this one election. He understands how we got here.

Pat Steed talked about how this works in other jurisdictions. Single member district voting can be beneficial in larger jurisdictions to ensure that areas are represented on the dais.

Mike Workman asked if there was more discussion or a motion.

Action: Frank McCaulley moved to leave it as written. James Ring seconded and the motion carried unanimously.

Sec 6

Palmer Davis discussed the rationale for the most recent change to the vacancy provision in the Charter, which eliminated special elections. One recent experience involved multiple elections over a short period of time. There is also the complication that the Supervisor of Elections will not permit municipalities to hold elections on a countywide or statewide election date. The process now is that the City Commission appoints a successor to fill a vacancy until the next regular city election. The worst-case scenario under this approach is that an appointed commissioner could serve for two years.

James Ring appreciated how it is done now.

The Committee discussed Sec 17 and how it related to Sec 6. Sec 17 was one way a vacancy could be created. Sec 6 was the procedure for filling a vacancy.

Palmer Davis reviewed three issues he would like the committee to consider relating to Section 6(c):

Should a commissioner resigning with a delayed effect vote on the appointment of their successor?

Lincoln Jacobs and Teddra Porteous thought that for the section to apply, the commissioner had to leave office. You do not appoint the replacement until the vacating commissioner is gone.

James Ring liked starting to fill the vacancy when you know it is coming. He was fine with the departing commissioner voting on the replacement.

The committee debated when to replace the departing commissioner.

Mike Workman thought that the resigning commissioner should not vote on their replacement. The language could say, “not including the departing commissioner.” He appreciated the practical reality of not waiting to start filling the vacancy.

The word “qualified” is not the right term for when a successor takes office. Qualification is a technical process that occurs before you are elected.

Ellis Hirsch suggested replacing qualified with elected.

Palmer Davis presented two options: 1) the newly elected officer takes office when the election is certified, or 2) the newly elected officer takes office at the 1st meeting in January, which is when regularly elected commissioners take office.

Kimberly Elmhurst supported option 1 because the voters have spoken at that point.

Terry Coney asked if there should be something in the Charter about the selection process for choosing an interim commissioner. Palmer Davis cautioned about establishing the selection process in stone and limiting the flexibility of a future commission.

Mike Workman suggested the possibility of the appointed commissioner serving until the beginning of the term for the seat being filled. Palmer Davis did not think that worked because a vacancy could occur less than half way through a term, in which case the vacancy would need to be filled at the regular City election occurring at the mid-term point for that seat.

If two (2) years or more remain in the term of the vacated seat at the time of the next available regular city election, that seat shall be filled by election for the remainder of the vacated term.

For clarity, Palmer Davis suggested that the provision say, “shall be filled at such election.”

Palmer Davis reviewed the needed clarification:

1. Can a commissioner resigning with delayed effect participate in the selection of their replacement? Mike Workman suggested adding “not including the resigning member.” **Action: Kimberly Elmhurst moved to accept that proposed language. Terry Coney seconded, and the motion carried unanimously.**
2. Will the newly elected commissioner be seated immediately or in January? **Action: Terry Coney moved to seat them immediately. Ellis Hirsch**

seconded, and the motion carried unanimously. Ellis Hirsch was absent at the time of the vote.

3. Change “by election” to “at such election”. **Action: James Ring moved to approve. Veronica Rountree seconded and the motion carried unanimously. Ellis Hirsch was absent at that time.**

Sec 12

Palmer Davis had no suggestions and asked to hear from the committee.

Action: James Ring moved to accept as written. Pat Steed seconded, and the motion carried unanimously.

Sec 13

Palmer Davis had no suggestions for this section.

Action: Kimberly Elmhurst moved to approve as written. Terry Coney seconded, and the motion carried unanimously.

Sec 14

Palmer Davis recommended that the single reference to the mayor as “they” in this section be changed to “he or she” to be consistent with all other references to the mayor in this section.

Motion: James Ring moved to accept the recommendation. Frank McCaulley seconded.

Teddra Porteous recommended using “they” throughout the section to be more inclusive.

Kelly Koos advised the group that the previous Charter Review Committee tried to remove “he/she” references from the Charter.

Action: Mike Workman called for the vote and the motion carried 8-5.

Motion: Pat Steed moved to consider housekeeping amendments on a more comprehensive basis at the end of this process. Teddra Porteous seconded

James Ring stated that “he or she” references had worked for the City up to this point and he would not be in favor of changing from that.

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

Sec 15

Palmer Davis did not have any changes for Sec 15.

Action: Kimberly Elmhurst moved to approve as printed. Ellis Hirsch seconded, and the motion carried unanimously.

Sec 16

Kimberly Elmhurst asked whether the Sunshine Law would be violated by 3 members of the City Commission speaking with one another about calling a special meeting. Palmer Davis explained that the Sunshine Law would not be violated if members of the City Commission limited their conversation to the merely logistical issue of scheduling a special meeting.

Kimberly Elmhurst thought it would be appropriate for a single commissioner to have the ability to call a special meeting.

Motion: Ellis Hirsch moved to allow the mayor, a commissioner, or the City Manager to call a special meeting. James Ring seconded.

The Committee discussed:

- The mayor calling a meeting vs. individual commissioners calling a meeting.
- Reasonable notice vs. 3 hours. 3 hours allowed flexibility in an emergency.
- If a majority of the commission is not present, they cannot act.

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

Sec 17

Action: Jason Rodda moved to approve Sec 17 as printed. James Ring seconded and the motion unanimously carried.

Sec. 18

Palmer Davis reviewed the existing salaries of the mayor and commissioners. He asked for comments from the Committee. He did have one technical correction after the Committee was finished discussing.

Palmer Davis recommended that the Section be amended to make clear that a public hearing is only required if the City Commission wishes to increase their pay above the across the board increase provided to the general employees.

Action: Frank McCaulley moved to approve Palmer Davis's recommendation. Pat Steed seconded and the motion carried unanimously.

Sec 19

Palmer Davis pointed out that the Charter requirement for the approval of an ordinance or resolution was higher than the statutory requirement. State law requires the affirmative vote of a majority of a quorum for passage of an ordinance or resolution. For Lakeland that would be 3 affirmative votes. The Charter requires the affirmative vote of 4 members of the commission to approve an ordinance or resolution.

Palmer Davis explained the difference between an ordinance and a resolution. As a general matter, a resolution is more administrative in nature. An ordinance establishes a law that the citizens would have to follow.

Pat Steed explained that counties do things differently than cities. Counties do a lot of things by resolution that cities do by ordinance.

Action: Frank McCaulley moved to approve as written. Pat Steed seconded and the motion carried unanimously.

Palmer Davis introduced Alex Landback, who will attend the meeting next month. Palmer Davis will be out of town.

Audience – None

Adjourned – Veronica Rountree moved to adjourn at 5:12 p.m. Terry Coney seconded, and the motion carried unanimously.

Review Changes from Previous Meeting (April 25, 2024)

- **Sec. 6. Vacancies; forfeiture of office; filling of vacancies.**
- **Sec. 9. Limitations on powers of city commission.**
- **Sec. 16. Special meetings, how called; commission rules, etc.**
- **Sec. 18. Compensation of city commission.**

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

- (a) *Vacancies.* The office of a commissioner or that of mayor, shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of office, such forfeiture to be declared by the remaining members of the commission.
- (b) *Forfeiture of office.* A commissioner or the mayor shall forfeit their office if they lack at any time during their term of office any qualification for the office prescribed by this charter or by law.
- (c) *Filling of vacancies.* A vacancy of the commission or the office of mayor shall be filled by election at the next available regular city election. The commission, by a majority vote of the remaining members, shall choose a successor to serve until the newly elected mayor or commissioner is qualified receives a certificate of election and takes the oath of office, at which point the newly elected mayor or commissioner shall take office immediately. In the event a member of the commission resigns with a delayed effective date, the remaining members of the commission, not including the resigning member, shall choose a successor to serve from the effective date of the resignation until the newly elected mayor or commissioner takes office as provided in this Section. 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 at such election for the remainder of the vacated term. If a vacancy occurs in one of the commission seats designated by district, any successor chosen by the commission to fill the vacancy until the next available regular city election shall reside in the district for which the vacancy exists and shall otherwise possess all qualifications required to serve on the city commission. No individual otherwise precluded by length of previous service from holding the office of city commissioner, or mayor in the case of a vacancy in the office of mayor, may be appointed by the city commission to fill a vacancy in such office.
- (d) *Extraordinary vacancies.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members shall, by majority vote, appoint additional members in accordance with the procedures set forth in (c) above until successors are elected at the next available regular city election. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill each vacancy, which special election shall be held not sooner than sixty (60) nor more than ninety (90) days following their appointment.

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

Sec. 9. Limitations on powers of city commission.

(a) Neither the commission nor any of its members, individually or collectively, shall in any manner dictate the appointment or removal of any city administrative officers, department heads or employees whom the city manager or any of the city manager's subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(b) Except for general inquiries concerning administrative procedures and policies, the commission and its members shall deal with officers and employees of the city who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor any of its members shall give orders to any such officer or employee, either publicly or privately, directly or indirectly. Nothing in the foregoing is to be construed to prohibit individual members of the commission from scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. However, it is the expressed intention hereof that recommendations related to city operations by individual commissioners be made to and through the city manager.

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

(b)(d) The City of Lakeland shall not sell, lease or otherwise dispose of ~~any water plant, or~~ all or substantially all of the assets of the electric utility until such sale, ~~or~~ lease or other disposal has previously been authorized by (i) a unanimous vote of all the members of the city commission approving such sale, lease or other disposal and authorizing a referendum on the subject, and (ii) an affirmative vote of two-thirds (2/3) of the electors voting in such referendum authorized by the city commission, otherwise qualified to vote in an election duly called for that purpose. A referendum called by the city commission under this subsection shall take place either at a regular city election or at a special election at which the only question to be decided is the sale, lease or other disposal of a water plant or the assets of the electric utility. For the purpose of this section only, electric utility shall mean those assets used to engage in the business of generating, transmitting, or distributing electrical energy, as well as any related activities authorized by this Charter or applicable law.

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

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

- (a) The mayor, ~~any three (3) members of the city commission~~ commissioner, or the city manager, may call special meetings of the commission upon at least three (3) hours' notice to each member, which notice shall announce the purpose of the meeting. All meetings of the city commission and of any committees thereof, shall be open to the public, and any citizen shall have access to the minutes and reports thereof at all reasonable times.
- (b) The commission shall determine its own rules and order of business and keep a journal of its proceedings.

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

Sec. 18. Compensation of city commission.

The mayor and city commission shall receive the across the board increase as provided to general employees at the beginning of each fiscal year. The city commission shall fix any salary or compensation of the mayor and the city commissioners in excess of the across the board increase by appropriation in the city budget; provided, however, that before the compensation of the mayor or the other city commissioners may be increased from their respective compensations received in the ~~next~~immediately preceding budget year in excess of the across the board increase provided to general employees, the city commission shall first hold a public hearing upon the matter of the increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakeland, or as otherwise provided by law, one time not less than sixty (60) days prior to the hearing. The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred fifty (150) percent of the salary or compensation of a city commissioner.

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

Review of Sections 20-39 of City Charter (May 30, 2024)

- **Sec. 20. - City manager—Appointment and removal.**
- **Sec. 21. - Same—Powers and duties, generally.**
- **Sec. 22. - Absence of the city manager.**
- **Sec. 23. - Administrative departments.**
- **Sec. 24. - Purchasing.**
- **Sec. 25. - City attorney—Appointment; duties, generally.**
- **Sec. 26. - Same—Specific duties.**
- **Sec. 27. - Same—Additional duties.**
- **Secs. 28-35. - Reserved.**
- **Sec. 36. - Finance director.**
- **Sec. 37. - Certification of funds by finance director.**
- **Sec. 38. - Audit and approval of claims.**
- **Sec. 39. - City clerk.**

- **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 they are elected, be chosen as city manager. The city manager 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, shall be given a written statement of the reason for 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.

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

- **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, shall have power and shall be required to:

(1) Appoint and, when necessary, remove officers and employees of the city except as otherwise provided by law applicable to the city and as otherwise provided by this charter; provided however the city manager may authorize the head of a department to appoint and remove subordinates in such department.

(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 advisable.

(5) Enforce the laws and ordinances of the city.

(6) Exercise control and direct supervision over all departments and divisions of the municipal government under this charter, including public utilities owned or operated by the city.

(7) Attend 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.

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

- **Sec. 22. - Absence of the city manager.**

By letter filed with the commission, the manager shall designate 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.

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

- **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 have supervision and control of the department subject to the city manager. The city attorney and his or her assistants are excepted from all provisions hereof relative to supervision and control by the city manager, and shall be responsible only to the city commission.

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

- **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. 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 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.

(Ord. No. 3471, § 1, 11-1-93; [Ord. No. 5773](#), Att. A, 11-5-19)

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

(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) 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) The city attorney shall prosecute and defend, for and on behalf of the city, all complaints, suits and controversies in which the city is a party or has a legal interest.

(d) 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 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 shall be a member 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.

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

- **Sec. 26. - Same—Specific duties.**

Before any ordinance or resolution 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 and to render such other service related to such ordinance or resolution as shall be necessary to make the same proper for consideration by the city commission.

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

- **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 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.

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

- **Secs. 28—35. - Reserved.**

Editor's note— Ord. No. 2008, § 1, adopted Feb. 7, 1977, specifically amended the charter by repealing §§ 28—35, which had pertained to the municipal court. Said section had been contained in the revised charter, adopted by Ord. No. 1976, 8-16-76, approved by a referendum of the electorate Nov. 2, 1976.

DEPARTMENT OF FINANCE

- **Sec. 36. - Finance director.**

The city manager shall appoint a finance director, who shall appoint an assistant finance director who shall act in the absence of the finance director.

(a) The finance director's duties shall include:

(1) Invest all funds of the city according to law, and in accordance with policy duly adopted by the city commission.

(2) 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.

(3) Prescribe all records and forms pertaining to the disbursement and receipt of funds.

(4) Submit financial statements to the city commission as they may require showing 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.

(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.

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

- **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 expenditure has been appropriated in the city budget. 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 the city budget, be deemed in the treasury to the credit of the appropriate fund.

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

- **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. 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.

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

- **Sec. 39. - City clerk.**

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 meetings of the city commission and shall keep minutes 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. Contracts executed on behalf of the city shall be acknowledged by the city clerk, with the city seal affixed.

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