



## CHARTER REVIEW COMMITTEE June 27, 2024

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

### AGENDA

- I. Approval of May 30, 2024 Minutes**
- II. Review Language Changes from Previous Meeting**
- III. Review of Sections 40-66 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](mailto: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 May 30, 2024

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, James Ring, Jason Rodda, Scott Reed, and Pat Steed (members) were present. Sylvia Blackmon-Roberts, Veronica Rountree, Teddra Porteous, and Jim Scelfo (members) were absent. Assistant City Attorney Alex Landback, Deputy City Clerk Heather Bradman, and the media were also present.

Mike Workman called the meeting to order at 3:02 p.m.

#### **Approval of April 25, 2024 Minutes**

**Motion: Pat Steed moved to approve the minutes. Terry Coney seconded.**

Mike Workman asked for discussion.

Mike Workman had a question on page 5 of the meeting minutes. He asked if “officer” is the right term. Should it be “commissioner” or “City Commission”? Alex Landback explained Chapter 112 of Florida Statutes refers to a “public officer” as any person elected to office, so technically there is nothing legally incorrect with that terminology.

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

#### **Review Language from Previous Meeting**

**Action: Frank McCaulley moved to approve the wording as presented. Pat Steed seconded, and the motion carried unanimously.**

#### **Sec. 20.**

Pat Steed asked if the phrase “for cause” is ever defined in the Charter. If not, is it established somewhere else?

Mike Workman had a related question to ask if there is a separate employment agreement/contract that may set forth removal “for cause” or “without cause”. If so, how does that work with this Charter?

Alex Landback explained there is a separate employment contract between the City Manager and City Commission. He would need to look at it to see how “for cause” is specifically defined in it. It is a legal standard that is typically required to establish a basis

for “termination for cause” and that scope is more appropriately left to the parties to negotiate.

Mike Workman and Pat Steed discussed how the meaning or definition of what constitutes “for cause” may not be needed in the charter because it may vary based on the employment contract with the current City Manager. However, the charter language could say, “removal for cause as set forth in the employment contract.”

Terry Coney asked if the City has a standard definition of “cause”? Or does the definition vary by position?

Alex Landback responded that there is a standard disciplinary management policy for all City employees which establishes procedures for implementing appropriate levels of discipline for various types of misconduct, up to and including dismissal for cause. However, “for cause” is not applicable to those who are employed by the City *at will*, as in those employees without an employment contract, who are not covered by a collective bargaining agreement or the City’s Civil Service Rules. *At will* employees can be removed for any reason or no reason at all, so long as that reason is not discriminatory. Since the application of “for cause” is more relevant in the Civil Service context than this part of the Charter, he suggested the committee revisit the discussion during the Civil Service section of the charter.

Mike Workman asked if the committee wants to consider specifying whether the city commission may suspend the city manager with or without pay.

Pat Steed proposed the committee wait to formalize parts of this section until after reviewing the civil service provisions in the charter, so they can use consistent or similar language.

Ellis Hirsch asked what the committee decided on using pronouns “he” and “she” throughout the language of the charter. Mike Workman explained they addressed this in one section and then agreed to review the entire charter regarding this language at the end.

**Action: Terry Coney moved to accept Sec. 20 as written. Ellis Hirsch seconded, and the motion carried unanimously.**

#### **Sec. 21.**

Mike Workman asked if the committee wanted to change the section heading by replacing the word “Same” with “City Manager.”

**Motion: Ellis Hirsch moved to replace “Same” with “City Manager.”**

Kim Elmhurst asked if the City Attorney’s Office saw anything missing from this section. Alex Landback said there is nothing in this section that inhibits the City Manager’s ability

to effectively and responsibly operate and manage the City. In the past, the City Commission has not expressed concerns or identified specific issues with the language of this area in the Charter.

Mike Workman asked what other branches of City Government are there if the City Manager is head of the administrative branch? The other distinct “branch” from the City Manager’s Office is the City Attorney’s Office. Both the City Manager and City Attorney report directly to the City Commission.

James Ring asked what authority the City Manager has to enforce laws and ordinances as stated in this section? The City Manager’s authority is delegated to the Chief of Police in the creation of the Lakeland Police Department. Similarly, Code Enforcement is under the Department of Community and Economic Development, which reports to the City Manager.

Ellis Hirsch asked if (5) can be included in (6) after the word “Charter”? That would help cover all the city manager’s duties so there is no question it is part of his leadership.

The Committee discussed that it would be more appropriate that the City Manager be required to “ensure” the enforcement of the laws and ordinances of the City. Additionally, the verbiage that he is head of the administrative branch is acceptable.

Mike Workman summarized the suggested changes:

1. In the section heading, change “Same” to “City Manager.”
2. In (5), change “Enforce” to “Ensure the enforcement of...”

**Action: James Ring motioned to accept the suggested changes. Jason Rodda seconded, and the motion carried unanimously.**

#### **Sec. 22.**

Alex Landback recommended adding “city” in front of all instances of the word “manager” so it is consistent and clear as to who this section refers to.

**Action: Terry Coney motioned to approve the recommendation. Jim Edwards seconded, and the motion carried unanimously.**

#### **Sec. 23.**

**Action: Ellis Hirsch moved to accept the section as written. Kim Elmhurst seconded, and the motion carried unanimously.**

#### **Sec. 24.**

Ellis Hirsch asked if Purchasing falls under Finance Director Mike Brossart. Alex Landback explained that Purchasing is not part of Finance but is a division within Risk Management.

Mike Workman suggested changing “City of Lakeland” in the first sentence to just “city.” This would provide consistent verbiage throughout the charter. Additionally, the second sentence was suggested to be changed to, “A purchasing department may be **established** as hereinabove provided **in sec. 23.** to conduct all purchase and sales....”.

Ellis Hirsch questioned the first line of the section because the city manager does not do the actual purchasing. The committee discussed that it is the city manager’s responsibility to ensure the budget is prepared and presented to the commission. Alex Landback explained that ultimately all purchases must be authorized by the city commission, but there are several different methods for obtaining purchasing approvals. This section delegates the day-to-day oversight of that responsibility to the City Manager.

Jason Rodda proposed changing the language to read, “The city manager shall **ensure** the responsible purchasing of all supplies...”.

The committee continued to discuss:

- The cycle of appropriations and expenditures in the city. The city manager has the ultimate responsibility, the city commission is responsible for adopting the budget, and the finance director ensures funds are spent appropriately within the itemized and general requests of the approved budget.
- Multiple parts of the city work together so that a department cannot misuse its discretionary authority by making nonessential or unauthorized purchases.
- The city manager is the one who is accountable for audits and delegates signature authority for authorized purchases up to a certain limit.

Alex Landback explained how inserting the word “ensure” could be interpreted as distorting or minimizing the city manager’s ultimate responsibility and accountability.

The Committee agreed not to adopt the proposed change to the language.

Mike Workman summarized the recommended changes: 1. In the first sentence, change “City of Lakeland” to “city” in the first line. 2. In the second sentence, change the word “created” to “established” and insert “in Sec. 23” after the word “provided”.

**Action: Scott Reed motioned to approve the recommendations. Terry Coney seconded, and the motion carried unanimously.**

## **Sec. 25.**

Mike Workman asked if this section should specify the appointment of assistants or deputies.

Alex Landback explained some municipalities do not have an in-house city attorney and choose to outsource legal services to private firms. Therefore, mandating the appointment of an assistant city attorney may unnecessarily bind the City Attorney or City Commission in the future if either decides to outsource some or all these functions. The necessity for an assistant city attorney is a personnel/staffing decision for the City Attorney. As a comparison, Sec. 36 of the charter specifically provides for the appointment of an assistant finance director, who is fundamentally necessary for continuity of city operations and ensuring the prompt payment for critical services in the absence of the Finance Director.

Pat Steed added that this section is equivalent to the city manager's section, as the Charter provides both with the authority to define and determine proper staffing needs.

Mike Workman asked about verbiage in (c). The practice does not necessarily match the wording. Alex Landback explained that, depending on workload, some litigation can be handled in-house, but most litigation matters are referred to appropriate outside counsel. However, the city attorney remains accountable to the commission for managing outside counsel and carrying out this responsibility. Ultimately, it just might be more feasible in some circumstances to refer certain matters to an outside lawyer who specializes or has expertise in a particular field of law.

The committee discussed:

- If (c) should read, "city attorney staff" or "city attorney's office" or "city attorney or their designee" or "city attorney or designated staff/parties."
- A new subpart (g) could explain that the city attorney may do other things as necessary to carry out duties, to include acquisition of services from an assistant city attorney or outside counsel.

Pat Steed suggested the committee request the City Attorney or Assistant City Attorney come back with language for (g) that covers this discussion.

James Ring had questions on (e). The wording makes it sound like there could be an instance where the City Commission does not reimburse the City Attorney while representing the interests of the city. Alex Landback explained that it is highly unlikely for this situation to be a problem, as almost all reimbursements would be authorized purchases from the City Attorney's budget without depending on the city commission to approve or deny. Any amount that exceeds the department's budget allocation could become an appropriation request to the city commission.

The Committee discussed:

- Replace the word "may" with "shall" to indicate the city commission can determine if expenses are reasonable.
- This language is not in the city manager's section of the charter even though they travel and represent the city's interest. It seems unnecessary.

- Something may have occurred in the past which caused the creation of (e). If Palmer Davis has any insight, he can speak on this next month.

Mike Workman summarized the recommended changes: 1. In (e) change “City of Lakeland” to “city.” 2. Request proposed language for (g) next month.

**Action: Pat Steed motioned to approve the recommendations. Jim Edwards seconded, and the motion carried unanimously.**

### **Sec. 26. and Sec. 27.**

The Committee reviewed both sections together.

Ellis Hirsch asked if Sec. 26. and Sec. 27. could be put under Sec. 25. as (g) and (h). Mike Workman also wondered about this. However, if they made this change then they would need to revise the numbering of all sections that follow and that might have unintended consequences to future formatting.

Mike Workman summarized the recommended changes: 1. In Sec. 26. change the word “Same” to “City Attorney.” 2. In Sec. 27. change the word “same” to City Attorney.”

**Action: Kim Elmhorst motioned to approve the recommendations for Sec. 26. and Sec. 27. Ellis Hirsch seconded, and the motion carried unanimously.**

### **Secs. 28 - 35. Reserved**

**Motion: Ellis Hirsch motioned to leave the sections as written. Terry Coney seconded.**

Frank McCaulley asked if these reserved sections can be deleted. Alex Landback recommended to revisit this at the end of charter review. If the committee wants to renumber, it is best to do that all at the same time, so cross-references are not missed.

Kim Elmhorst asked if there would be a reason to keep these reserved sections? They might decide to expand and use those sections in the future, so they do not have to renumber.

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

### **Sec. 36.**

Mike Workman recommended in (5) to remove the word “to” for language consistency.

**Action: Frank McCaulley moved to accept the recommendation. Pat Steed seconded, and the motion carried unanimously.**

**Sec. 37.**

**Motion: Ellis Hirsch moved to accept the section as written. Scott Reed seconded.**

The committee discussed the length of the third sentence.

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

**Sec. 38.**

Mike Workman asked if “all” claims and demands is too broad of a term.

The committee discussed:

- Removing the word “all.”
- As written, this is a broad definition encompassing any receivables or invoices that have a dollar amount attached to them. This is because no expenditures can be made unless there is an appropriation for it or prior authorization to purchase.

**Action: Frank McCaulley motioned to accept the section as written. Pat Steed seconded, and the motion carried unanimously.**

**Sec. 39.**

Alex Landback explained how previously, there was language in the charter which authorized the Finance Director to act in the absence of the City Clerk. Due to the criticality of the office, it would be prudent to clearly define another backup for continuity of operations if both the City Clerk and Deputy City Clerk are out.

Alex recommended including the following language after the last sentence in this section: “In the absence of the City Clerk or Deputy City Clerk, the Finance Director or Assistant Finance Director shall perform the duties of the City Clerk.”

**Action: James Ring moved to approve the language proposed by the Assistant City Attorney. Jason Rodda seconded, and the motion carried unanimously.**

Mike Workman advised that he will be unable to attend the next Charter Review Committee meetings on June 27, 2024 and July 24, 2024. Vice Chair Terry Coney will chair those meetings.

James Ring commented that some citizens had expressed concerns with him regarding the changes to term limits that were discussed at the last meeting. He invited those citizens to attend this meeting, but no members of the public were present in the audience. Last week, James Ring asked Palmer Davis about how the charter is presented on the ballot - is it an “all or nothing” proposal even if a voter disagrees with just one section? James Ring suggested that the changes to the term limit language might prevent passage of the updated charter.



James Ring shared the reply he received from Palmer Davis, who explained that the City Commission can divide the proposed changes into several different ballot questions, so it is not an “all or nothing” approach. This occurred in 2019, as some changes passed while others failed. For those that failed, the existing charter language remained in effect. Although the Charter Review Committee only meets every 8 years, the City Commission can submit changes to voters at any time and a referendum can be called by a petition signed by 10% of registered Electors.

James Ring then asked whether other committee members had received any feedback, good or bad, about term limits?

Ellis Hirsch has not received feedback.

Frank McCaulley received initial negative feedback. However, once he explained the committee’s reasoning, the citizens understood.

The committee discussed:

- When the committee shares their final recommendations, it is important how they communicate these changes to the City Commission.
- When the committee finishes all the proposed changes to the charter, the City Commission is not obligated to accept those changes.
- The Commission can adopt all, some, or none of the committee’s recommendations and package those changes for the 2025 ballot as appropriate.

### **Comments from the Public – None**

Adjourned – Frank McCaulley moved to adjourn at 4:40 p.m. Jason Rodda seconded, and the motion carried unanimously.

## Review Language Changes from May 30, 2024

Sec 20	No changes
Sec 21	Same – Powers and duties, generally.
Sec 22	Absence of 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
Sec 28	Secs. 28-35. Reserved.
Sec 36	Finance director
Sec 37	No changes
Sec 38	No changes
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. ~~City Manager~~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) ~~Ensure the enforcement of~~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 city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of the city 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 city 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, ~~and other staff of the city attorney's office~~ are excepted from all provisions hereof relative to supervision and control by the city manager, ~~and~~. The city attorney shall have supervision and control of his or her assistants and other staff 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~~City of Lakeland~~, both in its governmental and proprietary capacity. A purchasing department may be ~~established~~created as hereinabove provided in Sec. 23, 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~~ **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. ~~City Attorney~~ **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. ~~City Attorney~~ **Same**—Additional duties.**

In addition to the duties especially imposed under the preceding sections, he or she shall perform such other professional duties as may be required by ordinance ~~or~~, resolution or other direction 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)

**Sec. 28. ~~Secs. 28—35. Reserved.~~**

Editor's note(s)—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.

**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) ~~Furnish~~~~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. In the absence of the city clerk or deputy city clerk, the finance director or assistant finance director shall perform the duties of the city clerk.

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

### **Review of Sections 40-66 of City Charter (June 27, 2024)**

- **Sec. 40. - Oath of office.**
- **Sec. 41. - City treasurer.**
- **Sec. 42. - Annual budget.**
- **Sec. 43. - Appropriation ordinance.**
- **Sec. 44. - Transfer of funds.**
- **Sec. 45. - Limitations of appropriations.**
- **Sec. 46. - Payment of claims.**
- **Sec. 47. - Special tax.**
- **Sec. 48. - Special assessments for local improvements.**
- **Sec. 49. - Limitation of assessments.**
- **Sec. 50. - Method of making special assessments.**
- **Sec. 51. - Resolution relative to special assessments.**
- **Sec. 52. - Assessment liens.**
- **Sec. 53. - When annual installments due and payable; collection.**
- **Sec. 54. - Plans, specifications and estimated cost of proposed improvement.**
- **Sec. 55. - City manager to cause improvement to be made.**
- **Sec. 56. - Publication of assessment resolution.**
- **Sec. 57. - Assessment roll.**
- **Sec. 58. - Publication of assessment roll; notice to property owners of hearing.**
- **Sec. 59. - Meeting of commission as equalizing board to hear complaints as to special assessments.**
- **Sec. 60. - Authority of commission to make new assessments in certain instances.**
- **Sec. 61. - Payment of costs out of general funds, etc.**
- **Sec. 62. - Informalities and irregularities in connection with special assessments.**
- **Sec. 63. - Reserved.**
- **Sec. 64. - Reserved.**
- **Sec. 65. - Reserved.**
- **Sec. 66. - Assessment for removal of weeds, rubbish, etc.**



- **Sec. 40. - Oath of office.**

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

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

- **Sec. 41. - City treasurer.**

There shall be a city treasurer who, under the supervision of the finance director, shall collect and be the custodian of all moneys of the city and shall keep and preserve the same in such manner and in such places as may be determined by the city commission.

- **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 shall be on file with the city clerk for inspection by the public.

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

- **Sec. 43. - Appropriation ordinance.**

The city commission shall annually adopt a budget as required by applicable law. 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 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 a month to month basis with all items prorated accordingly until such time as the city commission adopts a budget for the ensuing fiscal year.

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

- **Sec. 44. - Transfer of funds.**

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.

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

- **Sec. 45. - Limitations of appropriations.**

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated and hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such use as will not conflict with any uses for which specifically such revenue accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriation made by the city commission.

- **Sec. 46. - Payment of claims.**

No check for the payment of any account or claim shall be issued by the finance director until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the city for all loss and damage sustained by the city by reason of corrupt or improper approval of any such claim or account against the city.

- **Sec. 47. - Special tax.**

The city commission may annually levy and collect a special tax for permanent improvements, and the adornment, paving and improvement of the streets and public grounds of the city, and the property of the city beyond the limits of the city, which levy shall not exceed one-quarter (0.25) of one percent of the assessed value of the taxable property of the city. The city commission shall also levy and collect annually upon its taxable property aforesaid such sums as may be necessary:

(1) To pay interest upon the indebtedness of the city, and for the maintenance and repairs of its properties and public works;

(2) To create a sinking fund for the payment of such indebtedness as may be incurred;

(3) And to pay the bonds of the city already issued, or any bonds which may be issued in accordance with law;

(4) To pay any judgment against the city, and any such sums as may be commanded to be levied by any mandamus legally issued against the city.

- **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.

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

- **Sec. 49. - Limitation of assessments.**

The city commission shall limit all special benefits conferred upon the property assessed, and in no case shall there be levied on any lot, lots, parcel or parcels of land, any assessments for any and all improvements, in excess of the amount of the estimated benefits accruing to such property by reason of such improvement.

- **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 or by such other 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.

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

- **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 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.

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

- **Sec. 52. - Assessment liens.**

Special assessments for local improvements as herein described shall be payable by the owners of the property 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 (30) days after said assessments, which assessments shall stand approved and confirmed as provided herein.

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

- **Sec. 53. - When annual installments due and payable; collection.**

Each annual installment provided for herein shall be paid upon the dates specified in said resolution, with interest upon all deferred payments until the entire amount of said assessment has been paid and upon failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the city commission shall cause to be brought the necessary legal proceedings to enforce payment with all accrued interest, together with all legal cost incurred, including a reasonable attorney's fee, to be assessed as part of the costs, and in the event of default in the payment of any installment of an assessment or any accrued interest on said assessment, the whole assessment with interest thereon shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or nonresident defendants may be had by publication as now approved by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages.

- **Sec. 54. - Plans, specifications and estimated cost of proposed improvement.**

At the time of the adoption of the resolution provided for herein, there shall be on file with the director of public works, plans and specifications with the estimated cost of the proposed improvement, which plans and specifications and estimate shall be open to the inspection of the public.

- **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.

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

- **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.

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

- **Sec. 57. - Assessment roll.**

Upon the adoption of the resolution aforesaid, the city commission shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed and filed with said city commission as promptly as possible; said assessment roll shall describe the lots and lands assessed, the amount of the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

- **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.

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

- **Sec. 59. - Meeting of commission as equalizing board to hear complaints as to special assessments.**

At the time and place named in the notice provided for herein, the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such special assessments, and shall adjust and equalize the said assessments on a basis of justice and right, and when so equalized and approved such assessment shall stand confirmed, and be and remain legal, valid and binding liens upon the property against which such assessments are made until paid in accordance with provisions of this act; provided, however, that upon the completion of the improvement, the city shall rebate to the owner of any property which shall have been specifically assessed for any improvement, the difference in the assessment as originally made, approved and confirmed, and the proportionate part of the actual cost of said improvement to be paid by special assessments as finally determined upon the completion of said improvement.

- **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 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, 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.

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

- **Sec. 61. - Payment of costs out of general funds, etc.**

The city commission shall have the power to pay out of its general funds or out of any special fund that may be provided for that purpose such portion of the cost of any street or other public improvement as it may deem proper. All abstracting costs, engineering and inspection costs, including a proper proportion of the compensation, salaries and expenses of the engineering staff of the city properly chargeable to any improvement, shall be deemed and considered a part of the cost of the improvement.

- **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 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.

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

- **Sec. 63. - Reserved.**

**Editor's note**— [Ord. No. 5773](#), Att. A, adopted Nov. 5, 2019, deleted § 63 entitled "Construction and repair generally; notice to owner, etc."

- **Sec. 64. - Reserved.**

**Editor's note**— [Ord. No. 5773](#), Att. A, adopted Nov. 5, 2019, deleted § 64 entitled "Method of procedure."

- **Sec. 65. - Reserved.**

**Editor's note**— [Ord. No. 5773](#), Att. A, adopted Nov. 5, 2019, deleted § 65 entitled "Assessment bonds."

- **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.

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