



CHARTER REVIEW COMMITTEE July 24, 2024

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

AGENDA

- I. Approval of June 27, 2024 Minutes**
- II. Review Language Changes from Previous Meeting**
- III. Review of Sections 67-80 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 June 27, 2024

The Charter Review Committee met in Lakeland Electric Conference Rooms 1A and 1B. Vice Chair Terry Coney and Members Slyvia Blackmon-Roberts, Jim Edwards, Kim Elmhorst, Ellis Hirsch, Frank McCaulley, Teddra Porteous, Scott Reed, James Ring, Jason Rodda, Jim Scelfo, and Pat Steed were present. Members Lincoln Jacobs, Veronica Rountree, and Mike Workman were absent. City Attorney Palmer Davis and City Clerk Kelly Koos were also present.

Vice Chair Terry Coney called the meeting to order at 3:01 p.m.

Terry Coney wished Slyvia Blackmon-Roberts a Happy Birthday!

Approval of May 30, 2024 Minutes

Slyvia Blackmon-Roberts moved to adopt the minutes. Frank McCaulley seconded and the motion carried unanimously.

Language from Previous Meeting

Palmer Davis reviewed sections from previous meeting.

Jim Edwards moved to approve the changes. Jason Rodda seconded and the motion carried unanimously.

Review Sections 40-66 of City Charter

Sec 40. Oath of Office

Palmer Davis recommended the language in both oaths of office consistently say, "swear or affirm", and add "and laws of Florida" to the police officer oaths.

Frank McCaulley moved to approve the recommendations. Jason Rodda seconded.

The Committee discussed citizen vs resident.

Frank McCaulley withdrew his motion.

Ellis Hirsch moved to leave Sec. 40 as written. There was no second.

Pat Steed moved to approve Palmer Davis's recommendation and add "and resident" after citizen in both oaths. Frank McCaulley seconded and the motion carried unanimously.

Sec 41 no changes

Kim Elmhurst moved to approved as printed. Ellis Hirsch seconded and the motion carried unanimously.

Sec 42 no changes

Kim Elmhurst moved to approve as printed. Scott Reed seconded and the motion carried unanimously.

Sec 43 Appropriation ordinance

Palmer Davis suggested adding language for 2 public hearings to adopt an appropriation ordinance as required by State law.

Sylvia Blackmon-Roberts moved Palmer Davis's suggestions. James Ring seconded and the motion carried unanimously.

Sec 44 no changes

Teddra Porteous moved to approve as printed. Sylvia Blackmon-Roberts seconded and the motion carried unanimously.

Sec 45 no changes

Sylvia Blackmon-Roberts moved to approve as printed. Scott Reed seconded and the motion carried unanimously.

Sec 46 no changes

Pat Steed moved to approve as printed. Ellis Hirsch seconded and the motion carried unanimously.

Sec 47 Special tax

Palmer Davis asked for time to review this section to make sure it did not impose limits on the commission.

James Ring moved to table this section until the next meeting. Teddra Porteous seconded and the motion carried unanimously.

Sec 48 Special assessments for local improvements.

Palmer Davis explained special assessments and had no changes to this section.

Ellis Hirsch moved to approve as printed. Teddra Porteous seconded and the motion carried unanimously.

Sec 49 no changes

Frank McCaulley moved to approve as printed. James Ring seconded and the motion carried unanimously.

Sec 50 Method of making special assessments

Palmer Davis suggested deleting from (a) “or other property deemed to be benefited by such improvements”. Also in (a) add a space in “proportionto” so it reads “proportion to.”

Jim Scelfo moved to approve the recommendation. Pat Steed seconded and the motion carried unanimously.

Sec 51 Resolution relative to special assessments.

The Committee discussed posting vs USPS, posting in neighborhood and website.

Palmer Davis suggested changing the last sentence of the section by deleting “in a local newspaper” and replacing that with “on the City’s website.”

Jason Rodda suggested first class mail, posting in the neighborhood, and as prescribed by law.

Jason Rodda moved to approve his suggestion. Pat Steed seconded and the motion carried unanimously. Ellis Hirsch was absent at that time.

Sec 52 no changes

Frank McCaulley moved to approve as printed. Teddra Porteous seconded and the motion carried unanimously.

Sec 53 When annual installments due and payable; collection.

Palmer Davis explained that a better way to collect is to add special assessments to the annual tax bill. He would like to modify this section to include adding special assessments through other procedures authorized by law. Palmer Davis will bring back language for committee review, including shortening the first sentence.

Motion: Kim Elmhurst moved to direct Palmer Davis to bring back modified language for the Committee to consider next month. Frank McCaulley seconded.

Ellis Hirsch asked about code enforcement fines. Palmer Davis explained that code enforcement fines are in the nature of a penalty, while special assessment liens represent City costs incurred to improve a property.

Action: Terry Coney called for the vote and the motion carried unanimously.

Sec 54 no changes

Frank McCaulley moved to approve as printed. James Ring seconded and the motion carried unanimously.

Sec 55 no changes

Sylvia Blackmon-Roberts moved to approve as printed. Pat Steed seconded and the motion carried unanimously.

Sec 56 Publication of assessment resolution.

Palmer Davis suggested deleting “in a newspaper of general circulation in the city or in such other manner” and leaving “as provided by law.”

Jason Rodda moved to approve the suggestion. James Ring seconded.

Jason Rodda moved to amend the motion to include on the city's website and remove newspaper. James Ring seconded.

The motion was withdrawn.

Jason Rodda moved to revisit Section 56 until after Sections 57 and 58. James Ring seconded and the motion carried unanimously.

Sec 57 no changes

Ellis Hirsch moved to approve as printed. James Ring seconded and the motion carried unanimously.

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

This publication is not required by State law.

Terry Coney stated that we must determine the best way to notify the public in 2025.

Jason Rodda suggested using the same language from Section 51.

James Ring moved to adopt Jason Rodda's suggestion to use the language from Section 51 and replacing "Publication" with "Notice" in the heading. Ellis Hirsch seconded and the motion carried unanimously.

Sec 56

The Committee revisited Section 56.

Palmer Davis suggested deleting this section, as publication of the assessment resolution is not legally required.

James Ring moved to delete the text of Sec. 56 and mark "reserved." Frank McCaulley seconded and the motion carried unanimously.

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

Palmer Davis suggested changing the fifth line from the bottom of this Section to insert "charge or" between "shall" and "rebate." The Committee also discussed modifying the third line from the top to replace "on a basis of justice and right" with "as legally required."

Slyvia Blackmon-Roberts moved to approve the suggestions. Kim Elmhorst seconded and the motion carried unanimously.

Sec 60 no changes

James Ring moved to approve as printed. Scott Reed seconded and the motion carried unanimously.

Sec 61 no changes

Frank McCaulley moved to approve as printed. James Ring seconded and the motion carried unanimously.

Sec 62 no changes

Pat Steed moved to approve as printed. Teddra Porteous seconded and the motion carried unanimously.

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

The Committee discussed changing "obnoxious weeds" to "overgrowth" and in subsection (d), only requiring notice by mail. Palmer Davis recommended adding a subsection (f) to state that special assessments may be foreclosed or collected with taxes or by any other mechanism allowed by law.

Jim Edwards moved to approve the recommendations. Teddra Porteous seconded and the motion carried unanimously.

Public Comment – None

Next meeting is July 24, 2024.

Next Sections: 67-80

Pat Steed moved to adjourn. Ellis Hirsch seconded and the motion carried unanimously.

Adjourn – 4:50 p.m.

DRAFT

Review Language Changes from Previous Meeting, Sections 40-66

- 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 or affirmation shall be in the form herein prescribed as follows:

"I do solemnly swear or affirm that I am a citizen and resident 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 charter and 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 or affirmation shall be in the form herein prescribed as follows:

"I do solemnly swear (or affirm) that I am a citizen and resident 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 of the City of Lakeland and the laws of the State of Florida 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 charter and 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 hearings 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 of such public hearings as otherwise may be~~ required by law. At such hearings, the city commission may revise the proposed appropriation ordinance and may adjourn the hearings 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 benefited 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 benefited 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 ~~ea~~affected property owners and posted in a conspicuous location in the neighborhood where the improvements will occur 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~~ Notice shall also be provided in such other manner as may 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 u~~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 and~~ legal costs ~~incurred, including a reasonable attorney's fee, to be assessed as part of the costs, and i~~ 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. Nothing in this section shall preclude the collection of a special assessment authorized under this charter, including interest and costs related thereto, by any other means authorized by law.

- **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~~Reserved.**

~~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;~~ nNotice 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 be mailed by first class mail to the

~~affected property owners and posted in a conspicuous location in the neighborhood where the improvements will occur no later than ten (10) days prior to consideration by the city commission, and provide notice as may otherwise be required by law, 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 rights may be required by law,~~ and when so equalized and approved such assessments 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 ~~charge or~~ 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 weedsovergrowth, 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 weedsovergrowth or rubbish, and for assessing against property the cost of cutting and removing therefrom ~~obnoxious~~ weedsovergrowth 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~~ notice to be delivered to the owner(s) of the subject property 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 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.

(f) Special assessments levied pursuant to this section may be foreclosed in the manner provided for the foreclosure of special assessments, or may be collected in any other manner provided by law, including the uniform method for the levy, collection and enforcement of non-ad valorem assessments.

(g) The provisions of this section constitute a supplemental and additional method for the levy and collection of special assessments and shall operate and be construed independently from other sections of this charter related to special assessments.

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

Review of Sections 67-80 of City Charter

- Sec. 67 – How issued
- Sec. 68 – Reserved
- Sec. 69 – Reserved
- Sec. 70 – Revenue bonds
- Sec. 71 – Granting of franchises
- Sec. 72 – Period of grants
- Sec. 73 – Conditions
- Sec. 74 – Assignment of grants
- Sec. 75 – Extensions by annexation
- Sec. 76 – Right of regulation, etc.
- Sec. 77 – Forfeitures
- Sec. 78 – Accounts and reports required of public utilities
- Sec. 79 – Reserved
- Sec. 80 – Power of city commission not limited

BONDS

- **Sec. 67. - How issued.**

(1) The city commission is authorized to issue, from time to time, general obligation bonds of said city of such denominations and bearing such rates of interest, and becoming due in such time and upon such conditions as may be determined by the City Commission; provided, that no such bonds shall be issued except for refunding of previous issues of bonds, establishment of public works and utilities, construction of necessary municipal buildings, and for the purpose and improvement of parks, golf courses, playgrounds, highways, streets and alleys, lakes, and other municipal purposes; provided, further, that before the issuance of any such bonds, an ordinance or resolution shall be passed expressing in exact terms the amount of the contemplated bond issue and purposes for which moneys so to be realized are to be used, which, if such bond have a maturity of more than twelve months, shall be approved by a majority of the votes cast in an election held for that purpose, at which time and in such manner as may be prescribed by law and city ordinances, in which a majority of the duly qualified electors residing in the City of Lakeland shall be eligible to participate.

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

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

- **Sec. 68. - Reserved.**

Editor's note— [Ord. No. 5773](#), Att. A, adopted Nov. 5, 2019, deleted § 68 entitled "Prerequisite to passing of bonding ordinance."

- **Sec. 69. - Reserved.**

Editor's note— [Ord. No. 5773](#), Att. A, adopted Nov. 5, 2019, deleted § 69 entitled "Advertisement and sale of bonds."

- **Sec. 70. - Revenue bonds.**

The city shall have power to issue from time to time revenue bonds and industrial revenue bonds and other bonds payable from taxes other than ad valorem taxes, fees, charges, grants and the revenue derived from the electric system of the city, the water, storm water, and wastewater system of the city, the parking system of the city, including both on-street and off-street parking facilities, industrial plants, industrial parks, airports or any other revenue-

producing undertaking or enterprise, or any combination of such systems, undertakings or enterprises, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, extension or improvement of such systems, undertakings or enterprises or any combination thereof, or the acquisition of any property, real or personal, therefor.

(1) Such revenue bonds shall mature at such time or times, not later than forty (40) years from the date of issuance thereof, shall bear interest at such rate or rates, may have such provisions for redemption prior to maturity, under such terms and at such prices, and such other terms and provisions as the city commission shall determine by ordinance or resolution. Such revenue bonds may be authorized by ordinance or resolution, which need not be published or posted, which ordinance or resolution, may be adopted at a regular or adjourned meeting. Such revenue bonds may be sold at public sale after such advertisement as the city commission shall deem advisable, or at private sale without advertisement, at such price or prices as the city commission shall deem advisable, together with accrued interest thereon, if any.

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

(3) Reserved.

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

(5) No election of the qualified electors residing in the city shall be required for the issuance of any of said revenue bonds unless the full faith and credit and ad valorem taxing power of

the city is pledged as additional security for the payment of the principal of and interest on such revenue bonds.

(6) The authority granted in this section to the city to issue revenue bonds shall be deemed to be supplemental, alternative and complete authority for the issuance of such revenue bonds, and such authority shall not be deemed to affect or take away the right of said city to issue such revenue bonds under any other laws of the State of Florida, subject to the limitations of such other laws.

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

FRANCHISES AND PUBLIC UTILITIES

- **Sec. 71. - Granting of franchises.**

The city commission may, by ordinance, grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city, but no such grant or renewal thereof shall be made in violation of any of the limitations contained herein. The ordinance granting any such franchises or renewals thereof shall be subject to petition and referendum as specified herein. No ordinance granting a franchise shall be considered as an emergency measure.

- **Sec. 72. - Period of grants.**

No such grant or franchise shall be exclusive, nor shall it be made for a longer period than thirty (30) years. No such grant or franchise shall be renewed earlier than two (2) years prior to its expiration unless the city commission shall, by unanimous vote of its members, first declare by ordinance its intention of considering a renewal thereof. All grants or rights to make extensions of any public utility shall be subject, as far as practicable, to the terms of the original grant, and shall expire therewith.

- **Sec. 73. - Conditions.**

The city commission shall, in ordinances granting or renewing any franchise to construct or operate a public utility, prescribe the kind and quality of service or product to be furnished, and the manner in which the streets and public grounds shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchasing all the property and property rights of the utility, as well as extensions thereof within or without the city, used in or useful in or connected with such utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the granting or renewals of the grant, such contracts, if so purchased to be performed by the city. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by

condemnation proceedings, or in any other lawful mode; and all such methods of acquisition shall be alternative to the power of purchase reserved in the grant or renewal, as hereby provided. In such event, however, said contracts of such utility shall be performed by the city. Upon the acquisition by the city of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

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

- **Sec. 74. - Assignment of grants.**

No such grant or franchise shall be leased, assigned, or otherwise alienated except with the express consent of the city commission.

- **Sec. 75. - Extensions by annexation.**

It shall be provided in every such grant that, upon the annexation of any territory to the city, the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

- **Sec. 76. - Right of regulation, etc.**

All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over or across or under all streets, alleys, or public grounds, occupied by public utility fixtures, and when in the opinion of the city commission, the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety or accommodation.

- **Sec. 77. - Forfeitures.**

If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside, or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city commission, to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city commission for the violation by the grantee of any of the terms thereof.

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

Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall either keep and maintain at some place within

the city suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits, and all the operations of such utility which are usually shown by a complete system of bookkeeping, or furnish said information upon request of the city commission.

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

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

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

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

- **Sec. 79. - Reserved.**

Editor's note— [Ord. No. 5773](#), Att. A, adopted Nov. 5, 2019, deleted § 79 entitled "Revocable permits for laying spur tracks not considered grants."

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

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

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