



CHARTER REVIEW COMMITTEE November 21, 2024

*City Commission Conf. Rm
City Hall – 228 S Massachusetts Ave*

AGENDA

- I. Approval of October 31, 2024 Minutes**
- II. Review Language Changes from Previous Meeting**
- III. Comments from the Public**
- IV. 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.

**Charter Review Committee
October 31, 2024**

The Charter Review Committee met in the City Commission Conference Room. Mike Workman (chair), Terry Coney (Vice Chair) and Members Slyvia Blackmon-Roberts, Jim Edwards, Kim Elmhorst, Ellis Hirsch, Lincoln Jacobs, Teddra Porteous, Veronica Rountree, Jim Scelfo, and Pat Steed were present. Members Frank McCaulley, Scott Reed, and James Ring were absent. City Attorney Palmer Davis and City Clerk Kelly Koos were present along with HR Director Mark Farrington and Assistant City Attorney Alex Landback.

Mike Workman called the meeting to order at 3:04 pm.

Approval of August 29, 2024, Minutes

Action: Slyvia Blackmon-Roberts moved to approve the minutes. Terry Coney seconded, and the motion carried unanimously.

Review Language from Previous Meeting

Sec. 81

Palmer Davis reviewed the changes.

Action: Terry Coney moved to approve the changes for Sec. 81. Pat Steed seconded, and the motion carried unanimously.

Sec 82

Palmer Davis reviewed the changes.

Action: Jim Edwards moved to approve the amendments. Jason Rodda seconded, and the motion carried unanimously.

Sec 83, 84 and 85

Palmer Davis reviewed the changes.

Action: Kim Elmhorst moved to approve the amendments. Slyvia Blackmon-Roberts seconded, and the motion carried unanimously.

Sec. 86

Palmer Davis reviewed the changes.

Action: Terry Coney moved to approve the amendments. Pat Steed seconded, and the motion carried unanimously.

Sec. 88

Palmer Davis reviewed the changes.

Action: Slyvia Blackmon-Roberts moved to approve the amendments. Ellis Hirsch seconded, and the motion carried unanimously.

Sec. 89

Palmer Davis reviewed the changes.

Action: Jason Rodda moved to approve the amendments. Terry Coney seconded, and the motion carried unanimously.

Sec. 90

Palmer Davis reviewed the changes.

Action: Ellis Hirsch moved to approve the amendments. Slyvia Blackmon-Roberts seconded, and the motion carried unanimously.

Sec. 91

Palmer Davis reviewed the changes.

Action: Terry Coney moved to approve the amendments. Kim Elmhurst seconded, and the motion carried unanimously.

Sec 92

Palmer Davis presented.

Action: Pat Steed moved to delete Sec 92. Ellis Hirsch seconded, and the motion carried unanimously.

Sec. 93

Palmer Davis reviewed the changes.

Action: Terry Coney moved to approve the amendments. Pat Steed seconded, and the motion carried unanimously.

Sec. 96

Palmer Davis reviewed the changes.

Action: Veronica Rountree moved to approve the amendments. Teddra Porteous seconded, and the motion carried unanimously.

Sec. 98

Palmer Davis reviewed the changes.

Action: Jim Edwards moved to approve the amendments. Slyvia Blackmon-Roberts seconded, and the motion carried unanimously.

Review Division II Related Laws, Article 1 Civil Service Board

Sec. 1

Palmer Davis presented. He asked the committee if they had any thoughts on the section. Terms are staggered pursuant to the current practice.

Palmer Davis stated the second sentence belongs in section 3, which includes “terms” in its heading.

Sec. 3

Palmer Davis presented and recommended as follows:

1. Remove “subsequent” from title given that Sec.2 dealing with the appointment of “initial members” no longer exists and the civil service board has existed for some time.
2. Specify that employees shall elect rather than appoint members given that the employees hold an election to select their three members.
3. Delete “and the previous section” given that the previous section no longer exists.

Palmer Davis asked the Committee if they wanted to vote on each section as it was reviewed.

The Committee decided they needed a brief explanation of civil service. Civil Service Director Mark Farrington gave a brief overview. The Civil Service Rules provided fairness for all employees. There must be four members of the Civil Service Board present for a quorum. They can overturn or accept the discipline chosen by management, but no modifications can be made. The last appeal to the Civil Service Board was in April 2022.

Palmer Davis explained that in the private sector if an employer violates your rights, you must go to court or through the EEOC. Civil Service deals with broader issues. The Civil Service Board is a way for employees to appeal discipline.

Mike Workman: From a global perspective there are ordinances and civil service rules in addition to the charter.

Mike Workman asked the committee if they wanted to vote at the very end or section by section. The group decided to complete the article and then go back and vote.

Sec. 4

The Committee discussed whether 30 days was enough time to fill a vacancy. Palmer Davis and Kelly Koos will research and bring back language.

The Committee may need to clean up the language regarding appointed vs elected.

Sec. 5

The Committee discussed the LE service territory residency requirement.

Sec. 6

The Committee discussed Civil Service Board functions and their role in hiring a civil service director.

Jim Edwards suggested the possibility of the City Manager hiring the director with the concurrence of the Civil Service Board.

Mike Workman: If it is working now, section 6 should be revised to match what is happening.

Sylvia Blackmon-Roberts: A hire at that level is not best done by the volunteers of the Civil Service Board. A critical hire should be handled by the City Manager.

Palmer Davis: The Civil Service Board is given independence by the Charter to uphold or reverse disciplinary decisions.

The Committee discussed the merits of requiring the concurrence of the Civil Service Board or merely consultation with the Board prior to the hiring of the director. Requiring concurrence is cumbersome for both the hiring and firing process. Jason Rodda liked the director being appointed by the City Manager after consultation with the Civil Service Board. The consensus of the Committee was that the civil service director should be hired and fired by the City Manager after consultation with the Civil Service Board.

Teddra Porteous asked whether a conflict was presented by the board prescribing the duties of the civil service director and the City Manager supervising and hiring/firing the director. Palmer Davis responded that it is not necessarily a conflict. The duties of the civil service director are prescribed by the Civil Service Board through the adoption of rules, while the City Manager determines whether the director is adequately performing those duties.

Slyvia Blackmon-Roberts thought the board would be limited in truly understanding and prescribing the duties of the director.

Sec. 7

There were no recommended changes to this section.

Sec. 8

The Committee suggested a vice-chair and the need for term limits for those serving as Chair. Palmer Davis will bring back language for the committee to review.

Sec. 9

Slyvia Blackmon-Roberts asked how a report to the City Commission from a group of volunteers would be facilitated? Would the board default to the Director? Should that report be defined?

Mark Farrington does give a report to the Commission on an annual basis as the HR Director.

Mike Workman asked if they should change the wording so that the Civil Service Director renders the report. The committee agreed.

Sec. 10

The Committee discussed whether unionized employees were under Civil Service. Alex Landback explained that union members are part of Civil Service as well and usually choose their union process because of the arbitration option. Those decisions are binding.

The committee agreed to leave this section unchanged.

Sec. 11

Jason Rodda suggested removing this entire section given that the City Manager and City Commission are responsible for the establishment of compensation.

Mike Workman asked if there would be any unintended consequences in striking Sec 11. Mark Farrington said it would not be a problem if it was removed.

Sec. 12

Mark Farrington explained that any changes to the rules and regulations are presented to the Employees' Association Board before posting.

There was consensus among committee members to increase the notice of adoption of rules and regulations to not less than 30 days.

The committee also agreed to delete the last sentence of Sec. 12 as it is redundant of the last sentence in Sec. 10.

Sec. 13

Cindy Marsh explained that employment/promotion procedures are part of the civil service rules.

Ellis Hirsch asked why permanent part-time employees are not covered by Civil Service.

Cindy Marsh explained that part-time employees are protected by all the same policies, they just cannot appeal to the Civil Service Board.

Sylvia Blackmon-Roberts was not interested in changing this since it has not been brought up as a problem.

Sec. 14 – Sec. 15

The Committee discussed whether sections 14 and 15 should be removed. Section 14 is inconsistent with current practice and beyond the scope and expertise of the Civil Service Board. The Committee agreed to remove Sec. 14. Palmer Davis recommended that he wordsmith language for Sec 15 for the Committee's consideration at the next meeting.

Sec. 16

Is currently reserved.

Sec. 17

There were no changes.

Sec. 18

Palmer Davis presented. This section dealt with the removal of Civil Service Board members. No changes were recommended.

Sec 19

Palmer Davis presented. He explained that for the Civil Service Board to overturn a disciplinary action an affirmative vote of 4 is required. Ellis Hirsch expressed concern about this requirement. No changes to the section were recommended by the Committee.

Palmer Davis explained that he will bring concrete language back for the committee's consideration at next month's meeting.

The next and last section of the Charter deals with the Employees' Pension and Retirement System. This is a very technical section with tax implications and may be difficult for the committee to review in the same way they have reviewed previous sections. The Committee stated that they would only want to make changes requested by the pension attorney.

Barring any changes to the pension section, once the Committee reviews and approves Civil Service changes they have worked through everything. They just need to come back to review the legal descriptions for the City Commission districts. Carl Metz is working on this. The charter requires the committee to report to the City Commission within one year. That would be in January 2025.

Adjourn - 5:17 p.m.

Division II RELATED LAWS

ARTICLE I. CIVIL SERVICE BOARD

Sec. 1. Created; composition.

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

(Res. No. 4657, § 1, 12-3-07; Ord. No. 5773 , Att. A, 11-5-19)

Sec. 2. Reserved.

Ord. No. 5773 , Att. A, adopted Nov. 5, 2019, deleted § 2 entitled "Appointment of initial members," which derived from: Sp. Acts, Ch. 77-590, § 1; and Res. No. 4657, § 1, adopted Dec. 3, 2007.

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

Each year the city commission shall appoint one member and the full-time employees of the city shall ~~appoint~~elect one member. ~~Successors to t~~The seventh member ~~serv~~ing as the selection of the other members of the board shall be selected by the other members of the board. The method of election of members to the civil service board by full-time employees of the City of Lakeland under this section ~~and the previous section~~ shall be prescribed by ordinance. Each member of the civil service board shall serve a three-year term.

(Sp. Acts, Ch. 77-590, § 2; Res. No. 4657, § 1, 12-3-07; Ord. No. 5773 , Att. A, 11-5-19)

Sec. 4. Filling of vacancies.

Whenever a vacancy occurs in the membership, a qualified person shall be appointed or elected within thirty (30) days, or as soon thereafter as possible, for the unexpired term in the same manner that the person creating the vacancy was appointed or elected, ~~except that any vacancy in membership by the three (3) members serving as of the effective date of this section shall be filled by appointment by the remaining members of the board.~~

Sec. 5. Qualification of members.

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

(Ord. No. 5150, § 2, 2-15-10; Ord. No. 5773 , Att. A, 11-5-19)

Sec. 6. Authority to employ civil service director, clerk, etc., and prescribe their duties.

The ~~civil service board is authorized on behalf of the City of Lakeland, with the concurrence of the~~ City Manager, ~~to employ, as a City of Lakeland employee,~~ shall employ a director of civil service after consultation with the civil service board. The City of Lakeland shall employ such staff of employees as may be reasonably necessary for the proper performance of the duties of the board. The board shall prescribe the duties to be performed by the director of civil service, who shall be supervised on a day-by-day basis by the City Manager or his designee and may be terminated or suspended by the City Manager after consultation with the civil service board.

(Res. No. 4657, § 1, 12-3-07)

Sec. 7. City commission to provide funds annually.

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

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

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

~~Upon initial appointment of the board and immediately after the first of January each year, the board shall organize by electing one of its members as chairman to hold office until the election and qualification of his successor at the next organization meeting of the said board. In the event the office of the board member, who is chairman, shall become vacant, a new chairman shall be elected by the board immediately after such vacancy is filled. The board shall elect a chair and a vice-chair each calendar year at the board's first meeting and the newly-elected chair and vice-chair shall assume their offices at the end of the meeting at which they were elected. Should the office of chair become vacant, the vice-chair shall not automatically assume the office of chair, but will serve temporarily as chair until a new chair is elected by the board at any one of its meetings. Terms of office are for one year. There is no limit to the number of terms that a board member may hold the office of chair or vice-chair, but no member may serve more than three (3) consecutive terms in an office. A board member elected to fill a vacancy during the year shall serve until the next regular annual election and a partial term shall not be counted for purposes of the rule limiting members to three consecutive terms in an office. The offices of chair and vice-chair shall not be held simultaneously by either appointees of the city commission or by electees of the city employees.~~

(Res. No. 4657, § 1, 12-3-07; Ord. No. 5773 , Att. A, 11-5-19)

Sec. 9. Reports required.

From time to time, as often as shall be required by the city commission of the City of Lakeland, Florida, the civil service ~~board~~director shall render reports of ~~it~~the board's accomplishments and actions, and of the status and classifications of municipal employees and of applicants for municipal employment.

Sec. 10. Officers and employees under civil service.

All officers and other employees of the City of Lakeland, except elective officers and those employee positions excepted by resolution, shall be employees within the civil service of the city. All future employees in any type of employment except those excluded from time to time by resolution adopted by the city commission shall become employees within the civil service. Persons now in the employ of the city who have previously accepted employment which is excepted from the civil service by this section shall be entitled to the continuation of such benefits.

(Ord. No. 4241, § 1, 3-5-01)

Sec. 11. ~~Compensation of employees~~Reserved.

~~The city manager shall have the duty of recommending to the city commission from time to time, the adoption of pay plans and amendments thereto based upon classifications of all employees, except those~~

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~~employees whose salary is set by the city commission, and annual budgets which shall include the compensation to be paid to employees. Upon the creation of new employment positions within the civil service for which no range of compensation has been established in a then current pay plan, such position shall be considered by the civil service board and such a recommendation shall be made by the board to the city manager. The range of compensation for such new position shall be established by the city manager subject to the approval of the city commission.~~

Sec. 12. Adoption of rules and regulations.

After notice of not less than ~~two (2)~~thirty (30) weekdays to city employees, and to the public and administration, the civil service board ~~shall~~may adopt ~~and mayor~~ amend a code of rules and regulations which it shall enforce, providing for the selection, examination, qualification, registration, employment, promotion, removal, suspension, demotion, reduction, re-employment, and discharge of employees within civil service. ~~Any incumbents in the positions excepted herefrom who presently are within the civil service shall not be removed from civil service by this amended charter.~~

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

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

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

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

Sec. 14. ~~Procedure for appointment of employees~~Reserved.

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

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

Sec. 15. Probationary period.

No appointment, ~~or~~ employment ~~or promotion~~ of any civil service employee shall be deemed complete or permanent until said employee has met all the qualifications established ~~by civil service~~for the position and has satisfactorily served as a regular employee for a probationary period of twelve (12) months; ~~Employees promoted, demoted or laterally transferred to another classification must serve a six (6) month probationary period in the new classification. and the probationer~~A probationary employee may be discharged or reduced in rank at any time within ~~said twelve month~~the probationary period upon the recommendation of the city manager or an employee acting under ~~his~~the city manager's authority. If said employee is fully qualified and is not discharged or demoted within such period, then such appointment, employment or promotion shall be deemed complete and such employee shall be deemed a permanent employee within the civil service of the city and shall hold employment until reduced, discharged or suspended in accordance with the provisions of this charter.

Sec. 16. Reserved.

Ord. No. 5773 , Att. A, adopted Nov. 5, 2019, deleted § 16 entitled "Reduction in number of employees; procedures; reemployment."

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

No employee within the civil service shall be removed, suspended, demoted, fined, have a merit increase rescinded, or discharged except for cause shown upon written charges of misconduct or violation of law or rules of the civil service board and after reasonable notice, an opportunity to be heard in his or her own defense by him or her self, witnesses and counsel. No employee within civil service shall have his or her salary or compensation reduced unless the salary and compensation of all other employees of similar class, rank and tenure be correspondingly reduced, unless such reduction is attributable to the rescinding of a merit increase or a demotion for cause. The city manager, or any employee acting under this authority, may suspend a subordinate for a reasonable period of time, not exceeding thirty (30) days, for any cause, which in the opinion of such manager or his or her delegate would be grounds for removal, suspension, demotion, fine or discharge, provided immediately upon such suspension being made, report thereof and cause therefor shall be given in writing to the civil service board and to the suspended employee. Any employee within the civil service who may claim to have been removed, suspended, demoted, reduced, fined, had a merit increase suspended, or discharged by the city or any officer thereof without full compliance with the provisions of this act or without cause, shall have the right to file a petition before the civil service board within fifteen (15) calendar days of such action, setting forth the facts upon which his or her complaint is based, and the board shall cause a copy thereof to be served upon the city manager and give reasonable notice of a hearing to be conducted before the board to investigate the complaint and in the event that it shall find that such petitioner was improperly removed, suspended, demoted, reduced, fined or discharged, the board shall certify its findings to the city manager and the petitioner shall be immediately reinstated and shall receive full compensation for all of the time for which he or she has not been theretofore compensated.

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

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

Any member of the civil service board who shall be found by the city commission of the City of Lakeland to no longer possess the qualifications for membership, be incompetent or to be guilty of misconduct, neglect of duty or of misfeasance, malfeasance, or nonfeasance in office, shall be subject to removal by the city commission by the adoption of a resolution setting forth the acts which justify removal. Any member who shall fail to attend three (3) consecutive meetings without such absences being excused by the board shall thereby forfeit his or her membership on the board.

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

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

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

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

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