

**Charter Review Committee
September 24, 2020 6:00 p.m.**

**Municipal Administration Building
Commission Chambers
201 W. Central Avenue
Lake Wales, FL 33853**

This meeting will be conducted partially via teleconference

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, and extended by Executive Order No. 20-112, and further extended by Executive Order No. 20-114, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

The City of Lake Wales will hold all virtual public meetings using the GoToMeeting Web/Teleconference service.

Members of the public who wish to participate should register for the meeting at this link.

<https://www.lakewalesfl.gov/Register>

1. CALL TO ORDER & ROLL CALL
2. Minutes - September 10, 2020
Minutes - [SEPTEMBER 10, 2020](#)
3. Changing Duty Of Mayor Regarding Committee And Board Appointments
4. Review Proposed Changes
Review of draft Ordinances based on proposed changes

Documents:

[ORD 2020-18 MISSION STATEMENT.PDF](#)
[ORD 2020-19 CANDIDATE RESIDENCY.PDF](#)
[ORD 2020-20 DISTRICT RESIDENCY.PDF](#)
[ORD 2020-21 FILLING VACANCIES.PDF](#)
[ORD 2020-23 CTY MGR APPOINTMENT.PDF](#)
[ORD 2020-24 CTY MGR PURCHASING.PDF](#)
[ORD 2020-25 DUTIES OF COMMISSIONERS.PDF](#)
[ORD 2020-26 CAPITAL PROGRAM.PDF](#)

5. COMMUNICATIONS AND PETITIONS
6. AROUND THE ROOM

7. ADJOURN

Minutes of the Charter Review Committee meeting can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Appeals concerning decisions on issues requiring a public hearing:

Persons who wish to appeal any decision made by the Charter Review Committee with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE I OF THE CHARTER OF THE CITY OF LAKE WALES TO ADD A MISSION STATEMENT; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article I of the City's Charter to provide a Mission Statement for the City; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Section 1. Section 1.01 of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

§ 1.01. Mission statement.

The mission of the City of Lake Wales is to serve and unify its citizens, to foster economic growth while building on our City's existing small town values, and to promote the Bok ethic that we make our City a "bit better and more beautiful" for our being here.

The existing §1.01. Incorporation. Is renumbered as §1.02.

The existing §1.02. General powers. Is renumbered as §1.03.

The existing §1.03. Ethics policy. Is renumbered as §1.04.

Ballot Title:

Addition of a Mission statement to Article I. In General, to the Charter fo the City of Lake Wales, Florida.

Ballot Summary:

Proposing that the Mission statement of the City of Lake Wales be published as the first entry in the City's Charter and that the existing §§ 1.01., 1.02., and 1.03., be renumbered accordingly.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____, 2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-19

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.02, OF THE CHARTER OF THE CITY OF LAKE WALES TO INCREASE THE RESIDENCY REQUIREMENT FOR THE MAYOR OR COMMISSIONER TO THREE YEARS; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article III, Section 3.02 of the City's Charter to provide a residency requirement for mayor or city commission member from one year to three years to allow for a better understanding of the community prior to seeking elective office; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article III, Section 3.02 of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 3.02. Qualifications of members.

Members of the city commission shall have been residents of the City of Lake Wales for not less than three years preceding their date of election. The office of any commission member who shall move from the City of Lake Wales during the term for which the member was elected shall automatically become vacant from the date of such removal.

Ballot Title:

Increase of the residency requirement for elective office of mayor or commissioner in the City of Lake Wales from one year to three years.

Ballot Summary:

Proposing that the residency requirement for elective office in the City of Lake Wales be increased from one year to three years so that the candidate will have a better understanding of the community prior to seeking to govern.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____, 2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-20

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.02, OF THE CHARTER OF THE CITY OF LAKE WALES TO REQUIRE AN ELECTED COMMISSIONER TO REMAIN A RESIDENT OF THE DISTRICT IN WHICH THE MEMBER QUALIFIED FOR ELECTION THROUGHOUT THE TERM FOR WHICH THE MEMBER WAS ELECTED ; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article III, Section 3.02, of the City's Charter to provide that a commission member must continue to reside in the district in which the member qualified for election throughout the term to which the member was elected; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article III, Section 3.02, of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 3.02. Qualifications of members.

Members of the city commission shall have been residents of the City of Lake Wales for not less than one year preceding their date of election. The office of any commission member who shall move from the City of Lake Wales during the term for which the member was elected shall automatically become vacant from the date of such removal. The office of any commission member who shall move from the District in which the member qualified during the term for which the member was elected shall automatically become vacant from the date of such removal.

Ballot Title:

Requiring an elected city commission member to be a resident of the District in which the commission member qualified throughout the member's term in office.

Ballot Summary:

Proposing that an elected city commission member remain a resident of the District in which the commission member qualified as a candidate throughout the term to which the commission member was elected.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____,
2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-21

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.08 (c), OF THE CHARTER OF THE CITY OF LAKE WALES TO REVISE THE MANNER IN WHICH A VACANCY IN OFFICE IS FILLED; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article III, Section 3.08 (c), Filling of vacancies, of the City's Charter to provide that a vacancy that has more than one year remaining in the term will be filled by the electorate at the next available election. The City Commission will appoint an individual to serve until the next available election and the newly elected commission member would serve the balance of the unexpired term; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article III, Section 3.08 (c) of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 3.08 (c). Filling of vacancies.

A vacancy of the commission shall be filled by majority vote of the remaining commission members. Should more than one year remain of the term of the office of the member whose seat was vacated, the remaining commissioners will appoint an interim member to serve until the next available election. The remainder of the term will then be filled by the commission member chosen by the electorate for the remainder of the term.

Ballot Title:

Election of a candidate to fill a vacancy occurring on the city commission with the remaining commission members to appoint an interim commissioner to serve until the next available election when more than one year remains in the term of the vacated office.

Ballot Summary:

Proposing that the a vacancy which occurs on the city commission be filled by majority vote of the remaining members of the city commission. When the remaining term exceeds one year, the individual appointed to serve shall do so on an interim basis until the next available election when a candidate will be elected to serve the remainder of the term for the vacated seat on the city commission.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____,
2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-23

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 4.01, OF THE CHARTER OF THE CITY OF LAKE WALES TO PROVIDE A RESIDENCY REQUIREMENT FOR THE CITY MANAGER; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article IV, Section 4.01, of the City's Charter to provide a residency requirement for the city manager to live within the "greater Lake Wales area" within six months of employment.

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article IV, Section 4.01 of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 4.01. Appointment of city manager; qualifications.

The commission members shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and shall hold office at the pleasure of the city commission. The city manager shall be chosen solely on the basis of executive and administrative qualifications and need not be a resident of the city or state at the time of appointment. The city manager must reside within "the greater Lake Wales area" within six months of employment. The city manager shall receive a salary to be fixed by the city commission. No person who has served on the city commission shall be eligible for appointment to the office of city manager until two years after membership on the city commission has ended.

Ballot Title:

Providing for a residency requirement for the city manager within six months after appointment to serve as the city manager.

Ballot Summary:

Proposing that there be a residency requirement for appointment as city manager of the City of Lake Wales by addition of the following sentence to §4.01 of the City's Charter as set forth above: "The city manager must reside within "the greater Lake Wales area" within six months of employment."

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____, 2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-24

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 4.04 (9), OF THE CHARTER OF THE CITY OF LAKE WALES GOVERNING THE ACTS OF THE CITY MANAGER IN THE CAPACITY OF THE CITY'S PURCHASING AGENT; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article IV, Section 4.04 (9), of the City's Charter to govern the actions of the city manager in the capacity of the City's purchasing agent and to allow certain purchasing activities of the City and its department heads to be controlled by the City's Code of Ordinances, as amended from time to time.

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article IV, Section 4.04 (9), of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 4.04 (9) To act as purchasing agent for all purchases of supplies and equipment. The city manager shall be required to approve all vouchers for purchases in the amount of \$1,000.00 or greater. The City's department heads shall have the authority to approve purchases of supplies and equipment below the \$1,000.00 threshold. All purchases shall comply with the applicable provisions of the City's Code of Ordinances, as amended from time to time. In the capacity of purchasing agent the city manager shall also arrange for the conduct of all sales of personal property which the city commission may authorize to be sold as having become obsolete, unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the city commission may from time to time prescribe.

Ballot Title:

Providing policy for the city manager acting as the City's purchasing agent for approval of vouchers for the payment for purchases of supplies and equipment; providing authority for approval of certain purchases by the City's department heads; and requiring compliance with the City's purchasing guidelines as set forth in the Lake Wales Code of Ordinances, as the same may be amended from time to time.

Ballot Summary:

Proposing requirements for purchasing of supplies and equipment by the city manager acting as the City's purchasing agent and by the City's department heads with specific limitations as set forth in the City's Code of Ordinances as the same may be amended by the city commission from time to time.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____,
2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-25

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.10, (RESERVED) OF THE CHARTER OF THE CITY OF LAKE WALES TO IDENTIFY THE DUTIES OF THOSE INDIVIDUALS SERVING AS CITY COMMISSIONERS; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article III, Section 3.10 (Reserved) of the City's Charter to identify the duties of the City Commissioners; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article III, Section 3.10 of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to add language describing the duties of city commissioners as follows:

Section 1.

§ 3.10. Duties of city commissioners.

Individual commissioners have no express power, but members acting together as a city commission are responsible for:

- (a) Adopting vision, goals, and policies for the city
- (b) Adopting local laws, ordinances and resolutions
- (c) Representing the best interests of the city and its citizens
- (d) Attending regular and special commission meetings and workshops
- (e) Employing, supervising, and evaluating a city manager, who is responsible for the city's day-to-day operations

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- (f) Employing a city attorney and city clerk
- (g) Adopting an annual ad valorem tax rate and budget, and approving any necessary budget amendments
- (h) Setting rates for any special fees or assessments
- (i) Adopting a 5-year Capital Improvement Program prior to the start of the fiscal year
- (j) Prioritizing projects for annual funding
- (k) Serving as the city's Community Redevelopment Agency
- (l) Confirming appointments to city boards, committees, and commissions
- (m) Approving the city's organization plan, operational departments, and salary ranges
- (n) Adopting a long-range comprehensive plan for land use, planning, and zoning
- (o) Providing for the public safety by supporting adequate police and fire services
- (p) Adopting comprehensive personnel policies
- (q) Ensuring that city pension programs are adequately funded
- (r) Representing the city at various community events
- (s) Promoting active citizen engagement in the affairs of the city

Ballot Title:

Adoption of a Charter provision listing the duties of the city commissioners of the City of Lake Wales

Ballot Summary:

Proposing a list of clearly identified duties of the elected city commissioners of the City of Lake Wales.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____,
2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney

ORDINANCE 2020-26

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 6.05 (a), OF THE CHARTER OF THE CITY OF LAKE WALES TO HAVE THE SUBMISSION OF THE CITY'S FIVE-YEAR CAPITAL PROGRAM TO THE CITY COMMISSION COINCIDE WITH SUBMISSION OF THE ANNUAL BUDGET; PROVIDING UPON FINAL PASSAGE OF THE ORDINANCE FOR THE PROPOSED AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE ELECTORS OF THE CITY AT THE 2021 MUNICIPAL ELECTION OR AT A SPECIAL ELECTION CALLED FOR THE PURPOSE OF VOTING ON A CHARTER AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Wales ("City Commission") is the governing body of the City of Lake Wales, Florida, an incorporated Florida municipality; and

WHEREAS, §8-86 of the Lake Wales Code of Ordinances and §166.031, Florida Statutes, sets forth the process for amending the Charter of a Florida municipality and specifically allows for charter amendments to be proposed to municipal electors by the municipality's governing body; and

WHEREAS, the City Commission of the City of Lake Wales finds it in the best interests of the citizens of the City to initiate an ordinance proposing an amendment to Article VI, Section 6.05 (a) of the City's Charter to provide that submission of the five-year capital program to the city commission shall coincide with submission of the annual budget to the City Commission; and

WHEREAS, the City Commission of the City of Lake Wales finds that this ordinance proposes a single-subject amendment to the *Charter of the City of Lake Wales, Polk County, Florida*; **NOW, THEREFORE**,

Be it enacted by the City Commission of the City of Lake Wales, Florida:

Article VI, Section 6.05 (a) of the *Charter of the City of Lake Wales, Polk County, Florida*, shall be amended to read as follows:

Section 1.

§ 6.05 (a). Submission to commission.

The manager shall prepare and submit to the commission a five-year capital program to coincide with the final date for submission of the annual budget.

Ballot Title:

Providing for submission of the City's five-year capital program to the City Commission at the same time the annual budget is submitted.

Ballot Summary:

Proposing that the City's annual budget and five-year capital program be submitted to the City Commission at the same time.

Ballot Question:

Shall the above described Amendment be adopted?

FOR _____

AGAINST _____

Section 2. After final passage of this Ordinance, the proposed amendment shall be placed on the ballot for a vote of the electors at the 2021 municipal election held within the City Lake Wales, Florida, or at a special election called for the purpose of voting on charter amendments, whichever election occurs first. In accordance with §166.031, Florida Statutes, Section 1 of this Ordinance shall take effect only upon adoption of the amendment by a majority of the electors voting in a regular municipal election or in a duly called special election to consider the proposed amendment.

INTRODUCED on First Reading this _____ day of _____, 2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Lake Wales, Florida, this _____ day of _____, 2020.

CITY OF LAKE WALES, FLORIDA

Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney