

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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**AMENDMENT: 1**

**TITLE: UPDATING PROCEDURES FOR FILLING VACANCIES ON THE COMMISSION**

**SUMMARY:** This amendment corrects outdated and complicated procedures to fill a vacancy that occurs because of resignation, illness, or other reasons: A vacancy on the commission will be filled by a majority vote of the remaining members. The interim commissioner will serve until the seat is filled in a regular election by the voters and the next elected commissioner takes office.

**TEXT: Sec. 3.08. Vacancies; forfeiture of office; filling of vacancies.**

- (a) *Vacancies.* The office of a commission member shall become vacant upon ~~his~~ the member's death, resignation, removal from office in any manner authorized by law, or forfeiture of ~~his~~ office, such forfeiture to be declared by the remaining members of the commission.
- (b) *Forfeiture of office.* A commission member shall forfeit ~~his~~ the office if ~~he~~ lacks at any time during ~~his~~ the term of office any qualifications for the office prescribed by this charter or by law are lacking.
- (c) *Filling of vacancies.* A vacancy of the commission shall be filled ~~for the remainder of the unexpired term, if any, at the next regular election following not less than sixty (60) days upon the occurrence of the vacancy, but the commission by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the commission fails to do so within thirty (30) days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than thirty (30) days and not later than ninety (90) days following the occurrence of the vacancy and to be otherwise governed by the provisions of Article VIII of this charter. Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members may by majority vote, appoint additional members to raise the membership to a quorum.~~ by majority vote of the remaining commission members. The interim commissioner shall serve until the seat is filled in the normal course by the electorate and the next elected commission member takes office.
- (d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in (c) above and such election shall be governed by the provisions of Article VIII of this charter.

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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AMENDMENT: 2

TITLE: DELETING PROCEDURES FOR INITIATIVE AND REFERENDUM

SUMMARY: Procedures included in the charter for initiative and referendum elections will be deleted to streamline the charter. These procedures are included in Florida Statutes and the city's Election Code and are unnecessary in the charter.

TEXT: ~~Sec. 3.10. Initiative and referendum.~~

~~(1) — [Generally.]~~

~~(a) — Initiative. The qualified voters of the city shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital programs or any ordinances relating to appropriation of money, levy of taxes or salaries of city officers or employees.~~

~~(b) — Referendum. The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.~~

~~(2) — Commencement of proceedings. Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the clerk or other official designated by the commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.~~

~~(3) — Petitions.~~

~~(a) — Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifteen (15) percent of the total number of qualified voters registered to vote at the last regular city election.~~

~~(b) — Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.~~

~~(c) — Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed~~

~~in his presence, that he believes them to be the genuine signature[s] of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.~~

~~(d) — *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.~~

~~(4) *Procedure for filing.*~~

~~(a) — *Certificate of clerk; amendment.* Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk or other official designated by the commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the commission within two (2) working days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 3.10(3), and within five (5) days after it is filed the clerk or other official designated by the commission shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (b) of this section within the time required, the clerk or other official designated by the commission shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.~~

~~(b) — *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.~~

~~(5) — *Referendum petition; suspension of effect of ordinance.* When a referendum petition is filed with the city clerk or other official designated by the commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:~~

- ~~(a) — There is a final determination of insufficiency of the petition, or;~~
- ~~(b) — The petitioners' committee withdraws the petition, or;~~
- ~~(c) — The commission repeals the ordinance, or;~~
- ~~(d) — A vote of the city on the ordinance has been certified.~~

~~(6) — *Action on petitions.*~~

~~(a) — *Action by commission.* When an initiative or referendum petition has been finally~~

~~determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.~~

~~(b) — *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.~~

~~(c) — *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.~~

~~(7) — *Results of election.*~~

~~(a) — *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.~~

~~(b) — *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.~~

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 3

**TITLE:** CORRECTING CHARTER PROCEDURE TO DESIGNATE AN ACTING CITY MANAGER

**SUMMARY:** This amendment corrects the charter by eliminating an outdated procedure that no longer complies with Florida law and replacing it with language that reflects current practice: The commission is authorized to designate by resolution a city employee who will perform the city manager's duties during the city manager's temporary absence or disability.

**TEXT:** **Sec. 4.03. Acting city manager.**

By letter filed with the city clerk the manager shall designate, subject to the approval of the commission resolution adopted by the city commission, a qualified city administrative officer will be designated to exercise the powers and perform the duties of manager during his temporary absence or disability. ~~During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.~~

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 4

**TITLE:** CORRECTING CHARTER PROCEDURE RELATING TO SETTING AN ELECTION DATE

**SUMMARY:** This is a correction to clean up the charter. Setting the city's election date will be deleted from the charter. Instead, the charter will just refer to the Lake Wales Municipal Election Code, where the city's election date will be established by ordinance as authorized by Florida law.

**TEXT:** **Sec. 8.01. City elections.**

- (a) ~~*Regular elections.\** The date for the annual regular municipal elections shall be on the date in which the state's first primary election is held in accordance with Florida Statutes 100.061. In the years in which a state first primary election is not held, the regular municipal election shall be held on the first Tuesday after the first Monday in September. In the event that a run-off election is necessary, it will be held four (4) weeks from the first election. For the purpose of transition, the term of each present city commission member, which would normally expire during the first city commission meeting in June, will expire during the first city commission meeting in October of the same year.~~
- (a) *Date of elections.* The date of all city elections shall be established in accordance with Chapter 8, Lake Wales Code of Ordinances ("Lake Wales Municipal Election Code").

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 5

**TITLE:** DELETING CONFLICT WITH FLORIDA LAW FOR CANVASS OF ELECTION RETURNS

**SUMMARY:** This amendment is necessary to clean up the charter. Outdated provisions that conflict with the Florida law governing the canvass of election returns will be deleted because Florida law acts to supersede conflicting local rules.

**TEXT:** **Sec. 8.06. Determination of election results.**

- (b) *Canvass of returns.* The polls shall open at 7:00 a.m. and shall close at 7:00 p.m. ~~by whatever time is officially used by the municipality. The result of the voting, when ascertained, shall be certified by return, signed by the clerk and a majority of the inspectors of election; a copy being delivered to the city clerk, who shall transmit such return to the city commission at its next regular or special meetings thereafter. The city commission shall begin the canvass of returns on or before noon of the day following the election and the result as shown by such return shall be by the commission declared as the result of the election. The city clerk shall not later than noon of the second day after the canvass of such election, furnish a certificate of election to each person shown to have been elected. The canvass of returns shall be conducted in accordance with F.S. 101.048. Results of the election shall be transmitted to the city commission at its next regular or special meeting and filed with the official records of the city.~~

[Words **stricken** are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 6

**TITLE:** GRANTING AUTHORITY TO MAKE CLERICAL CHANGES TO CHARTER BY RESOLUTION

**SUMMARY:** The city commission will be authorized to pass a resolution to make clerical changes to the charter in order to correct language that has become obsolete or inappropriate or does not conform to commonly accepted usage. This amendment applies only to minor corrections that will not alter the meaning of the charter. It will not apply to policy or other substantive changes which will still require approval by the voters.

**TEXT:** Approval of this amendment will make minor changes throughout the Charter. The following is shown as an example:

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city and to that end, ~~his~~ the powers of the city manager are and they shall be:

- (1) To appoint and fix salaries, and when ~~he deems~~ it is deemed necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. ~~He~~ The city manager may authorize any subordinate administrative officer ~~who is subject to his direction and supervision~~ to exercise these powers with respect to subordinates in that officer's department, office or agency.

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 7

**TITLE:**           **REQUIRING AT LEAST THREE “YES” VOTES TO APPROVE ANY AGENDA ITEM**

**SUMMARY:**    The “yes” vote of at least three commissioners will be required to approve any item needing a commission vote. Currently, a “yes” vote of at least three commissioners is required to approve an ordinance or resolution, but approval of other items requires only a majority of the commissioners present at the meeting. In other words, if two commissioners are absent from a meeting, an item could currently be approved by a 2-1 vote.

**TEXT:**           **Sec. 3.09. Procedure.**

- (d)    *Voting.* Voting on ordinances and resolutions shall be by roll call vote on final action and shall be reported in the minutes. A majority of the commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least three ~~(3)~~ members shall be necessary to ~~adopt any ordinance or resolution~~ approve all matters requiring a vote of the commission.

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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**AMENDMENT: 8**

**TITLE:           REQUIRING AT LEAST 4 VOTES TO CHANGE OR REPEAL AN ETHICS ORDINANCE**

**SUMMARY:** Florida law authorizes the city commission to adopt a local ethics ordinance that is more stringent than Florida law. If the commission chooses to adopt such an ordinance, it can only be revised or repealed by a super majority vote of the commission. With a 5-member commission, this means that a minimum of four “yes” votes is required.

**TEXT:           Sec. 1.03. Ethics policy.**

The city commission of the City of Lake Wales may, by ordinance, impose upon its officers, both elected and appointed, and its employees additional or more stringent standards of ethical conduct and disclosure requirements than currently exist by law, provided that those standards and requirements do not otherwise conflict with law or the provisions of the Charter. In the event such standards or requirements are adopted, the said standards or requirements may only be revised or repealed by a super majority vote of the city commission.

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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**AMENDMENT: 9**

**TITLE: ESTABLISHING RESIDENCE REQUIREMENTS FOR COMMISSION DISTRICTS**

**SUMMARY:** Effective with the 2013 election, five commissioners will be elected from four geographical districts as equal as possible in population. Commissioners will fill four district seats and one city-wide “at-large” seat. This means that candidates for four seats must reside within a geographical district, and candidates for one seat may reside anywhere in the city. All candidates will be elected by all voters in the city, and each commissioner will represent all citizens equally.

**TEXT: Sec. 8.10. Commission districts; adjustment of districts.**

- (a) There shall be four (4) geographical city commission districts containing population that is as equal as feasible. ~~composed of the geographical areas included in Polk County, Florida, voting precinct numbers 19, 122, 27 and 28. The number of commission seats authorized for each commission district shall be based upon the population within each district. The allocation of commission seats shall be specified in Chapter 8, Elections, Lake Wales Code of Ordinances. An increase in the total number of commission seats to be allocated shall require amendment of section 3.01 of this charter through vote of the qualified electors of the city at the next regularly scheduled commission election and, if approved, shall become effective immediately. In years in which a state election is held, the city will hold an election on the date upon which the general election is held to elect a member to a newly created commission seat. In any year in which a state election is not held, the commission will call a special election in accordance with section 8-18(c), Lake Wales Code of Ordinances.~~

[Words **stricken** are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 10

**TITLE: ESTABLISHING SEAT ONE AS THE AT-LARGE SEAT**

**SUMMARY:** Candidates for election to seat one may reside anywhere within the city limits. Candidates for seats two through five will still be elected from geographical districts. All candidates will be elected by all the city's voters. Even though residing in a given geographic district, all commissioners are charged to represent every citizen equally. (Adoption of this amendment requires voter approval of Amendment #9.)

**TEXT: Sec. 8.03. Commission seats.**

Four candidates for the office of municipal commission members shall qualify for and be elected by seat numbers designated ~~two one (1)~~ through five ~~(5)~~ and shall be elected by the voters of the city at large. One candidate shall qualify for and be elected to seat number one without regard to place of residence within the city limits and shall be elected by the voters of the city at large. Candidates shall be qualified electors of the city who qualify for election in accordance with Chapter 8, Elections, Lake Wales Code of Ordinances. ~~and shall be elected by the voters of the city at large. At all general elections after September 16, 1986, each commission member shall be elected to serve for four (4) year terms. After September 2, 1997, e~~Commission terms shall be staggered so that at least one (1) commission member shall be elected term shall expire each year and no more than two (2) commission members shall be elected terms shall expire in the same year. In order to make a transition to a staggered election cycle, on September 7, 1999 the commission member for seat four (4) shall be elected to serve a term of three (3) years. In all subsequent elections, the commission member elected to hold seat four (4) shall serve a term of four (4) years. [Note: Adoption of amending language requires voter approval of amendment to section 8.10(a)]

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 11

**TITLE: MAYOR WILL BE ELECTED BY VOTERS TO AT-LARGE SEAT FOR 4-YEAR TERM**

**SUMMARY:** Effective with the 2013 election, the mayor will be elected by the entire city to the “at-large” seat for a four-year term as are the other commissioners. Any registered city voter is eligible to run for the position. A sitting commissioner deciding to run for mayor will be subject to the resign to run law, thereby creating a vacancy for that candidate’s unexpired commission term which will be filled as described in the amendment.

**TEXT: Sec. 3.05 . Election of mayor.**

~~The electors of the city shall annually at each regular municipal election elect a commission member to serve as mayor. Commission members holding seats not up for election shall be eligible as candidates and shall qualify as a candidate in accordance with the Municipal Election Code. The commission member receiving the highest number of votes cast shall serve as mayor. If no eligible commissioner qualifies as a candidate, the commission shall at its first meeting in October elect by majority vote one (1) of its members to be mayor of the city for the ensuing year.~~

- (a) The voters of the City shall elect a mayor at large for a term of four years who shall be elected to commission seat one. The commission shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term. The vacancy created by the deputy mayor shall be filled in accordance with section 3.08(a).
- (b) Any commissioner or other qualified elector of the city shall be entitled to run for mayor. Whether elected or not, a commissioner who runs for mayor shall lose his commission seat effective the day of election. A commissioner seeking to run for mayor, shall give notice of intent not less than forty-five days prior to the first day of the qualifying period to allow time for notice of election, candidate qualification, and placement of the election on the ballot for the seat to be vacated, thereby eliminating the need for a special election. The candidate elected to fill the vacated seat shall serve for the remainder of the term.

[Words **stricken** are deletions; words **underlined** are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 12

#### TITLE: MAYOR WILL BE ASSIGNED A LEADERSHIP ROLE WITH ADDED DUTIES

**SUMMARY:** The mayor's duties and responsibilities will be increased to include: making appointments to citizen boards with approval of the commission; serving as the liaison between city government and citizens, community organizations, etc.; presenting the annual state of the city message; promoting programs and matters important to the progress and well-being of the community; and other duties of a leadership nature in representing the city. (Adoption of this amendment requires voter approval of Amendment #11.)

#### TEXT: **Sec. 3.06. Functions and powers of mayor.**

- (a) The mayor is expected to advance initiatives to benefit the community that can be tempered and improved upon with the city commission's collective judgment.
- (b) The mayor shall attend and preside at all meetings of the city commission ~~and shall perform such other duties consistent with his office as may be imposed by it, and he~~ shall have a voice and a vote in the proceedings of the commission, but no veto power.
- (c) ~~He~~ The mayor shall be recognized as the head of the city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and execution of contracts, deeds and other documents, but shall have no administrative duties ~~except as required to carry out the responsibilities herein. The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this charter, and no other. In the absence of the mayor, the other members of the city commission shall select one of their number to serve as vice mayor to perform his duties.~~
- (d) The mayor shall represent the city in all intergovernmental relationships, including but not limited to agreements with other governmental entities or certifications to other governmental entities.
- (e) The mayor shall, with the advice and consent of the city commission, make appointments to the various citizen advisory and regulatory boards, commissions, committees and authorities.
- (f) The mayor shall appoint members of the city commission to serve on other committees and boards including boards composed of members from other governmental jurisdictions.
- (g) The mayor shall take a leadership role in promoting the overall quality of life, appropriate economic development, enhancement of property values, and other areas important to the progress and well-being of the community.
- (h) The mayor shall serve as the liaison between the municipal government and the community's citizens, businesses, and civic organizations to collectively achieve projects that neither the City nor one organization could afford to achieve on its own.
- (i) The mayor shall present an annual state of the city message that informs the public about the city's current fiscal position, accomplishments in the prior year, work plan for the coming year, and goals for the future.
- (j) The mayor shall perform other duties specified by the city commission from time to time provided such duties are not inconsistent with this charter.

[Note: Adoption of amending language requires voter approval of amendment to section 3.05]

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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**AMENDMENT: 13**

**TITLE: MAYOR’S SALARY WILL BE GREATER THAN OTHER COMMISSIONERS**

**SUMMARY:** The mayor’s salary will be at least fifty percent higher than the salary of the other commissioners in order to compensate for additional duties and responsibilities. The mayor’s actual salary will be established by ordinance following a public hearing. (Adoption of this amendment requires voter approval of Amendments #11 and #12.)

**TEXT: Sec. 3.04. Compensation.**

The commission may determine the annual salary of the mayor and other commission members by ordinance. To compensate for the mayor’s additional duties and responsibilities, the mayor’s salary shall be no less than fifty percent greater than the salary of the other commissioners. No ordinance increasing such salary shall become effective until the date of commencement of the terms of the commission member(s) elected at the next regular election, ~~provided that such election follows the adoption of such ordinance by at least six (6) months.~~ [Note: Adoption of amending language requires voter approval of amendment to sections 3.05 and 3.06]

[Words ~~stricken~~ are deletions; words underlined are additions.]

## CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

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### AMENDMENT: 14

**TITLE: ELIMINATING A PUBLIC HEARING FOR TERMINATION OF A CITY MANAGER**

**SUMMARY:** The city commission will be able to terminate a city manager without the need for a public hearing on the matter.

**TEXT: Sec. 4.02. Removal.**

The commission may remove the manager from office in accordance with the following procedures:

- (1) The commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reason for removal and may suspend the manager from duty for a period not to exceed forty-five ~~(45)~~ days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within five ~~(5)~~ days after a copy of the resolution is delivered to the manager, ~~he the manager~~ may file with the commission a written request for a public hearing meeting, without a requirement for public comment on the matter, for the commission to reconsider termination. This hearing meeting shall be held ~~at a commission meeting~~ not earlier than fifteen ~~(15)~~ days nor later than thirty ~~(30)~~ days after the request is filed. The manager may file with the commission a written reply not later than five ~~(5)~~ days before the hearing meeting.
- (3) The commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five ~~(5)~~ days from the date when a copy of the preliminary resolution was delivered to the manager, if ~~he the manager~~ has not requested a public hearing meeting, or at any time after the public hearing meeting if ~~he one~~ has been requested one. The manager shall continue to receive his a salary until the effective date of the final resolution of removal. The action of the commission in suspending or removing the manager shall not be subject to review by any court or agency.
- (4) In the event that a manager is arrested for a felony or for a misdemeanor related to the duties of office, the commission shall immediately convene a special meeting and adopt a resolution to suspend the manager without pay or allowance and appoint an individual to serve as interim manager. If the manager is convicted of any of the charges for which he or she was suspended, the commission shall convene a special meeting and adopt a resolution terminating the manager. If the manager is acquitted or found not guilty or is otherwise cleared of the charges, the commission shall convene a special meeting and adopt a resolution to revoke the suspension and reinstate the manager, who shall be entitled to full back pay and allowance. The manager is thereafter subject to review as stated above.

[Words ~~stricken~~ are deletions; words underlined are additions.]