

CHARTER REVIEW BOARD MEETING 6-9-20

CMT ONLY

CITY OF LAKE CITY

June 09, 2020 at 6:00 PM

Venue: CMT – Communications Media Technology

Due to the COVID-19 social distancing requirements, the City of Lake City will hold the June 09, 2020 Charter Review Board Meeting via telephonic and video conferencing communications media technology.

To participate: The Charter Review Board Meeting instructions are located at the end of this agenda.

AGENDA

Call to order - Chairman Summerall

Roll Call

Approval of Minutes

1. June 5, 2020

Approval of Agenda

Public Comments

Citizens are encouraged to participate in City of Lake City meetings. The City of Lake City encourages civility in public discourse and requests that speakers direct their comments to the Chair. Those attendees wishing to share a document and or comments in writing for inclusion into the public record must email the item to submissions@lcfla.com no later than noon on the day of the meeting. Citizens may also provide input to individual board members via phone calls, letters and e-mail that will become public record.

2. Read into record email and/or mail suggestions received

Old Business

3. Re-visit City Charter Article III Section 305 - This item relates to one of the outstanding items to be addressed relating to the election process.

4. Review City Charter Article IV (Postponed from June 5, 2020 meeting)

5. Recommendation Review (City Clerk Audrey Sikes) - Summation of key discussion items from June 5, 2020 meeting.

New Business

- [6.](#) Review City Charter Article V
- [7.](#) Review City Charter Article VI
8. Recommendation Review (City Clerk Audrey Sikes) - Summation of key discussion items from meeting.

Next Meeting Date - Thursday, June 11, 2020 6:00 PM

Adjournment

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearings, he or she will need a record of the proceedings, and that, 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.

Pursuant to 286.26, Florida Statutes, persons needing special accommodations to participate in this meeting should contact the City Manager's Office at (386) 719-5768.

COMMUNICATIONS MEDIA TECHNOLOGY INSTRUCTIONS

Members of the public may **attend the meeting online** at:

<https://cityoflakecity.webex.com/cityoflakecity/onstage/g.php?MTID=ebbb21aecb547a1636a26e995a8836458> ; or

Telephonic by toll number (no cost to the city), audio only: at 1-408-418-9388

Enter access code: 716 118 247#

When asked for attendee number, press #

Telephonic by toll-free number (cost per minute, billed to the city, zero cost to the caller), audio only: 1-844-992-4726

Enter access code: 716 118 247#

When asked for attendee number, press #

TO PARTICIPATE IN MEETING

The public may participate at the appropriate time via: (i) video conference by utilizing the software chat function and raise hand function to request to speak; or (2) telephonically when the chair requests public comment. The Chair will allow for sufficient time for all participants to be heard.

Those attendees wishing to share a document must email the item to submissions@lcfla.com no later than noon on the day of the meeting.

Instructions for meeting attendance and participation can also be found at www.lcfla.com in the calendar located at the bottom of the homepage. Please select the meeting you would like to attend for the details to appear.

File Attachments for Item:

June 5, 2020

The Charter Review Board as appointed by City Council Resolution No. 2020-020, for the City of Lake City, Florida met on Friday, June 5, 2020, beginning at 4:00 PM, via Communications Media Technology.

Call Meeting to Order

Chairman Summerall called the meeting to order at 4:00 P.M.

Roll Call

Chairman	Rob Summerall
Board Members	Gwendolyn Allen
	Sparkle Green
	Frederick Reed – tardy
	Ann Skinner
City Attorney	Fred Koberlein
City Manager	Joe Helfenberger – tardy
Sergeant-at-Arms	Chief Argatha Gilmore
City Clerk	Audrey E. Sikes

Approval of Minutes

1. May 28, 2020

Ms. Skinner made a motion to approve the minutes as presented. Ms. Allen seconded the motion. The motion passed unanimously on a voice vote.

Approval of Agenda

Ms. Skinner made a motion to approve the agenda as presented. Ms. Allen seconded the motion. The motion passed unanimously on a voice vote.

Public Comments

Stew Lilker encouraged the members to discuss whether or not Attorney Koberlein should be retained as the legal counsel for the Charter Review Board since he serves as the legal counsel for the City Council.

Old Business

2. Recommendation Review (City Clerk Audrey Sikes) – Summation of key discussion items from May 28, 2020 meeting.
Ms. Sikes reported during the May 28, 2020 meeting a motion was passed to leave Article I and Article II as currently stated and unchanged.

New Business

3. Charter Review Comments/Recommendations from City Manager Joe Helfenberger
Mr. Helfenberger reported he reviewed the City Manager information and does not have any recommended changes. He stated the system works well and his recommendation is to move forward with this section unchanged.

4. Read into record email and/or mail suggestions received
Ms. Sikes reported as of today no email or mail suggestions have been received.

5. Review Article III of the Charter
Article III Discussion

Chairman Summerall addressed each section of Article III individually and asked for any comments and/or recommendations.

Section 301 – no changes recommended
Section 302 – no changes recommended
Section 303 – no changes recommended
Section 304 – no changes recommended
Section 305 – no changes recommended
Section 306 – no changes recommended
Section 307 – no changes recommended
Section 308 – no changes recommended
Section 309 – no changes recommended

Members concurred there are no changes to be made to any sections of Article III of the Charter. **Ms. Skinner made a motion to leave Article III as currently stated and unchanged. Mr. Reed seconded the motion. A roll call vote was taken and the motion passed on a 5-0 vote.**

Ms. Skinner	Aye
Mr. Reed	Aye
Ms. Allen	Aye
Ms. Green	Aye
Chairman Summerall	Aye

6. Review City Charter Article IV
Article IV Discussion

Chairman Summerall addressed each section of Article IV individually and asked for any comments and/or recommendations.

Section 401 – no changes recommended
Section 402 – no changes recommended
Section 403 – no changes recommended
Section 404 – Mr. Reed asked to discuss section 404 (b) that reads as follows:

Section 404 (b) He shall direct and supervise the administration of all department, officers, and agencies of the city, except as otherwise provided by this Charter or by law, and perform his duties without regard to race, color, creed, or national origin.

Mr. Reed inquired if verbiage should be added to include gender or sexual orientation. At this time Attorney Koberlein asked for a brief recess to conduct research as to what is addressed in the Civil Rights Act of 1992.

The meeting was recessed from 4:22 PM to 4:28 PM. Upon return from recess, roll call was taken and recorded as follows:

Chairman	Rob Summerall – present
Board Members	Gwendolyn Allen – present
	Sparkle Green – present
	Frederick Reed – present
	Ann Skinner – present
City Attorney	Fred Koberlein – present
City Manager	Joe Helfenberger – present
Sergeant-at-Arms	Chief Argatha Gilmore – present
City Clerk	Audrey E. Sikes – present

Attorney Koberlein reported the Civil Rights Act of Florida addresses many more protections than is cited in the Charter. However, there is not any protection in the Act for gender identity. Mr. Koberlein stated to safeguard and protect individuals from administrative oversight more research is needed to craft verbiage that would address all the protected classes. Members concurred to postpone Article IV Section 404 until the next meeting. Mr. Koberlein and Mr. Reed will work together to bring a recommendation back to the members for their discussion and consideration relating to Section 404 (b).

Members concurred there are no changes to be made to Article IV Section 401, Section 402 and Section 403 of the Charter. **Ms. Skinner made a motion to leave Article IV Section 401, Section 402 and Section 403 as currently stated and unchanged. Ms. Allen seconded the motion. A roll call vote was taken and the motion passed on a 5-0 vote.**

Ms. Skinner	Aye
Ms. Allen	Aye
Ms. Green	Aye
Mr. Reed	Aye
Chairman Summerall	Aye

7. Recommendation Review (Audrey Sikes) – Summation of key discussion items from meeting. Ms. Sikes provided the following summary:
- Article III, all sections to remain as currently stated and unchanged.
 - Article IV Section 401, Section 402 and Section 403 to remain as currently stated and unchanged.
 - Members concurred to postpone Article IV Section 404 until the next meeting to allow time for Mr. Koberlein and Mr. Reed to work together to bring a recommendation back relating to Section 404 (b) for discussion and consideration.

Next Meeting Date – Tuesday, June 9, 2020 6:00 PM

All matters having been handled, the meeting adjourned at 4:41 PM on a **motion made by Ms. Allen and seconded by Ms. Green. The motion passed on a voice vote.**

Audrey E. Sikes, City Clerk

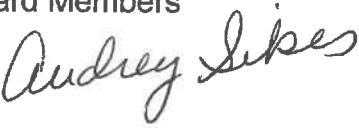
Rob Summerall, Chairman

File Attachments for Item:

3. Re-visit City Charter Article III Section 305 - This item relates to one of the outstanding items to be addressed relating to the election process.

Date: June 5, 2020

MEMORANDUM

To: 2020 Charter Review Board Members
From: City Clerk Audrey Sikes 
Ref: Recommendations Amending the City's Election Process

This document will provide you with a summary of what has transpired relating to the City, the Supervisor of Elections and our elections process.

In correspondence dated April 17, 2019 the Columbia County Supervisor of Elections Office terminated the Interlocal Agreement for election services with the City due to charter issues.

Both entities, inclusive of respective legal counsel, met and discussed all areas of concern for the Supervisor of Elections Office. All sections of concern were addressed to bring the charter into compliance with current practice and the Florida Election Code. As a result, seven questions were crafted to pose to the electors of the City of Lake City during a special called referendum election. With concern of a failed referendum election, resulting in the City being responsible for holding elections as early as August of 2020, the City felt it was in the best interest of the citizens to narrow down the questions to the electorate for the March 2020 referendum ballot. An additional meeting was held with the Supervisor of Elections Office to identify the questions that needed to pass the referendum election in order for a new Interlocal Agreement to be negotiated, with the understanding the remaining questions would be addressed during the 2020 charter review. The seven questions were narrowed down to three and all three of those questions passed the referendum held on March 17, 2020. There are still four remaining areas that must be addressed. Please accept my apologies for not realizing one of the sections is in Section 305 that has already been covered. This section will be provided again in your packet for review and discussion. Please feel free to contact me with any questions you may have regarding these items. Listed below are the remaining areas that must be addressed. The words that are ~~stricken~~ are deletions and words underlined are additions.

Section 305: Judge of Qualifications

The council shall be the judge of the ~~election and~~ qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

The question previously crafted for the ballot is as follows:

Should the Charter be amended so that the courts of law are the sole judges of elections?

_____ Yes

_____ No

Section 505 ~~Absentee~~ Vote-by-mail Voting

~~Absentee~~ Vote-by-mail voting shall be permitted in all municipal elections in the same manner as now or hereafter provided for in The Florida Election Code (F.S. ch 97 et seq.)

The question previously crafted for the ballot is as follows:

Should the Charter be amended to conform with the Florida Election Code by replacing the term "absentee" with "vote-by-mail" when voting is concerned?

_____ Yes

_____ No

Section 512 Canvass of return

~~On the day succeeding the election, at twelve o'clock noon the mayor shall call the councilmembers together and they shall receive such returns of election and publicly shall proceed to canvass the votes of the election. They shall compile the votes of the election entirely from the returns of inspectors as signed and filed with the mayor and the city auditor and clerk and in no case shall they change or vary in any manner the number of votes cast for the candidates, as shown by the returns of the inspectors, and the city council shall publicly declare the result.~~

To the extent that the applicable state laws are appropriate to the canvassing of returns for the city elections the city council may, in lieu of the county canvassing board, appoint a city canvassing board to canvass the returns in the municipal elections. The city canvassing board shall be comprised of (3) three citizens appointed by resolution of the city council. The results of the voting at each polling place shall be certified by return in duplicate signed by the city clerk and a majority of the inspectors of the election, a copy of the return being delivered by the city clerk to the mayor both of whom shall transmit such return to a public meeting of the city canvassing board. Notwithstanding the foregoing, with the agreement of the Columbia County Canvassing Board and Columbia County Supervisor of Elections, the city council may, by ordinance assign and abdicate the canvassing responsibilities of the city canvassing board to the Columbia County Canvassing Board in such event, the Columbia County Canvassing Board shall canvass the returns and shall declare the results of the canvass as the results of the election in a manner provided by city ordinance or as otherwise required by law.

The question previously crafted for the ballot is as follows:

Should the City Charter be amended so that the city may allow either the county canvassing board to canvass the returns of the city elections when said elections are held in conjunction with the county and state elections, or appoint a city canvassing board to canvass returns?

_____ Yes

_____ No

Section 513 Oath of Office

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city auditor and clerk; which oath shall be in the form prescribed for state officers by the Constitution of the state.

The question previously crafted for the ballot is as follows:

Should the City Charter be amended to reflect that the city clerk, as custodian of official records of the city, rather than the city auditor, file and keep in their office the oath or affirmation of every officer of the city?

☐ Yes

☐ No

Section 305. - Judge of qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

File Attachments for Item:

4. Review City Charter Article IV (Postponed from June 5, 2020 meeting)

Section 404. - Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

- (a) He shall appoint, and when he deems it necessary for the good of the service, 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 may authorize any 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.
- (b) He shall direct and supervise the administration of all departments, officers, and agencies of the city, except as otherwise provided by this Charter or by law, and perform his duties without regard to race, color, creed, or national origin.
- (c) He shall attend all council meetings and shall have the right to take part in discussion, but shall not vote.
- (d) He shall see that all laws, provisions of this Charter and acts of the council, subject to enforcement by him or by officers subject to his direction or supervision, are faithfully executed.
- (e) He shall prepare and submit the annual budget and capital improvement program to the council.
- (f) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (g) He shall make such other reports as the council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.
- (h) He shall make such recommendations to the council concerning the affairs of the city as he deems desirable.
- (i) He shall perform such other duties as are specified in this Charter or as may be required by the council.

(Ord. No. 2002-957, § 1(d), 7-15-2002)

File Attachments for Item:

6. Review City Charter Article V

ARTICLE V. - REGISTRATION AND ELECTIONS

Section 501. - County registration books adopted; qualified electors.

City of Lake City, in every municipal election, including referendum, special, primary and general elections does hereby adopt and shall use the registration books and records authorized by law to be used in the general elections of Columbia County and State of Florida, as the official registration books and records of the City of Lake City. An elector to vote in any city election shall register in the registration books and records of Columbia County, Florida, in the manner and at such times and places as provided by law for registering of electors to vote in state and county elections.

Section 502. - Designation of polling places.

The city council, by resolution, shall have the right to establish, locate and relocate polling place or places within each separate election district to be designated as voting places for the holding of any and all municipal elections. In designating such polling place or places, the council shall consider only such places as are convenient to the majority of the people residing in each respective district and all such places must otherwise comply with all of the requirements of this Charter and the election laws of Florida.

(Ord. No. A-496, § 1, 8-16-82)

Section 503. - City clerk to represent city in matters relating to registration.

The city clerk of the City of Lake City shall be [the] official representative of the city and the city council in all transactions with the supervisor of elections of Columbia County, Florida, in relation to matters pertaining to the use of registration books and records herein mentioned for holding such municipal elections.

Section 504. - No additional power granted county.

Nothing contained in this article shall be construed to confer any jurisdiction, power or authority on the board of county commissioners of Columbia County, Florida, over the holding and conducting of any municipal election of the City of Lake City, Florida.

Section 505. - Absentee voting.

Absentee voting shall be permitted in all municipal elections in the same manner as now or hereafter provided for in The Florida Election Code (F.S. ch. 97 et seq.).

(Ord. No. A-444, § 1, 2-18-80)

Section 506. - General laws to apply.

All general laws of the State of Florida relating to elections and registration of persons qualified to vote therein which are not inconsistent or in conflict with the provisions hereof or the ordinances of the city, shall be applicable to the City of Lake City.

Section 507. - City elections, date and nonpartisan.

Regular elections. The regular city election shall be held on the same day established by the State of Florida for the first state primary election beginning with the year 1978. All city elections shall be nonpartisan.

(Ord. No. A-389, § 1(C), 5-15-78; Ord. No. A-390, § 2, 5-15-78)

Section 508. - Qualifications.

In addition to those qualifications listed in Article III, Section 301(b), any person seeking to qualify as a candidate for election to a seat on the city council shall qualify for his or her respective seat by filing a written notice of his or her candidacy with the city clerk at any time after noon on the first day of qualifying for nomination or election to the respective council seat which he or she seeks. Municipal election qualifications shall run for the same period as now or hereafter provided for in The Florida Election Code (sec. 99.061, F.S. et seq.). Except as otherwise provided for herein, each candidate shall, at the time of filing notice of his or her candidacy, pay to the city clerk a qualifying fee equal to six percent of the annual salary of the council seat sought. Alternatively, in lieu of paying any qualifying fee, a person seeking to qualify as a candidate for nomination or election for any of the designated seats of the city council to be filled, including the office of mayor-councilmember, may qualify to have his or her name placed on the ballot by means of a petitioning process which would require a candidate for election to the respective council seat in the district that he or she seeks to obtain signatures on a petition of at least five percent of the total number of registered voters residing in such district, or with respect to a candidate for election to the office of mayor-councilmember, to obtain the signatures on a petition of at least five percent of the total number of registered voters in the city, as shown by the records of the supervisor of elections of Columbia County for the last preceding city election. The requirements and procedures of the petitioning process shall be established by ordinance enacted by the city council.

(Ord. No. A-389, § 1(D), 5-15-78; Ord. No. 92-716, § 1, 7-6-92; Ord. No. 2002-957, § 1(e), 7-15-02; Ord. No. 2019-2119, § 2, 6-17-19)

Section 509. - Elections.

- (a) *Multiple candidates.* When two (2) or more persons qualify as candidates for any of the designated seats to be filled on the city council, including the officer of mayor-

councilmember, the candidates' names who so qualify shall appear on the ballot and be voted upon at a regular city election to be held on the same day established by the State of Florida for the first state primary election. Should only two (2) persons have qualified for said regular election, then the person receiving the highest number of votes cast for the designated seat shall be declared elected to that seat. Should three (3) or more persons have so qualified, the candidate receiving a majority of the votes cast for said seat shall be declared elected to that seat; providing, however, that if no candidate receives a majority of the votes cast, then the two (2) candidates receiving the highest number of votes cast for the designated seat on the city council shall be declared candidates for each of such designated seats and shall be voted upon at a runoff city election to be held on the same day established by the State of Florida for the state general election.

The person receiving the highest number of votes cast at such runoff city election shall be declared elected.

- (b) *Single candidates.* In the event not more than one person qualifies as a candidate for a designated seat on the city council or mayor-councilmember to be filled at an election, that seat shall not be listed on the election ballot. Each unopposed candidate shall be deemed to have voted for himself.
- (c) *Assumption of office.* Candidates elected at either the regular or runoff election to the designated seats on the city council shall take and subscribe to the required oath or affirmation and assume office at the first regularly scheduled city council meeting following the immediate preceding November State General Election.

(Ord. No. A-389, § 1(E), 5-15-78; Ord. No. A-390, § 3, 5-15-78; Ord. No. 92-716, § 1, 7-6-92; Ord. No. 2002-957, § 1(f), 7-15-2002; Ord. No. 2010-2003, § 3, 6-21-10; Res. No. 2010-116, § 3, 11-3-10; Ord. No. 2019-2121, § 2, 7-1-19)

Section 510. - Calling an election by resolution.

All elections shall be called by resolution of the city council, adopted no less than twenty (20) days before such election, and shall be conducted, unless otherwise specifically provided for herein, under the provisions of the general election laws of the state, when not inconsistent with this Charter.

(Ord. No. 2019-2121, § 2, 7-1-19)

Section 511. - Arrangement for Elections.

The city council shall make all necessary arrangements for the holding of all city elections and shall declare the result thereof. The city council shall state in the resolution calling each election where the same shall be held, the names of persons appointed to the election board, and the names of the different offices

to be filled or questions to be decided, and shall cause notice of said election to be published once at least ten (10) days before any election in a newspaper of general circulation in the city.

(Ord. No. 2019-2121, § 2, 7-1-19)

Section 512. - Canvass of return.

On the day succeeding the election, at twelve o'clock noon the mayor shall call the councilmembers together and they shall receive such returns of election and publicly shall proceed to canvass the votes of the election. They shall compile the votes of the election entirely from the returns of inspectors as signed and filed with the mayor and the city auditor and clerk, and in no case shall they change or vary in any manner the number of votes cast for the candidates, as shown by the returns of the inspectors, and the city council shall publicly declare the result.

Section 513. - Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city auditor and clerk; which oath shall be in the form prescribed for state officers by the Constitution of the state.

File Attachments for Item:

7. Review City Charter Article VI

ARTICLE VI. - GENERAL PROVISIONS

Section 601. - Organization of boards and commissions.

Boards and commissions created in accordance with this Charter shall elect their officers from the appointed or elected members and shall determine their rules of procedure subject to the provisions of this Charter that apply. Any vacancy on an elected board or commission shall be filled by appointment by a majority vote of the council.

Section 602. - Effect of partial invalidity.

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Section 603. - City attorney.

The council shall appoint a city attorney and such assistant city attorneys as it deems necessary who shall act as legal advisors to the city and all of its officers in matters relating to their official duties. The city attorney shall approve all contracts of the municipality before the same shall become effective, which approval shall appear on every city contract signed by the city attorney.

Section 604. - State laws as amended.

All references to specific state law shall be construed to mean such state laws as amended.

Section 605. - Charter review.

In November 2000, and at least every ten (10) years thereafter, the council shall appoint a charter review board consisting of five (5) electors of the city holding no other office, appointment or employment in the government of the City of Lake City except on advisory bodies of the city. Such board shall review the Charter, and within ninety (90) days after such appointment, recommend to the council such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. All amendments proposed by the Charter review board must be presented by the city council to the electorate at the next general or special election unless submitted to the council within sixty (60) days of said election. The term of a member's appointment to the Charter review board shall expire thirty (30) days after the Charter is presented to the electorate. The members appointed to said board shall serve without compensation.

(Ord. No. 92-716, § 1, 7-6-92)