

CHARTER REVIEW BOARD MEETING 6-29-2020 CMT ONLY

CITY OF LAKE CITY

June 29, 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 29, 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 - Ms. Skinner

Roll Call

Approval of Minutes

[1.](#) 6-23-2020

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.

New Business

[2.](#) Review and approval of letter - Proposed Amendments to Lake City Charter to be presented to the electorate

Old Business

Next Meeting Date

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:

6-23-2020

The Charter Review Board as appointed by City Council Resolution No. 2020-020, for the City of Lake City, Florida met on Tuesday, June 23, 2020, beginning at 6:00 PM, via Communications Media Technology.

Call Meeting to Order

Chairman Summerall called the meeting to order at 6:00 P.M.

Roll Call

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

Approval of Minutes

1. June 9, 2020

Ms. Skinner made a motion to approve the minutes as presented. Ms. Allen seconded the motion. A roll call vote was taken and the motion passed on a 4-0 vote.

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

Approval of Agenda

Ms. Skinner made a motion to approve the agenda as presented. Ms. Green seconded the motion. A roll call vote was taken and the motion passed on a 4-0 vote.

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

Public Comments – None

2. Read into record email and/or mail suggestions received
Email dated June 9, 2020 from Stew Lilker regarding Enhanced Public Notice

Mr. Helfenberger stated he is working with staff on a solution for information to be placed on the

website. The goal is to accomplish 100% ADA compliance on the website.

Chairman Summerall asked members if they wished to discuss the public comment submitted by Mr. Lilkler. No one asked to discuss the public comment.

Old Business

3. During the June 9, 2020 meeting, members reviewed Article V, Section 501, Section 502, Section 503, Section 504, Section 506, Section 507, Section 508, Section 509, Section 510 and Section 511 with no changes recommended. No formal motion was made to memorialize this action. A motion to leave Article V, Section 501, Section 502, Section 503, Section 504, Section 506, Section 507, Section 508, Section 509, Section 510 and Section 511 as currently stated and unchanged is needed.

Ms. Skinner made a motion to leave Article V, Section 501, Section 502, Section 503, Section 504, Section 506, Section 507, Section 508, Section 509, Section 510 and Section 511 as currently stated and unchanged. Ms. Green seconded the motion. A roll call vote was taken and the motion passed 4-0.

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

Revisit Article IV – City Manager

4. Current wording of Article IV – City Manager
5. Letter from Attorney Koberlein regarding Section 404(b)

Mr. Koberlein referenced the June 12, 2020 letter and provided members an update on his work with Mr. Reed. Members concurred with the findings and recommendations. Members concurred to change 404(b) and to add a new section 105 (c) as identified below. Words ~~stricken~~ are deletions; words underlined are additions.

Section 404(b) of Article IV

(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 law. ~~And perform his duties without regard to race, color, creed, or national origin.~~

Section 105(c) of Article I

(c) The City shall prohibit discriminatory actions that are inconsistent with state and federal law.

Ms. Skinner made a motion to strike the words “~~and perform his duties without regard to race, color, creed, or nation origin~~” from section 404 (b) and to create a new section, 105

(c) that states, “105 (c) the city shall prohibit discriminatory actions that are inconsistent with federal and state law”. Ms. Allen seconded the motion. A roll call vote was taken and the motion passed 4-0.

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

Chairman Summerall stated since this motion only addressed Article IV Section 404 (b), the remaining portions of Article IV needed a motion to remain as stated and unchanged.

Ms. Skinner made a motion to leave Article IV, Section 401, 402, 403, 404 (a), (c), (d), (e), (f), (g), (h) and (i) as stated and unchanged. Ms. Green seconded the motion. A roll call vote was taken and the motion passed 4-0.

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

Revisit Section 603 of Charter – City Attorney

6. Current wording of Section 603 – City Attorney
7. Proposed verbiage for Section 603 – City Attorney
8. Report Summary from Attorney Koberlein

Mr. Helfenberger stated he supported the proposed verbiage for Section 603. The verbiage is provided below. Words ~~stricken~~ are deletions; words underlined are additions.

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.~~

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.

- (a) Tenure of office and qualifications. The council shall appoint a city attorney, who shall act as the legal advisor to and attorney and counselor for the city and all of its officers in matters relating to their official duties. The city attorney shall serve under the direction and supervision of the council and shall hold office at the pleasure of the council. The

city attorney shall be chosen on the basis of legal and administrative qualifications. The council shall establish an appropriate contract for the city attorney, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate.

- (b) Powers and duties enumerated. The city attorney shall be responsible to the council for the proper administration of all affairs of the city assigned to the office of the city attorney and to that end perform such other professional duties as may be required of the office by ordinance or resolution of the council or as are prescribed for city attorneys under the general law of the state which are not inconsistent with this charter and with any ordinance or resolution which may be passed by the council.

Ms. Skinner made a motion to accept the verbiage for Section 603 of the charter as presented. Ms. Allen seconded the motion. A roll call vote was taken and the motion passed 4-0.

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

Revisit Section 306 of Charter – City Clerk

9. Current wording of Section 306 Duties of city clerk
10. Proposed verbiage for Section 306 City Clerk
11. Research overview City Clerk

Mr. Helfenberger stated he supported the proposed verbiage for Section 306. He thanked Ms. Sikes and Mr. Koberlein for their efforts in conducting the research and providing the supporting documentation. Ms. Skinner commended staff on the rewrite of Section 306. The verbiage is provided below. Words ~~stricken~~ are deletions; words underlined are additions.

Section 306. – ~~Duties of the~~ city clerk

The council shall appoint a city clerk, who shall serve as a Charter officer under the direction and supervision of the council and shall hold office at the pleasure of the council. The city clerk shall be chosen on the basis of administrative qualifications. The council shall establish an appropriate contract for the city clerk, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate. The direct employees of the city clerk in the office of the city clerk shall report to the city clerk. The city clerk shall have the authority to hire, direct, promote and terminate the employees in the city clerk's office. The city clerk shall serve as official custodian of the city seal and administer oaths as necessary. The city clerk shall be the custodian of all official records of the city and shall be responsible for the proper administration of all affairs concerning records of the city placed under the city clerk's authority. The city clerk shall give notice of council meetings to its members and the

public and shall keep the journal of its proceedings which shall be public record, and perform such other duties as the council may from time to time assign.

Ms. Skinner made a motion to accept the verbiage for Section 306 of the charter as presented. Ms. Green seconded the motion. A roll call vote was taken and the motion passed 4-0.

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

Charters Referenced in 306 Research – City Clerk

12. Atlantic Beach
13. Calloway
14. Fernandina Beach
15. Florida City
16. Gulfport
17. Key Biscayne
18. Longwood
19. Miami Springs
20. Niceville
21. North Palm Beach
22. Oldsmar
23. Palmetto
24. Panama City Beach
25. Vero Beach

Contracts Referenced in 306 Research – City Clerk

26. Atlantic Beach
27. Calloway
28. Fernandina Beach
29. Gulfport
30. Longwood
31. Oldsmar
32. Panama City Beach
33. South Miami

Next Meeting Date – Thursday, June 25, 2020 6:00 PM

Members concurred to cancel the June 25, 2020 meeting due to Attorney Koberlein needing additional time to prepare the final report/letter for the Charter Review Board. Members concurred to have the next meeting on Monday, June 29, 2020 at 6:00 PM. Mr. Summerall stated he would be out of town on June 29th, 2020 and asked Ms. Skinner if she would be available to chair the meeting. Ms. Skinner agreed to handle the meeting.

Ms. Skinner made a motion to cancel the June 25, 2020 meeting at 6:00 PM with the next

meeting of the Charter Review Board being held on Monday, June 29, 2020 at 6:00 PM. Ms. Green seconded the motion. A roll call vote was taken and the motion passed 4-0.

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

Adjournment

All matters having been handled, the meeting adjourned at 6:30PM on a **motion made by Ms. Skinner and seconded by Ms. Allen. A roll call vote was taken and the motion passed 4-0.**

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

Audrey E. Sikes, City Clerk

Rob Summerall, Chairman

** Note: Due to unexpected technical difficulties Mr. Reed was unable to verbally participate during the meeting. Even though Mr. Reed is marked absent for the meeting please let the record reflect, he was connected but was unable to be heard.

File Attachments for Item:

2. Review and approval of letter - Proposed Amendments to Lake City Charter to be presented to the electorate

Lake City Charter Review Board
Created by City Council Resolution No. 2020-020

June 29, 2020

The Honorable Stephen M. Witt, Mayor
Melinda Moses, Vice-Mayor
Eugene Jefferson, Councilmember
Jake Hill, Jr., Councilmember
Chris Greene, Councilmember
Lake City, Florida

**RE: Proposed Amendments to the Lake City Charter to be
presented to the electorate.**

Dear Mayor and Councilmembers:

The undersigned members of the Charter Review Board, appointed by City Council Resolution No. 2020-020, pursuant to section 605 of the City Charter recommend and require the following eight (8) alterations, revisions, and amendments to the City Charter be presented to the electorate.

Amendment 1. Section 105(c) of Article I

Section 105. - Rights of officers and employees.

- (a) Nothing in this Charter or any amendments properly made hereto, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption of this Charter or any amendment. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected and qualified.
- (b) The terms of office of the councilmembers, including the mayor-councilmember, serving at the time of the special election of June 20, 1978, shall expire and terminate upon approval of Ordinance A-389 by

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a majority of the electors of the city so voting at said special election and upon their successors being elected and taking office.

(c) The city shall prohibit discriminatory practices and actions that are inconsistent with all state and federal laws.

Amendment 2. Section 305, Article III

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.

Amendment 3. Section 306, Article III

Section 306. – Duties of the city clerk

The council shall appoint a city clerk, who shall serve as a Charter officer under the direction and supervision of the council and shall hold office at the pleasure of the council. The city clerk shall be chosen on the basis of administrative qualifications. The council shall establish an appropriate contract for the city clerk, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate. The direct employees of the city clerk in the office of the city clerk shall report to the city clerk. The city clerk shall have the authority to hire, direct, promote and terminate the employees in the city clerk's office. The city clerk shall serve as official custodian of the city seal and administer oaths as necessary. The city clerk shall be the custodian of all official records of the city and shall be responsible for the proper administration of all affairs concerning records of the city placed under the city clerk's authority. The city clerk shall give notice of council meetings to its members and the public and shall keep the journal of its proceedings which shall be public record, and perform such other duties as the council may from time to time assign.

Amendment 4. Section 404(b) of Article IV

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.

Amendment 5. Section 505 of Article V

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.)

Amendment 6. Section 512 of Article V

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.

Amendment 7. Section 513 of Article V

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.

Amendment 8. Section 603 of Article VI

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.~~

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.

- (a) Tenure of office and qualifications. The council shall appoint a city attorney, who shall act as the legal advisor to and attorney and counselor for the city and all of its officers in matters relating to their official duties. The city attorney shall serve under the direction and supervision of the council and shall hold office at the pleasure of the council. The city attorney shall be chosen on the basis of legal and administrative qualifications. The council shall establish an appropriate contract for the city attorney, which shall contain the employment conditions, compensation, benefits and such other terms as may be appropriate.
- (b) Powers and duties enumerated. The city attorney shall be responsible to the council for the proper administration of all affairs of the city assigned to the office of the city attorney and to that end perform such other professional duties as may be required of the office by ordinance or resolution of the council or as are prescribed for city attorneys under the general law of the state which are not inconsistent with this charter and with any ordinance or resolution which may be passed by the council.

Coding: words ~~stricken~~ are deletions; words underlined are additions.

Pursuant to section 605 of the City Charter, the Charter Review Board respectfully recommend and require that the foregoing eight (8) alterations, revisions, and amendments to the City Charter be presented to the electorate for consideration at the next general or special election.

Respectfully submitted,

Rob Summerall, Chair

Ann Skinner, Vice-Chair

Fredrick Reed, Board member

Gwendolyn Allen, Board member

Sparkle Green, Board member

cc:

City Charter Officers