

CITY COUNCIL RESOLUTION NO. 2020-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, CONFIRMING THE RESULTS OF THE CANVASSING BOARD RELATING TO THE REFERENDUM ELECTION ON PROPOSED AMENDMENTS TO SECTIONS 105(c), 305, 306, 404(b), 505, 512, 513, AND 603 OF THE CITY CHARTER; CONFIRMING THE ADOPTION OF THE EIGHT AMENDMENTS TO THE CITY CHARTER; DIRECTING THE CITY ATTORNEY TO AMEND THE CITY CHARTER TO INCORPORATE THE AMENDMENTS; AND DIRECTING THE CITY CLERK TO FILE A COPY OF THE AMENDED AND RESTATED CHARTER WITH THE SECRETARY OF STATE OF THE STATE OF FLORIDA AS REQUIRED BY STATE LAW.

WHEREAS, the City of Lake City, Florida (hereinafter “City”) is a municipality organized and existing under the laws of the State of Florida; and

WHEREAS, on, or about, April 5, 1977, the electorate of the City approved the current Charter which, as amended, has been the governing Charter of the City (hereinafter “Charter”); and

WHEREAS, section 605 of the Charter requires the appointment of a Charter Review Board at least every ten (10) years and the City Council appointed a charter review board through City Council Resolution No. 2020-020; and

WHEREAS, the Charter Review Board held public meetings through the months of May and June of 2020, and on June 29, 2020, proposed to the City Council eight (8) amendments to the Charter that were required to be presented to the electorate for consideration at the next general or special election of the City; and

WHEREAS, the City Council by adoption of Ordinance No. 2020-2158 proposed certain amendments to sections 105(c), 305, 306, 404(b), 505, 512, 513, and 603, of the Charter; and

WHEREAS, pursuant to the Charter and the general laws of the State of Florida the City held an election, by referendum, on November 3, 2020 to consider proposed amendments to the Charter; and

WHEREAS, the pursuant to the Canvassing Board the eight amendments to the Charter were adopted by a majority of the electors voting in said election; and

WHEREAS, the City Council desires to have the eight amendments incorporated into the Charter as amended and restated and to have the amended and restated Charter filed with the Department of State of the State of Florida.

NOW THEREFORE, be it resolved by the City Council of the City of Lake City, Florida, as follows:

Section 1. The above recitals are true and accurate and are adopted and incorporated herein.

Section 2. The following proposed eight (8) amendments to the Charter shall be incorporated into the Charter:

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 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 I

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.

Section 3. The City Attorney shall amend the Charter to include the eight (8) approved amendments.

Section 4. The City Clerk shall file the amended and restated Charter with the Secretary of State, State of Florida, pursuant to and as required by state law.

PASSED AND ADOPTED at a meeting of the City Council on this ____ day of November, 2020.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney