

**MINUTES  
LAKE ALFRED CHARTER  
REVIEW COMMITTEE  
OCTOBER 8, 2020  
CITY HALL**

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**Call to Order:** Herb Nigg at 6:02 pm.

**Roll Call:** City Clerk Ameé Bailey

**Members in attendance:** Chair Herb Nigg, Vice Chair Brenda Arnold, Member John Duncan, Member Ron Schelfo, and Member Loretta Vittorio.

**Staff in attendance:** City Manager Ryan Leavengood, Assistant City Attorney Drew Crawford, and City Clerk Ameé Bailey.

**Recognition of Citizens:** No comments

**Member Vittorio** moved to approve of the September 22, 2020 minutes, seconded by **Member Schelfo**. A unanimous voice call vote approved the motion.

**Agenda**

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1.) Complete text of the *Charter of the City of Lake Alfred, Florida* with suggested amendments through September 22, 2020.

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A brief discussion ensued regarding the agenda and the packet. The Charter was presented with the suggested changes, and will be revised after each meeting.

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2.) Review of standard codification practices for local laws, charters and ordinances, including editors' notes, headings, catchlines, legislative history, additions for clarity and state law references.

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**Assistant City Attorney Crawford** presented a visual presentation to answer some of the questions regarding the elements of the charter text document including editors' notes, headings, catchlines, legislative history, additions for clarity. Bracketed items mean that that item was added later and not part of the original document. State law references, charter references, and editor's notes are added at the end to serve as references. They are not part of the law. The City utilizes Municode for codification services, which includes these items.

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3. Member-requested Discussion Topics:

- (a) Emergency Ordinances – § 2.10, *Charter of the City of Lake Alfred, Fla.*
  - (b) Standards of Ethics – § 5.02, *Charter of the City of Lake Alfred, Fla.*
  - (c) Term Limits – § 2.02, *Charter of the City of Lake Alfred, Fla.*
  - (d) Description of Territorial Limits – § 1.05, *Charter of the City of Lake Alfred, Fla.*
  - (e) Plurality Elections – § 4.05(c), *Charter of the City of Lake Alfred, Fla.*
  - (f) Schedule to Ordinance 967-00 – § 6.05, *Charter of the City of Lake Alfred, Fla.*
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**Chair Nigg** wanted to make sure that emergency ordinances are only used for emergencies.

**City Manager Leavengood** stated that an emergency ordinance requires a super-majority and is only valid for 60 days. He provided an example of the Mask Ordinance recently adopted.

**Assistant City Attorney Crawford** reviewed the Emergency Ordinance handout regarding Type A, Type B and State Law emergency ordinances. Chapter 252 of the Florida Statutes permits cities to waive their purchasing regulations during a State of Emergency. The Lake Alfred Charter requires the emergency purchase to be authorized by an emergency ordinance. Lake Alfred also requires 4 out of 5 of the commissioners to approve an emergency ordinance not just the super majority of those present. A Type A ordinance is detailed in its standards. A Type B ordinance may have higher standards such as requiring a unanimous vote but less detail. State law requires a 2/3rds vote and eliminates the use for zoning, but has no other requirements. Possible modifications could be to require a unanimous.

There was a discussion regarding a virtual quorum. **Chair Nigg** asked if the ability to meet virtually could be added to the Charter. **Assistant City Attorney Crawford** reviewed the Sunshine requirements and the requirement to allow for physical participation.

**City Manager Leavengood** stated the City's emergency ordinance cannot be used to levy taxes, or renew franchises, it has a sunset timeframe, and requires a super majority. A regular ordinance does not sunset unless to provision is specifically added.

A discussion ensued regarding emergencies and emergency ordinance requirements.

**Chair Nigg** wanted the section to reference State Law.

**City Manager Leavengood** stated that suggestions can be added to the Committee report and used to clean-up the charter without a referendum.

**Member Vittorio** asked about emergency tents.

**Assistant City Attorney Crawford** reviewed options for emergency tents, such as allowing the City Manager to allow for placement of emergency tents.

A consensus was made to leave the existing text as it stands and to add the note to reference

state law.

**Assistant City Attorney Crawford** stated that no charter in Polk County that requires a higher ethical standard than the State. He then reviewed the Ethics handout and the legal comment regarding ex officio appointments. He stated the School Board holds an ex officio position on all Planning Boards in the County.

**Chair Nigg** stated his concern with Commissioners serving in as ex officio capacity to City committees. He is concerned about corruption and the possible conflict of interest.

**Vice Chair Arnold** asked about committee members becoming City Commissioners.

**Assistant City Attorney Crawford** reviewed the term "Officers" as it relates to State Law. He reviewed the staff and committee members that serve as "Officers" since that have the ability to take a final action on behalf of the City. The Charter Committee members do not serve as Officers.

**Member Duncan** stated many Commissioners have gained experience with the City by serving on a committee prior to running for City Commission.

**City Manager Leavengood** asked if State Law would trump who could run for Commission.

**Chair Nigg** suggested committee members wait 18-months before running for City Commission and that the City could be more restrictive than State Law. He was concerned about the same person having the ability to vote on an item at the committee level and then at the Commission level.

**Member Vittorio** asked where Commissioners would gain experience.

**Assistant City Attorney Crawford** reviewed the time periods around an item going through the review process.

**City Manager Leavengood** cautioned the committee on creating future liabilities such as not allowing committee members to run for Commission. He stated his concern regarding corruption is addressed by not allowing a Commissioner to get a staff position for a year. A possible provision would be to add a prohibition from allowing a Commissioner to serve on a committee for a set amount of time, although that may not be necessary either.

**City Clerk Bailey** stated that the resign to run laws do not apply to citizen volunteer committee positions.

**Vice Chair Arnold** asked about committee members applying for staff positions.

**Member Vittorio** asked about staff running for City Commission.

**City Manager Leavengood** stated committee members can apply for staff positions and staff

cannot run for Lake Alfred City Commission while employed. He also reviewed the check and balances of staff, Commission, and citizens.

**Assistant City Attorney Crawford** reminded the committee of the limited pool of interested candidates.

There was a consensus to abandon this topic.

**Assistant City Attorney Crawford** reviewed the term limits handouts and the question to ask in order to draft a provision. The City of Lake Alfred elects Commissioners for four-year terms with no term limits.

Discussion ensued regarding possible situations regarding vacancies and possible answers the questions posed.

**City Manager Leavengood** discussed extraordinary vacancies and the ability to bring in someone to cover the end of a term prior to the next election. Previous Commissioners offer serve in this capacity.

**Chair Nigg** reminded the committee that the report could present both sides of an issue in the report since there seemed to be two sides in the committee regarding term-limits. He suggested that members put their opinion on paper.

**Member Duncan** provided a recent example in Lake Alfred regarding appointments. He also stated if citizens wanted term-limits in State and Federal offices, they should show that by having term-limits at the local level. He suggested taking a break for a year. He also said there was an issue with not holding an election every year. He wants to draw attention to elections and engage people. The Commission could appoint someone if no one applied.

The committee discussed the questions with the following general responses in order to draft a term-limit provision for further discussion.

- (a) **How many consecutive terms should be permitted?** 2-3
- (b) **Should the proposed term limit be a bar to future service or simply require time away from elected office?** after a period of time away
- (c) **If time away is preferred, how long should be the time away be?** One year or one day discussion
- (d) **Would service as an appointed city commissioner be counted against the term limit?** no
- (e) **Would terms of prior elected service as city commission be counted against the term limit on the date it becomes effective?** no

**City Manager Leavengood** discussed the competency of the Commissioners and that three terms allows more time for Commissioners to utilize their gained knowledge. There is some benefit to the committee being pro-active drafting term-limit provisions rather than them being initiated by a citizen group.

**Assistant City Attorney Crawford** reviewed the referendum law. The majority of electorates voting in the referendum determine the outcome. He provided some comments from the Polk County Charter review to extend term-limits from two to three terms.

**City Clerk Bailey** stated the referendum language is important regarding how the referendum is interpreted.

**Assistant City Attorney Crawford** reviewed some of the other questions. The first was in regards to the description of the city-limits. The legal description is not included in the Charter due to its length, readability, and the need to update the Charter with each annexation. Another question was regarding plurality vote versus a majority vote. A plurality eliminates the need for a run-off. Lastly, the Schedule of Ordinance was discussed was added during a 2000 revision. This item can be addressed as a clean-up item that does not need a referendum. The transition schedule can be removed and there is a provision within the Charter for such a clean-up. The committee can recommend this to the City Commission in the report. The dates and time of election can be revised by Ordinance.

**Chair Nigg** asked about the prohibition section and should there be reference to prohibitions in State Law.

**Assistant City Attorney Crawford** stated that the prohibition section is the core to the Council-Manager system. The entire Charter acts as a restriction to power. The Manager handles the day to day operations of the City and the Commission set policy. The prohibition is that the Commission cannot interfere with the Management of the City. The prohibition provision limits the Commissions power to direct staff. It would be difficult to reference all of State Law.

For the next meeting, text updates will include the removal of the suggested text on seats and the draft term-limits for review.

**Chair Nigg** asked who would write the initial report.

**City Manager Leavengood** stated that staff would draft the report.

**Member Duncan** asked who would draft the referendum language.

**Assistant City Attorney Crawford** stated he would draft them based on the committee suggestions.

**Member Vittorio** asked about the public meeting regarding the committee report and public participation.

**Assistant City Attorney Crawford** stated there will be a public meeting with a public discussion. In addition, the committee is still a committee under sunshine until the City Commission dismisses the committee. He also stated the committee members should attend the public meeting and could speak at the meeting. He suggested that the Chair present the report, but that it could also be presented by staff.

The committee discussed several dates and times for the next meeting. The next meeting was set for October 20<sup>th</sup> at 6:00 pm. The goal is to go through the Charter line by line.

With no other business, **Chair Nigg** adjourned the meeting at 7:57 pm.

Respectfully Submitted,



Amée Bailey  
City Clerk