

A special meeting of the Lake Wales City Commission was held on February 18, 2011 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

**COMMISSIONERS PRESENT:** Terrye Y. Howell; John Paul Rogers; Michael S. Carter; L. Jack Van Sickle, Mayor.

**COMMISSIONERS ABSENT:** Jonathan Thornhill

**CITY REPRESENTATIVES PRESENT:** Judith H. Delmar, Clara VanBlargan, City Clerk.

**AGENDA ITEM 1. Certifying the Official Ballot**

Ms. Delmar reviewed Agenda Item 1.

[Names of Candidates placed on Official Ballot for the April 5, 2011 City Election, prepared by Clara VanBlargan, City Clerk]

**CITY OF LAKE WALES**  
Polk County, Florida  
April 5, 2011

**CITY COMMISSION ELECTION**

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**FOR COMMISSIONER, SEAT 4  
(VOTE FOR ONE)**

- € L. Jack Van Sickle
  - € Betty Wojcik
- 

**FOR MAYOR  
(VOTE FOR ONE)**

- € Mike Carter
  - € John Paul Rogers
- 

[End Names of Candidates placed on Official Ballot for the April 5, 2011 City Election]

[Begin Lake Wales Charter Amendments, Ballot Titles and Summaries, prepared by Judith H. Delmar, City Manager]

**LAKE WALES CHARTER AMENDMENTS  
BALLOT TITLES AND SUMMARIES**

**GROUP I AMENDMENTS - CORRECTING OR UPDATING CHARTER**

**AMENDMENT #1  
SEC. 3.08(c)**

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

This amendment corrects outdated and complicated procedures to fill a vacancy that occurs because of resignation, illness, or other reasons: A vacancy on the commission will be filled by a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.

Question - Shall the above-described amendment be adopted?

YES for Approval.

NO against Approval.

**AMENDMENT #2  
SEC. 3.10**

**DELETING PROCEDURES FOR INITIATIVE AND REFERENDUM**

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.

Question - Shall the above-described amendment be adopted?

YES for Approval.

NO against Approval.

**AMENDMENT #3  
SEC. 4.03**

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

This amendment corrects the charter by eliminating an outdated procedure that no longer complies with Florida law and replacing it with language that reflects current practice: The commission is authorized to designate by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.

Question - Shall the above-described amendment be adopted?

YES for Approval.

NO against Approval.

**AMENDMENT #4  
SEC. 8.01(a)**

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

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #5  
SEC. 8.06(b)**

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

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #6  
SEC. 9.07**

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

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**GROUP II AMENDMENTS - CHANGES TO WAY IN WHICH CITY GOVERNMENT IS CONDUCTED**

**AMENDMENT #7  
SEC. 3.09(d)**

**REQUIRING AT LEAST THREE "YES" VOTES TO APPROVE ANY AGENDA ITEM**

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #8  
SEC. 1.03**

**REQUIRING AT LEAST FOUR VOTES TO CHANGE OR REPEAL AN ETHICS ORDINANCE**

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #9  
SEC. 8.10**

**ESTABLISHING RESIDENCE REQUIREMENTS FOR COMMISSION DISTRICTS**

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #10  
SEC. 8.03**

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

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.)

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #11  
SEC. 3.05**

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

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.

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #12  
SEC. 3.06**

**MAYOR WILL BE ASSIGNED A LEADERSHIP ROLE WITH ADDED DUTIES**

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.)

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #13  
SEC. 3.04**

**MAYOR'S SALARY WILL BE GREATER THAN OTHER COMMISSIONERS**

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.)

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

**AMENDMENT #14  
SEC. 4.02**

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

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

Question - Shall the above-described amendment be adopted?

- YES for Approval.   
NO against Approval.

[End Lake Wales Charter Amendments, Ballot Titles and Summaries]

Commissioner Rogers made a motion to certify the official ballot as presented by the City Clerk. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Mayor Van Sickle	"YES"

The motion carried 4-0.

**AGENDA ITEM 2. CITY MANAGER SELECTION COMMITTEE**

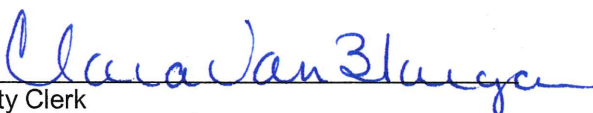
Ms. Delmar reviewed Agenda Item 1.

Commissioner Rogers said that the City Commission hires the City Manager, so he would prefer it to do so instead of a Selection Committee. He asked for copies of applications and resumes as they came in. City Manager Judith Delmar explained the selection process using a committee and recommended waiting until after the March 31<sup>st</sup> application deadline before deciding on what method to use. She said that making copies now would hinder the decision making process. Following a brief discussion, the City Commission concurred.

There being no further business the meeting was adjourned.

  
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Mayor/Commissioner

ATTEST:

  
\_\_\_\_\_  
City Clerk