

# **LAKE WALES**

## **OFFICIAL CHARTER**

### **ARTICLE III. LEGISLATIVE**

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## LAKE WALES

### ARTICLE III. LEGISLATIVE

#### **§ 3.01. City commission.**

There shall be a city commission with all legislative powers of the city vested therein consisting of five electors of the city, to be elected at large, who shall hold office and be elected as hereinafter provided; and providing, also, that those now holding office as commission members may hold office as such, subject to the provisions in this charter, for the term for which they were respectively elected. In all succeeding elections, commission members shall be elected for the terms as hereinafter provided.

(Ord. No. 2011-01, § 1, 2-1-11)

#### **§ 3.02. Qualifications of members.**

*Effective: Tuesday, July 06, 2021*

Members of the city commission shall have been residents of the City of Lake Wales for not less than one year preceding their date of election. The office of any commission member who shall move from the City of Lake Wales during the term for which the member was elected shall automatically become vacant from the date of such removal. The office of any commission member who shall move from the District in which the member qualified during the term for which the member was elected shall automatically become vacant from the date of such removal.

(Ord. No. 2011-01, § 1, 2-1-11; Ord. No. 21-08, § 1, 7-6-21)

#### **§ 3.03. Election and terms.**

The regular election of the city commission members shall be held in accordance with Article VIII of this charter. The term for each city commission member elected after the effective date of this provision shall be for a term of three years.

(Ord. No. 86-15, § 1, 9-16-86; Ord. No. 2011-01, § 1, 2-1-11; Amd. of 4-3-12; Ord. No. 2018-05, § 1, 12-18-18)

#### **§ 3.04. Compensation.**

The commission may determine the annual salary of commission members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the commission member(s) elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

#### **§ 3.05. Election of mayor.**

(a) The voters of the City shall elect a mayor at large for a term of three years who shall be elected to commission seat one. The commission shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term. The vacancy created by the deputy mayor shall be filled in accordance with section 3.08(a).

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(b) Any commissioner or other qualified elector of the city shall be entitled to run for mayor. Whether elected or not, a commissioner who runs for mayor shall lose his commission seat effective the day of election. A commissioner seeking to run for mayor, shall give notice of intent not less than forty-five days prior to the first day of the qualifying period to allow time for notice of election, candidate qualification, and placement of the election on the ballot for the seat to be vacated, thereby eliminating the need for a special election. The candidate elected to fill the vacated seat shall serve for the remainder of the term.

(Ord. No. 86-15, § 1, 9-16-86; Ord. No. 97-05, § 1, 7-1-97; Ord. No. 2007-01, § 1, 3-2-07; Ord. No. 2011-01, § 1, 2-1-11; Amd. of 4-3-12; Ord. No. 2018-05, § 1, 12-18-18)

### **§ 3.06. Functions and powers of mayor.**

*Effective: Tuesday, July 06, 2021*

(a) The mayor is expected to advance initiatives to benefit the community that can be tempered and improved upon with the city commission's collective judgment.

(b) The mayor shall attend and preside at all meetings of the city commission and shall have a voice and a vote in the proceedings of the commission, but no veto power.

(c) The mayor shall be recognized as the head of the city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and execution of contracts, deeds and other documents, but shall have no administrative duties.

(d) The mayor shall represent the city in all intergovernmental relationships, including but not limited to agreements with other governmental entities or certifications to other governmental entities.

(e) The mayor in conjunction with the city commissioners, will make appointments to the various citizen advisory and regulatory boards, commissions, committees and authorities. Each of the commissioners may suggest individuals for appointment and the appointments will be made by the mayor with the advice and consent of the city commission

(f) The mayor shall appoint members of the city commission to serve on other committees and boards including boards composed of members from other governmental jurisdictions.

(g) The mayor shall take a leadership role in promoting the overall quality of life, appropriate economic development, enhancement of property values, and other areas important to the progress and well-being of the community.

(h) The mayor shall serve as the liaison between the municipal government and the community's citizens, businesses, and civic organizations to collectively achieve projects that neither the City nor one organization could afford to achieve on its own.

(i) The mayor shall present an annual state of the city message that informs the public about the city's current fiscal position, accomplishments in the prior year, work plan for the coming year, and goals for the future.

(j) The mayor shall perform other duties specified by the city commission from time to time provided such duties are not inconsistent with this charter.

(Ord. No. 2011-01, § 1, 2-1-11; Ord. No. 21-08, § 1, 7-6-21)

### **§ 3.07. Prohibitions.**

(a) *Appointment and removals.* Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or the manager's subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(b) *Interference with administration.* The commission and its members shall deal with the city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor any member thereof shall give orders to, nor make requests of, any of the subordinates of the city manager either publicly or privately. Any such dictation, order, requests, or other interferences upon the part of a member of the city commission with the administration of the city shall constitute grounds for recall of such commission member.

(c) *Holding other office.* No former elected city official shall hold any compensated, appointive city office or employment until one year after the expiration of the term for which that official was elected.

(Ord. No. 2011-01, § 1, 2-1-11)

### **§ 3.08. Vacancies; forfeiture of office; filling of vacancies.**

*Effective: Tuesday, July 06, 2021*

(a) *Vacancies.* The office of a commission member shall become vacant upon the member's death, resignation, removal from office in any manner authorized by law, or forfeiture of office, such forfeiture to be declared by the remaining members of the commission.

(b) *Forfeiture of office.* A commission member shall forfeit the office if at any time during the term of office any qualifications for the office prescribed by this charter or by law are lacking.

(c) *Filling of vacancies.* A vacancy of the commission shall be filled by majority vote of the remaining commission members. Should more than one year remain of the term of the office of the member whose seat was vacated, the remaining commissioners will, within 30 days of the vacancy, appoint an interim member to serve until the next available election. The remainder of the term will then be filled by the commission member chosen by the electorate for the remainder of the term.

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election and such election shall be governed by the provisions of Article VIII of this charter.

(Ord. No. 2011-01, § 1, 2-1-11; Ord. No. 21-08, § 1, 7-6-21)

### **§ 3.09. Procedure.**

(a) *Meetings of the commission members.* The commission shall meet regularly at least twice in every month at such times and places as the commission may prescribe by rule. The mayor, or any two commissioners, or the city manager, may call special meetings of the commission upon no less than twelve hours notice to each member and the public.

(b) *Penalty for absence.* Absence from three consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless such absence is excused by the commission by resolution setting forth the fact of such excuse duly entered upon the minutes.

(c) *Rules and minutes.* The commission shall determine its own rules and order of business.

(d) *Voting.* Voting on ordinances and resolutions shall be by roll call vote on final action and shall be reported in the minutes. A majority of the commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least three members shall be necessary to approve all matters requiring a vote of the commission.

(Ord. No. 2011-01, § 1, 2-1-11)

### **§ 3.10. Reserved.**

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#### **EDITOR'S NOTE**

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Ord. No. 2011-01, § 1, adopted Feb. 1, 2011, repealed § 3.10 which pertained to initiative and referendum and derived from the original Charter, Ord. No. 76-3, adopted April 6, 1976, and ratified on May 4, 1976.

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