



CITY OF LYNN HAVEN, FLORIDA

AGENDA

NOTICE

CHARTER REVIEW COMMITTEE – WEDNESDAY, FEBRUARY 4TH, 2026 – 5:15 P.M.
WALTER T. KELLEY CHAMBERS – CITY HALL - 825 OHIO AVENUE
THE PUBLIC IS INVITED TO ATTEND

AGENDA

Item
1. Call to order.
2. Additions, Deletions, Modifications of Agenda.
3. Approval of Minutes dated 01/21/2026.
4. Tabled from Last meeting - Discussion about Mr. Scray's request to add "Citizens' Rights Guarantee".
5. Tabled from last meeting - Discuss when Mr. Switzer's request to add "Governing in a Digital Age" will be added to the agenda for discussion.
6. Review and confirm updates recommended for Article I Sec. 6B-1 through Sec. 6C-2b
7. Continue the Review of Article I from Sec. 6C-3.
8. Public Comments.
9. Confirming the next meeting date and time remains February 18 th at 5.15pm.
10. Adjourn.



**WEDNESDAY, JANUARY 21ST, 2026
CHARTER REVIEW COMMITTEE MEETING – 5:00 P.M.**

Present: Corey Langford, Chair
Ryan Scray, Vice Chair
Thomas Tucker
David Switzer
James Marler
Chris Lightfoot, Interim City Manager
Kevin Obos, City Attorney

Apologies: None.

Item #1. Call to Order

The Chair called the meeting to order at 5.03 pm.

Item #2. Additions, Deletions, Modifications of Agenda

The Chair called for any Additions, Deletions, Modifications of the Agenda.

Motion by Mr. Langford to add Mayor comments to Agenda #3.

Second to the Motion: Mr. Tucker

On Vote:

All in favor Motion passed: 5-0

Motion by Mr. Scray to discuss City Manager seating position at meetings.

Second to the Motion: Mr. Marler

On Vote:

All in favor Motion passed: 5-0

Item #3. Mayor Lowery comments

Various comments regarding thankfulness toward committee members. Specific to address City Clerk. Open request for support from him/commission.

Re: City Clerk - afforded support for the position. Doesn't want to wait until April 2027. Looking at Bay County referendum in April 2026 that we would be voting on. Various comments regarding the role of the City Clerk and how it relates to City administration. Accountability and transparency commentary.

Mr. Lightfoot confirmed that there is access to April 21, 2026, but it will cost the city.

Comments by Chair Langford, regarding the Commission discussing timing April (Super Tuesday, no LH ballot) v. August (Primary) v. November (General). Seeking feedback from the commission. Mr. Lightfoot advised that the recall election is paid for regardless. Chair asks commission to discuss their next action and if need be to return to this committee with further guidance.

Mayor Lowery spoke further on the benefits of bringing in the Clerk position via Referendum as quickly as possible. Also, commentary regarding language on Non-Ad-Valorem languages. Seeking Non-Ad-Valorem language for sunseting these and further comments re: the same topic.

Comments by Vice-Chair Scray, re: support for the commission determining the path ahead for Clerk, that there are references in the Charter where it would be nice to know if we'll have one as it would shape how this committee moves ahead with what's left to do.

Comments by Marler, in support of the same as what Mayor Lowery and VC Scray said.

Further comments by Mayor Lowery re: the role of the Clerk and relative to neighboring communities.

Comments by K. Roman, administrative vs. financial roles for Clerk. VC Scray responded what the committee completed already gave the commission flexibility to determine specific job duties.

Comments by Chair Langford, reaffirming the same.

Various comments by several present reaffirming the same.

Final comments from Mayor Lowery re: what to see on referendum and when.

Item #4. Approval of minutes of 01/07/26

The Chair called for a motion to approve the minutes of the previous meeting held on 01/07/26.

Motion by Mr. Scray to approve the minutes of 01/07/26.
Second to the Motion: Mr. Switzer

On Vote:

All in favor Motion passed: 5-0

Item #4(a). City Manager Presence / Position at the table

Discussion by VC Scray re: the presence and position of the City Manager and their involvement at OUR committee meetings. Comparison between past committee, members and attendees, and this committee. Asked if any member of the committee has any issue with the City Manager being present and positioned at the table.

Attorney Obos spoke up to affirm Charter requirements.

Chair Langford commentary re: the topic and Chair's responsibilities. Invitation for input when requested. No policymaking just provides insight and guidance. Perspective, etc.

Item #5. Continue the Review of Article I from Sec. 6C

The committee considered and updated Article I Sec. 6 up to Section 6C-1.

Discussion on recap of last meetings discussion and topics. Success %. Tailoring to only those affected/assessed and vote on.

Attorney Obos shared about nuisance abatement collecting non-ad-valorem.

Various discussions by multiple members regarding various options, including limiting that they occur only at regular elections.

Discussion from Chair Langford regarding the history of the Stormwater Program.

\$2M annually for consumables

\$700K for labor

Revenue to bring in \$2.6M, \$100K short on this. So we're not covering the full bill this year.

Remaining required projects is \$30M.

Wants to see real plans before pursuit of these non-ad-valorem assessments. Defined objective. Guidelines and Guardrails.

VC Scray: Would we like to write in an exception for assessments affecting one specific property for collection on lawful nuisance abatement?

Is there no other collection method?

6B-1 is now:

All Non Ad-Valorem Assessments proposed by the City of Lynn Haven shall be submitted to the qualified electors of the City subject to the proposed assessment for approval by referendum at the next regular election for City of Lynn Haven electors. This does not apply to assessments affecting a single property for nuisance abatement costs.

VC Scray: Setting a % range for success, as set by the Commission for the Referendum. At least 45% + 1 but not more than 50% + 1.

Concern shared with majority being objecting.

6B-1(a): No Non Ad-Valorem Assessment shall be imposed, levied or collected without receiving approval by a minimum amount set by the Commission prior to the Referendum that is at least 45% unless a higher minimum is set, but no minimum threshold can be above 50% +1 to succeed.

NOTE: Additional review of wording may be needed but the range is what we want.

Adjust 6-B2(b) also needs the same change from above.

6B-3a(a): re-affirm same language by the State Index.

6C-1:

Chair Langford, discussing on City not utilizing assessments for payroll of a department.

This should apply to ALL assessments except for those for Fire, due to State Statues on those.

Provided an example on intent with real-word application (Parks/Slides)

The funds that come in can only be used for the purpose dictated in the Non Ad-Valorem referendum.

VC Scray, concerns about not allowing for usage on salaries, wages, benefits, etc.

Tucker wanting the same spelled out as to all the details.

Chair Langford asks for input from City Manager, Lightfoot discusses restrictions.

6C-1 is redundant to State Law, Chair Langford.

VC Chair Scray, change this to:

6C-1 Requirements to Bring Forth All Required Information on Referendum for Non Ad-Valorem Assessments.

The City shall provide at a minimum the following information within each referendum:

1. Defined Start and End Date
2. Brief Description of Methodology of Assessment
3. Estimated Specific Cost per Year By Property (Rate)
4. Total Project Cost Annual and Overall
5. Specific Statement on Usage of Funds
6. Limit on Annual Increase
7. Specific Compliance and Oversight Requirements

Example Referendum Statement (≈75 words):

This sidewalk assessment project shall run from October 1, 2026 through September 30, 2031. Costs are assessed annually per parcel based on linear frontage. The estimated rate is \$165 per property per year. Total project cost is \$495,000 annually and \$2,475,000 overall. Funds may only be used for sidewalk construction, repair, and ADA compliance. Annual increases are capped at 3%. Expenditures require annual independent audit, public reporting, and City Commission approval.

Short Recess at 6:49pm.

Reconvenes at 6:53pm.

6C-2a remove “or temporary”

6C-2b remove entirely

6C-2c change to be 6C-2b.

Item #6. Discussion about Mr. Scray’s request to add “Citizens’ Rights Guarantee”

Mr. Scray – tabled to next meeting..

Item #7. Discuss when Mr. Switzer’s request to add “Governing in a Digital Age” will be added to the agenda for discussion

Mr. Switzer – tabled to next meeting..

Item #8. Public Commentary

There were no public in attendance.

Item #9. Next Meeting

The Chair confirmed the next two meetings will be set for 02/4/26 & 02/18/26 at 5.15pm

Item #10. Adjourn.

There being no further business and the meeting was adjourned at 7.12P.M.

APPROVED THIS ___ DAY OF _____ 2026.

Corey Langford, Chairman

ATTEST:

Chris Lightfoot, Interim City Manager

prepared by Vice Chair Scray

Cicelia Rushing

From: Ryan Scray <ryan_scray@icloud.com>
Sent: Monday, January 5, 2026 11:09 AM
To: Cicelia Rushing; Chris Lightfoot; Amy E. Myers
Subject: Charter Committee - Proposed S33 Citizens Rights Guarantee

Follow Up Flag: Follow up
Due By: Saturday, January 10, 2026 4:00 PM
Flag Status: Flagged

Could you please send this to my fellow board members for advance reading?

Thank you.

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My fellow board members,

I find it imperative to consider a deeply rooted Citizens Rights Guarantee in to our charter. The importance of a Bill of Rights is understood at the Federal level, and I believe that our local governance is where it all begins.

I propose the following:

Section 33: Establishment of the CITIZENS RIGHTS GUARANTEE
(Proposed Charter Article)

Guarantee 1. Purpose

The purpose of this Article is to affirm the rights of taxpayers and residents of the City of Lynn Haven to transparent, responsible, and equitable governance, and to ensure that all public funds are managed solely for the public good.

Guarantee 2. Right to Fiscal Transparency

(a) All city budgets, financial reports, contracts, expenditures exceeding the public bid threshold, public record requests and code enforcement complaints shall be published in a publicly accessible Citizen Online Portal no later than 30 days after submission, approval or execution, and retained for at least (1) one year unless a longer timeframe is required by law.

(b) All meetings of Commission, board or committees shall be recorded with audio and video and posted online for access by the public posted online *within a reasonable period, not to exceed 30 days*.

(c) The public shall have the right to inspect all non-exempt financial records, including vendor payments, procurement awards, and salary schedules as specifically requested within 30 days of making a request to do so. The city may limit fulfillment to digital copies uploaded to the aforementioned Citizen Online Portal free of charge if physical copies do not exist.

(d) The City may satisfy the digital requirements through an existing or third-party platform approved by the Commission.

Guarantee 3. Right to Public Input on Major Fiscal Decisions

(a) No new tax, assessment, or fee shall be levied without a duly noticed public hearing and a majority vote of the City Commission.

(b) Any proposed increase in ad valorem millage rates exceeding the rollback rate shall require at least two public hearings and a supermajority (4/5) vote of the Commission.

(c) The City shall provide a plain-language "Taxpayer Impact Statement" summarizing the financial effect of all proposed rate or fee changes and provided to all residents via TRIM notices, as well as posted online.

(d) Any funds collected in excess of the planned budgeted revenue shall be stored at the conclusion of the fiscal year in an interest bearing account until which time the Commission can host a public meeting to solicit citizen input on their proposed usage which shall include options of roll-over to the next General Fund Year, Refund to the Citizens in the Form of a Utility Account Credit for taxpayers, or specific items proposed by the department heads of the city.

Guarantee 4. Right to Responsible Debt, Spending and Investment

(a) The City shall not incur bonded debt exceeding 10 percent of the total assessed value of taxable property without voter approval.

(b) Capital projects exceeding \$2 million (or as adjusted upward by ordinance) shall include a published cost-benefit analysis and long-term maintenance plan before authorization.

(c) Unspent funds from any specific voter-approved purpose shall not be diverted to other uses without public notice and a public hearing.

(d) The City shall maintain an active Investment Policy that meets all Florida statutes and is managed in the best interest of the taxpayer as determined by the Commission with advice of the Financial Review Committee.

Guarantee 5. Right to Equal and Fair Treatment

(a) No neighborhood, development, or district shall receive preferential treatment in infrastructure, maintenance, or assessments unless justified by objective criteria adopted by ordinance.

(b) All developer contributions, credits, or waivers shall be disclosed publicly and applied consistently under city policy.

(c) All citizens shall be afforded the same opportunity to speak at Public Meetings, be considered for Citizen Governance Committees and Boards, as well as being afforded the right to do business with the city provided all legal requirements are met.

(d) all private donations or non-business contributions in actuality or via credits on projects shall be posted to Citizen Portal.

Guarantee 6. Right to Independent Oversight

(a) The City's annual audit report shall be presented publicly, posted online, and include a plain-language executive summary.

(b) The City shall conduct at least biennial employee climate surveys through an independent third party to ensure an efficient and productive climate for employment within the city, subject to budget appropriation.

(c) Any finding of misuse of taxpayer funds shall trigger a mandatory public review by a third party auditor (may be fulfilled by City Clerk acting independently of the City Manager) and corrective action report within 60 days, subject to annual budget appropriation.

Guarantee 7. Right to Ethical and Accountable Governance

(a) All elected and appointed officials shall annually disclose any conflicts of interest and certify compliance with the Florida Code of Ethics for Public Officers and Employees.

(b) City employees and officials are fiduciaries of the taxpayers and must act with honesty, prudence, and loyalty to the public interest.

(c) No taxpayer funds shall be used for personal benefit, political activity, or non-public purposes.

Guarantee 8. Right to Redress

(a) Any taxpayer may file a written petition for review of alleged violations of this Article.

(b) The City Commission shall respond in writing or hold a public hearing within 60 days.

(c) Citizens shall have standing to seek declaratory or injunctive relief in circuit court for violations of this Article.

Guarantee 9. Amendment Protection

This Article may not be repealed, amended, or superseded except by a majority vote of the electorate at a regular or special election.

Guarantee 10. Guarantee of Essential Public Services

(a) The City of Lynn Haven shall ensure the continuous provision of essential public services necessary for the health, safety, and welfare of its residents, including but not limited to:

- Police protection and public safety
- Fire protection and emergency response
- Potable water supply and sewer service
- Solid waste collection and disposal
- Stormwater management and drainage
- Maintenance of public streets and associated infrastructure necessary for emergency access

(b) The City shall not reduce, contract for operation or management, suspend, or materially alter the delivery of these essential services without:

- (1) A published public analysis detailing the fiscal and operational impacts
- (2) A duly noticed public hearing
- (3) A supermajority (4/5) vote of the City Commission
- (c) In the event of a declared emergency or disaster, the City shall prioritize continuity of these services and establish public contingency plans to ensure uninterrupted operations.
- (d) The rights guaranteed under this section shall not be suspended, delegated, or diminished through contract, budgetary omission, or administrative action.
- (e) These essential services are declared to be core functions of municipal government. The City Commission shall treat their funding, staffing, and maintenance as first-order budget priorities.

Guarantee 11. Right to Movement and Local Mobility

(a) Declaration of Rights.

Residents and visitors of the City of Lynn Haven have a fundamental right to safe, practical, and non-motor-vehicle-exclusive movement throughout the City. This right includes the use of pedestrian travel, bicycles, golf carts, and low-speed vehicles (LSVs) on City streets where permitted by state law.

(b) Policy of Multimodal Access.

It is the policy of the City to remain a community that supports multimodal transportation. The City shall maintain, protect, and where feasible expand safe access for pedestrians, cyclists, golf carts, and LSVs on local streets, pathways, and connectors.

(c) Preservation of Access.

Existing areas, corridors, and routes where pedestrian, bicycle, golf-cart, or LSV travel is permitted at the time of adoption of this Charter shall remain authorized unless modified pursuant to the procedures in this section.

(d) Speed Management and Road Design.

To preserve safe multimodal access, the City shall:

- (a) prioritize lower speed limits on local residential streets and corridors not designated as state or federal highways;
- (b) ensure posted speeds are compatible with shared use by pedestrians, bicycles, golf carts, and LSVs; and
- (c) incorporate traffic-calming and multimodal safety design considerations into all roadway design, resurfacing, and reconstruction projects.

(e) Restriction or Removal of Access.

No ordinance or action that prohibits or substantially restricts pedestrian, bicycle, golf-cart, or LSV use on City streets, other than on major state- or county-controlled highways where such use is legally limited, shall take effect unless it:

- (a) is supported by a publicly noticed safety or engineering study;
 - (b) undergoes two publicly advertised hearings; and
 - (c) is approved by a supermajority vote of four-fifths (4/5) of the City Commission or approved by referendum.
- (f) Citizens' Petition Protection.

Any ordinance restricting multimodal access adopted under subsection (5) may be subjected to the citizen referendum process provided in this Charter. Upon certification of a valid petition, such ordinance shall be suspended until voter approval.

(g) Obligation to Plan for Connectivity.

The City shall evaluate and, where feasible, provide pedestrian, bicycle, golf-cart, and LSV connectivity to parks, schools, neighborhoods, commercial districts, and other community destinations as part of all long-range transportation planning efforts.

End of Proposed.

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I am open for discussion at any of our meetings regarding the specifics to be included, as this is only an initial draft.

Thank you.

Ryan Scray

Cicelia Rushing

From: David Switzer <david.switzer@yahoo.com>
Sent: Saturday, January 10, 2026 11:02 AM
To: Cicelia Rushing
Subject: Charter Review Agenda Item - Governing In a Digital Age

Hello

Please forward this to the other members of the charter review group.

Hello All!

When Pat asked me to be part of the review committee he asked that I review the current charter and find out where I can add the most value to ensure our city charter is modern.

Our charter currently does not have language governing the control and use of technology by the city. Technological hardware married with AI has escalated technology past current state and federal law at a rate never seen before.

Please read the below so we can discuss the topic at the next meeting.

Section X.X — Governing in a Digital Age

The City recognizes that advancing technologies may enhance public safety and efficiency, but also carry the risk of undue government intrusion into the private lives of the people.

Accordingly, the City shall govern the use of emerging technologies in a manner consistent with the Constitutions of the United States and the State of Florida, with particular regard for the rights to privacy, due process, and freedom from unreasonable searches and surveillance.

No City department, officer, or agent shall deploy, operate, or participate in the use of surveillance or data-collection technologies—including but not limited to unmanned aerial systems (drones or UAVs), license plate recognition systems (LPRs), biometric identification tools, or similar technologies—except as expressly authorized by ordinance duly adopted by the City Commission.

Such authorization shall, at a minimum, require:

1. A clearly defined public purpose and scope of use;
2. Limits on data collection, retention, access, and sharing;
3. Independent oversight and accountability measures;
4. Transparency sufficient to inform the public of the technology's use and safeguards; and
5. Compliance with all applicable constitutional, statutory, and judicial requirements.

The City shall not employ technology in a manner that results in generalized, indiscriminate, or suspicion less surveillance of the public, nor shall technological capability alone be deemed justification for its use.

I look forward to the discussion.

[Sent from Yahoo Mail for iPhone](#)

PART I

CHARTER*

Article I. In General

- Sec. 1. Existing municipality abolished.
- Sec. 2. Title to property reserved to new municipality.
- Sec. 3. Contracts remain binding.
- Sec. 4. New municipality created.
- Sec. 5. Boundaries.
- Sec. 6. Powers vested in Commission; designating manner of exercise; abandoned property; payment of ad valorem taxes.
- Sec. 6A. [Reserved.]
- Sec. 7. Same-Generally.
- Sec. 8. Same-Police power; general penalty.
- Sec. 9. General laws to apply.
- Sec. 9A. Charter Review.

Article II. City Commission

- Sec. 10. Form of government.
- Sec. 11. Creation; election of members; term limits.
- Sec. 11A. Mayor Commissioner and Commissioner Compensation.
- Sec. 12. Qualifications of members; prohibited interest in City contracts; prohibiting former members from employment.
- Sec. 13. [Reserved.]
- Sec. 14. Judge of own elections; felony convictions.
- Sec. 15. Vacancies.
- Sec. 16. General law governing City Councils extended to Commissioners.
- Sec. 17. Mayor-Constructed.
- Sec. 18. Same-Functions and duties.
- Sec. 19. Advisory Boards.

***Editor's note**--This compilation consists of the Charter, Laws of Fla. (1951), ch. 27685, and all subsequent acts relating to the City of Lynn Haven including Laws of Fla. (1933), ch. 16536, and Laws of Fla. (1937), ch. 18668, which were apparently not superseded by Laws of Fla. (1951), ch. 18668. A comparative table will be found immediately following the Charter which shows the disposition of these acts. The provisions of these acts have been arranged by subject matter and numbered consecutively from one through 129 for purposes of indexing and ease of reference. The origin of all sections is given in a historical citation enclosed in parentheses following each section. Where a section or act has been amended, superseded, or repealed by a later act, the amended section will list the amendatory acts in chronological order. Only the latest amendment, however, will be set out herein. The editors have supplied catchlines where necessary, inserted material in brackets where necessary to correct obvious errors or for clarification, and have omitted all titles and enacting, repealing, severability and effective date clauses. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used.

Subsequently, Ord. No. 711, § 1, adopted Feb. 27, 2001, amended, renumbered, and repealed various sections of the Charter. The user's attention is directed to the Charter Comparative Table for a detailed analysis of inclusion of said Ord. No. 711.

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LYNN HAVEN CODE

Article III. Officers and Employees

- Sec. 20. Incumbents holding office.
- Sec. 21. Officers and Departments enumerated.
- Sec. 22. Compensation.
- Sec. 23. Civil service system.
- Sec. 24. City Manager-Appointment; qualifications; substitute.
- Sec. 25. Same-Removal.
- Sec. 26. Same-Functions and Responsibilities.
- Sec. 27. City attorney-Appointment; duties.
- Sec. 28. [Reserved].
- Sec. 29. Same-Qualifications.
- Sec. 30. [Reserved].

Article IV. Elections

- Sec. 31. Qualifications and election of City Commission Candidates.
- Sec. 32. Canvass of returns.

CHT 2

CHARTER

ARTICLE I. IN GENERAL

Sec. 1. Existing municipality abolished.

The present municipal government existing under the name of the City of Lynn Haven, Florida be and the same is, hereby abolished.
(Laws of Fla. (1951), ch. 27685, § 1)

Sec. 2. Title to property reserved to new municipality.

The title, rights, and ownership of property, collected and uncollected taxes, dues, claims, judgments, moneys, decrees and choses in action, held or owned by the City of Lynn Haven, under its present or any former charter, shall pass to, and be vested in the municipal corporation organized by and under this act to succeed the municipality abolished.
(Laws of Fla. (1951), ch. 27685, § 2)

Sec. 3. Contracts remain binding.

No debt, obligation, or contract of the City of Lynn Haven, Florida, including bonds and debentures issued, shall be impaired or avoided by this act, but such debts, obligations, contracts, bonds and debentures shall pass to and be binding upon the new municipality which is organized and created.
(Laws of Fla. (1951), ch. 27685, § 3)

Sec. 4. New municipality created.

The inhabitants of the City of Lynn Haven, Florida, as its limits are hereafter established, or as such limits may be hereafter established, shall be and continue to be a body politic and corporate to be known and designated as the "City of Lynn Haven," and as such shall have perpetual succession, may have and use a common seal which it may change at pleasure, may contract and be contracted with, may sue and be sued, and may plead and be impleaded in all of the courts of this State.
(Laws of Fla. (1951), ch. 27685, § 5)

Sec. 5. Boundaries.

The corporate limits of the City of Lynn Haven in Bay County, Florida, be, and the same are hereby fixed, defined and established so as to include the following lands and territory in said County of Bay in the State of Florida, to-wit:

[The boundary description of the city is not printed herein but is on file in the City Manager's office.]

The territorial limits may be changed; enlarged or contracted in the manner provided by the general law. The jurisdiction of the City of Lynn Haven shall extend over all persons and property, franchises and privileges located or coming within said limits, and over and upon any

property the city may own or possess for municipal purposes outside of said limits.
(Laws of Fla. (1951), ch. 27685, § 6)

State law reference--Extension of municipal territorial limits, F.S. ch. 171.

Sec. 6. Powers vested in Commission; designating manner of exercise; abandoned property; payment of ad valorem taxes.

All powers of the City except as otherwise provided by this Charter or by the Constitution of the State, are vested in the City Commission, and except as otherwise provided by this Charter or by the Constitution of the State, the City Commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised.

Mr. Scray would like to add:

Sec. 6A. Separation of Powers in Administration

Neither the Mayor-Commissioner nor any Commissioner shall individually direct or interfere with the performance of duties by the City Manager or by city employees under the City Manager's supervision. Administrative authority and day-to-day operations of the City are vested exclusively in the City Manager.

The Commission shall set their meeting rules and protocol within the first 45 calendar days following the swearing in of a newly elected or appointed member, as approved in majority by the Commission.

Mr. Langford would like to add:

Sec. 6B. Non ad-valorem Assessments

Sec. 6B-1. Requirement for Voter Approval

All Non Ad-Valorem Assessments proposed by the City of Lynn Haven shall be submitted to the qualified electors of the City subject to the proposed assessment for approval by referendum at the next regular election for City of Lynn Haven electors. This does not apply to assessments affecting a single property for nuisance abatement costs

(a) No Non Ad-Valorem Assessment shall be imposed, levied, or collected without receiving approval by a minimum amount set by the Commission prior to the Referendum that is at least 45% unless a higher minimum is set, but no minimum threshold can be above 50% +1 to succeed.

(b) The ballot language shall clearly state the purpose, duration, and maximum annual amount of the proposed assessment.

Sec. 6B-2. Limitation on Duration of Assessment Programs

(a) Non Ad-Valorem Assessments authorized pursuant to this Section shall be established for a period not to exceed four (4) years from the date of initial approval by the qualified electors.

(b) Any continuation, renewal, or reauthorization of a Non Ad-Valorem Assessment beyond the initial four-year term shall require a subsequent referendum and receive approval by a

CHT 4

minimum amount set by the Commission prior to the Referendum that is at least 45% unless a higher minimum is set, but no minimum threshold can be above 50% +1 to succeed approval prior to renewal.

(c) If qualified elector approval for renewal is not obtained, the assessment shall automatically expire at the conclusion of the authorized term.

Sec. 6B-3. Limitation on Annual Increases

(a) Annual increases to any Non Ad-Valorem Assessment authorized under this Section shall not exceed the maximum percentage increase permitted for Ad-Valorem millage rate adjustments under applicable state law for the same fiscal period. (INSERT INDEX)

(b) Any proposed increase exceeding this limitation shall be deemed invalid unless separately approved by the qualified electors in a referendum.

Commented [CR1]: The previous meeting asked that: 6B-3a(a): re-affirm same language by the State Index. Please clarify

Sec. 6C. Non Ad-Valorem Assessment Implementation

Sec. 6C-1. Requirements to Bring Forth All Required Information on Referendum for Non Ad-Valorem Assessments

The City shall provide at a minimum the following information within each referendum:

1. Defined Start and End Date
2. Brief Description of Methodology of Assessment
3. Estimated Specific Cost per Year By Property (Rate)
4. Total Project Cost Annual and Overall
5. Specific Statement on Usage of Funds
6. Limit on Annual Increase
7. Specific Compliance and Oversight Requirements

Example Referendum Statement (≈75 words):

This sidewalk assessment project shall run from October 1, 2026, through September 30, 2031. Costs are assessed annually per parcel based on linear frontage. The estimated rate is \$165 per property per year. Total project cost is \$495,000 annually and \$2,475,000 overall. Funds may only be used for sidewalk construction, repair, and ADA compliance. Annual increases are capped at 3%. Expenditures require annual independent audit, public reporting, and City Commission approval.

(a) Revenues generated from a Non Ad-Valorem Assessment shall be expended solely and exclusively for the specific purpose stated in the ordinance, ballot language, or authorizing resolution approved by the voters.

(b) Assessment revenues shall not be diverted, transferred, commingled, or otherwise used for any program, project, service, or fund not expressly included in the stated purpose of the assessment.

(c) The City shall maintain a separate accounting fund for each authorized assessment program and shall provide annual public reporting on revenues and expenditures.

Commented [CR2]: Was it the intent that these paragraphs remain in the document?

Sec. 6C-2. Prohibition on Personnel Expansion Using Assessment Funds

(a) Reserved.

(b) The City may contract for services or procure materials necessary to fulfill the stated purpose of the assessment only where such expenditures do not result in the addition of new City personnel.

Sec. 6C-3. Compliance and Oversight

(a) The City Commission shall adopt implementing procedures to ensure compliance with this Section, including financial controls, reporting standards, and independent audit requirements.

(b) Failure to comply with the restrictions set forth herein shall constitute misuse of public funds and shall require corrective action and restitution to the assessment fund.

~~annual~~

(Laws of Fla. (1951), ch. 27685, § 10; Laws of Fla. ch. 61-2434, § 1)

Editor's note--This section has been editorially amended to delete the reference to municipal courts as municipal courts were abolished pursuant to art. V, § 4(d) of the Florida Constitution. The provision regarding abandoned property on public streets, etc., has been deleted as superseded by F.S. § 705.101 et seq. The statement regarding payment of ad valorem taxes has been editorially deleted as superseded by F.S. ch. 192 et seq. The provision regarding vacating streets, plats, etc., has been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). This section is section 58-26 in the Code of Ordinances.

Sec. 6A. [Reserved.]

Editor's note--Ord. No. 711, § 1, adopted Feb. 27, 2001, repealed § 6A which pertained to corporate limits enlarged. See the Charter Comparative Table.

Sec. 7. Same-Generally.

The City of Lynn Haven hereby created, established and organized, shall have full power and authority to acquire, take, hold and control property real, personal and mixed, both within and without its corporate limits for the use, benefit, welfare and best interest of said municipality, by purchase, lease, grant, gift, devise, condemnation or otherwise, and to sell, lease or otherwise dispose of such property for the benefits of said municipality to the same extent that a natural person might or could do; to issue and sell bonds, debentures and certificates of indebtedness or other obligations, upon its property both within and without its corporate limits, or in the earnings thereof, or both, for any lawful municipal purpose.

(Laws of Fla. (1951), ch. 27685, § 7; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--Parts of this section regarding enumerated powers which have not been amended by referendum after July 1, 1973, and which are not extraterritorial powers have been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and RS. ch. 166 and the provisions regarding planning have been superseded by F.S. § 163.3161 et seq.

Sec. 8. Same-Police power; general penalty.

The City Commission shall have power to pass all such ordinances and laws, not inconsistent

CHT 6

with the Constitution and laws of the United States and of this State, as may be expedient and necessary for the preservation of the public safety, peace and order.
(Laws of Fla. (1951), ch. 27685, § 106)

CHT 7

Editor's note--Parts of this section which have not been amended by referendum after July 1, 1973, and which are not extraterritorial powers have been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Sec. 9. General laws to apply.

All general laws of the State applicable to municipal corporations, now or which are to be enacted, and which are not in conflict with the provisions of this Charter or with the ordinances and resolutions enacted by the City Commission, shall be applicable to this City; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the City Commission to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this Charter.

(Laws of Fla. (1951), ch. 27685, § 107)

State law reference--Municipal home rule powers, F.S. ch. 166.

Sec. 9A. Charter Review.

This Charter shall be reviewed by a Committee appointed by resolution of the City Commission every five years.

Editor's note--Ord. No. 711, § 1, adopted Feb. 27, 2001, repealed§ 9A, which pertained to procedure for amending charter. See the Charter Comparative Table.

ARTICLE II. CITY COMMISSION*

Sec. 10. Form of government.

The form of government of the City of Lynn Haven provided for under this act [Laws of Fla. (1951), ch. 27685] shall be known as the "Commission-Manager Plan." The City Commission shall constitute the governing body with powers to pass ordinances, adopt resolutions and appoint a chief administrative officer to be known as the "City Manager."

(Laws of Fla. (1951), ch. 27685, § 8; Ord. No. 711, § 1, 2-27-01/4-25-01)

State law reference--Municipal home rule powers, F.S. ch. 166.

Sec. 11. Creation; election of members; term limits.

A City Commission is hereby created to consist of a Mayor-Commissioner and four Commissioners who shall be qualified as hereafter prescribed and whose term of office shall begin immediately following the canvass of and certification of election returns as provided herein Elections shall be held on the Tuesday immediately following the third Monday in April with any necessary run-off election to be held the Tuesday immediately following the third Monday in May. The City shall hold elections for the Mayor-Commissioner and Commissioners every year ending in an odd number after the election of 2009. The Mayor-Commissioner and Commissioner seats one and two shall be elected every four years starting with the election of 2011. Commissioner seats three and four shall be elected every four years starting with the election of 2009. The Mayor-Commissioner and the Commissioners shall be elected at large in the City. The incumbent shall hold office until a successor is elected and qualified as herein provided. No Commissioner shall serve more than 2 consecutive four-year terms in office, plus 2 consecutive four-year terms as Mayor, not inclusive of any partial terms. In order to serve any further terms as Mayor or Commissioner, such person shall have been out of office a minimum of two years.

***Code reference**--City commission, § 2-26 et seq.

State law references--Code of ethics, F.S. § 112.311 et seq.; open records law, F.S. ch. 119; open meetings law, F.S. § 286.011 et seq. (Laws of Fla. (1951), ch. 27685, § 9; Laws of Fla. ch. 69-1271, § 1; Ord. No. 711, § 1, 2-27-01/4-25-01; Ord. No. 754, § 1, 10-14-03/9-9-03); Ord. No. 868, § 1, 1-23-07/4-17-07)

Sec. 11A. Mayor-Commissioner and Commissioner Compensation.

Compensation for the Mayor-Commissioner shall be \$1,500.00 per month and each Commissioner shall be \$1,250.00 per month, with a cost of living adjustment each fiscal year consistent with any such adjustment given to the employees of the City, so long as said adjustment is approved in the annual budget.

Sec. 12. Qualifications of members; prohibited interest in City contracts; prohibiting former members from employment.

Members of the Commission shall be qualified electors and residents of the City. Officers and employees of the City shall not be interested in the profits or emoluments of any contract, work or service for the City, and any such contract in which any member is, or may become interested, shall be declared void by the Commission. Members of the Commission shall not

become employed by the City for a period of not less than two years after leaving office.
(Laws of Fla. (1951), ch. 27685, § 11; Ord. No. 711, § 1, 2-27-01/4-25-01)

Sec. 13. [Reserved.]

Editor's note--Ord. No. 711, § 1, adopted Feb. 27, 201, repealed § 13, which pertained to candidates prohibited from making certain promises. See the Charter Comparative Table.

Sec. 14. Judge of own elections; felony convictions.

The Commission shall be the judge of the election and qualification of its own members subject to review by the courts. The Commission shall serve as the Canvassing Board. Any member of the Commission who shall be convicted of felony while in office shall immediately forfeit his office.

(Laws of Fla. (1951), ch. 27685, § 13; Ord. No. 711, § 1, 2-27-01/4-25-01)

Sec. 14A. Background checks for City Manager, City Clerk, and Department Heads

The City of Lynn Haven shall conduct a Level 2 Background check, including but not limited to sex offender registry checks, and criminal background checks, on the City Manager, City Clerk, and every Department Head. The convictions not acceptable for employment with the City of Lynn Haven shall include but not be limited to violent crimes, drug sales, sex offense charges, and/or crimes of moral turpitude including but not limited to, theft, embezzlement, rape, forgery, and solicitation of prostitutes, and pornography.

Sec. 15. Vacancies.

Any vacancy in the Commission may be filled until the next regular municipal election by vote of the remaining members of the Commission; provided that if such vacancy is not filled within thirty (30) days after it shall have occurred, appointment to fill such vacancy shall be made by the Governor of the State of Florida and provided further, that vacancies resulting from a recall election shall be filled in the manner hereafter prescribed.

(Laws of Fla. (1951), ch. 27685, § 14)

State law reference--Filling of vacancies by the Governor, F.S. § 112.51(3) Sec. 16. General law governing City Councils extended to Commissioners.

Any right or authority given or permitted by the Constitution and laws of the State of Florida to City Councils not inconsistent with the provisions of this Act shall be given, permitted and extended to the City Commissioners of the City of Lynn Haven.

(Laws of Fla. (1951); ch. 27685, § 108; Ord. No. 711, § 1, 2-27-01/4-25-01)

State law reference--Municipal home rule powers, F.S. ch. 166.

Note--Formerly § 20.

Sec. 17. Mayor-Constructed.

Whenever the term Mayor is used in this Charter, it is understood to refer to the Mayor-Commissioner.

(Laws of Fla. (1951), ch. 27685, § 15; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 21.

Sec. 18. Same-Functions and duties.

The Mayor shall preside at all meetings of the Commission and perform such other duties consistent with his office as may be imposed upon him by the Commission and he shall have a voice and a vote in the proceedings of the Commission, but no veto power. He shall use the title of Mayor in any case in which the execution of legal instruments in writing, or other necessity arising from the general laws of the State, so requires. He shall be recognized as the official head of the City by the Courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes, and shall countersign all checks and vouchers prepared by the City Manager. He may take command of the police and fire departments and govern the city by proclamation during the times of grave public danger or emergency, and he shall himself be the judge of what constitutes such danger or emergency. The powers and duties of the Mayor shall be such as are conferred upon him by this Charter and by the City Commission in pursuance of the provisions of this Charter, and no others. Annually at the first Commission meeting in May the members of the City Commission shall appoint a Mayor Pro Tem to serve in the Mayor's absence. No Commissioner may serve as Mayor Pro Tem more than once during a four-year term.

(Laws of Fla. (1951), ch. 27685, § 16; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 22.

Sec. 19. Advisory Boards.

The City Commission may at any time appoint an Advisory Board (or Boards), composed of men and women who are residents of the City of Lynn Haven and who are not disenfranchised by law. These people shall act in an advisory capacity to the City Commission or City Manager with respect to the management of City property or the exercise of any public function. An individual shall only serve on one standing Board at a time. Service by an individual on a standing Board, except the Planning Commission, is limited to six (6) consecutive years. An individual on the Planning Commission shall not serve more than eight (8) consecutive years.

(Laws of Fla. (1951), ch. 27685, § 51; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--The reference to freeholder in this section has been deleted as it is of questionable validity pursuant to a decision in *Turner v. Fouche*, 396 U.S. 346 (1969).

Note--Formerly § 25.

ARTICLE III. OFFICERS AND EMPLOYEES*

Sec. 20. Incumbents holding office.

All officers elected or appointed and holding office in the City shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this act [Laws of Fla. (1951), ch. 27685]; provided, that if no such successors are clearly provided for in this act [Laws of Fla. (1951), ch. 27685], then such officers shall hold office and discharge their duties only during the pleasure of the City Commission herein created; and all existing ordinances of the City, not in conflict with the provisions of this act [Laws of Fla. (1951), ch. 27685], shall continue in effect and unimpaired until repealed, amended or modified by the City which is hereby organized and created. (Laws of Fla. (1951), ch. 27685, § 4; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--Laws of Fla. (1951), ch. 27685, became effective on June 11, 1951.

Note--Formerly §.26.

Sec. 21. Officers and Departments enumerated.

- A. Officers of the City of Lynn Haven shall consist of a City Manager, City Clerk, and City Attorney.
- B. The Department Heads of the City of Lynn Haven shall consist of the Police Chief, Fire Chief, Public Works Director, Finance Director and those Departments as established by ordinance.
- C. Department Heads shall be appointed by the City Manager, subject to confirmation by a formal majority vote of the Commission.
- D. In the absence of an appointment by the City Manager, the Mayor-Commissioner shall make such appointments subject to confirmation by formal majority vote of the City Commission.
- E. Nothing herein shall be construed to prevent the City Manager from acting as head of any department, upon his being so accepted by the majority of the City Commission.

(Laws of Fla. (1951), ch. 27685, § 27; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 27.

Code reference--Officers and employees, § 2-106 et seq.

Sec. 22. Compensation.

The Commission shall fix by ordinance, the compensation of all City employees and members of Boards. The compensation so fixed, shall be uniform for like services in each grade of the City service as the same shall be graded or classified by the City Manager, or the City Commission.

(Laws of Fla. (1951), ch. 27685, § 94; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 28.

***Code reference**--Officers and employees, § 2-106 et seq.

Sec. 23. Civil service system.

The City Commission of Lynn Haven, Florida may, at its discretion, institute a civil service system for hiring and discharging its employees.

(Laws of Fla. (1951), ch. 27685, § 104; Ord. No. 711, § 1, 2-2 001/4--25-01)

Note--Formerly § 31.

Sec. 24. City Manager-Appointment; qualifications; substitute.

The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission and shall hold office at the pleasure of the City Commission. He shall be chosen solely on the basis of his executive and administrative qualifications, without regard to his political belief, and he need not be a resident of the City or State at the time of his appointment, but during his tenure of office he shall reside in the City. In the absence of a Deputy City Manager, during the absence or disability of the City Manager, the City Commission may designate a properly qualified person, by resolution, to temporarily execute the functions of the office.

(Laws of Fla. (1951), ch. 27685, § 23; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 32.

Sec. 25. Same-Removal.

The City Manager shall only be removed by the City Commission.

(Laws of Fla. (1951), ch. 27685, § 25; Ord. No. 711, § 1, 2-27-01/4--25-01)

Note--Formerly § 34.

Sec. 26. Same-Functions and Responsibilities.

The City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City and to that end, his responsibilities are and shall include:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as hereafter specifically provided, to appoint and remove all subordinate officers and employees and of the City; all appointments to be made upon merit and fitness alone.
- (c) To exercise control and direct supervision over all Departments and divisions of the City under this Charter, or which may be created by the City Commission, including public utilities owned by said City.
- (d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the City Attorney whose duty it is to take such legal steps as may be necessary to enforce the same.
- (e) To attend all meetings of the City Commission, and of its Committees, with right to take part in the discussion, but without having a vote.
- (f) To recommend to the Commission for adoption such measures as he may deem necessary or expedient in the interest of the City.
- (g) To keep the City Commission fully advised monthly as to the financial condition and needs of the City and to submit for its consideration an annual budget.

- (h) To enforce and administer any zoning regulations established by said City Commission but said City Commission shall hear and review any order, requirement, decision or determination made by him in the enforcement of the zoning regulations.
- (i) To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission.
- (j) He shall be purchasing agent for the City, by whom all purchases of supplies shall be made, and he shall approve all vouchers for the payment of same. In the capacity of Purchasing Agent, he shall also conduct all sales of personal property which the Commission may authorize to be sold as having become unnecessary or unfit for the City's use.
- (k) Shall be a designated whistleblower complaint recipient.

(Laws of Fla. (1951), ch. 27685, § 26; Ord. No. 711, § 1, 2-27-01/4-25-01)
Note--Formerly § 35.

Sec. 27. City Attorney-Appointment; duties.

The City Commission 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. He shall approve all contracts, bonds, and other instruments in writing in which the City is concerned, and no contract with the City shall take effect until his approval is so endorsed thereon. He shall prosecute and defend, for and in behalf of the City, all complaints, suits and controversies in which the City is a party, unless otherwise directed by the City Commission. He shall furnish the City Commission and/or the City Manager his opinion on any question of law relating to their respective powers and duties. They shall perform such other professional duties as may be required of them by ordinance or resolution of the City Commission, or as are prescribed, for City Attorneys under the General Laws of the State which are not inconsistent with this Charter and with any ordinance or resolution which may be passed by the City Commission.

Shall be a designated whistleblower complaint recipient.

(Laws of Fla. (1951), ch. 27685, § 28; Ord. No. 711; § 1, 2-27-01/4-25-01)
Note--Formerly § 36.

Sec. 28. Same-Qualifications.

The City Attorney shall be a lawyer who has been properly admitted to the Bar of the State of Florida and is at present in good standing there with.

(Laws of Fla. (1951), ch. 27685, § 30; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 38 & 29.

~~(Laws of Fla. (1951), ch. 27685, § 29; Ord. No. 711, § 1, 2-27-01/4-25-01)~~

~~**Note** --Formerly § 37.~~

Sec. 29. City Clerk – Appointment, duties.

A. There is hereby created the office of City Clerk.

The City Commission shall appoint a City Clerk who shall hold office at the pleasure of the City Commission. The compensation of the City Clerk shall be as determined by the City Commission.

~~The City Clerk shall serve as the Clerk to the Commission; shall be the official custodian of the City seal and of all official records, documents and papers of the City; and shall perform such other duties as are required of the City Clerk by this Charter, state law, ordinances of the City, or direction of the City Commission.~~

(Laws of Fla. (1951), ch. 27685, § 30; Ord. No. 711, § 1, 2-27-01/4-25-01)

B. Roles & Responsibilities of the City Clerk.

Shall serve as the Clerk to the Commission

The City Clerk serves as the official custodian and record-keeper of the City, responsible for maintaining all public documents

Clerk of City elections as required by law

The Clerk performs these and other such duties independently and in accordance with state law, established policies, and other directions from the City Commission.

Shall be a designated whistleblower complaint recipient.

(Laws of Fla. (1951), ch. 27685, § 48; Ord. No. 711, § 1, 2-27-01/4-25-01)

Note--Formerly § 39.

Sec. 30-30. Reserved

~~—Roles & Responsibilities—~~

~~The City Clerk shall serve as the Clerk to the Commission; shall be the official custodian of the City seal and of all official records, documents and papers of the City; and shall perform such other duties as are required of the City Clerk by this Charter, state law, ordinances of the City, or direction of the City Commission.~~

~~(Laws of Fla. (1951), ch. 27685, § 48; Ord. No. 711, § 1, 2-27-01/4-25-01)~~

~~**Note**—Formerly § 39.~~

ARTICLE IV. ELECTIONS

Sec. 31. Qualifications and Election of City Commission Candidates.

The offices of the City Commission, other than Mayor, shall be numbered one through four, inclusive. A candidate for City Commission must declare the seat for which he is running in order to qualify for election. At all elections, the candidate qualifying for that seat or the Mayor seat receiving a majority of votes cast for that seat or the Mayor seat shall be deemed elected. If two or more persons qualify for a seat and none receives a majority of the votes cast for that seat, the two candidates receiving the highest number of votes shall face each other in a runoff election to be held on the Tuesday immediately following the third Monday in May after the general election. The person receiving the highest number of votes at said runoff election shall be elected. The canvass of returns for said runoff election shall be the same as is provided for a general election. If a runoff election is necessary, the incumbent shall remain in office until the runoff election is canvassed and certified. The term of office of a person elected at a general election and a runoff election shall begin immediately upon the canvassing and certification of the runoff election.

(Ord. No. 711, § 1, 2-27-01/4-25-01; Ord. No. 754, § 2, 10-14-03/9-9-03)

Sec. 32. Canvass of Returns.

The result of the voting when ascertained, shall be certified to the Canvassing Board by a return in duplicate, signed by the City ~~Manager-Clerk~~ and a majority of the Inspectors of the election. Such returns shall be made to the City Commission by the Canvassing Board at the next regular scheduled City Commission meeting, or a special meeting, whichever one occurs first. At such meeting the City Commission shall convey the return and include the results of the election.

(Laws of Fla. (1951), ch. 27685, § 100; Ord. No. 711, § 1, 2-27-01/4-25-01)

Editor's note--The reference to the hours the polls are open has been editorially deleted as superseded by state law in F.S. § 100.011.

Note--Formerly § 55;