

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1233

City of Lakeland, Polk County

SPONSOR(S): McKeel

TIED BILLS:

IDEN./SIM. BILLS: SB 2922

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>6 Y, 0 N</u>	<u>Ligas</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
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SUMMARY ANALYSIS

This bill reorganizes the City of Lakeland Civil Service Board by providing for the appointment of board members and designating the director of civil service as a city employee.

This bill separates the City of Lakeland Pension Board from the City of Lakeland Civil Service Board.

This bill designates the City of Lakeland Pension Board as a separate entity and provides for a retirement services director as well as other necessary staff. It also authorizes the Pension Board to prescribe the duties to be performed by the retirement services director.

This bill provides an effective date upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

According to ch.77-590, L.O.F., the City of Lakeland Civil Service Board is comprised of seven members. In addition to the three members that are presently sitting on the board, the initial members are appointed as follows:

- The city commission appoints two persons; and
- The full time city employees elect two persons.

The initial board members serve staggered terms as follows:

- One serves a one-year term;
- One serves a two-year term;
- Two serve three-year terms; and
- The seventh board member also serves a three-year term.¹

Subsequent Civil Service Board members are appointed for three-year terms. Each year the city commission and the full-time city employees appoint or elect one member to the board. Beginning January 1, 1977, and each third year thereafter, the board appoints one member as well.²

Any qualified voter residing in the City of Lakeland, over the age of 21, is eligible to hold office as a member of the Civil Service Board, provided they have not been convicted of a felony.³ Potential board members may not currently be or have been a city employee within one year prior to his or her election or appointment.⁴

Currently, the Civil Service Board is authorized to employ a director of civil service on behalf of the City of Lakeland.⁵ The director is authorized to employ reasonably necessary staff to assist with the proper performance of the duties of the board. The board is given the authority to prescribe the duties of the director of civil service.

The chairman of the Civil Service Board is selected by the board immediately after the first of January each year.⁶ This chairman holds office until the election and qualification of his successor at the next organization meeting.

The City of Lakeland Employee Pension System is presently administered by a pension board of trustees consisting of the seven current members of the Civil Service Board and their successors.⁷ Immediately after the first of January each year, the Pension Board elects one of the trustees as

¹ Special Acts, Ch. 77-590 § 2.

² Special Acts, Ch. 77-590 § 3.

³ Special Acts, Ch. 77-590 § 5.

⁴ Id.

⁵ Special Acts, Ch. 77-590 § 6.

⁶ Special Acts, Ch. 77-590 § 8.

⁷ Subsection (a) of Section 22.1 of Article II of Division II of the Charter of the City of Lakeland.

chairman for the upcoming calendar year.⁸ The civil service director serves as secretary of the board and keeps the records of the Pension Board's proceedings.

The board meets as often as is necessary, upon the call of the chairman or any member, or upon the request of the director of civil services.⁹

Effect of Proposed Changes

This bill provides for the initial board members of the civil service board to be appointed as follows:

- The city commission appoints three persons;
- The full time city employees elect three persons; and
- Upon taking office, those six members select a seventh member who will be appointed by the Lakeland City Commission.

The initial board members serve staggered terms as follows:

- Two serve a one-year term;
- Two serve two-year terms;
- Two serve three year terms; and
- The seventh member serves a three-year term.

Subsequent Civil Service Board members are appointed for three-year terms. Each year the city commission and the full time city employees shall each appoint or elect one member to the board. Successors to the seventh member serving as the selection of the other members of the board shall be selected by the other members of the board and appointed by the Lakeland City Commission.

This bill authorizes the Civil Service Board to employ a director of civil service, on behalf of the City of Lakeland, with the concurrence of the city manager. The City of Lakeland is authorized to employ reasonably necessary staff to assist with the proper performance of the duties of the board. The board is given the authority to prescribe the duties of the director of civil service who will be supervised on a day-by-day basis by the city manager or his or her designee.

The chairman of the Civil Service Board is selected by the board upon initial appointment of the board and immediately after the first of January each year. This chairman holds office until the appointment and qualification of his successor at the next organization meeting.

This bill separates the Civil Service Board and the Pension Board. The bill provides that the City of Lakeland Employee Pension System is administered by a board consisting of seven members. The trustees serving on May 31, 2007 continue to serve until their terms expire. Successor members of the Pension Board serve three-year terms. The subsequent members are appointed each year as follows:

- The city commission appoints one successor trustee;
- The full time city employees elect one successor trustee; and
- Successors to the seventh trustee serving as a selection of the other members of the board will be selected by the other members of the board and appointed by the Lakeland City Commission.

Any qualified voter residing in the City of Lakeland, over the age of 21, is eligible to hold office as a member of the Pension Board, provided they have not been convicted of a felony. Potential board members may not currently be or have been a city employee within one year prior to his or her election or appointment.

⁸ Subsection (b) of Section 22.1 of Article II of Division II of the Charter of the City of Lakeland.

⁹ Subsection (f) of Section 22.1 of Article II of Division II of the Charter of the City of Lakeland.

Immediately after the first of January each year, the Pension Board elects one of the trustees as chairman for the upcoming calendar year. The retirement services director serves as secretary of the board and keeps the records of the Pension Board's proceedings.

The bill also authorizes the Pension Board, on behalf of the City of Lakeland, with the concurrence of the city manager, to employ, as a City of Lakeland employee, a retirement services director. The City of Lakeland is authorized to employ reasonably necessary staff to assist with the proper performance of the duties of the board. The board is given the authority to prescribe the duties of the retirement services director.

This bill provides that the board will meet as often as is necessary, upon the call of the chairman or any member, or upon the request of the director of retirement services.

C. SECTION DIRECTORY:

Section 1: Amends the Charter of the City of Lakeland regarding the Civil Service Board.

Section 2: Creates the City of Lakeland Pension Board and provides for its organization.

Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN?

January 30, 2007

WHERE?

The Lakeland Ledger, Lakeland, Polk County, Florida.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

N/A

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

The City of Lakeland estimates there will be an annual recurring cost of \$85,000, for the salary of the newly created Pension Board Director position. The City of Lakeland is designated as the funding source for this expenditure.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issue: Technical error in title

This bill does not increase the number of members on the Civil Service Board. The board is presently comprised of seven members and this bill does not modify that number.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

At its meeting on March 28, 2007, the Committee on Urban and Local Affairs adopted two amendments to the bill. Amendment one revised the appointment process for the seventh member to the Civil Service Board and made a technical correction to the title; amendment two provided that the process for election of members to the pension board by the City of Lakeland employees will be prescribed by ordinance.