

## REPORT TO COUNCIL

TO: Council Members

FROM: Thomas J. Kennon, III

DATE: June 2, 2023

RE: Sylvester Warren and Planning and Zoning Board

The Council recently voted to appoint Mr. Sylvester Warren to the Planning and Zoning Board pursuant to Resolution 2023-059. At the last meeting I was aware of his pending misdemeanor charges but did not recollect that he had a felony conviction. After receiving a public records request for documents related to Mr. Warren and clemency or restoration of his civil rights, I researched the issue of a convicted felon holding a position on the Planning and Zoning Board.

My research has led me to render the opinion that Mr. Warren cannot serve on the Planning and Zoning Board. According to Article 6, section 4 of the Florida Constitution, no person convicted of a felony shall be qualified to vote or hold office until restoration of civil rights. This section does provide for the restoration of voting rights upon completion of a felony conviction sentence. Restoration of the right to sit on a jury, and to hold public office can only be obtained through application to the Board of Executive Clemency. I contacted Mr. Warren concerning this issue and he indicated that he has completed his felony sentence and his civil right to vote has been restored. However, he has not had his other civil rights restored nor has he been granted clemency related to his felony conviction. Because Mr. Warren has not had all of his civil rights restored, he is ineligible to hold a position on the Planning and Zoning Board.

The term "office" as used in the above cited section implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office. Members of the Planning and Zoning Board are delegated to decide issues related to zoning and land use issues among other powers. This is a delegation of a portion of the sovereign powers of the City of Lake City, Florida.

Based on the above analysis, and my discussions with Attorney Danielle Adams, it is our opinion that Mr. Warren cannot lawfully serve on the Planning and Zoning Board of the City of Lake City, Florida. If any Council member has any questions or concerns related to this issue, please contact me at my office number of 755-1334 or my cell phone if it is after hours.