



City of North Port

ORDINANCE NO. 2014-07

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REPEALING ORDINANCE NO. 1998-6, ORDINANCE NO. 2002-10, ORDINANCE NO. 2003-11, ORDINANCE NO. 2006-05, ORDINANCE NO. 2006-26 AND ORDINANCE NO. 2007-02; ADOPTING PART II, CHAPTER 4, BOARDS AND COMMITTEES, ARTICLE I, BOARDS GENERALLY, OF THE CITY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 - REPEAL

- 1.01 - Ordinances Nos. 1998-6, 2002-10, 2003-11, 2006-05, 2006-26 and 2007-02 relating to Boards, Committees and Commission, as codified in North Port Code Chapter 2, Sections 2-601 through 2-607, are hereby repealed in their entirety.

SECTION 2 – ADOPTION OF PART II, CHAPTER 4, BOARDS AND COMMITTEES, ARTICLE I, BOARDS GENERALLY, OF THE CITY CODE

- 2.01 - The City Commission of the City of North Port hereby adopts Part II, Chapter 4, Boards and Committees, Article I, Boards Generally, of the City Code, which is attached hereto as Exhibit "A."

SECTION 3 - SEVERABILITY.

- 3.01- If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4 - EFFECTIVE DATE.

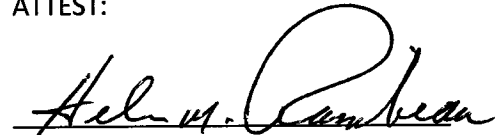
- 4.01- This Ordinance shall take effect immediately upon its adoption.

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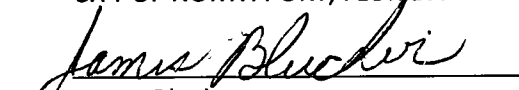
READ BY TITLE ONLY in public session this 27 day of January, 2014.

PASSED AND DULY ADOPTED by the City Commission this 10th day of February, 2014.

ATTEST:


Helen M. Raimbeau, MMC
City Clerk

CITY OF NORTH PORT, FLORIDA


James Blucher
Mayor

Approved as to form and correctness:



Robert K. Robinson
City Attorney

EXHIBIT A

PART II, CHAPTER 4, BOARDS AND COMMITTEES, ARTICLE I, BOARDS GENERALLY

Sec. 4-1. Legislative intent.

It is the intent of the City Commission of the City of North Port to establish uniform rules of procedure and governance of the meetings and conduct therein of the various boards and committees of the City of North Port, Florida. Any reference to boards in this article shall also include councils and committees. The provisions of this article shall apply to all boards and committees created by the City Commission, except that an ordinance or resolution creating a board or committee that conflicts with a provision of this article shall control over this article, unless otherwise expressly provided in this article I.

Sec. 4-2. Board construction.

A. All boards shall consist of seven regular members and two alternates. One regular member of each advisory board may be a youth member, unless youth members are specifically provided for by ordinance.

B. Each board shall elect from its members a chairperson to serve as the presiding officer at all meetings and a vice-chairperson to serve as the presiding officer at all meetings at which the chairperson is absent. Board chairpersons and vice-chairpersons shall be elected annually at their first meeting of each calendar year. Youth may not serve as chair or vice-chair unless they are 18. A member may not serve as chairperson for more than two consecutive years.

C. No subcommittees, special committees or ad hoc committees shall be formed by the boards without prior approval of the City Commission.

D. Alternates. In the absence of a regular member, an alternate shall take the place of the regular member and may participate and vote in the meeting as a regular member. The first alternate shall take the place of the first absent regular member, and the second alternate shall take the place of the next absent regular member. If both a regular member and the first alternate are absent, the second alternate will sit as a regular member. An alternate may participate in a meeting as a nonvoting member through the making of a motion on an issue if he or she is not filling in for a regular member.

Sec. 4-3. Appointment, qualifications, term and vacancies.

A. **Appointment.** All board members shall be appointed by majority vote of the City Commission.

B. **Residency.** All board appointees shall have resided within the City for a period of six months. Residency must be maintained throughout the term of office. Failure to maintain permanent residency within the City shall result in automatic vacation of the board seat.

C. Advisory board members serve at the pleasure of the Commission and may be removed or replaced by a majority vote of the Commission, unless otherwise provided by law.

D. Compensation. Board members shall serve without compensation. An advisory board member shall receive reimbursement for expenses incurred in the performance of his/her official duties only upon prior written request and written authorization of the City Manager.

E. Youth. Persons aged 14 -17 years at the time of appointment and in high school may serve on non-quasi-judicial boards.

F. Term. Adult board members shall serve two year terms, and may be reappointed for one additional two year term. Service is limited to two consecutive terms, but a former board member may reapply for the same board after an absence of one year. Youth board members shall serve a one year term, and may be reappointed for an additional one year term if they are still in high school and under 18 at the time of reappointment. Youth who have aged out may apply for membership as an adult member.

G. Alternate and youth board member seats are filled in the same manner as regular board member seats.

H. Citizens of the City of North Port may serve on only one board with the exception of ad hoc, task force or special committees appointed by the Commission for specific purposes. When such ad hoc committees are established by the City Commission in which responsibilities and terms are limited, a citizen serving on one board may also serve on the ad hoc committee. An individual may not hold a position on two quasi-judicial boards concurrently.

I. Relatives shall not serve on the same advisory board or committee, and may not serve concurrently where one is a member of a board which issues decisions that are subject to appeal to a board on which their relative sits. Relative shall be as defined in F.S. § 112.3135 as amended, with the addition of grandfather and grandmother.

J. City employees may only sit on boards where expressly provided by law, ordinance or resolution.

K. Vacancies.

1. Applications of persons seeking appointment or reappointment to a board shall be kept on record for a period of two years. After two years a new application shall be required for persons still seeking appointment or reappointment.
2. **New Boards.** The City Commission shall appoint board members from the available applicants by majority vote. The City Commission is not required to make an appointment, even if some seats are left unfilled, except where otherwise provided by law.
3. **Existing Board Vacancies.** The City Commission shall appoint board members to a vacant seat from the available applicants by majority vote. The City Commission is not required to make an appointment, even if some seats are left unfilled, except where otherwise provided by law.
4. The City Clerk or designee shall announce vacancies and upcoming board member term expirations for all boards at each regular Commission meeting and shall advertise in an appropriate medium to solicit applications from interested citizens to serve on the boards. One month after a vacancy or a term expiration is first announced at a commission meeting, or if no applications are received within that time and no applications are on file, upon receiving an eligible application, the application(s) will be

placed on a Commission meeting agenda for the Commission to review for appointment. The City Commission is not required to make an appointment, except as otherwise provided by law.

5. The City Clerk or designee shall post on the bulletin board and provide the commission with a list to be updated periodically of those appointments expiring from the various boards, to include the name, appointment and termination dates at least three months in advance. Copies shall also be made available for the citizens at commission meetings in an effort to encourage more participation in the boards. The City Clerk will add to the regular Commission meeting agenda the list of vacancies and term expirations on the various boards.
- L. Conflicts of interest. Prior to reappointing an advisory board member or appointing a public officer as defined in F.S. Ch. 112, the City Commission shall consider the number and nature of the memoranda of conflict previously filed by the public officer.
- M. Effect of change in qualifications or term. For any board members serving on a board prior to a change in number of members, length of term, or adoption of a disqualifying factor such as service on only one advisory board or a prerequisite for service, the board member may continue to serve out the duration of their term under the prior ordinance or resolution, where the board member was appropriately appointed at the time. Notwithstanding the foregoing, if the change in ordinance or resolution was required by state or federal law, county ordinance or City charter, and immediate compliance is needed, the board member's seat will be vacated. This subsection shall control over specific board ordinances unless the board ordinances expressly states otherwise.

Sec. 4-4. Meetings.

- A. An annual calendar of regular meeting dates shall be approved at the first board meeting of every year. These regular meetings shall be used in determining attendance records.
- B. The specific dates and times for the meetings shall be determined by each board, with consideration given to staff liaison, recording secretary and City Hall meeting facilities availability. Special meetings and workshops may be scheduled upon consent of the board. The board chairperson, or in their absence, the vice-chairperson, is also authorized to call or schedule a special meeting or workshop, which requires 48 hour notice and posting. Emergency meetings may be scheduled by the board chairperson, or in their absence, the vice-chairperson, through the staff liaison.
- C. Board members shall make every reasonable effort to attend all meetings. A board member will be deemed to have resigned his or her seat if:
 1. He or she has unexcused absences from four (4) consecutive regular meetings , or
 2. He or she is absent without excuse from twenty-five percent (25%) or more of regular board meetings in a calendar year. The percentage of absences for the preceding year shall be calculated by the City Clerk's office each January.

Upon such resignation, the City Clerk shall notify the chairperson and members present that the member has resigned his or her seat through excessive absences and the seat is now vacant. The City Clerk shall then send a letter to the member notifying that member that his or her seat has been vacated due to excessive unexcused absences. An absence is excused if a result of

personal or family illness, or death in the family.

- D. Board members must attend the entire meeting and not leave the meeting until adjourned by formal vote of the membership of the board. Members shall arrive at meetings promptly at the regularly scheduled time. If a member must leave during the meeting, due to illness or family emergency, that member shall request approval from the chairperson before doing so.
- E. **Quorum.** A majority of the appointed regular and youth members of a board shall constitute a quorum, unless otherwise provided by law. A majority vote of members present shall be required to take official action.
- F. **Public comment.** The public shall be allocated time to comment on agenda items and matters pertinent to each board pursuant to state law. The City Commission may establish policies governing public comment for the boards. Members of the public shall be given a reasonable opportunity to be heard on each agenda item except as provided for below. The right to comment does not apply to:
 - 1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board to act;
 - 2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
 - 3. A meeting that is exempt from §286.011; or
 - 4. A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 4-5. Rules of order and decorum.

- A. All of the boards established by the City Commission shall be subject to the following rules of decorum in the conduct of all boards meetings:
 - 1. While the meeting is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting or disturb any member while speaking or refuse to obey the orders of the presiding officer. Members of boards and committees shall not leave their seats during a meeting without first obtaining the permission of the presiding officer.
 - 2. Any person making personal, impertinent, slanderous or profane remarks or who willingly utters loud, threatening or abusive language or engages in any disorderly conduct which would impede, disrupt, or disturb the orderly conduct of any meeting, hearing, or other proceedings shall be called to order by the presiding officer and, if such conduct continues, may at the discretion of the presiding officer, be ordered barred from further audience before the board during that meeting.
 - 3. No person in the audience shall engage in disorderly conduct such as hand clapping, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.
 - 4. The most current edition of Robert's Rules of Order, as amended, is hereby adopted as a guide to the conduct of all meetings of all boards established by the City Commission. Robert's Rules shall not be applied where such application would be in conflict with the

law. Failure to strictly adhere to Robert's Rules of Order shall not invalidate any action taken by a board.

- B. Board members shall comply with all City and State laws applicable to their board. All board members are required to attend a city-sponsored seminar on sunshine, public records, and ethics law annually. Failure to attend a seminar each year, based on the date of a board member's appointment, shall be treated as a resignation by that board member.
- C. Those boards which must conduct quasi-judicial hearings, such as the code enforcement board, planning and zoning advisory board and zoning board of appeals shall comply with state law while conducting quasi-judicial hearings.

Sec. 4-6. Enforcement of order and decorum.

- A. Any member of a board may move to require the presiding officer to enforce these rules and the affirmative vote of a majority of the board shall require him/her to do so.
- B. In the event that any meeting is willfully disturbed by a person or persons so as to render the orderly conduct of such meeting infeasible and when order cannot be restored, the meeting may be adjourned by the presiding officer and the remaining business considered at the next regular meeting.
- C. If the matter being addressed prior to adjournment is of such nature as to demand immediate attention, the presiding officer may either call a special meeting within 48 hours or continue the meeting to a date certain to discuss the urgent item only. This is an exception to the requirements of Section 4-9(A).
- D. By a majority vote of the members of a board, the board may recommend to the city commission the removal of a member who fails to comply with any provisions of this article.

Sec. 4-7. Reports.

- A. All boards shall provide verbal or written reports to the City Commission to include the previous fiscal year's activities and their goals for the following fiscal year in the first quarter of the calendar year each year. The City Commission shall review the annual reports, duties, responsibilities and goals of the boards, and thereafter meet with the boards to address issues if necessary.
- B. Appointees to non-City boards, in which one appointee represents the City, shall make verbal or written reports to the Commission at least twice yearly.

Sec. 4-8. City Clerk duties.

- A. The City Clerk shall provide a recording secretary to assist each board within the City of North Port. The recording secretary shall attend all board meetings. The recording secretary's duties shall be limited to the recording of meeting proceedings, preparation of minutes, conduct of the roll call and maintenance of a record of attendance of all members of boards. If the board has quasi-judicial issues on the agenda, a recording secretary, who has a notary public certification, will assist in the swearing in of all parties, in the absence of the City Clerk. All other secretarial needs required by boards shall be provided through the appropriate staff liaison. The original

approved minutes shall be kept on record in the City Clerk's office as the official records of the board. A copy of all approved minutes shall be provided to the staff liaison and to the City Commission.

- B. The City Clerk or his/her designee shall act as parliamentarian for all boards.
- C. The City Clerk shall provide to boards and staff liaisons recommended agenda outlines, so as to provide uniformity in all board agendas. The City Clerk is responsible for posting all board agendas.

Sec. 4-9. Staff liaisons.

- A. A City staff liaison shall be assigned to each board. This staff liaison will be responsible for the preparation of all agendas, backup material and distribution to the members. The agenda for all regularly scheduled board meetings shall be provided to the City Clerk's office at city hall at least 48 hours prior to the regularly scheduled meeting. The recording secretary shall be provided with a complete agenda package, including backup materials, for the official record and minute preparation purposes. The staff liaison shall notify all members of any special or emergency meetings that are called by the board chairperson or vice-chairperson as soon as possible. The staff liaison shall not schedule a special or emergency meeting if they can determine that a quorum will not be able to physically attend the meeting at the scheduled time.
- B. The City staff liaison assigned to a board shall ensure that the agenda and materials are made available to the board members at least four days prior to the meeting or as expeditiously as is possible under the circumstances.
- C. All requests for reports or research from City staff shall be made by authority of the entire board. No single member may make such requests of any City staff member, including the staff liaison, without formal board approval. Such approval shall be noted in the minutes of the board. Upon approval by a majority of the board, the chairperson of the board may request such research and/or reports from City staff through the staff liaison only. All requests shall be approved by the City Manager, if his/her staff serves as the liaison, or the City Clerk, if his/her staff serves as the liaison. If the request is time extensive, or staffing is not available, the City Manager or City Clerk may request approval of the Commission prior to proceeding. Any refusal by the City Manager or City Clerk shall be provided to the Commission in written form.

Sec. 4-10. Certificate of appreciation.

Upon resignation, vacation or completion of his or her term on a board, an appointee shall receive a certificate of appreciation from the City.