



City of North Port

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM QUESTION TO BE PLACED BEFORE THE QUALIFIED VOTERS OF THE CITY OF NORTH PORT, FLORIDA AT THE NOVEMBER 8, 2022 GENERAL ELECTION; PROVIDING A REFERENDUM QUESTION DETERMINING WHETHER TO FINANCE THE PRICE BOULEVARD WIDENING PROJECT THROUGH THE ISSUANCE OF BONDS PAYABLE FROM ONE-CENT SALES TAX PROCEEDS; PROVIDING FOR FINDINGS; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 212.055(2) authorizes the Board of County Commissioners of Sarasota County to levy by ordinance a local government infrastructure sales tax of one percent throughout Sarasota County, Florida (“sales tax”), subject to referendum approval; and

WHEREAS, since September 1, 1989, Sarasota County has levied the sales tax through a series of voter approved extensions, and on November 8, 2022, the voters will be presented an opportunity to approve the extension of the levy of the sales tax through December 31, 2039 on the same ballot where they are asked to authorize Sarasota County to issue bonds dependent on and payable from the sales tax proceeds; and

WHEREAS, funds received from the sales tax may be utilized to finance, plan, construct, renovate and improve needed infrastructure, provide public safety vehicle, land acquisition for public recreation, conservation, or protection of natural resources, and improve infrastructure to address transportation and safety needs; and

WHEREAS, the sales tax proceeds may be pledged for the purpose of servicing bond indebtedness incurred for bonds issued to finance sales tax projects, to the extent permitted by law; and

WHEREAS, Section 1.02(b) of the North Port City Charter authorizes the City to issue bonds to finance any capital or other project when the issuance of the bond is approved by a majority of the City’s voters during a primary, general, or special election; and

WHEREAS, adequate infrastructure promotes safe and efficient economic development which enhances the quality of life for the citizens of the City of North Port, Florida; and

WHEREAS, the Sarasota County Supervisor of Elections advises that the next general election will occur on November 8, 2022, and in order to obtain placement on the ballot for the general election, the Supervisor of Elections has established a deadline of August 9, 2022 for the submission of referendum questions; and

WHEREAS, the City Commission authorizes that a referendum question be placed on the November 8, 2022 ballot for consideration by the City’s voters.

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

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 The City Commission finds that is necessary and in the best interests of the City to complete the transportation capital improvements related to the widening of Price Boulevard from an existing two-lane undivided arterial road to a four-lane divided arterial road from Sumter Boulevard to Toledo Blade Boulevard, as more particularly described in the plans and specifications on file with the City, in order to promote, maintain and protect the health, safety and welfare of the residents of the City.

SECTION 2 – REFERENDUM ELECTION CALLED

- 2.01 A referendum election is ordered and called to be held throughout the City of North Port, Florida on November 8, 2022. The referendum will be held in conjunction with the City of North Port’s general election for the purpose of submitting to the City’s electors a referendum question as to whether to finance the Price Boulevard widening project through the issuance of bonds in one or more series, payable from the proceeds of a voter approved county-wide one-cent sales tax. The referendum question is set forth in Section 4 below.

SECTION 3 – CONDUCT OF REFERENDUM ELECTION

- 3.01 The referendum election called by this ordinance will be conducted in the manner prescribed in Chapters 100, 101, and 102, Florida Statutes.
- 3.02 The polling places, election officials, and hours of election for the general election will be the same as those for the general election scheduled to be held within the City of North Port on November 8, 2022.

SECTION 4 – FORM OF BALLOT

- 4.01 The question pertaining to whether to finance the Price Boulevard widening project through the issuance of bonds in one or more series, payable from the proceeds of a voter approved county-wide one-cent sales tax will be submitted to the qualified electors of the City in substantially the following form and will be printed on the ballot:

**OFFICIAL BALLOT
CITY OF NORTH PORT, FLORIDA
NOVEMBER 8, 2022**

**REFERENDUM QUESTION 1 – FINANCE PRICE BOULEVARD WIDENING
PROJECT THROUGH ISSUANCE OF VOTER-APPROVED ONE-CENT SALES
TAX BONDS**

To finance the Price Boulevard widening project, shall the City of North Port be authorized to issue bonds in one or more series payable from one-cent sales tax proceeds in a total aggregate principal amount not to exceed eighty million dollars, maturing by December 31, 2039, bearing interest not exceeding the maximum lawful rate? Bonds are dependent on approval of one-cent sales tax renewal above.

_____ **YES – Approve Bonds**

_____ **NO – Against Bonds**

SECTION 5 – NOTICE OF ELECTION

- 5.01 The City Clerk is directed to make this ordinance available for inspection at the office of the City Clerk and available on the City’s website at www.cityofnorthport.com.
- 5.02 The City Clerk is directed to publish a notice of the referendum election in a newspaper of general circulation within the City of North Port at least thirty (30) days prior to the date of the election. The notice must be published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held. The notice must be in substantially the following form:

NOTICE OF REFERENDUM ELECTION

Notice is hereby given that a referendum election will be held on November 8, 2022, in the City of North Port, Florida to consider the following question:

**REFERENDUM QUESTION 1 – FINANCE PRICE BOULEVARD WIDENING
PROJECT THROUGH ISSUANCE OF VOTER-APPROVED ONE-CENT SALES
TAX BONDS**

To finance the Price Boulevard widening project, shall the City of North Port be authorized to issue bonds in one or more series payable from one-cent sales tax proceeds in a total aggregate principal amount not to exceed eighty million dollars, maturing by December 31, 2039, bearing interest not exceeding the maximum lawful rate? Bonds are dependent on approval of one-cent sales tax renewal above.

_____ **YES – Approve Bonds**

_____ **NO – Against Bonds**

The polls will be open at the voting places on the date of such referendum election from 7:00 a.m. to 7:00 p.m. All qualified electors of the City of North Port, Florida may vote in said election. Vote-by-mail and early voting will be permitted upon compliance with the applicable provisions of general law.

This referendum is being called pursuant to Ordinance No. 2022-12, which appears in full in this notice.

Heather Taylor, MMC
City Clerk
City of North Port, Florida

[insert full copy of executed ordinance]

SECTION 6 – FILING WITH THE SUPERVISOR OF ELECTIONS

6.01 Upon this ordinance becoming effective, the City Clerk is directed to file a certified copy of this ordinance with the Supervisor of Elections for Sarasota County, Florida, and is authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this ordinance.

SECTION 7 – SUPERVISOR OF ELECTIONS TO POST COPY OF ORDINANCE AT EACH POLLING PLACE

7.01 The Supervisor of Elections shall conspicuously post a copy of this ordinance at each polling place during the hours that the polls are open to consider this referendum.

SECTION 8 – EFFECTIVENESS OF REFERENDUM RESULTS

8.01 Returns of the votes cast at the referendum shall be made as required by law.

8.02 If a majority of the votes cast for the referendum question is “YES – Approve Bonds,” then the referendum question will be approved and become effective as of 12:01 a.m. on the day following the certification of the referendum results.

8.03 If less than a majority of the votes cast for the referendum question is “YES – Approve Bonds,” then the referendum question will be defeated and will not be effective or operative, and the same shall be void and have no effect.

SECTION 9 – CONFLICTS

9.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 10 – SEVERABILITY

10.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 11 – EFFECTIVE DATE

11.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on May 10, 2022.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session on May 24, 2022.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY