



City of North Port

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REPEALING AND REPLACING CHAPTER 4, ARTICLE I OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO ADVISORY BOARDS AND COMMITTEES; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Code of the City of North Port, Florida (“City Code”), Chapter 4, Article I establish uniform rules of procedure and governance of the meetings and conduct of the City’s advisory boards and committees; and

WHEREAS, on September 6, 2022, the City Commission of the City of North Port, Florida held a publicly noticed workshop to discuss advisory board and staff liaison training, advisory board criteria, qualifications, and terms; and

WHEREAS, these amendments to the City Code establish uniform criteria, processes, and procedures that govern the boards’ meetings and conduct; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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.

SECTION 2 – REPEAL AND REPLACEMENT

2.01 Chapter 4, Article I, entitled “Boards Generally,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

2.02 Chapter 4, Article I, of the City Code of the City of North Port, Florida is created to read as follows:

“Chapter 4 – BOARDS AND COMMITTEES

ARTICLE I. – BOARDS GENERALLY

Sec. 4-1. Legislative intent.

- (a) Intent. The city commission intends to establish uniform rules of procedure and governance of the meetings and conduct of the city’s advisory boards and committees.
- (b) Definition. Any reference to “board” or “boards” in this article also includes councils and committees. This article applies to all boards created by the city commission.
- (c) Conflicts. In case of any conflict, unless otherwise expressly provided in this article:
 - (1) Any conflicting legislation that creates a board will control over this article;
 - (2) Conflicting provisions in the Unified Land Development Code will control over this article;
and
 - (3) Conflicting provisions in other articles of this chapter will control over this article.

Sec. 4-2. Board construction.

- (a) Composition. Each board consists of six regular members and two alternate members, and one youth member. Quasi-judicial boards will not have a youth member.
- (b) Alternates. Alternates will be designated as "first" and "second" alternate, based on the date of appointment to the board. When a regular member is absent, an alternate may take the place of the absent regular member. The second alternate may take the place of an absent regular member when the first alternate is also absent or when there is more than one absence on the board. Alternate will have no right of participation on the board unless taking the place of an absent regular member. Alternate members may provide public comment when not taking the place of an absent regular member.
- (c) Officers and elections.
 - (1) Elections. At the first board meeting of each calendar year, or as vacancies occur, each board must elect a chairperson and vice-chairperson to serve a one-year term. Youth members may not serve as chair or vice-chair. A member may not serve as chairperson for more than two consecutive years.
 - (2) Presiding officer. The chairperson serves as the presiding officer. In the chair’s absence, the vice-chairperson will serve as the presiding officer. If the chair and vice-chair are absent, the board must select a board member by majority vote to serve as the presiding officer for that meeting.
- (d) Subcommittees. A board may not form subcommittees, special committees, or ad hoc committees without prior approval of the city commission.

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

(a) Qualifications.

- (1) Residency. Except as otherwise provided, all board members must reside in the city at least six months prior to appointment. Residency must be maintained throughout the term of office. Failure to maintain consistent residency within the city will result in automatic termination of the board appointment.
- (2) Property ownership. One nonresident may serve as a voting member on each board, provided that the person has owned real property in the city for at least one year prior to the date of appointment. Ownership must be maintained throughout the term of office and will be determined by reviewing the Sarasota County Property Appraiser's records.
- (3) Youth members. Youth members must be at least 14 years old and in high school at the time of appointment and reappointment.
- (4) Relatives. Relatives, as defined in F.S. § 112.3135; grandparents; and grandchildren may not: (i) concurrently serve on the same board; or (ii) concurrently serve on the city commission and a board that hears quasi-judicial items.
- (5) City employees. City employees may not sit on a board unless expressly provided by state statutes or local legislation.
- (6) Dual board service. Board members may serve on only one board, with the exception of ad hoc, task force, or special committees appointed by the city commission.

(b) Appointment.

- (1) General. Board members are appointed by majority vote of the city commission.
- (2) Alternate member promotions.

 - a. An alternate member will be promoted automatically to a regular member only when: (i) a vacancy is created prior to the end of a regular member's term; or (ii) a regular member's service has concluded after two consecutive terms. An alternate will not be automatically promoted at the expiration of a regular member's first term if the regular member applies for reappointment.
 - b. The first alternate will be deemed, upon acceptance, to be automatically appointed to fill an eligible vacancy. If the first alternate does not accept the appointment, the second alternate will be deemed, upon acceptance, to be automatically appointed to fill the regular member vacancy.
- (3) Reappointment. Prior to reappointing a board member, the city commission will consider the number and nature of any memoranda of conflict the member previously filed.

(4) *Non-city boards.* The city commission may, from time to time, appoint a resident to a non-city board. These appointees must make verbal or written reports to the city commission at least twice each calendar year.

(c) *Compensation.* Board members serve without compensation.

(d) *Term.*

(1) *Regular and alternate members.* Regular and alternate board members hold office for a term of three years and may be reappointed for one additional three-year term. Time spent as an alternate will not count toward the calculation of a member's 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.

(2) *Youth board members.* Youth board members hold office for a term of one year and may be reappointed for an additional one-year term.

(e) *Removal.*

(1) Board members serve at the pleasure of the city commission and may be removed or replaced by a majority vote of the city commission, unless otherwise provided by law.

a. By majority vote, a board may recommend to the city commission the removal of a member who fails to comply with any city commission policies for order and decorum.

b. By memorandum through the applicable charter officer, a board's staff liaison may recommend to the city commission the removal of a member who fails to comply with any city commission policies for order and decorum.

(2) A board member will be deemed to have resigned the member's seat if:

a. The board member has four unexcused absences from regular meetings within a 12-month period; or

b. The board member has three unexcused absences and two excused absences from regular meetings within a 12-month period.

(f) *Effect of change in qualifications or term.* If new regulations regarding a board member's qualification or term take effect, an existing board member may serve the remainder of board member's current term under the prior regulations or the new regulations, whichever is longer. If state law or the city charter required the new regulations and immediate compliance is needed, the board member's seat will be vacated.

Sec. 4-4. Meetings.

(a) *Schedule.*

(1) Prior to January 1 of each year, each board must approve an annual calendar of regular meeting dates.

- (2) Each board must determine the dates and times for meetings, with consideration given to staff liaison, recording secretary, and meeting facility availability. The board may modify meeting dates and times by majority vote.
- (3) The board may schedule special meetings and workshops by majority vote. The chairperson is also authorized to call or schedule a special meeting or workshop unilaterally. Special meetings require 48 hours' notice and posting.
- (b) Quorum. A majority of the board members. Alternate members are not counted for purposes of a quorum unless they are filling in for absent members. A majority vote of members present is required to take official action.
- (c) Reports. All boards must provide verbal or written reports to the city commission to include the previous calendar year's activities and their goals for the following calendar year in the first quarter of the calendar year each year. The city commission will review the annual reports, duties, responsibilities and goals of the boards, and, if necessary, meet with the boards to address issues.
- (d) Attendance.

 - (1) Attendance.

 - a. Board members should make every reasonable effort to attend all meetings and remain until adjourned by the presiding officer.
 - b. Members should arrive at meetings promptly at the regularly scheduled time.
 - (2) Absences.

 - a. A board member may request, through the recording secretary, an excused absence due to extraordinary circumstances to include one of the following:

 - 1. Serving or deployed on active military duty;
 - 2. Experiencing a medical condition, illness, disability, or related travel;
 - 3. Caring for a family member suffering or recovering from a medical condition or illness;
 - 4. Attending an event on behalf of the city in the member's official capacity;
 - 5. Attending a significant family obligation (e.g., a family wedding or funeral);
or
 - 6. Residing in an area affected by a state of emergency or disaster declared pursuant to federal, state, or local law that would risk the personal health, safety, or well-being of the member if required to attend the meeting in person.

- b. Upon request of a board member absence to be excused, the recording secretary will notify the presiding officer prior to the start of the meeting. The board will determine by majority vote whether the absence will be deemed "excused."
- c. Any absence that is not "excused" will be deemed "unexcused."
- d. A board member who arrives late to a meeting or leaves early will be marked "present."
- (e) Public comment. The public must 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. Time for public comment must be designated on each meeting agenda, toward the beginning and the end of the meeting. Members of the public will 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 involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations; or
 - (2) A meeting that is exempt from F.S. § 286.011.

Sec. 4-5. Recording secretary.

- (a) The city clerk must provide a recording secretary for each board. The recording secretary will attend all board meetings. The recording secretary's duties are limited to preparing and posting agendas, recording meeting proceedings, preparing minutes, swearing in witnesses for quasi-judicial items, and maintaining a record of board member attendance.
- (b) The recording secretary will make the agenda and materials available to board members at least four days prior to the meeting or as expeditiously as possible under the circumstances.
- (c) The recording secretary will act as parliamentarian for all boards.

Sec. 4-6. Staff liaison.

- (a) The city manager must provide a staff liaison to each board.
- (b) The staff liaison will attend all board meetings. The staff liaison is responsible for preparing agenda items and backup material. The staff liaison is responsible for scheduling all meetings and should schedule a special meeting only after determining that a quorum of board members is available to attend.
- (c) Neither the board, nor any single member, is authorized to make requests of or assign work to the staff liaison. If the board desires that city staff provide information, reports, or research, the board must approve the request by majority vote. Upon approval, the staff liaison will communicate the request to the appropriate charter officer. If the request is time extensive or staffing is not available, the charter officer may request approval of the city commission prior to proceeding. If the charter officer refuses the request, the charter officer must notify the city commission.

Sec. 4-7. Commission liaisons.

- (a) Appointment. The city commission by majority vote may appoint a commissioner to serve as a liaison to a board, with the exception of the planning and zoning advisory board, the zoning board of appeals, and any other board that hears quasi-judicial matters.
- (b) Duties.
 - (1) Ex officio. A commission liaison serves as an ex officio nonvoting member of the board.
 - (2) Communications. A commission liaison is responsible for facilitating communication between the board and the city commission, including informing the board about city commission agenda items and city commission decisions that may be of interest to the board.
 - (3) Objectivity. A commission liaison is expected to represent the full city commission objectively and accurately in interacting with the board.
 - (4) Deliberations. Commission liaisons are encouraged to field and answer questions as appropriate for an ex officio member of the board. A commission liaison should not: (i) participate in board debate or deliberations; (ii) attempt to direct debate; (iii) lobby; or (iv) otherwise influence the direction or decisions of the board. Undue influence over the decisions of the board will constitute grounds for removal of a liaison assignment.
 - (5) Respect for presiding officer. A commission liaison must follow all city commission policies for order and decorum.
- (c) Attendance. A commission liaison should attend regular board meetings as time permits and should make special efforts to attend meetings when the board specifically requests that the commission liaison participate in discussion on a topic.
- (d) Term. Commission liaison appointments will be for a term of one year from the date of appointment.
- (e) Removal. A commission liaison may be removed from the liaison assignment for any reason upon a majority vote of the city commission.”

SECTION 3 – CONFLICTS

- 3.01 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 4 – SEVERABILITY

- 4.01 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 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 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 January 24, 2023.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on February 14, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY