



# City of North Port

## ORDINANCE NO. 2022-13

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM**  
2           **QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE CITY OF NORTH**  
3           **PORT, FLORIDA AT THE NOVEMBER 8, 2022 GENERAL ELECTION; PROVIDING A**  
4           **REFERENDUM QUESTION DETERMINING WHETHER TO AMEND THE CITY CHARTER TO**  
5           **DIRECT THE CITY MANAGER TO SIGN ALL CONTRACTS AND ALLOW THE CITY**  
6           **COMMISSION TO GRANT THE CITY MANAGER AUTHORITY TO ENTER INTO CERTAIN**  
7           **CONTRACTS WITHOUT PRIOR COMMISSION APPROVAL, AND TO ESTABLISH**  
8           **CONDITIONS FOR THAT AUTHORITY, SUCH AS FINANCIAL LIMITS; PROVIDING FOR THE**  
9           **FULL TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FINDINGS;**  
10           **PROVIDING FOR AN EFFECTIVE DATE FOR THE NEW CHARTER LANGUAGE IF THE**  
11           **PROPOSED CHARTER AMENDMENT IS APPROVED; PROVIDING FOR THE FILING OF THE**  
12           **ORDINANCE WITH THE SARASOTA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING**  
13           **FOR PUBLICATION OF THE TEXT OF THE PROPOSED CHARTER AMENDMENT;**  
14           **PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE IF THE PROPOSED**  
15           **CHARTER AMENDMENT IS APPROVED; PROVIDING FOR CONFLICTS; PROVIDING FOR**  
16           **SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

17  
18           **WHEREAS**, pursuant to Florida Statutes Section 166.031 and North Port City Charter Section 8.02, the  
19           City Commission may, by ordinance, submit proposed amendments to the City Charter to the electors;  
20           and

21  
22           **WHEREAS**, the Sarasota County Supervisor of Elections advises that the next general election will occur  
23           on November 8, 2022, and to obtain placement on the ballot for the general election, the Supervisor of  
24           Elections has established a deadline of August 9, 2022 for the submission of referendum questions; and

25  
26           **WHEREAS**, on January 12, 2021, the City Commission directed the Charter Review Advisory Board to  
27           review the City's Charter requirements that all contracts and intergovernmental agreements require City  
28           Commission approval before execution, and to provide pros and cons for the repeal of the requirement;  
29           and

30  
31           **WHEREAS**, on March 31, 2021 and May 19, 2021, the Charter Review Advisory Board conducted publicly  
32           noticed meetings to review and propose amendments to the Charter's requirements, and the City  
33           Commission considered the advisory board's input at its April 4, 2022 workshop; and

35 **WHEREAS**, the City Commission finds that the City Charter should be amended to repeal the  
36 requirement that the Mayor sign all intergovernmental agreements and “any other official documents”  
37 on behalf of the City, retaining the requirement that the Mayor sign all ordinances and resolutions; and  
38

39 **WHEREAS**, the City Commission finds that the City Charter should be amended to: (i) direct the City  
40 Manager to sign all contracts (including intergovernmental agreements); and (ii) allow the City  
41 Commission to authorize the City Manager to enter into certain contracts without prior Commission  
42 approval, and to establish conditions for that authority, such as financial limits; and  
43

44 **WHEREAS**, the City Commission authorizes that this referendum question be placed on the  
45 November 8, 2022 ballot for consideration by the City’s electors.  
46

47 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT,**  
48 **FLORIDA:**  
49

50 **SECTION 1 – FINDINGS**  
51

52 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.  
53

54 **SECTION 2 – PROPOSED CHARTER AMENDMENTS**  
55

56 2.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any  
57 additional codification information and notations appear in *italics*. These editorial notations are  
58 not intended to appear in the codified text.  
59

60 2.02 Article V of the North Port City Charter is hereby amended as follows:  
61

62 **“ARTICLE V – CITY COMMISSION AUTHORITIES**

63 . . .

64 **SECTION 5.03 – POSITION OF MAYOR**

65 . . .

66 (d) The Mayor may use the official title when necessity arises from the general laws of the  
67 State. The Mayor shall be recognized as the official head of the City by the courts for the  
68 purpose of serving civil process; in the exercising of military law; and for all ceremonial  
69 purposes; sign on behalf of the City all intergovernmental agreements, ordinances, and  
70 resolutions and any other official documents.”  
71

72 2.03 Article IX of the North Port City Charter is hereby amended as follows:  
73

74 **“ARTICLE IX – CITY MANAGER**

75 . . .

76 **SECTION 9.05 – POWERS AND DUTIES**  
77

78 The City Manager, as Chief Administrative Officer of the City, shall be responsible to the City  
79 Commission for the proper administration and management of all affairs of the City including,  
80 but not limited to, those placed under the City Manager’s authority under this Charter. The City  
81 Manager shall:  
82

. . .

83 (l) Sign all contracts, ~~agreements, and applications, and other documents on behalf of for the~~  
 84 City ~~after such has been approved by the City Commission at a regular or special City~~  
 85 ~~Commission meeting. The City Commission may grant the City Manager authority to enter~~  
 86 ~~into contracts and may establish appropriate conditions for that authority, such as~~  
 87 ~~financial limits.~~  
 88 ...”

90 **SECTION 3 – REFERENDUM ELECTION CALLED**

91  
 92 3.01 A referendum election is ordered and called to be held throughout the City of North Port,  
 93 Florida on November 8, 2022. The referendum will be held in conjunction with the City of North  
 94 Port’s general election for the purpose of submitting to the City’s electors a referendum  
 95 question as to whether the North Port City Charter should be amended to: (i) direct the City  
 96 Manager to sign all contracts; and (ii) allow the City Commission to authorize the City Manager  
 97 to enter into certain contracts without prior Commission approval, and to establish conditions  
 98 for that authority, such as financial limits. The referendum question is more particularly set forth  
 99 below.

101 **SECTION 4 – CONDUCT OF REFERENDUM ELECTION**

102  
 103 4.01 The referendum election called by this ordinance will be conducted in the manner prescribed in  
 104 Florida Statutes Chapters 100, 101, and 102.  
 105  
 106 4.02 The polling places, election officials, and hours of election for the general election will be the  
 107 same as those for the general election scheduled to be held within the City of North Port on  
 108 November 8, 2022.

110 **SECTION 5 – FORM OF BALLOT**

111  
 112 5.01 The question pertaining to the adoption of the proposed amendment to the North Port City  
 113 Charter will be submitted to the qualified electors of the City in substantially the following form,  
 114 and will be printed on the ballot:

115  
 116 **OFFICIAL BALLOT**  
 117 **CITY OF NORTH PORT, FLORIDA**  
 118 **NOVEMBER 8, 2022**

119  
 120 **REFERENDUM QUESTION 2 – CITY MANAGER’S AUTHORITY TO SIGN AND**  
 121 **ENTER INTO CONTRACTS, APPLICATIONS, AND OTHER DOCUMENTS**

122  
 123 **The City Charter requires that the Mayor sign intergovernmental contracts and**  
 124 **the City Manager sign other contracts, regardless of value or impact, after**  
 125 **approval by the City Commission. Do you approve amending the Charter to: (i)**  
 126 **direct the City Manager to sign all contracts; and (ii) allow the City Commission**  
 127 **to authorize the City Manager to enter into certain contracts without prior**  
 128 **Commission approval, and to establish conditions for that authority, such as**  
 129 **financial limits?**

131 \_\_\_\_\_ YES – Amend the City Charter

132

133 \_\_\_\_\_ NO – Do not amend the City Charter

134

135 **SECTION 6 – NOTICE OF ELECTION**

136

137 6.01 The City Clerk is directed make this ordinance available for inspection at the office of the City  
138 Clerk and available on the City’s website at www.cityofnorthport.com.

139

140 6.02 The City Clerk is directed to publish a notice of the referendum election in a newspaper of  
141 general circulation within the City of North Port at least thirty (30) days prior to the date of the  
142 election. The notice must be published at least twice, once in the fifth week and once in the  
143 third week prior to the week in which the referendum election is to be held. The notice must be  
144 in substantially the following form:

145

146 **NOTICE OF REFERENDUM ELECTION**

147

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

151

152 **REFERENDUM QUESTION 2 – CITY MANAGER’S AUTHORITY TO SIGN AND**  
153 **ENTER INTO CONTRACTS, APPLICATIONS, AND OTHER DOCUMENTS**

154

155 **The City Charter requires that the Mayor sign intergovernmental contracts and**  
156 **the City Manager sign other contracts, regardless of value or impact, after**  
157 **approval by the City Commission. Do you approve amending the Charter to: (i)**  
158 **direct the City Manager to sign all contracts; and (ii) allow the City Commission**  
159 **to authorize the City Manager to enter into certain contracts without prior**  
160 **Commission approval, and to establish conditions for that authority, such as**  
161 **financial limits?**

162

163 The complete text of the proposed City Charter amendment is contained in City  
164 of North Port Ordinance No. 2022-13. Copies of the ordinance may be inspected  
165 and are available at the office of the City Clerk, North Port City Hall, 4970 City  
166 Hall Boulevard, North Port, Florida; as well as on the City’s website at  
167 www.cityofnorthport.com.

168

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

173

174 Heather Taylor, MMC  
175 City Clerk  
176 City of North Port, Florida

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

178  
179 7.01 The Supervisor of Elections shall conspicuously post a copy of this ordinance at each polling  
180 place during the hours that the polls are open to consider the referendum.

181  
182 **SECTION 8 – EFFECTIVENESS OF REFERENDUM RESULTS**

183  
184 8.01 Returns of the votes cast at the referendum shall be made as required by law.  
185  
186 8.02 If a majority of the votes cast for the referendum question are “YES,” then the referendum  
187 question will be approved, and the proposed City Charter amendment will become effective as  
188 of 12:01 a.m. on the day following certification of the referendum results.

189  
190 8.03 If less than a majority of the votes cast for the referendum question are “YES,” then the  
191 referendum question will be defeated, the adoption of the proposed City Charter amendment  
192 will have failed, and the amendment will not be effective or operative. The referendum  
193 question’s defeat will result in all provisions from the current City Charter remaining in full force  
194 and effect.

195  
196 **SECTION 9 – FILING WITH THE SUPERVISOR OF ELECTIONS**

197  
198 9.01 Upon this ordinance becoming effective, the City Clerk is directed to file a certified copy of this  
199 ordinance with the Supervisor of Elections for Sarasota County, Florida, and is authorized to take  
200 all appropriate actions necessary to carry into effect and accomplish the electoral provisions of  
201 this ordinance.

202  
203 **SECTION 10 – FILING WITH THE FLORIDA DEPARTMENT OF STATE**

204  
205 10.01 If the City’s electors approve the referendum question and the proposed City Charter  
206 amendment, the City Clerk is directed to file the City Charter amendment with the Florida  
207 Department of State in accordance with Florida Statutes Section 166.031(2).

208  
209 **SECTION 11 – CONFLICTS**

210  
211 11.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance,  
212 in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

213  
214 **SECTION 12 – SEVERABILITY**

215  
216 12.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,  
217 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be  
218 deemed a separate, distinct, and independent provision and will not affect the validity of the  
219 remaining portions of the ordinance.

220  
221 **SECTION 13 – EFFECTIVE DATE**

222  
223 13.01 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 second and final reading in public session on May 24, 2022.

CITY OF NORTH PORT, FLORIDA

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PETE EMRICH  
MAYOR

ATTEST

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HEATHER TAYLOR, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY