



City of North Port

ORDINANCE NO. 2025-05

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 A SPECIAL ELECTION; PROVIDING A REFERENDUM QUESTION DETERMINING WHETHER TO FINANCE CERTAIN CAPITAL IMPROVEMENTS TO A WASTEWATER TREATMENT FACILITY THROUGH THE ISSUANCE BY THE CITY OF BONDS PAYABLE FROM THE REVENUES OF THE CITY'S WATER AND SEWER UTILITY SYSTEM; 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, it is necessary and desirable and in the best interests of the City to construct improvements to an existing effluent pumping station at the wastewater treatment facility located on Pan American Boulevard and a new 30" effluent force main between the pumping station and the existing deep injection well, as more particularly described in the plans and specifications on file with the City (the "Effluent Pumping Station Project"), in order to promote, improve, maintain, and protect the health, safety, and welfare of the residents of the City; and

WHEREAS, the most efficient and fair method of financing costs of the Effluent Pumping Station Project is through the issuance of bonds (the "Bonds") secured by and payable from the revenues, charges, fees, and assessments derived from the City's water and sewer utility system (the "Water and Sewer Utility Revenues"); and

WHEREAS, in accordance with the North Port City Charter, the question as to whether or not such Bonds should be issued to finance costs of the Effluent Pumping Station Project must be submitted to the qualified electors of the City at a primary, general, or special election; and

WHEREAS, the City Commission authorizes that a referendum question concerning the issuance of the Bonds for the purpose of financing costs of the Effluent Pumping Station Project be submitted to the qualified electors of the City at a special election to be held on May 13, 2025, for consideration by the City's voters; and

WHEREAS, the Sarasota County Supervisor of Elections (the "Supervisor of Elections") advises that in order to obtain placement on the ballot for a May 13, 2025, special election, the Supervisor of Elections has established a deadline of February 17, 2025 for the submission of referendum questions.

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 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance relates to the issuance or refinancing of debt.
- 1.03 The City Commission finds that it is necessary and in the best interests of the City to complete the Effluent Pumping Station Project in order to promote, maintain, and protect the health, safety, and welfare of the residents of the City.
- 1.04 The most efficient and fair method of financing a portion of the costs of the Effluent Pumping Station Project is through the issuance of the Bonds secured by and payable from Water and Sewer Utility Revenues.

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 May 13, 2025 (the “Referendum Election”). The Referendum Election will be a special election for the purpose of submitting to the City’s electors a referendum question as to whether to finance a portion of the costs of the Effluent Pumping Station Project through the issuance of bonds in one or more series, secured by and payable from the Water and Sewer Utility Revenues. 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 Florida Statutes Chapters 100, 101, and 102.
- 3.02 The polling places, election officials, and hours of election for the Referendum Election will be as determined by the Supervisor of Elections in accordance with applicable Florida law.

SECTION 4 – FORM OF BALLOT

- 4.01 The question pertaining to whether to finance a portion of the Effluent Pumping Station Project through the issuance of bonds in one or more series, payable from the Water and Sewer Utility Revenues 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
MAY 13, 2025**

REFERENDUM QUESTION ____

BONDS TO FINANCE CAPITAL IMPROVEMENTS TO A WASTEWATER TREATMENT FACILITY

To finance capital improvements to the City’s wastewater treatment facility located on Pan American Boulevard, shall the City of North Port be authorized to issue bonds in one or more series in a total aggregate principal amount not to exceed \$17,000,000, maturing no later than 30 years from issuance, bearing interest at no more than the maximum lawful rate and payable from the revenues of the City’s water and sewer utility system?

YES – For 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.northportfl.gov.
- 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 BOND REFERENDUM ELECTION
REGARDING CAPITAL IMPROVEMENTS TO A WASTEWATER
TREATMENT FACILITY**

Notice is hereby given that a referendum election will be held on May 13, 2025, in the City of North Port, Florida to consider the following question:

REFERENDUM QUESTION ____

**BONDS TO FINANCE CAPITAL IMPROVEMENTS TO A WASTEWATER
TREATMENT FACILITY**

To finance capital improvements to the City's wastewater treatment facility located on Pan American Boulevard, shall the City of North Port be authorized to issue bonds in one or more series in a total aggregate principal amount not to exceed \$17,000,000, maturing no later than 30 years from issuance, bearing interest at no more than the maximum lawful rate and payable from the revenues of the City's water and sewer utility system?

_____ **YES – For Bonds**

_____ **NO – Against Bonds**

The polls will be open at the voting places on the date of the referendum election as determined by the Supervisor of Elections in accordance with applicable Florida law. 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. 2025-05, which appears in full in this notice.

Heather Faust, 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 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 – For 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 – For 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 January 28, 2025.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session on February 11, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CMP
INTERIM CITY ATTORNEY, CPM