

PART I - CHARTER¹

ARTICLE I. - CREATION, POWER AND CONSTRUCTION

Section 1.01. - Creation.

The City of North Port, County of Sarasota, State of Florida, was created, as of June 18, 1959, pursuant to provisions of the Constitution of the State of Florida, the laws of the State of Florida and the Special Legislative Enactment of Chapter 59-1617 as amended by Chapter 59-1618.

Section 1.02. - Powers.

The City of North Port, having been duly created as specified in Section 1.01, shall have all governmental, corporate and proprietary powers of the Home Rule Powers Act to enable it to conduct municipal government, perform municipal functions and render municipal services, and shall exercise any and all powers for municipal purposes within its corporate limits, except as otherwise provided by the Constitution, General or Special laws of the State of Florida, or County Charter, and as such shall have perpetual succession and seal.

Section 1.03. - Construction.

The powers of the City of North Port shall be construed liberally in favor of the City, limited only by the Constitution of the State of Florida, by general and special laws of the State of Florida and specific limitations contained therein and the County Charter. Future special acts pertaining to the jurisdiction and exercise of powers by this City shall be considered amendments to this Charter and, pursuant to provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

In construing this Charter and each and every word, phrase or part thereof, where the context will permit:

- (a) The singular includes the plural and vice versa.
- (b) The masculine includes the feminine and neuter and vice versa.
- (c) The word "oath" includes affirmations.
- (d) Reference to any office or officer includes any person authorized by law to perform the duties of such office.
- (e) "City or municipality" shall mean the City of North Port, Florida.

¹ **Editor's note**— Printed herein is the city charter as proposed by Ordinance No. 88-18, adopted on November 8, 1988. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform citations to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. A consistent scheme of capitalization has also been used. Additions for clarity are indicated by brackets.

Section 1.04. - Intergovernmental relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, political subdivisions or districts or agencies of the State of Florida or any other state or the United States or any agency thereof.

ARTICLE II. - CORPORATE BOUNDARIES

Section 2.01. - Corporate boundaries.

The boundaries of the City shall be the legal description on file in the office of the City Clerk and is hereby incorporated by reference as the same may from time to time be amended as provided herein.

State Law reference— Municipal annexation, F.S. ch. 171.

ARTICLE III. - LEGISLATIVE

Section 3.01. - Form of government and composition.

- (a) The form of government, as established by the Special Legislative Enactment Chapter 59-1617, as amended by Chapter 59-1618, is hereby adopted and shall be a Commission/Manager plan. The Commission shall hereinafter be called the "City Commission" and shall constitute the governing body.
- (b) The City Commission with all legislative powers vested therein shall consist of five (5) Commissioners elected by the electors of this City as provided herein and in accordance with election procedures established by Ordinance. Beginning with the assumption of office meeting following the general election on November 6, 2012, and thereafter annually at the first regularly scheduled City Commission meeting in November, the City Commission shall elect, by majority vote, one of its members as Mayor, and one of its members as Vice-Mayor. The Vice-Mayor shall assume the duties of the Mayor in the absence thereof. The term of the Mayor and Vice-Mayor shall be one (1) year. A Commissioner may not serve as Mayor or Vice-Mayor for two consecutive terms.

(Ord. No. 91-24, 11-25-1991; Ord. No. 04-40, § 2.01, 8-23-2004; Ord. No. 07-20, § 2(2.01), 5-14-2007; Ord. No. 2012-16, §§ 2.01, 2.04, 7-23-2012)

Section 3.02. - Election and term of office.

- (a) *Number of districts.* There shall be five (5) City Commission districts, numbers 1, 2, 3, 4, and 5.
- (b) *Districts.*

- (1) *Adoption by Commission.* The City Commission shall by ordinance adopt the boundaries of the five (5) districts.
 - (2) *Specifications.* The districts shall meet the following specifications:
 - (a) Each district shall be formed of compact, contiguous territory;
 - (b) The districts shall be based on the principle of equal and effective representation as required by the United States Constitution;
 - (c) The districts shall be as equal in population as possible, with no more than a 5% deviation in population based on average population of the districts.
 - (3) *Procedure.*
 - (a) The City Commission shall hold one or more public hearings prior to bringing any proposed districting plan to a vote. Proposed plans must be available to the public for inspection and comment not less than one month before the first public hearing on said plan. The plan shall include a map and description of the recommended districts. The Commission may utilize management, staff or consultants in the drawing of the district boundaries.
 - (b) The City Commission shall approve an initial districting plan through passage of an ordinance no later than December 31, 2014. Thereafter, the City Commission shall approve a districting plan no later than ten months (300 days) prior to the first regular City election following the decennial census. This provision shall not be deemed to prohibit the City Commission from considering restructuring the boundaries of the districts in the event of major changes in the population of any district brought about by annexation, contraction, or substantial population shifts.
 - (4) *Failure to enact ordinance.* If the City Commission fails to enact a districting or redistricting plan within the required time, the City Attorney shall, the following business day, inform the Circuit Court, Sarasota County, and ask that a special master be appointed to do the districting/redistricting. The special master shall, within sixty days, provide the court with a plan drawn in accordance with the criteria set forth in §3.02(b)(2). That plan shall have the force and effect of law unless the court finds it does not comply with said criteria. The court shall cause an approved plan to go into effect no later than 210 days prior to the first regular City election after the decennial census, or if the plan is for the initial districts, by May 31, 2015. The City shall be liable for all reasonable costs incurred by the special master in preparing the plan for the court.
- (c) *Initial implementation of districts.* Districts Seat Number 1, 2 and 3 shall be implemented for the general and primary elections in 2016 taking the place of the three non-districted seats that would have been up for election in 2016. Districts Seat Numbers 4 and 5 shall initially be implemented for the general and primary elections in 2018, taking the place of the two non-districted seats that would have been up for election in 2018. A sitting commissioner who is affected by the districting may serve out the balance of his or her term as a representative of his or her former seat.

- (d) Each seat on the City Commission is hereby designated as District Seat Numbers 1, 2, 3, 4 and 5 respectively. The five City Commissioners shall be elected, at large, to one of the five district seats.

City Commissioners shall hold office for a term of four years. No person shall be elected to the office of a city commissioner more than twice, and no person who has held the office of a city commissioner, or acted as a city commissioner, for more than two years of a term to which some other person was elected city commissioner shall be elected to the office of a city commissioner more than once.

At the 2016 primary and general municipal election, three Commissioners shall be elected to District Seat Numbers 1, 2 and 3 respectively. Except as otherwise provided herein, primary and general municipal elections for District Seat Numbers 1, 2 and 3 shall be conducted every four years thereafter. At the 2018 primary and general municipal election, two (2) Commissioners shall be elected to District Seat Numbers 4 and 5, respectively. Except as otherwise provided herein, Primary and General municipal elections for District Seat Numbers 4 and 5 shall be conducted every four years thereafter.

- (e) All elections to the Office of Commissioner shall be on a nonpartisan basis without regard for or to designation of the political party affiliation of any candidate on any petition or ballot.
- (f) Municipal elections shall be conducted every two (2) years. City Commissioners shall be elected to serve a term of four (4) years to fill vacancies occasioned by the expiration of the terms of members of the City Commission and shall serve until their successors are elected, qualified and sworn.
- (g) Every candidate for City Commission shall be nominated for such office by the filing of a petition containing the following:
- (1) The nominee's name, place of residence and Commission District Seat Number (1 through 5) for which he/she seeks to be a candidate; and
 - (2) The signatures of not less than twenty-five (25) qualified electors of the District within the City of North Port. Each signature shall be made in ink and the residence address of each signatory shall be provided opposite the signature.

Petition forms shall be obtained from the City Clerk. Each candidate shall notify the City Clerk which Commission District Seat he/she will be seeking when petition forms are obtained.

Candidates may seek election to only one District Commission Seat at a time. Prior to obtaining petition forms, candidates for City Commission shall take and subscribe to a written oath or affirmation which shall be furnished by the City Clerk and which shall be substantially in the form provided in F.S. § 99.021(1)(a) (2007), as amended. Prior to obtaining petition forms, each candidate shall also appoint a treasurer and designate a primary depository. Completed nominating petitions shall be filed with the City Clerk any time after noon of the 71st day prior to the first primary, but not later than noon of the 67th day prior to the date of the first primary. Signatures shall be verified by the Supervisor of Elections at candidate expense upon filing.

- (h) Except as otherwise provided in this Section, municipal elections shall be held each even-numbered year on the first Tuesday after the first Monday in November. If less than two (2) persons qualify for nomination to any Commission District Seat, the qualifying nominee

shall be deemed elected upon the closing of the qualification period. In each year in which a general municipal election is held and more than two persons qualify for nomination to a particular Commission District Seat, a primary election for nomination of City Commission candidates shall be held on the Tuesday ten (10) weeks prior to the general municipal election. If any nominee in the primary election receives 50 percent (50%) of the total votes cast in the primary election for the Commission District Seat he/she is nominated for, plus one vote, such nominee shall be declared elected to the Commission District Seat without the necessity of running in the general municipal election. If in the primary election for a Commission District Seat no nominee receives 50 percent (50%) of the total votes cast in the primary election for said Commission District Seat, plus one vote, the two (2) nominees receiving the highest number of votes in the primary election for a particular Commission District Seat shall be declared candidates for said Commission District Seat and run in the general municipal election. The candidate for a Commission District Seat who receives the highest number of votes among the candidates for said District Seat in the general municipal election shall be declared elected to that District Seat. In the event of a tie vote in the primary or general election for a particular Commission District Seat, the tie shall be resolved by drawing lots.

(Ord. No. 91-24, 11-25-1991; Ord. No. 93-17, 4-12-1993; Ord. No. 94-15, 9-12-1994; Ord. No. 04-40, §§ 2.02—2.04, 8-23-2004; Ord. No. 07-46, §§ 2.01, 2.02, 11-26-2007; Ord. No. 2011-14, § 2(2.01), 7-11-2011; Ord. No. 2012-16, § 2.02, 7-23-2012; Ord. No. 2014-22, § 2.01, 5-27-2014; Res. No. [2017-R-02](#), § 2.01, 1-10-2017; Ref. of 11-8-2016)

Section 3.03. - Compensation.

- (a) The City Commission shall receive an annual compensation and expense allowance as determined by the City's budget.
- (b) Any ordinance which changes the compensation of the Commissioners will not take effect until the next General City election.

Section 3.04. - Judge of election.

The City Commission shall be the judge of the election and qualifications of its own members and its decision shall be reviewable only by the courts of competent jurisdiction.

Section 3.05. - Qualifications of elected members.

- (a) Members of the City Commission shall be citizens of the United States, State of Florida and the City of North Port and shall be registered voters of the City of North Port.
- (b) A one (1) year district residency requirement as determined by voter registration for the office of Commissioner at the time of filing is hereby established.
- (c) Members of the City Commission shall discharge the duties of each respective office and shall hold no other government office or be employed by the City of North Port during their respective terms of office.
- (d) Public officials and employees of the City of North Port shall be governed by the Code of Ethics for Public Officers and Employees (112.311 and 112.313 et seq., Florida Statutes, as

the same may from time to time be amended) and by those additional standards of conduct that may be or are adopted by ordinance. Violations of any provisions of such Code of Ethics or standards of conduct in addition to any criminal penalty involved shall, pursuant to the constitutional and statutory procedures, constitute grounds for removal and punishment as provided by general law.

(Ord. No. 91-24, 11-25-1991; Ord. No. 04-40, § 2.05, 8-23-2004; Ord. No. 2012-16, § 2.03, 7-23-2012)

ARTICLE IV. - CANVASSING ELECTIONS AND ASSUMPTION OF OFFICE

Section 4.01. - Canvassing elections.

At the hour of 9:30 a.m., on the day following the certification of ballots by the Supervisor of Elections after the special or general election, the City Commission shall convene for the purpose of publicly canvassing said election at which time the Commissioner(s)-elect shall be officially announced.

(Ord. No. 06-27, 2(2.01), 9-11-2006; Ref. of 11-7-2006)

Section 4.02. - Assumption of office.

At the hour of 9:30 a.m., on the day following the certification of ballots by the Supervisor of Elections, the City Commission shall convene and the newly-elected Commissioners shall subscribe to the oath of office.

(Ord. No. 06-27, § 2(2.02), 9-11-2006; Ref. of 11-7-2006)

Section 4.03. - Vacation of office.

- (a) The office of a Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law.

(Ord. No. 04-40, §§ 2.06, 2.07, 8-23-2004)

ARTICLE V. - JURISDICTION AND RESPONSIBILITIES

Section 5.01. - Powers of the City.

- (a) The police powers of the City of North Port and the police jurisdiction granted under this Charter shall extend to and be in full force and effect upon all property within the corporate limits as defined in this Charter.

- (b) The City may borrow money, contract loans and issue bonds (general obligation or revenue) from time to time to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution and may pledge the funds, credit, property and taxing power of the municipality for the payment of such debts and bonds. No general obligation bonds or revenue bonds shall be issued by the City unless approved by vote of a majority of the qualified electors of the City voting on the issuance of such bonds in a general or special election.
- (c) The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this State and by this Charter, together with all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the Constitution of this State, general or special laws, County Charter or as restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166.

Section 5.02. - Powers of the City Commission.

All powers in the City, except as otherwise provided in this Charter or by the Constitution of the State of Florida or by general or special laws or County Charter are vested in the City Commission. The City Commission shall determine the manner in which such powers of this City shall be exercised as prescribed by ordinance or resolution.

State Law reference— Ordinance and resolution defined, F.S. § 166.041(1).

Section 5.03. - Powers of the Mayor.

- (a) The Mayor shall preside at all meetings of the City Commission, perform such other duties consistent with the office as may be imposed upon it by law or City Ordinance and shall have a vote in the proceedings of the Commission.
- (b) The Mayor may use the official title of office when necessity arises from the general laws of the State and shall be recognized as the official head of the City by the courts for the purpose of serving civil process; in the exercising of military law and for all ceremonial purposes; be responsible to see that all laws, provisions of this Charter and acts of the Commission are faithfully executed; sign on behalf of the City all intergovernmental agreements, ordinances, resolutions and any other official documents.

(Ord. No. 90-31, 9-13-1990; Ord. No. 91-24, 11-25-1991; Ord. No. 04-40, § 2.09, 8-23-2004;
Ord. No. 2012-16, § 2.05, 7-23-2012)

Section 5.04. - Organizational structure of city government.

- (a) The City Commission shall, by ordinance, activate or deactivate departments as deemed necessary for the efficient administration and operation of city government. The following departments may not be deactivated except by referendum:

- (1) City Manager
 - (2) Police Department
 - (3) Fire Rescue District
 - (4) Department of Finance
- (b) The following offices shall not be subject to abolishment by the City Commission:
- (1) City Clerk
 - (2) City Attorney

(Ord. No. 04-40, § 2.10, 8-23-2004; Ord. No. 2012-16, § 2.11, 7-23-2012)

Editor's note— Notwithstanding subsection (a) of the above section, departments may be abolished by a unanimous vote of the governing body. *See* F.S. § 166.031(5); AGO 03-36.

Section 5.05. - Appointments of advisory boards & committees.

The City Commission may appoint advisory boards and committees composed of citizens qualified to act in an advisory capacity to the City Commission, the City Manager or to any department of the City government, with respect to the conduct and management of any property or institution or the exercise of any public function of the City. The members of any such board or committee shall serve without compensation for the time fixed in their appointment or at the pleasure of the Commission, and their duties shall be to consult and advise with appropriate municipal officers and make written recommendations which shall become part of the records of the City.

(Ord. No. 90-31, 9-13-1990)

Section 5.06. - Standing advisory boards.

The City Commission shall always maintain the following Advisory Boards:

- (a) Charter Review Advisory Board.
- (b) Planning and Zoning Advisory Board.

ARTICLE VI. - MEETINGS OF THE COMMISSION

Section 6.01. - Meetings.

The City Commission shall meet at such time and place as prescribed by ordinance, except that it shall meet regularly not less than once each month but not in the month of August. All meetings shall be public except as provided by State law. The public shall have the right to be heard as provided for in City Code.

(Ord. No. 06-27, § 2(2.04), 9-11-2006; Ref. of 11-7-2006; Res. No. [2017-R-03](#), § 2.01, 1-10-2017; Ref. of 11-2-2004)

Section 6.02. - Rules.

- (a) The City Commission shall determine its own regulations, rules and order of business. In promulgating the regulations, rules and order of business proceedings, the City Commission shall be guided by parliamentary law procedures.
- (b) The Chief of Police or his duly designated deputy, shall attend all meetings of the City Commission and aid in the enforcement of order under the direction of the presiding officer.

Section 6.03. - Quorum.

A majority of all members of the City Commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. No action of the Commission, except as otherwise provided for herein and in Article VII (Vacancies) hereof, shall be binding unless adopted by the affirmative vote of the majority of a quorum present.

Section 6.04. - Majority vote requirements.

It shall require a majority vote of the entire City Commission for the enactment of ordinances, resolutions and contractual commitments, unless otherwise specified in this Charter, ordinance or general law.

Section 6.05. - Journal.

The City Commission shall keep a journal of record (minutes) recording the proceedings of all meetings. This record shall be a public record, and any person shall have access to the journal at all reasonable times.

Section 6.06. - Voting.

Voting on ordinances shall be by roll call and shall be so recorded in the journal. All other issues may be by voice vote (yeas or nays) or, at the option of the presiding officer, by roll call vote.

Section 6.07. - Conflicts of interest.

Section 112.3143, Florida Statutes, as the same may from time to time be amended, is hereby adopted and incorporated by reference.

ARTICLE VII. - VACANCIES

Section 7.01. - Vacancy in the office of Mayor.

In the event a vacancy occurs in the Office of Mayor, the Vice Mayor shall assume the duties of the Mayor for the remainder of the Mayor's unexpired term. The City Commission shall elect a new Vice Mayor for the remainder of the Mayor's unexpired term.

(Ord. No. 91-24, 11-25-1991; Ord. No. 04-40, § 2.13, 8-23-2004; Ord. No. 2012-16, § 2.06, 7-23-2012)

Section 7.02. - Vacancies requiring special election.

In the event a vacancy in the office of City Commissioner occurs ninety (90) days or more prior to the next general election, the Commission shall forthwith call a special election for the purpose of filling such vacancy. If a vacancy occurs less than ninety (90) days prior to the next general election, the City Commission shall fill the vacancy by appointment made by a majority vote of the remaining members. The appointee shall serve until the next general election.

(Ord. No. 91-24, 11-25-1991)

Section 7.03. - Extraordinary vacancies.

In the event three (3) or more vacancies on the City Commission occur due to death, disability, forfeiture of office or resignation, the City Clerk shall immediately notify the Governor of the state, who shall fill the vacancies by appointment, and the same shall serve until the next general or special election. The City Clerk shall then declare these offices as vacancies and proceed with an election for the unexpired term of each position in accordance with the City's Election Ordinance.

ARTICLE VIII. - ELECTIONS

Section 8.01. - Procedure.

- (a) The general or special elections of the City shall proceed as prescribed by provisions of this Charter and the Election Ordinance of the City, State law, and the rules and regulations of the Sarasota County Supervisor of Elections.
- (b) All necessary arrangements shall be made by the City Commission.
- (c) Candidates for City Commission must qualify for election no later than 67 and no earlier than 71 days before the election. A candidate shall file his qualification papers with and pay the qualification fees to the City Clerk.

(Ord. No. 91-24, 11-25-1991; Ord. No. 04-40, § 2.13, 8-23-2004; Ord. No. 07-46, § 2.03, 11-26-2007)

ARTICLE IX. - LEGISLATIVE ENACTMENTS²

Section 9.01. - Ordinance enactment.

- (a) Each ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be stated clearly in the title. No ordinance shall be revised or amended by reference to its title only. An amendatory ordinance shall set out in full the revised or amended section.
- (b) Except as provided in 9.02 herein, the proposed ordinance shall be noticed at least ten (10) days prior to its adoption once in a newspaper of general circulation in the Municipality. The notice shall state the date, time and place of the meeting, the title of the proposed ordinance, the place within the Municipality where such proposed ordinance may be inspected by the public and that interested parties may appear at the meeting and be heard with respect to said proposed ordinance.
- (c) Each ordinance shall be considered at a public hearing at two (2) separate meetings at least one (1) week apart. On the first reading, the ordinance shall be read in its entirety unless the City Commissioners present at the first reading unanimously vote to waive full reading and have the Ordinance read by title only. The City Commission may waive reading of exhibits to ordinances. On the second and final reading, the proposed ordinance shall be read by title only and proffered for its adoption.
- (d) Each ordinance that is adopted by the City Commission shall be authenticated by the Mayor, the City Attorney and the City Clerk and shall bear the seal of the City.

(Ord. No. 90-31, 9-13-1990; Ord. No. 91-24, 11-25-1991; Ord. No. 92-14, 8-10-1992; Ord. No. 2012-16, § 2.07, 7-23-2012)

Editor's note— The provisions of F.S. § 166.041(c) govern adoption of certain land use ordinances.

² **State Law reference**— Adoption of ordinances and resolutions, F.S. § 166.041.

Section 9.02. - Emergency ordinance.

An emergency ordinance may be enacted when, by a vote of four (4) members of the City Commission, it is deemed necessary for the public health, safety and welfare of the City. An emergency ordinance shall not be enacted which modifies a franchise, land-use plan, appropriation, or budgetary matters or which rezones private real property. Administrative procedures for enactment shall be as prescribed by ordinance. If at least four (4) members of the City Commission are unavailable in times of an emergency for reasons beyond their control, the City Manager or his designee may grant the initial and temporary procurement of goods and services. At the next regularly scheduled North Port City Commission meeting, the Commission shall consider whether to ratify the City Manager's actions.

(Ord. No. 06-27, § 2(2.05), 9-11-2006; Ref. of 11-7-2006)

Section 9.03. - General appropriation ordinance/resolution.

A general appropriation ordinance or resolution shall be enacted to reflect the daily operation of the city for each ensuing fiscal year. Administrative procedures for enactment shall be as prescribed by ordinance or resolution.

Section 9.04. - Annexation ordinance.

The City Commission may annex any lands to the City of North Port by ordinance, provided that all requirements and administrative procedures are as stipulated by general law.

State Law reference— Annexation, F.S. ch. 171.

Section 9.05. - Rezoning ordinance.

The rezoning of private real property from one zoning classification to another may be accomplished only by ordinance as prescribed by general law and ordinance.

Section 9.06. - Boundary ordinance.

The City Commission shall, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Florida Department of State as prescribed by general law and ordinance.

Section 9.07. - Organizational structure ordinance.

The City Commission may abolish or create municipal departments, except those stipulated in Article V, Section 5.04, herein, and amend provisions of the Charter which have been judicially construed to be contrary to either the State or Federal Constitution or general or special laws of the State. Such actions shall be enacted by ordinance and sustained by the unanimous vote of the Commission.

Editor's note— Notwithstanding the above section, departments may be abolished by a unanimous vote of the governing body. See F.S. § 166.031(5); AGO 03-36.

Section 9.08. - Resolutions.

A resolution is an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body. Therefore, a resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. A resolution shall be noticed once in a public place of the Municipality for at least five (5) days prior to adoption and shall be enacted at a City Commission meeting and may be read by title only and proffered for its adoption.

(Ord. No. 06-27, § 2(2.06), 9-11-2006; Ref. of 11-7-2006)

Section 9.09. - Effective date.

All ordinances, except emergency ordinances, enacted by the City Commission shall take effect as of the date of the second and final passage thereof or at such time as provided therein. An emergency ordinance shall take effect immediately upon initial passage. Resolutions enacted by the City Commission shall take effect as of the date of adoption or as stipulated therein.

Section 9.10. - Codification.

Immediately after adoption of this revised Charter, and at least annually thereafter, the Commission shall provide for the preparation of general codification of all City ordinances.

ARTICLE X. - CHARTER AMENDMENTS

Section 10.01. - Amendments, how authorized.

- (a) The City Commission shall, by ordinance, amend any part of the Charter when such part is pre-empted by general or special laws or when, as a result of annexation or de-annexation, the corporate boundaries of the City change. Upon passage of subject ordinance, the governing body shall have the amendment incorporated into the Charter and file same with the Florida Department of State.
- (b) The City Commission may, by ordinance, and the electors of the City may, by a petition signed by ten percent (10%) of the registered voters, submit a proposed amendment to the Charter, or the Charter Review Advisory Board may recommend a proposed amendment. The governing body shall subject the proposed amendment(s) or petition(s) to referendum at the next general election or at a special election called for that purpose. Upon passage of the amendment by majority of the electors voting in the referendum, the governing body, by ordinance, shall have the amendment incorporated into the Charter and shall file same with the Florida Department of State.
- (c) Amendments to the Charter shall be effective immediately after approval by the electorate

(Ord. No. 92-2, 3-23-1992)

State Law reference— Charter amendments, F.S. § 166.031.

ARTICLE XI. - ADMINISTRATION

Section 11.01. - General policy.

Upon appointment, the City Manager shall be the Chief Administrative Officer of the City and shall be responsible to the City Commission for the proper and efficient administration of all City affairs placed in his charge by and under this Charter and as may be promulgated by ordinance.

ARTICLE XII. - CITY MANAGER

Section 12.01. - Activation or deactivation of office.

The submission of a petition to the governing body signed by ten percent (10%) of the registered electors shall cause the question of activating or deactivating said office to be placed upon a ballot for the next general election of the City. If the majority of those voting approve the deactivation of said office, the City Government shall revert back to the Commission with a Mayor system.

(Ord. No. 92-2, 3-23-1992; Ord. No. 2012-16, § 2.08, 7-23-2012)

Section 12.02. - Appointment and qualifications.

The City Commission shall appoint a City Manager by majority vote of the governing body. He shall be appointed solely on the basis of his executive and administrative qualifications and without regard to his political persuasion. It shall not be necessary that the City Manager be a resident of the City at the time of his appointment; however, he shall be required to establish residency in the City within a one (1) year period after appointment.

Section 12.03. - Compensation.

The City Commission shall determine and establish the compensation for the City Manager.

Section 12.04. - Removal.

The City Manager shall be removed from office for good cause by majority vote of the entire City Commission who shall within ten (10) days of such determination serve written notice to the City Manager. After having served one (1) year, he may demand written charges and a public hearing upon the same by the City Commission and his final removal shall not take effect until such hearing has been held, but the Commission may suspend him from office pending such hearing.

Section 12.05. - Vacancy.

In the event of a vacancy occurring in the office of the City Manager for any reason whatsoever, the City Commission shall designate a properly qualified person to execute the functions of the office until such time as a new City Manager is forthwith appointed.

Section 12.06. - Powers and duties.

The City Manager, as Chief Administrative Officer of the City, shall be responsible to the City Commission for the proper administration and management of all affairs of the City including, but not limited to, those placed under his authority under this Charter. Neither the Commission, nor any member thereof, shall dictate the appointment of any person to office or employment by the City Manager or in any manner prevent the City Manager from exercising his own judgment in selecting the personnel of his subordinates, and its members shall deal with the Administrative service through the City Manager, and neither the Commission, nor any member thereof, shall give orders to or make requests upon any of the subordinates of the City Manager, either publicly or privately. Any such dictation, orders, requests or interference upon the part of a member of the City Commission with the administration of the City shall be cause for his removal from office. He shall:

- (a) Supervise all governmental and proprietary functions of the City and all departments and divisions.
- (b) Employ or remove all employees of the City (except appointees of the City Commission and the Legal Department) subject to the provisions of this Charter and all ordinances and personnel rules and regulations.
- (c) Promulgate such rules and regulations and amendments thereto for appointment, promotion, discipline and removal of employees of the City, except as otherwise provided for in this Section.
- (d) Enforce all ordinances, franchises and contracts of the City.
- (e) Attend all City Commission meetings, either in person or by his duly designated representative, with a voice but not a vote in the proceedings.
- (f) At the first meeting each month of the City Commission, submit a summary report of receipts and disbursements.
- (g) Advise the City Commission of the financial and other needs of the City and submit an annual Operating and a Five-Year Capital Improvement Budget to the City Commission in which he shall furnish detailed estimates of the expenses of conducting all departments, divisions and all governmental and proprietary functions of the City and any other information which he deems advisable or which is required by the City Commission to determine budgetary requirements for the ensuing year.
- (h) Be the purchasing agent for the City.
- (i) Sign warrants for payment of moneys for the City.
- (j) Be custodian of all real property and tangible personal property of the City.
- (k) Perform such duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission.

- (l) Determine whether any officer, clerk or employee shall require bonding and the amount thereof. When bonding shall be required, the costs of same shall be paid by the City of North Port.
- (m) Sign all contracts, agreements and applications for the City of North Port after such has been approved by City Commission at a regular or special City Commission meeting.

(Ord. No. 02-32, § 2.01, 7-24-2002; Ord. No. 04-40, § 2.15, 8-23-2004; Ord. No. 2012-16, § 2.12, 7-23-2012)

ARTICLE XIII. - CITY CLERK

Section 13.01. - Appointment and qualifications.

The City Commission shall, by majority vote, appoint the City Clerk and a Deputy City Clerk solely on the basis of their executive and administrative qualifications and without regard their political persuasion. It shall not be necessary that the City Clerk be a resident of the City at the time of the appointment; however, he shall be required to establish residency in the City within a one (1) year period after appointment.

Section 13.02. - Compensation.

The City Commission shall determine and establish the compensation for the City Clerk and Deputy City Clerk.

(Ord. No. 04-40, § 2.16, 8-23-2004)

Section 13.03. - Removal.

The City Clerk and/or Deputy City Clerk shall be removed from office for good cause by a majority vote of the entire City Commission who shall, within ten (10) days of such determination, serve written notice to the City Clerk.

Section 13.04. - Vacancy.

The Deputy City Clerk shall carry out the duties of the City Clerk until such time as a new City Clerk is appointed.

Section 13.05. - Duties.

The City Clerk shall be the head of the Department of Records. He shall be the custodian of all official records of the City and the custodian of the official City Seal. He shall be responsible to the City Commission for the proper administration of all affairs concerning the records of the City placed in his charge by and under this Charter and as may be promulgated by ordinance or by resolution but not limited to those placed under his authority by this Charter, and shall:

- (a) Make recommendations concerning the records of governmental and proprietary functions of the City.
- (b) Record all official actions of the City Commission.
- (c) Serve as the election official for the City.
- (d) Authenticate documents of the City.
- (e) Attest all written contracts and instruments on behalf of the City.
- (f) Prescribe and be responsible for a system of review, retention and disposition of records of all governmental and proprietary functions of the City and all departments of the City.
- (g) Administer oaths required or authorized under general law, the City Charter or ordinance of the City.
- (h) Countersign warrants for payment of obligations.
- (i) Perform such duties as may be prescribed by general law, by the City Charter, by ordinances of the City, or by direction of the City Commission.
- (j) Attend all meetings of the City Commission, either in person or by his duly designated representative, and keep a journal of its proceedings, the correctness of which proceedings as entered in such journal shall be certified to after each meeting by his signature and the signature of the presiding officer of the City Commission.

(Ord. No. 92-14, 8-10-1992; Ord. No. 02-31, § 2.01, 7-22-2002)

ARTICLE XIV. - CITY ATTORNEY

Section 14.01. - Appointment and qualifications.

The City Commission shall, by majority vote, appoint a City Attorney who shall be a lawyer admitted to practice in the State.

Section 14.02. - Compensation.

The City Commission shall determine the compensation for the City Attorney by contractual agreement.

Section 14.03. - Removal.

The City Attorney may be removed by a majority vote of the entire City Commission or by mutual consent of both parties.

Section 14.04. - Vacancy.

In the event a vacancy occurs, the City Commission shall direct the City Clerk to cause the announcement of the vacancy and the City Commission shall appoint a City Attorney.

Section 14.05. - Duties.

- (a) The City Attorney shall be the legal advisor and counselor for all departments and all of its officers in matters relating to their official duties. He shall prepare or review all contracts, bonds, and all other legal and official instruments in which the Municipality is concerned and shall endorse on each his approval of the form and correctness. No legal document with this Municipality shall take effect until his approval is so endorsed thereon.
- (b) He shall act as prosecuting attorney before the Code Enforcement Board.
- (c) He shall prosecute and defend on behalf of the City all complaints, suits and controversies in which the City is a party, except when the City's defense is provided either by contract or law by a third party.
- (d) He shall furnish the City Commission, the City Manager and the head of any department his opinion on any question of law relating to any matter concerning their respective powers and duties.
- (e) He shall perform such other duties as are required of city attorneys under the general laws of the State of Florida.
- (f) He shall advise the City Commission as to their compliance or non-compliance with the provisions of the Charter and Florida Statutes.
- (g) He shall attend all meetings of the City Commission, either in person or by his duly designated representative to supply those legal services as may be needed during the meeting.

(Ord. No. 92-14, 8-10-1992; Ord. No. 02-33, § 2.01, 7-24-2002; Ord. No. 04-40, §§ 2.18, 2.19, 8-23-2004)

ARTICLE XV. - INITIATIVE

Section 15.01. - General authority.

The citizens of the City shall have power to propose ordinances to the Commission or request reconsideration of adopted ordinances by petition signed by ten percent of the qualified voters, provided that such power shall not extend to: (a) the budget or capital program; (b) any ordinance relating to appropriation of money; (c) salaries of City employees; (d) any aspect of land development; e.g., zoning, building construction, sign regulation, etc.; (e) emergency ordinances.

Section 15.02. - Procedure.

Procedure for implementation of proposal or reconsideration of an adopted ordinance shall be initiated or executed by ordinance.

ARTICLE XVI. - SUITS AGAINST CITY OR CITY OFFICIAL

Section 16.01. - Procedure.

- (a) No suit against the City may be instituted unless first presented in writing within thirty (30) days after the injury or damage has occurred with such reasonable specifications as to time and place and witnesses. Written notice must be presented to the City Clerk. It shall be the duty of the City Manager, upon receiving such notice from the City Clerk, to submit a written report to the City Commission.
- (b) Any suit against a City Official brought about as a result of an Official acting within the scope of his authority shall be indemnified by the City.

Editor's note— Insofar as the first sentence of subsection (a) relates to tort claims, it is superseded by F.S. § 768.28(6).

ARTICLE XVII. - SEVERABILITY CLAUSE

Section 17.01. - General provisions.

Should any part, section, subsection, sentence, clause or provision of this Charter be construed by the courts of this State to be unconstitutional, ineffectual or inoperative for any reason, the remainder of this Charter shall not be affected.