



City of North Port

ORDINANCE NO. 2024-07

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 5, 2024 GENERAL ELECTION; PROVIDING A**
4 **REFERENDUM QUESTION DETERMINING WHETHER TO AMEND THE CITY CHARTER TO**
5 **AUTHORIZE THE CITY COMMISSION TO ISSUE DEBT IN CERTAIN CIRCUMSTANCES**
6 **WITHOUT PRIOR VOTER APPROVAL; PROVIDING FOR THE FULL TEXT OF THE PROPOSED**
7 **CHARTER AMENDMENT; PROVIDING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE**
8 **FOR THE NEW CHARTER LANGUAGE IF THE PROPOSED CHARTER AMENDMENT IS**
9 **APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA**
10 **COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR PUBLICATION OF THE TEXT OF**
11 **THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR FILING WITH THE FLORIDA**
12 **DEPARTMENT OF STATE IF THE PROPOSED CHARTER AMENDMENT IS APPROVED;**
13 **PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN**
14 **EFFECTIVE DATE.**

15
16 **WHEREAS**, pursuant to Florida Statutes Section 166.031 and North Port City Charter Section 8.02, the City
17 Commission may, by ordinance, submit proposed amendments to the City Charter to the electors; and

18
19 **WHEREAS**, the Sarasota County Supervisor of Elections advises that the next general election will occur
20 on November 5, 2024, and to obtain placement on the ballot for the general election, the Supervisor of
21 Elections has established a deadline of August 6, 2024 for the submission of referendum questions; and

22
23 **WHEREAS**, on November 8, 2022, the City Commission directed that the City start the process to present
24 a referendum question on the next election cycle to amend the City Charter to allow the City to incur debt
25 in the future under certain circumstances; and

26
27 **WHEREAS**, on December 4, 2023, the City Commission considered several proposed City Charter
28 amendments related to the City's authority to incur debt and provided direction for the Charter Review
29 Advisory Board to review the proposed amendments and to provide recommendations for Commission
30 consideration; and

31
32 **WHEREAS**, on December 20, 2023, the Charter Review Advisory Board conducted a publicly noticed
33 meeting to review and propose amendments to the Charter's requirements, and the City Commission
34 considered the advisory board's input at its March 26, 2024 meeting; and

35
36 **WHEREAS**, the City Commission finds that the establishment of a debt management policy will establish
37 parameters and provide guidance governing the issuance, management, continuing evaluation, and

38 reporting of the City’s debt obligations, and will allow the City to prepare and implement the safeguards
39 necessary to assure responsible fiscal policy; and

40
41 **WHEREAS**, the City Commission finds that the City Charter should be amended to authorize the
42 Commission to incur debt during the existence of a declared local, state, or federal emergency or disaster,
43 to remove debris from and to repair or reconstruct any public infrastructure or capital facilities damaged
44 as a direct result of the emergency or disaster; and

45
46 **WHEREAS**, the City Commission finds that the City Charter should be amended to authorize the City to
47 incur debt, payable from a source other than property taxes, to address safety or public health related to
48 regulatory agency requirements, imminent infrastructure or system failure, and capital improvement
49 facilities for emergency and essential services; and

50
51 **WHEREAS**, the City Commission finds that the City Charter should be further amended to limit the amount
52 of debt incurred to address safety or public health prior to October 1, 2025 to a maximum principal
53 amount of fifteen million dollars, and that beginning October 1, 2025 and each October 1 thereafter, the
54 principal amount of debt limitation in effect shall be adjusted to reflect the percentage change in the
55 Engineering News and Record (ENR) Construction Cost Index by using the most recent available
56 information for the prior 12-month period; and

57
58 **WHEREAS**, the City Commission authorizes that this referendum question be placed on the
59 November 5, 2024 ballot for consideration by the City’s electors.

60
61 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

62
63 **SECTION 1 – FINDINGS**

- 64
65 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
66
67 1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required
68 because this ordinance relates to the issuance or refinancing of debt.
69

70 **SECTION 2 – PROPOSED CHARTER AMENDMENTS**

71
72 2.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
73 additional codification information and notations appear in *italics*. These editorial notations are
74 not intended to appear in the codified text.
75

76 2.02 Article 1 of the North Port City Charter is hereby amended as follows:

77
78 **“ARTICLE 1 – CREATION, POWERS, AND CONSTRUCTION**

79 . . .

80 **SECTION 1.02 – Powers.**

81 . . .

82 (b) The City of North Port may borrow money, contract loans, and issue bonds (general obligation
83 or revenue) from time to time to finance the undertaking of any capital or other project for
84 the purposes permitted by the State Constitution and may pledge the funds, credit, property,
85 and taxing power of the municipality for the payment of such debts and bonds. Except as

86 otherwise provided in subsection (c) below, ~~No general obligation or revenue bonds shall be~~
 87 issued by the City of North Port shall not incur debt unless approved by majority vote of the
 88 voters of the City of North Port ~~voting on the issuance of those bonds~~ in a primary, general,
 89 or special election. ~~The City Commission shall adopt a debt management policy by resolution~~
 90 that is considered at two (2) separate public meetings at least one (1) week apart.

91
 92 (c) Without referendum, the City Commission may authorize the City of North Port to borrow
 93 money, contract loans, and issue revenue bonds payable from funds other than property
 94 taxes to the full extent permitted by the State Constitution and laws of the State of Florida,
 95 as provided in this subsection.

96
 97 1. Emergency response. During the existence of a declared local, state, or federal emergency
 98 or disaster, to remove debris from and to repair or reconstruct any public infrastructure
 99 or capital facilities damaged as a direct result of the emergency or disaster; or

100
 101 2. Safety or public health.

102
 103 (a) Categories of permissible debt. For safety or public health to address:

104
 105 (i) Regulatory agency requirements;

106
 107 (ii) Imminent infrastructure or system failure, including but not limited to roads;
 108 bridges; water control structures; or sanitation, water, or sewer facilities; and

109
 110 (iii) Capital improvement facilities for emergency and essential services, including but
 111 not limited to facilities for the Police Department, North Port Fire Rescue District,
 112 North Port Road and Drainage District, North Port Solid Waste District or Utilities
 113 Department.

114
 115 (b) Limitation on debt. The City's authority to address safety or public health in this
 116 subsection is limited as follows:

117
 118 (i) Prior to October 1, 2025, the principal indebtedness or obligation incurred by the
 119 City to address safety or public health shall be in a principal amount no greater
 120 than Fifteen Million Dollars (\$15,000,000.00) per project. Any instrument of
 121 indebtedness in a principal amount exceeding a project's indebtedness or
 122 obligation limitation must be approved by majority vote of the voters of the City
 123 of North Port in a primary, general, or special election. The City shall not avoid
 124 the requirements in this section by separating a single, simultaneous, or
 125 concurrent project into parts to avoid the limitation set forth herein.

126
 127 (ii) Beginning October 1, 2025 and each October 1 thereafter, the maximum principal
 128 amount of indebtedness or obligation the City may incur to address safety or
 129 public health shall be adjusted to reflect the percentage change in the
 130 Engineering News and Record (ENR) Construction Cost Index by using the most
 131 recent available information for the prior 12-month period.

132

133 (iii) The City Commission shall not approve of the issuance of this debt through an
134 emergency ordinance.

135 ...”

136
137 (the remainder of this section is to be renumbered)

138
139 **SECTION 3 – REFERENDUM ELECTION CALLED**

140
141 3.01 A referendum election is ordered and called to be held throughout the City of North Port, Florida
142 on November 5, 2024. The referendum will be held in conjunction with the City of North Port’s
143 general election for the purpose of submitting to the City’s electors a referendum question as to
144 whether the North Port City Charter should be amended to allow the City Commission to issue
145 debt payable from funds other than property taxes without voter approval: (i) for safety or public
146 health up to a maximum principal amount of \$15,000,000 increasing annually based on the
147 Engineering News and Record (ENR) Construction Cost Index; and (ii) to respond to a declared
148 emergency or disaster. The referendum question is more particularly set forth below.

149
150 **SECTION 4 – CONDUCT OF REFERENDUM ELECTION**

151
152 4.01 The referendum election called by this ordinance will be conducted in the manner prescribed in
153 Florida Statutes Chapters 100, 101, and 102.

154
155 4.02 The polling places, election officials, and hours of election for the general election will be the same
156 as those for the general election scheduled to be held within the City of North Port on
157 November 5, 2024.

158
159 **SECTION 5 – FORM OF BALLOT**

160
161 5.01 The question pertaining to the adoption of the proposed amendment to the North Port City
162 Charter will be submitted to the qualified electors of the City in substantially the following form,
163 and will be printed on the ballot:

164
165 **OFFICIAL BALLOT**
166 **CITY OF NORTH PORT, FLORIDA**
167 **NOVEMBER 5, 2024**

168
169 **REFERENDUM QUESTION 1 – DEBT ISSUANCE FOR SAFETY/PUBLIC HEALTH AND TO**
170 **RESPOND TO DECLARED EMERGENCY/DISASTER**

171
172 **Florida local governments may issue certain debt for various governmental purposes.**
173 **The City Charter requires voter approval before the City issues any debt. Should the**
174 **Charter be amended, allowing the City to issue debt payable from funds other than**
175 **property taxes without voter approval: (i) for safety and public health projects with a**
176 **maximum principal amount of \$15,000,000, increasing annually based on a cost index;**
177 **and (ii) to respond to a declared emergency or disaster?**

178
179 _____ **YES – Amend the City Charter**

180

NO – Do not amend the City Charter

SECTION 6 – NOTICE OF ELECTION

- 6.01 The City Clerk is directed make this ordinance available for inspection at the office of the City Clerk and available on the City’s website at www.northportfl.gov.
- 6.02 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 5, 2024, in the City of North Port, Florida to consider the following question:

REFERENDUM QUESTION 1 – DEBT ISSUANCE FOR SAFETY/PUBLIC HEALTH AND TO RESPOND TO DECLARED EMERGENCY/DISASTER

Florida local governments may issue certain debt for various governmental purposes. The City Charter requires voter approval before the City issues any debt. Should the Charter be amended, allowing the City to issue debt payable from funds other than property taxes without voter approval: (i) for safety and public health projects with a maximum principal amount of \$15,000,000, increasing annually based on a cost index; and (ii) to respond to a declared emergency or disaster?

The complete text of the proposed City Charter amendment is contained in City of North Port Ordinance No. 2024-07. Copies of the ordinance may be inspected and are available at the office of the City Clerk, North Port City Hall, 4970 City Hall Boulevard, North Port, Florida; as well as on the City’s website at www.northportfl.gov.

The polls will be open at the voting places on the date of the 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.

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

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

226

227 7.01 The Supervisor of Elections shall conspicuously post a copy of this ordinance at each polling place
228 during the hours that the polls are open to consider the referendum.

229

230 **SECTION 8 – EFFECTIVENESS OF REFERENDUM RESULTS**

231

232 8.01 Returns of the votes cast at the referendum shall be made as required by law.

233

234 8.02 If a majority of the votes cast for the referendum question are “YES,” then the referendum
235 question will be approved, and the proposed City Charter amendment will become effective as of
236 12:01 a.m. on the day following certification of the referendum results.

237

238 8.03 If less than a majority of the votes cast for the referendum question are “YES,” then the
239 referendum question will be defeated, the adoption of the proposed City Charter amendment will
240 have failed, and the amendment will not be effective or operative. The referendum question’s
241 defeat will result in all provisions from the current City Charter remaining in full force and effect.

242

243 **SECTION 9 – FILING WITH THE SUPERVISOR OF ELECTIONS**

244

245 9.01 Upon this ordinance becoming effective, the City Clerk is directed to file a certified copy of this
246 ordinance with the Supervisor of Elections for Sarasota County, Florida, and is authorized to take
247 all appropriate actions necessary to carry into effect and accomplish the electoral provisions of
248 this ordinance.

249

250 **SECTION 10 – FILING WITH THE FLORIDA DEPARTMENT OF STATE**

251

252 10.01 If the City’s electors approve the referendum question and the proposed City Charter
253 amendment, the City Clerk is directed to file the City Charter amendment with the Florida
254 Department of State in accordance with Florida Statutes Section 166.031(2).

255

256 **SECTION 11 – CONFLICTS**

257

258 11.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance, in
259 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

260

261 **SECTION 12 – SEVERABILITY**

262

263 12.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
264 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
265 deemed a separate, distinct, and independent provision and will not affect the validity of the
266 remaining portions of the ordinance.

267

268 **SECTION 13 – EFFECTIVE DATE**

269

270 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 July 9, 2024.

ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session on July 23, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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