

- 35 (b) In construing this Charter and each and every word, phrase or part thereof, where the
36 context will permit:
- 37 1. The singular includes the plural and vice versa.
 - 38 2. The word "oath" includes affirmations.
 - 39 3. Reference to any office, officer, or official includes any person authorized by law
40 to perform the duties of such office or position.
 - 41 4. "City" or "Municipality" shall mean the City of North Port, Florida.
 - 42 5. "Elector" means a person who is eligible to vote in an election.
 - 43 6. "Voter" means a person who votes in an election.

44

45 **SECTION 1.04 – INTERGOVERNMENTAL RELATIONS**

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

50

51 **ARTICLE II – GOVERNANCE**

52 **SECTION 2.01 – FORM OF GOVERNMENT AND COMPOSITION**

- 53 (a) The form of government shall be a Commission-Manager form. This form of
54 government shall not be abolished or modified except by referendum. The
55 Commission shall hereinafter be called the City Commission and shall constitute the
56 governing body.
- 57
- 58 (b) The City Commission, with all legislative powers vested therein, shall consist of five
59 (5) Commissioners elected by the voters of this City as provided herein and in
60 accordance with election procedures established by ordinance.

61

62 **SECTION 2.02 – DISTRICTING AND REDISTRICTING PLANS**

- 63 (a) There shall be five (5) City Commission districts, numbers 1, 2, 3, 4, and 5.
64
- 65 (b) The City Commission shall by ordinance adopt the boundaries of each of the five (5)
66 districts using the following specifications:
- 67 1. Each district shall be formed of compact, contiguous territory;
 - 68 2. Each district shall be based on the principle of equal effective representation as
69 required by the United States Constitution;

70 3. Each district shall be as equal in population as possible, with no more than a five
71 percent (5%) deviation in population based on average population among the
72 districts.

73
74 (c) The City Commission approved a districting plan by Ordinance No. 2014-41 on 12-1-
75 14.

76
77 (d) The City Commission shall approve a redistricting plan by ordinance, if a substantial
78 change is proven, in accordance with Section 2.02(b)1, 2, and 3, no later than 10
79 months (300 days) following each decennial census published results.

80 1. Proposed plans must be available to the public for inspection and comment not
81 less than one (1) month before the first public hearing on said plan. Proposed
82 plans shall include a map and description of recommended district boundaries.

83 2. Redistricting provisions shall not be deemed to prohibit the City Commission from
84 considering restructuring boundaries of the districts in the event of major changes
85 in the population of any district brought about by annexation, contraction, or
86 substantial population shifts prior to the decennial census results.

87 3. The City Commission may utilize management, staff, or consultants in the
88 evaluation and/or drawing of proposed district boundaries.

89 4. Any adopted redistricting plan will take effect for any election held at least one (1)
90 year following final approval of said plan.

91 5. A sitting Commissioner who is adversely affected by the redistricting plan may
92 serve out the balance of their term as a representative of their former District
93 Seat.

94
95 (e) If the City Commission fails to enact a redistricting plan within the required time, the
96 City Attorney shall, the following business day, inform the Circuit Court, Sarasota
97 County, and ask that a special master be appointed to perform the redistricting. The
98 special master shall, within sixty (60) days, provide the court with a plan drawn in
99 accordance with the criteria set forth in Section 2.02(b)1, 2, and 3. That plan shall have
100 the force and effect of law unless the court finds it does not comply with said criteria.
101 The court shall cause a redistricting plan to go into effect one (1) year after the court's
102 final approval. The City shall be liable for all reasonable costs incurred by the special
103 master in preparing the redistricting plan for the court.

104
105 **SECTION 2.03 – TERM OF OFFICE**

106 (a) Each Seat on the City Commission is hereby designated as District Seat Numbers 1, 2,
107 3, 4, and 5, respectively..

109 (b) City Commissioners shall hold office for a term of four (4) years. No person shall be
110 elected to the office of City Commissioner more than twice.

111
112 (c) A Commissioner shall serve until their successor has been qualified, elected, and
113 sworn to the oath of office.

114

115 **SECTION 2.04 – ELECTIONS**

116 (a) The general and special elections of the City shall proceed as prescribed by provisions
117 of this Charter, and the election ordinances of the City, State law, and the rules and
118 regulations of the Sarasota County Supervisor of Elections.

119

120 (b) All elections to the office of Commissioner shall be on a nonpartisan basis without
121 regard for the candidate's political party affiliation.

122

123 (c) Municipal elections shall be conducted every two (2) years to fill District Seats of the
124 City Commission members whose terms are expiring. At the 2018 primary and general
125 municipal elections, two (2) Commissioners shall be elected to District Seat numbers
126 4 and 5, respectively. Except as otherwise provided herein, primary and general
127 municipal elections for District Seat Numbers 4 and 5 shall be conducted every four
128 (4) years thereafter. At the 2020 primary and general municipal elections, three (3)
129 Commissioners shall be elected to District Seats Numbers 1, 2, and 3, respectively.
130 Except as otherwise provided herein, primary and general municipal elections for
131 District Seat Numbers 1, 2, and 3 shall be conducted every four (4) years thereafter.

132

133 (d) Except as otherwise provided in this Section, general municipal elections shall be held
134 each even-numbered year on the first Tuesday after the first Monday in November.

135

136 (e) If fewer than two (2) persons qualify for nomination to a Commission District Seat, **or**
137 **if the death, withdrawal, or removal from the ballot of a qualified candidate following**
138 **the end of a qualifying period leaves fewer than two (2) nominees,¹** the qualifying
139 nominee shall be deemed elected upon the closing of the qualification period.

140

¹ The City Attorney offers this language for Commission consideration. Section 166.031(6) of the Florida Statutes provides that each municipality's "ordinance or charter provision shall also provide procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office."

- 141 (f) If only two (2) persons qualify for nomination to a particular Commission District Seat,
142 there shall not be a primary election held for that particular seat. Both candidates will
143 run in the general election.
144
- 145 (g) In each year when a general municipal election is held and more than two (2) persons
146 qualify for nomination to a particular Commission District Seat, a primary election for
147 nomination of City Commission candidates for that particular District Seat shall be
148 held on the Tuesday ten (10) weeks prior to the general municipal election.
- 149 1. If any nominee in the primary election receives fifty percent (50%) plus one vote
150 of the total votes cast in the primary election for that District Seat, such nominee
151 shall be declared elected to that Commission District Seat without necessity of
152 running in the general municipal election.
 - 153 2. If, in the primary election for a Commission District Seat, no nominee receives fifty
154 percent (50%) plus one vote of the total votes cast in the primary election, then
155 the two (2) nominees receiving the highest number of votes for that particular
156 Commission District Seat shall be declared candidates for said Commission District
157 Seat and they shall run in the municipal general election.
 - 158 3. In the general election, the candidate for a Commission District Seat who receives
159 the highest number of votes shall be declared elected to that District Seat.
160
- 161 (h) In the event of a tie vote in the primary or general election for a particular Commission
162 District Seat, the tie shall be resolved by drawing lots.
163
- 164 (i) City Commissioners will begin their term of office within five (5) business days
165 following the certification of ballots by Sarasota County Supervisor of Elections after
166 the general election. The City Commission will convene at that time for the purpose
167 of announcing the election results and newly elected Commissioner(s) shall subscribe
168 to the oath of office at that special meeting.

169

170 **SECTION 2.05 – QUALIFICATIONS OF NOMINEES, CANDIDATES, AND ELECTED MEMBERS**

- 171 (a) The five (5) City Commissioners shall be elected, at large, to one of the five (5) district
172 seats in which they reside.
173
- 174 (b) Nominees and candidates for a Commission District Seat must be a resident of that
175 particular district for a minimum of one (1) year prior to the close of the qualification
176 period for nominees, as determined by voter registration records of the Sarasota
177 County Supervisor of Elections.
178

- 179 (c) Nominees and candidates for City Commission and members of the City Commission,
180 for the duration of their candidacy and term of office, shall be citizens and registered
181 voters of the United States, State of Florida, and City of North Port within the District
182 for which they are nominated and/or elected.
183
- 184 (d) Every candidate for City Commission shall be nominated for such office by filing a
185 petition providing the following information:
186 1. The nominee's name, place of residence, and Commission District Seat number
187 sought by the candidate (1 through 5). Nominees must reside within the district
188 for which they file the petition.
189 2. The signatures of not less than twenty-five (25) qualified electors of the City of
190 North Port. Each signature shall be made in ink, and the residence address of each
191 signatory shall be provided opposite the signature. Petition signatures shall be
192 verified by the Supervisor of Elections at the candidate's expense upon filing.
193 3. Petition forms shall be obtained from the City Clerk. Each candidate shall notify
194 the City Clerk which Commission District Seat the candidate is seeking when the
195 petition forms are obtained.
196 4. Completed nominating petitions shall be filed with the City Clerk any time after
197 noon of the 71st day prior to the first primary election, but not later than the 67th
198 day prior to the date of the first primary election.
199
- 200 (e) City Commissioners must reside within their respective District for the duration of
201 their term. If a Commissioner relocates out of their District , due to a declared
202 emergency or loss of residence due to emergency circumstances, said Commissioner
203 shall have twelve (12) months to re-establish residency within their respective City
204 District. If a Commissioner is unable or unwilling to re-establish residency within their
205 respective City District after the provided deadline, the Commission District Seat will
206 be declared vacant at the close of business on the day of the final deadline.
207

208 **ARTICLE III – VACANCY OF CITY COMMISSIONER(S)**

209 **SECTION 3.01 – VACANCIES**

- 210 (a) A vacancy shall be created by the expiration of a Commissioner's term shall be filled
211 by an election in accordance with Section 2.04.
212
- 213 (b) A vacancy shall be created by the submission of a letter of resignation, when a
214 Commissioner fails to meet a residency requirement, or when a seat becomes
215 physically vacant upon a Commissioner's death or removal from office in any manner
216 authorized by law and shall be filled as follows:

- 217 1. When a vacancy occurs more than nine (9) months prior to the unexpired term of
218 a Commissioner District Seat or more than nine (9) months prior to the next
219 general election, the Commission shall convene within fourteen (14) days to call a
220 special election to fill the vacancy for the unexpired term of the District Seat. The
221 special election shall be held on the first available date determined by the Sarasota
222 County Supervisor of Elections for Registration Books. The candidate who receives
223 the highest number of votes in the special election shall be declared elected to
224 that District Seat.
- 225 2. When a vacancy occurs less than nine (9) months prior to the unexpired term of a
226 Commission District Seat or less than nine (9) months prior to the next general
227 election, within two (2) business days of the creation of the vacancy, the City Clerk
228 shall notify the Governor of the vacancy and shall announce at a public meeting
229 that for a period of twenty-one (21) calendar days, applications may be submitted
230 to the City from individuals meeting the qualifications in Section 2.05 for
231 appointment to the office of Commissioner. Within thirty (30) calendar days from
232 the opening of applications, the City Clerk shall send the applications which meet
233 the qualifications to the Governor, who shall select and appoint the person to fill
234 the vacancy. Within three (3) business days, the Commission shall convene for the
235 purpose of announcing the appointment, and the appointee shall subscribe to the
236 oath of office. The appointee shall fill the vacancy until the earlier of: (i) the next
237 primary election, if a nominee is declared elected; (ii) the next general election; or
238 (ii) the expiration of the term of the District Seat.

239

240 **SECTION 3.02 – EXTRAORDINARY CIRCUMSTANCES**

241 In the event three (3) or more vacancies on the City Commission occur as defined in
242 Section 3.01 of this Charter, the City Clerk shall immediately notify the Governor of the State who
243 shall fill the vacancies by appointment, and the appointee(s) shall serve until the next general or
244 special election. At the time of the next general or special election, the City Clerk shall proceed
245 with an election for the unexpired term of each vacant Commissioner seat in accordance with
246 the City's election ordinance and this charter.

247

248

ARTICLE IV – ETHICS

249 All officers, employees and contractors of the City of North Port shall be governed by the
250 Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112 Florida
251 Statutes, as may be amended from time to time, and by those additional standards of conduct
252 that may be adopted by ordinance.

253

254 **ARTICLE V – CITY COMMISSION AUTHORITIES**

255 **SECTION 5.01 – POWERS OF THE CITY COMMISSION**

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

260

261 **SECTION 5.02 – LIMITATIONS OF COMMISSION POWERS**

262 (a) Neither the Commission, nor any member thereof, shall dictate the appointment of
263 any person to office or employment by the City Manager or in any manner interfere
264 with the City Manager’s exercise of judgement in personnel selections of the City
265 Manager’s subordinates. City Commission members shall deal with administrative
266 services through the City Manager, and neither the Commission, nor any member
267 thereof, shall give orders to or make requests of any of the City Manager’s
268 subordinates, including contracted consultants, either publicly or privately unless
269 authorized to do so by the City Manager. Individual members of the City Commission
270 may make requests of the City Manager but may not give orders to the City Manager.

271

272 (b) Neither the Commission, nor any member thereof, shall dictate the appointment of
273 any person to office or employment by the City Attorney or in any manner interfere
274 with the City Attorney’s exercise of judgement in personnel selections of the City
275 Attorney’s subordinates. City Commission members shall deal with legal services
276 through the City Attorney, and neither the Commission, nor any member thereof,
277 shall give orders to or make requests of any of the City Attorney’s subordinates,
278 including contracted consultants, either publicly or privately, unless authorized to do
279 so by the City Attorney. Individual members of the City Commission may make
280 requests of the City Attorney but may not give orders to the City Attorney.

281

282 (c) Neither the Commission, nor any member thereof, shall dictate the appointment of
283 any person to office or employment by the City Clerk or in any manner interfere with
284 the City Clerk’s exercise of judgement in personnel selections of the City Clerk’s
285 subordinates. City Commission members shall deal with public records services
286 through the City Clerk, and neither the Commission, nor any member thereof, shall
287 give orders to or make requests of any of the City Clerk’s subordinates, including
288 contracted consultants, either publicly or privately unless authorized to do so by the
289 City Clerk. Individual members of the City Commission may make requests of the City
290 Clerk but may not give orders to the City Clerk.

291

292 **SECTION 5.03 – POSITION OF MAYOR**

293 (a) The City Commission shall elect annually, by majority vote, one of its members as
294 Mayor and one of its members as Vice-Mayor. The election shall occur at the
295 assumption of office meeting during election years and at the first meeting in
296 November in non-election years.

297

298 (b) The term of Mayor shall be one year. There shall be no limitation on the number of
299 consecutive terms a Commissioner may serve as Mayor. The term of Vice-Mayor shall
300 be one year. There shall be no limitation on the number of consecutive terms a
301 Commissioner may serve as Vice-Mayor.

302

303 (c) The Mayor shall preside at all meetings of the City Commission, perform such other
304 duties consistent with the position as may be imposed upon it by law or ordinance,
305 and the Mayor shall have a vote in the proceedings of the Commission. The Vice-
306 Mayor shall assume the duties of Mayor in the absence thereof. The Commissioner
307 serving as mayor shall have legislative and governing powers commensurate with all
308 other Commissioners.

309

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

315

316 **SECTION 5.04 – CITY COMMISSION COMPENSATION**

317 (a) The City Commission shall receive an annual compensation, benefits, and expense
318 allowance in the same manner as general city employees.

319

320 (b) Annual expense allowance and benefits shall be determined by the City's budget in
321 accordance with benefits and expenditure reimbursement provisions adopted by
322 ordinance.

323

324 (c) Any ordinance which changes the compensation of City Commissioners will not take
325 effect until the next general City election.

326

327 **SECTION 5.05 – ORGANIZATIONAL STRUCTURE**

- 328 (a) The City Commission shall, by ordinance, activate or deactivate departments as
329 deemed necessary for the efficient administration and operation of City government.
330 The following departments may not be deactivated except by referendum of voters:²
331 1. City Manager
332 2. Police Department
333 3. Fire Rescue District
334 4. Department of Finance
335 5. Road and Drainage District
336 6. Solid Waste District
337
- 338 (b) The following charter offices shall not be abolished except by referendum:
339 1. City Manager³
340 2. City Clerk
341 3. City Attorney
342

343 **SECTION 5.06 – ADVISORY BOARDS AND COMMITTEES**

- 344 (a) The City Commission may appoint advisory boards and committees composed of
345 citizens qualified to act in an advisory capacity to the City Commission, the City
346 Manager or to any department of the City government, with respect to the conduct
347 and management of any property or institution or the exercise of any public function
348 of the City. The members of any such board or committee shall serve without
349 compensation for the time fixed in their appointment or at the pleasure of the
350 Commission, and their duties shall be to consult and advise with appropriate
351 municipal officers and make written recommendations which shall become part of
352 the records of the City.
353
- 354 (b) The City Commission shall always maintain the following Advisory Boards:
355 1. Charter Review Advisory Board

² The City Attorney recommends deleting the highlighted portion of Section 5.05(a). With respect to departments, Section 166.031(5) of the Florida Statutes provides: "A municipality may, by unanimous vote of the governing body, abolish municipal departments provided for in the municipal charter...." With respect to the City's districts, Section 189.071(a) of the Florida Statutes provides: "The merger or dissolution of a dependent special district may be effectuated by an ordinance of the local general-purpose governmental entity wherein the geographical area of the district or districts is located."

³ The City Attorney proposes adding the City Manager to this list. The City Manager is not a department [as currently listed in § 5.05(a)] but is a Charter officer who is integral to the Commission-Manager form of government, which can be modified only by referendum.

356 2. Planning and Zoning Advisory Board

357

358 **ARTICLE VI – MEETINGS OF THE CITY COMMISSION**

359 **SECTION 6.01 – MEETINGS**

360 (a) The City Commission shall meet at such time and place as prescribed by ordinance,
361 except that it shall meet regularly not less than once each month, but not in the month
362 of August. All meetings shall be public except as provided by state law. At all meetings,
363 the public shall have the right to be heard as provided by Constitution, State law, and
364 City Code.

365

366 (b) If the City Commission holds more than one regularly scheduled meeting in any
367 month, then at least one meeting shall be scheduled to begin after 5:00 p.m.

368

369 **SECTION 6.02 – RULES**

370 (a) The City Commission shall determine its own rules and order of business. The
371 Commission shall be guided by parliamentary procedures.

372

373 (b) The Chief of Police, or a duly designated deputy, shall attend all meetings of the City
374 Commission and aid in the enforcement of order under the direction of the presiding
375 officer.

376

377 **SECTION 6.03 – QUORUM AND VOTING REQUIREMENTS**

378 (a) A majority of all members of the City Commission shall constitute a quorum.

379

380 (b) A majority vote of a quorum of the City Commissioners present at a meeting is
381 required for the enactment of ordinances, resolutions, and contractual commitments
382 unless otherwise specified in this Charter, ordinance, or general law.

383

384 (c) Voting on ordinances and resolutions shall be by roll call.

385

386

387 **ARTICLE VII – LEGISLATIVE ENACTMENTS**

388 **SECTION 7.01 – ORDINANCE ENACTMENT**

389 (a) An ordinance is an official legislative action of the governing body, which action is a
390 regulation of a general and permanent nature and enforceable as a local law.

- 391 (b) Each ordinance shall be introduced in writing and shall embrace but one subject and
392 matters properly connected therewith. The subject shall be stated clearly in the title.
393 No ordinance shall be revised or amended by reference to its title only. An
394 amendatory ordinance shall set out in full the revised or amended section.
- 395 (c) Except as provided in 7.02 herein, the proposed ordinance shall be noticed at least
396 ten (10) days prior to its adoption once in a newspaper of general circulation in the
397 Municipality. The notice shall state the date, time and place of the meeting, the title
398 of the proposed ordinance, the place within the Municipality where such proposed
399 ordinance may be inspected by the public and that interested parties may appear at
400 the meeting and be heard with respect to said proposed ordinance.
- 401 (d) Each ordinance shall be considered at a public hearing at two (2) separate meetings
402 at least one (1) week apart. On the first reading, the ordinance shall be read in its
403 entirety unless the City Commissioners present at the first reading unanimously vote
404 to waive full reading and have the Ordinance read by title only. The City Commission
405 may waive reading of exhibits to ordinances. On the second and final reading, the
406 proposed ordinance shall be read by title only and proffered for its adoption.
- 407 (e) Each ordinance that is adopted by the City Commission shall be authenticated by the
408 Mayor, the City Attorney and the City Clerk and shall bear the seal of the City.
- 409 (f) Immediately after adoption of this revised Charter, and then at least quarterly
410 thereafter, the Commission shall provide for the preparation of general codification
411 of all City ordinances.

412

413 **SECTION 7.02 – EMERGENCY ORDINANCE**

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

423

424 **SECTION 7.03 – GENERAL APPROPRIATION ORDINANCE**

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

428

429 **SECTION 7.04 – ANNEXATION ORDINANCE**

430 The City Commission may annex any lands into the City by ordinance, provided all
431 requirements and administrative procedures are followed as per general law.

432

433 **SECTION 7.05 – CITIZEN INITIATIVE(S)**

434 (a) Citizens shall have the power to propose ordinances to the City Commission, to
435 request reconsideration of adopted ordinances, or to advocate removal of any charter
436 officer by a petition signed by at least five percent (5%) of the electors of the City.
437 Each signature shall be executed in ink and shall be followed by the printed name and
438 address of the person signing. Petitions shall contain or have attached thereto
439 throughout their circulation the full text of the ordinance proposed to be
440 reconsidered or adopted, or the name and office of the charter officer advocated for
441 removal, as applicable. All papers of a petition shall have an affidavit attached,
442 executed by the person circulating them and stating that he or she personally
443 circulated the papers, the number of signatures thereon, that all signatures were
444 affixed in his or her presence, that he or she believes them to be the genuine
445 signatures of the persons whose names they purport to be, and that each signer had
446 an opportunity before signing to read the full text of the ordinance proposed or
447 sought to be reconsidered, or the name and office of the charter officer advocated for
448 removal, as applicable.⁴

449

450 (b) The final petition with the required number of signatures and affidavits shall be
451 assembled as one instrument for filing with the City Clerk. Within twenty (20)
452 business days after the final petition is filed, the City Clerk shall complete a certificate
453 as to its compliance with the provisions herein, specifying, if it is insufficient, the
454 defects and shall promptly send a copy of the certificate to the filer(s) by certified
455 mail, return receipt requested.

456

457 (c) Upon the City Clerk's issuance of a certificate that a petition has complied with the
458 provisions herein, the City Commission shall consider the item for discussion and

⁴ The City Attorney presents this language for discussion, to aid in verifying petitions and the signatures of the approximately 3350 required electors. This language is generally based on the City of Venice's charter Article IX, which also includes a method by which the filer may appeal the Clerk's finding of insufficiency to the Commission, and then provides that a final determination of sufficiency is subject to court review.

459 action at a regularly scheduled City Commission meeting as soon as practicable,
460 allowing for timely advertisements and notices as required by State and local laws.

461

462 **SECTION 7.06 – RESOLUTIONS**

463 (a) A resolution is an expression of a governing body concerning matters of
464 administration, an expression of a temporary character, or a provision for the
465 disposition of a particular item of the administrative business of the governing body.

466

467 (b) A resolution shall be introduced in writing and shall embrace but one (1) subject and
468 matters properly connected therewith. The subject shall be clearly stated in the title.

469

470 (c) A resolution shall be noticed once in a public place of the Municipality for at least five
471 (5) days prior to adoption and shall be enacted at a City Commission meeting and may
472 be read by title only and proffered for its adoption.

473

474 **ARTICLE VIII – CHARTER AMENDMENTS**

475 **SECTION 8.01 – AMENDMENT WITHOUT REFERENDUM OF VOTERS**

476 The City Commission shall, by ordinance, amend any part of the Charter when such part
477 is preempted by general or special laws or when, as a result of annexation or de-annexation, the
478 corporate boundaries of the City change. Upon passage of subject ordinance, the governing body
479 shall have the amendment incorporated into the Charter and file same with the Florida
480 Department of State.

481

482 **SECTION 8.02 – AMENDMENTS SUBMITTED TO ELECTORS**

483 (a) The City Commission may, by ordinance, submit a proposed amendment to the
484 Charter.

485

486 (b) Electors of the City may, by a **petition**⁵ signed by ten percent (10%) of the electors,
487 submit a proposed amendment to the Charter.

488

489 (c) The Charter Review Advisory Board may recommend proposed amendment(s) to the
490 City Commission.

⁵ The City Attorney proposes considering the addition of petition requirements and a process of certifying the petition, in keeping with the proposal to § 7.05 regarding citizen petitions related to ordinances and charter officers.

491
492 (d) The City Commission shall subject the proposed amendment(s) or petitions(s) to
493 referendum at the next general election or at a special election called for that
494 purpose.

495
496 (e) Amendments to the Charter shall be effective immediately after the certification of
497 the referendum results reflecting that a majority of voters approved the
498 amendment(s).

499
500 (f) Upon passage of an amendment by a majority vote of the City's voters who voted in
501 the referendum, the City Commission, by ordinance, shall have the amendment(s)
502 incorporated into the Charter and shall file same with the Florida Department of State.

503

504 **ARTICLE IX – CITY MANAGER**

505 **SECTION 9.01 – APPOINTMENT AND QUALIFICATIONS**

506 The City Commission shall appoint a City Manager by majority vote. The City Manager
507 shall be appointed on the basis of the City Manager's executive and administrative qualifications
508 without regard for the political affiliations of the individual. It shall not be required for the City
509 Manager to be a resident of the City at the time of appointment; however, the City Manager shall
510 be required to establish residency in the City within one (1) year from the appointment date.

511 (a) If the City Manager relocates outside the City but within Sarasota County due to a
512 declared emergency or loss of residence due to emergency circumstances, the City
513 Manager will be given six (6) months to re-establish residency within the City. If the
514 City Manager is unable to re-establish City residency within the initial six (6) month
515 period for good cause, the City Manager may be granted a one-time extension of an
516 additional six (6) months by a majority vote of the City Commission. If the City
517 Manager is unable or unwilling to re-establish City residency within the provided
518 deadline, then the office of City Manager shall be declared vacant. At no time may the
519 City Manager relocate outside of Sarasota County without the office being declared
520 vacant.

521

522 **SECTION 9.02 – COMPENSATION**

523 The City Commission shall determine the compensation of the City Manager by contract.

524

525 **SECTION 9.03 – REMOVAL**

526 The City Manager shall be removed from office for good cause by majority vote of the City
527 Commission or by mutual consent of both parties.

528

529 **SECTION 9.04 – VACANCY**

530 (a) A vacancy shall be created immediately upon the submission of a letter of resignation,
531 when the City Manager fails to meet the residency requirement, dies, or is removed
532 from office in any manner authorized by law.

533

534 (b) In the event of a vacancy in the Office of City Manager for any reason whatsoever, the
535 City Commission shall designate and appoint a properly qualified person to execute
536 the functions of the office until such time as a new City Manager is forthwith
537 appointed by majority vote of the City Commission.

538

539 **SECTION 9.05 – POWERS AND DUTIES**

540 The City Manager, as Chief Administrative Officer of the City, shall be responsible to the
541 City Commission for the proper administration and management of all affairs of the City
542 including, but not limited to, those placed under the City Manager's authority under this Charter.
543 City Manager shall:

544 (a) Supervise all governmental and proprietary functions of the City and all
545 departments, except the City Attorney's and City Clerk's departments.

546

547 (b) Employ or remove any employee(s) of the City, subject to the provisions of this
548 Charter, and all ordinances and personnel rules of the State and Federal
549 government. Charter Officers appointed by the City Commission, employees of
550 the City Attorney's department, and employees of the City Clerk's department
551 shall not be subject to employment or removal by the City Manager.

552

553 (c) Promulgate such rules and regulations and amendments thereto for appointment,
554 promotion, discipline and removal of employee(s) of the City subject to State,
555 Federal, and local laws governing employment, except as otherwise provided for
556 in this section.

557

558 (d) Enforce all ordinances, franchises and contracts of the City.

559

560 (e) Attend all City Commission meetings either in person or by the City Manager's
561 duly designated representative with a voice with but not a vote in the proceedings.

562

- 563 (f) At the first regularly scheduled meeting each month of the City Commission,
564 submit a summary report of receipts and disbursements.
565
- 566 (g) Prepare and submit the annual budget and capital improvement budget to the
567 City Commission; implement the final budget approved by the Commission to
568 achieve the goals of the City; submit to the City Commission and make available
569 to the public a complete report of the finances and administrative activities of the
570 City as of the end of each fiscal year; make such other reports as the City
571 Commission may require concerning budget and operations; keep the City
572 Commission fully advised as to financial conditions and future needs of the City.
573
- 574 (h) Be the purchasing agent for the City.
575
- 576 (i) Sign warrants for payment of moneys for the City.
577
- 578 (j) Be custodian of all real property and tangible personal property of the City.
579
- 580 (k) Perform such duties as may be prescribed under this Charter or as may be required
581 of such officer by ordinance or resolution of the City Commission.
582
- 583 (l) Determine whether any officer, clerk, or employee shall require bonding and the
584 amount thereof. When bonding is required, the costs of the bonding shall be paid
585 by the City.
586
- 587 (m) Sign all contracts, agreements, and applications for the City after such has been
588 approved by the City Commission at a regular or special City Commission meeting.
589

590 **ARTICLE X – CITY CLERK**

591 **SECTION 10.01 – APPOINTMENT AND QUALIFICATIONS**

592 The City Commission shall appoint the City Clerk by majority vote. The City Clerk shall be
593 appointed on the basis of executive and administrative qualifications without regard to political
594 affiliations of the individual. It shall not be required for the City Clerk to be a resident of the City
595 at the time of appointment; however, the City Clerk shall be required to establish residency in
596 the City within one (1) year of the appointment date.

- 597 (a) If the City Clerk relocates out of the City but within Sarasota County due to a declared
598 emergency or loss of residence due to emergency circumstances, the City Clerk will
599 be given six (6) months to re-establish City residency. If the City Clerk is unable to re-
600 establish City residency after the initial six (6) month period due to good cause, the

601 City Clerk may be granted a one-time extension for an additional six (6) months by
602 majority vote of the City Commission. If the City Clerk is unable or unwilling to re-
603 establish City residency after the deadline, the office of City Clerk will be declared
604 vacant. At no time may the City Clerk relocate outside of Sarasota County without the
605 office being declared vacant.

606

607 **SECTION 10.02 – COMPENSATION**

608 The City Commission shall determine the compensation of the City Clerk by contract.

609

610 **SECTION 10.03 – REMOVAL**

611 The City Clerk shall be removed from office for good cause by majority vote of the City
612 Commission or by mutual consent of both parties.

613

614 **SECTION 10.04 – VACANCY**

615 (a) A vacancy shall be created upon submission of a letter of resignation, when the City
616 Clerk fails to meet the residency requirement, dies, or is removed from office in any
617 manner authorized by law.

618

619 (b) In the event of a vacancy of the office of City Clerk for any reason whatsoever, City
620 Commission shall designate and appoint a properly qualified person to execute the
621 functions of the office until such time as a new City Clerk is forthwith appointed by
622 majority vote of the City Commission.

623

624 **SECTION 10.05 – POWERS AND DUTIES**

625 The City Clerk shall be the head of the Department of Records. City Clerk shall be the
626 custodian of all official records of the City and custodian of the official City Seal. City Clerk shall
627 be responsible to the City Commission for the proper administration of all affairs concerning the
628 records of the City placed in the City Clerk's charge under this Charter and as may be promulgated
629 by ordinance or resolution. The City Clerk shall:

630 (a) Supervise all functions of the City Clerk's department.

631

632 (b) Employ or remove any employee(s) of the City Clerk's department, subject to the
633 provisions of this Charter, and all ordinances and personnel rules of the State and
634 Federal government.

- 635
636 (c) Make recommendation to the City Commission concerning the records and
637 proprietary functions of the City.
638
639 (d) Attend all meetings of the City Commission, either in person, or by City Clerk's duly
640 designated representative, and keep a journal of its proceedings. The correctness of
641 said proceedings as entered in the journal kept by City Clerk shall be certified to after
642 each meeting by the City Clerk's signature (or duly designated representative) and the
643 signature of the presiding officer of the City Commission. Said journal shall be a public
644 record and any person shall have access to the journal at all reasonable times as
645 prescribed by law.
646
647 (e) Give notice of all meetings to the City Commission and to the public, as required by
648 ordinance or State law.
649
650 (f) Serve as the election official for the City.
651
652 (g) Authenticate documents of the City.
653
654 (h) Attest all written contracts and instruments on behalf of the City.
655
656 (i) Prescribe and be responsible for a system of review, retention, and disposition of
657 records of all governmental and proprietary functions of the City and all departments
658 of the City, subject to State laws or local ordinance.
659
660 (j) Administer oaths required or authorized under general law, the City Charter, or City
661 ordinance.
662
663 (k) Countersign warrants for payment of obligations.
664
665 (l) Keep on file the legal descriptions of the boundaries of the City, as amended.
666
667 (m) Perform such other duties as may be prescribed by general law, by City Charter, by
668 ordinance of the City, or by direction of the City Commission as a whole.

669

670

ARTICLE XI – CITY ATTORNEY

671

SECTION 11.01 – APPOINTMENT AND QUALIFICATIONS

672 The City Commission shall appoint a City Attorney by majority vote. The City Attorney
673 shall be a lawyer admitted to practice in the State of Florida. Appointment of the City Attorney
674 shall be based on legal service qualifications of the individual without regard to the political
675 affiliations of that person. It shall not be required for the City Attorney to be a resident of the
676 City at the time of appointment; however, the City Attorney shall be required to establish
677 residency within one (1) year from the appointment date.

678 (a) If the City Attorney relocates outside the City but within Sarasota County, due to a
679 declared emergency or loss of residence due to emergency circumstances, the City
680 Attorney will be given six (6) months to re-establish City residency. If the City Attorney
681 is unable to re-establish City residency for good cause after the initial six (6) month
682 period, the City Attorney may be granted a one-time extension of an additional six (6)
683 months by a majority vote of the City Commission. If the City Attorney is unable or
684 unwilling to re-establish City residency after the deadlines provided, the office of City
685 Attorney will be declared vacant. At no time may the City Attorney relocate outside
686 of Sarasota County without the office of City Attorney being declared vacant.

687

688 **SECTION 11.02 – COMPENSATION**

689 The City Commission shall determine the compensation of the City Attorney by contract.

690

691 **SECTION 11.03 – REMOVAL**

692 The City Attorney shall be removed from office for good cause by majority vote of the City
693 Commission or by mutual consent of both parties.

694

695 **SECTION 11.04 – VACANCY**

696 (a) A vacancy shall be created immediately upon submission of a letter of resignation,
697 when the City Attorney fails to meet the residency requirement, dies, or is removed
698 from office in any manner authorized by law.

699

700 (b) In the event of a vacancy in the office of City Attorney for any reason whatsoever, City
701 Commission shall designate and appoint a qualified person to execute the functions
702 of the office until such time as a new City Attorney is forthwith appointed by majority
703 vote of the City Commission.

704

705 **SECTION 11.05 – POWERS AND DUTIES**

706 The City Attorney shall be the legal advisor and legal counselor for the City Commission,
707 City Manager, City Clerk, all City departments, and City Advisory boards and committees. City
708 Attorney shall:

- 709 (a) Supervise all functions of the City Attorney's department.
710
- 711 (b) Employ or remove any employee(s) of the City Attorney's department, subject to the
712 provisions of this Charter, and all ordinances and personnel rules of the State and
713 Federal government.
714
- 715 (c) Attend all meetings of the City Commission and City boards and advisory committees
716 either in person, or by a duly qualified and designated representative to supply legal
717 advice and legal information as may be needed or requested during a meeting.
718
- 719 (d) Prepare or review all contracts, bonds, and all other legal and official instruments in
720 which the City is concerned. The City Attorney's endorsement as to approval of the
721 form and correctness on all such documents is required prior to the City Commission
722 or advisory board or committee's review of said document(s).
723
- 724 (e) No formal contract or legal document of the City shall take effect until the City
725 Attorney's legal opinion thereon has been provided.
726
- 727 (f) Prosecute and defend on behalf of the City all complaints, suits, and controversies in
728 which the City is a party except in cases where the City's defense is provided either by
729 contract or law by a third party.
730
- 731 (g) Act as legal advisor for the Code Enforcement process.
732
- 733 (h) Advise the City Commission and its members as to their compliance or non-
734 compliance with the provisions of this Charter and all State laws and statutes.
735
- 736 (i) Upon request, furnish the City Commission and its members, City advisory boards and
737 committees, City Manager, City Clerk and any department head with the City
738 Attorney's legal opinion on any question of law relating to official city business
739 actions.
740
- 741 (j) Perform such other duties as are required of City Attorneys under the general laws of
742 the State of Florida, or as may be assigned by the City Commission.
743

744 **ARTICLE XII – DEPUTY CHARTER OFFICERS**

745

746

ARTICLE XII – SUITS AGAINST THE CITY OR CITY OFFICIAL(S)

747

(a) The provisions of Florida Statutes Section 768, as amended from time to time, shall
748 be applied to any suit against the City.

749

750

(b) Any suit against a City official brought about as a result of that official acting within
751 the scope of the City Official's proper authority shall be indemnified by the City
752 pursuant to Florida Statutes Section 111.07, as amended.

751

752

753

754

ARTICLE XIV – SEVERABILITY CLAUSE

755

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

756

757