

1 **CHARTER OF THE CITY OF NORTH PORT, FLORIDA**

2 **INTRODUCTION**

3 **[To be inserted in this Section:]**

4 District Seats Number 1, 2, and 3 were implemented for the primary and general elections
5 of 2016. District Seats Number 4 and 5 will be implemented for the primary and general elections
6 of 2018.

7 **ARTICLE I – CREATION, POWERS, AND CONSTRUCTION**

8 **SECTION 1.01 – CREATION**

9 The City of North Port, County of Sarasota, State of Florida, was created as of June 18,
10 1959. ~~The Name-name~~ of the City was changed from "City of North Port Charlotte" to "City of
11 North Port," per Ordinance No. 74-5.

12
13 **SECTION 1.02 – POWERS**

14 (a) The City shall have all the powers granted to municipal corporations and to cities by
15 the Constitution and laws of the State and by this Charter, together with all implied
16 powers necessary to carry into execution all the powers granted. Except as prohibited
17 by the Constitution of this State, general or special laws, County Charter, or as
18 restricted by this Charter, the City shall and may exercise all municipal powers,
19 functions, rights, privileges, and immunities of every name and nature whatsoever.

20
21 (b) The City may borrow money, contract loans and issue bonds (general obligation or
22 revenue) from time to time to finance the undertaking of any capital or other project
23 for the purposes permitted by the State Constitution and may pledge the funds,
24 credit, property and taxing power of the municipality for the payment of such debts
25 and bonds. No general obligation bonds shall be issued by the City unless approved
26 by vote of a majority of the voters of the City voting in a general or special election.

27
28 (c) ~~The Police-police~~ powers of the City of North Port and the police jurisdiction granted
29 under this Charter shall extend to and be in full force and effect upon all property
30 within the corporate limits as defined in this Charter.

31
32 **SECTION 1.03 – CONSTRUCTION**

33 (a) The powers of the City of North Port shall be construed liberally in favor of the City.
34

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 4-6. "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~~ ~~plan~~ ~~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 RE-DISTRICTING 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. ~~District Seats Number 1,2, and 3 were implemented for the primary and general~~
76 ~~elections of 2016. District Seats Number 4 and 5 will be implemented for the primary~~
77 ~~and general elections of 2018.~~

78
79 (d) The City Commission shall approve a re-districting plan by ordinance, if a substantial
80 change is proven, in accordance with Section 2.02(b)1, 2, and 3, no later than 10
81 months (300 days) ~~prior to the first City primary election~~ following each decennial
82 census published results.

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

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

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

92 4. Any adopted redistricting plan will take effect ~~at the primary for any~~ election held
93 at least one (1) year following final approval of said plan.

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

97
98 (e) If the City Commission fails to enact a redistricting plan within the ~~prescribed~~ required
99 time, the City Attorney shall, the following business day, inform the Circuit Court,
100 Sarasota County, and ask that a special master be appointed to perform the
101 redistricting. The special master shall, within ~~sixty (60) 60~~ days, provide the court with
102 a ~~redistricting~~ plan drawn in accordance with the criteria set forth in Section 2.02(b)1,
103 2, and 3. ~~The special master's redistricting~~ That plan shall have the force and effect of
104 law unless the court finds it does not comply with said criteria. The court shall cause
105 ~~a an approved~~ redistricting plan to go into effect one (1) year after the court's final
106 approval ~~no later than 210 days prior to the first City primary election after the~~
107 ~~decennial census~~. The City shall be liable for all reasonable costs incurred by the
108 special master in preparing the redistricting plan for the court.

109

110 **SECTION 2.03 – TERM OF OFFICE**

- 111 (a) Each Seat on the City Commission is hereby designated as District Seat Numbers 1, 2,
112 3, 4, and 5, respectively. ~~The five Commissioners shall be elected at large, to one of~~
113 ~~the five district seats in which they reside throughout their respective term of office.~~
114
- 115 (b) City Commissioners shall hold office for a term of four (4) years. No person shall be
116 elected to the office of City Commissioner more than twice. ~~A person acting as a City~~
117 ~~Commissioner for any period of an unexpired term may not be elected more than~~
118 ~~once to the office of City Commissioner.~~
119
- 120 (c) A Commissioner shall serve until their successor has been qualified, elected, and
121 sworn to the oath of office.

122

123 **SECTION 2.04 – ELECTIONS**

- 124 (a) ~~All provisions of the general election laws of the State of Florida shall apply to~~
125 ~~elections held under this charter. The general and special elections of the City shall~~
126 ~~proceed as prescribed by provisions of this Charter, and the election ordinances of the~~
127 ~~City, State law, and the rules and regulations of the Sarasota County Supervisor of~~
128 ~~Elections.~~
129
- 130 (b) All elections to the office of Commissioner shall be on a nonpartisan basis without
131 regard for the candidate's political party affiliation, ~~and no party affiliation will appear~~
132 ~~on any petition, ballot, or campaign materials.~~
133
- 134 (c) Municipal elections shall be conducted every two (2) years to fill District Seats of the
135 City Commission members whose terms are expiring, ~~unless a vacancy occurs which~~
136 ~~requires an election to fill the vacancy. At the 2018 primary and general municipal~~
137 ~~elections, two (2) Commissioners shall be elected to District Seat numbers 4 and 5,~~
138 ~~respectively. Except as otherwise provided herein, primary and general municipal~~
139 ~~elections for District Seat Numbers 4 and 5 shall be conducted every four (4) years~~
140 ~~thereafter. At the 2020 primary and general municipal elections, three (3)~~
141 ~~Commissioners shall be elected to District Seats Numbers 1, 2, and 3, respectively.~~
142 ~~Except as otherwise provided herein, primary and general municipal elections for~~
143 ~~District Seat Numbers 1, 2, and 3 shall be conducted every four (4) years thereafter.~~
144
- 145 (d) ~~Every candidate for City Commission shall be nominated for such office by filing a~~
146 ~~petition providing the following information:~~

- 147 ~~1. The nominee's name, place of residence, and Commission District Seat number~~
148 ~~sought by the candidate (1 through 5). Nominees must reside within the district for~~
149 ~~which they file the petition.~~
- 150 ~~2. The signatures of not less than twenty-five (25) qualified voters of the District being~~
151 ~~sought by the candidate within the City of North Port. Each signature shall be made~~
152 ~~in ink, and the residence address of each signatory shall be provided opposite the~~
153 ~~signature.~~
- 154 ~~3. Petition forms shall be obtained from the City Clerk. Each candidate shall notify the~~
155 ~~City Clerk which Commission District Seat the candidate is seeking when the petition~~
156 ~~forms are obtained.~~
- 157 ~~4. Completed nominating petitions shall be filed with the City Clerk any time after noon~~
158 ~~of the 71st prior to the first primary election, but not later than the 67th day prior~~
159 ~~to the date of the first primary election. Petition signatures shall be verified by the~~
160 ~~Supervisor of Elections at candidate expense upon filing.~~
- 161
- 162 (d) Except as otherwise provided in this Section, general municipal elections shall be held
163 each even-numbered year on the first Tuesday after the first Monday in November.
- 164
- 165 (e) If less-fewer than two (2) persons qualify for nomination to a Commission District Seat,
166 or if the death, withdrawal, or removal from the ballot of a qualified candidate
167 following the end of a qualifying period leaves fewer than two (2) nominees,¹ the
168 qualifying nominee shall be deemed elected upon the closing of the qualification
169 period.
- 170
- 171 (f) If only two (2) persons qualify for nomination to a particular Commission District Seat,
172 there shall not be a primary election held for that particular seat. Both candidates will
173 run in the general election.
- 174
- 175 (g) In each year when a general municipal election is held and more than two (2) persons
176 qualify for nomination to a particular ~~District~~-Commission District Seat, a primary
177 election for nomination of City Commission candidates for that particular District Seat
178 shall be held on the Tuesday ten (10) weeks prior to the general municipal election.

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."

- 179 1. If any nominee in the primary election receives fifty percent (50%) plus one vote
180 of the total votes cast in the primary election for that District Seat, such nominee
181 shall be declared elected to that Commission District Seat without necessity of
182 running in the general municipal election.
- 183 2. If, in the primary election for a Commission District Seat, no nominee receives fifty
184 percent (50%) plus one vote of the total votes cast in the primary election, then
185 the two (2) nominees receiving the highest number of votes for that particular
186 Commission District Seat shall be declared candidates for said Commission District
187 Seat and they shall run in the municipal general election.
- 188 3. In the general election, The-the candidate for a Commission District Seat who
189 receives the highest number of votes ~~for each District Seat~~ shall be declared
190 elected to that District Seat.

191

192 (h) In the event of a tie vote in the primary or general election for a particular Commission
193 District Seat, the tie shall be resolved by drawing lots.

194

195 (i) ~~Term of office for~~ City Commissioners will begin ~~two (2)~~ their term of office within five
196 (5) business days following the certification of ballots by Sarasota County Supervisor
197 of Elections after the general election. The City Commission will convene at that time
198 for the purpose of announcing the election results and newly elected Commissioner(s)
199 shall subscribe to the oath of office at that special meeting.

200 ~~(j) All necessary arrangements shall be made by the City Clerk.~~

201

202 SECTION 2.05 – QUALIFICATIONS OF NOMINEES, CANDIDATES, AND ELECTED MEMBERS

203 (a) The five (5) City Commissioners shall be elected, at large, to one of the five (5) district
204 seats in which they reside.

205

206 ~~(a)~~(b) Nominees and candidates for a Commission District Seat must be a resident of
207 that particular district for a minimum of one (1) year prior to the close of the
208 qualification period for nominees, as determined by voter registration records of the
209 Sarasota County Supervisor of Elections.

210

211 ~~(b)~~(c) Nominees and candidates for City Commission and ~~Members~~ members of the City
212 Commission, for the duration of their candidacy and term of office, shall be citizens
213 and registered voters of the United States, State of Florida, and City of North Port
214 within the District for which they are nominated and/or elected.

215

216 (d) Every candidate for City Commission shall be nominated for such office by filing a
217 petition providing the following information:

218 1. The nominee's name, place of residence, and Commission District Seat number
219 sought by the candidate (1 through 5). Nominees must reside within the district
220 for which they file the petition.

221 2. The signatures of not less than twenty-five (25) qualified electors of the City of
222 North Port. Each signature shall be made in ink, and the residence address of each
223 signatory shall be provided opposite the signature. Petition signatures shall be
224 verified by the Supervisor of Elections at the candidate's expense upon filing.

225 3. Petition forms shall be obtained from the City Clerk. Each candidate shall notify
226 the City Clerk which Commission District Seat the candidate is seeking when the
227 petition forms are obtained.

228 1.4. Completed nominating petitions shall be filed with the City Clerk any time
229 after noon of the 71st day prior to the first primary election, but not later than the
230 67th day prior to the date of the first primary election.

231
232 ~~(e)~~(e) City Commissioners must reside within their respective District for the duration of
233 their term. If a Commissioner relocates out of their District ~~but within Sarasota~~
234 ~~County~~, due to a declared emergency or loss of residence due to emergency
235 circumstances, said Commissioner shall have ~~six (6)~~twelve (12) months to re-establish
236 residency within their respective City District. ~~If said Commissioner is unable to re-~~
237 ~~establish residency within the initial six (6) month deadline for good cause, then the~~
238 ~~Commissioner may be granted a one time extension for an additional six (6) months~~
239 ~~in order to re-establish residency by a majority vote of the City Commission, excluding~~
240 ~~the individual affected.~~ If a Commissioner is unable or unwilling to re-establish
241 residency within their respective City District after the provided deadline~~(s)~~, the
242 Commission District Seat will be declared vacant at the close of business on the day
243 of the final deadline. ~~At no time may a Commissioner relocate outside of Sarasota~~
244 ~~County without the District Seat being declared vacant.~~

245 246 **ARTICLE III – VACANCY OF CITY COMMISSIONER(s)**

247 **SECTION 3.01 – DEFINITIONS/VACANCIES**

248 ~~— A vacancy shall be created immediately upon the expiration of a Commissioner's term,~~
249 ~~submission of a letter of resignation, or when a Commissioner fails to meet the residency~~
250 ~~requirement, dies, or is removed from office in any manner authorized by law.~~

251 (a) A vacancy shall be created by the expiration of a Commissioner's term shall be filled
252 by an election in accordance with Section 2.04.

253
254 ~~(a)~~(b) A vacancy shall be created by the submission of a letter of resignation, when a
255 Commissioner fails to meet a residency requirement, or when a seat becomes

256 physically vacant upon a Commissioner's death or removal from office in any manner
257 authorized by law and shall be filled as follows:

- 258 1. When a vacancy occurs there is eighteen more than nine (189) months or more
259 left prior to in the unexpired term of a Commissioner District Seat or more than
260 nine (9) months prior to the next general election, the Commission shall convene
261 within fourteen (14) days to call a special election to fill the vacancy for the
262 unexpired term of the District Seat. The special election shall be held on the first
263 available date determined by the Sarasota County Supervisor of Elections for
264 Registration Books. The candidate who receives the highest number of votes in
265 the special election shall be declared elected to that District Seat.
- 266 2. When a vacancy occurs there is more less than ninety (90) days nine (9) but less
267 than eighteen (18) months left in prior to the unexpired term of a Commission
268 District Seat or less than nine (9) months prior to the next general election, within
269 two (2) business days of the creation of the vacancy, the City Clerk shall notify the
270 Governor of the vacancy and shall announce at a public meeting that for a period
271 of twenty-one (21) calendar days, applications may be submitted to the City from
272 individuals meeting the qualifications in Section 2.05 for appointment to the office
273 of Commissioner. Within thirty (30) calendar days from the opening of
274 applications, the City Clerk shall send the applications which meet the
275 qualifications to the Governor, who shall select and appoint the person to fill the
276 vacancy for the unexpired term. Within three (3) business days, the Commission
277 shall convene for the purpose of announcing the appointment, and the appointee
278 shall subscribe to the oath of office. The appointee shall fill the vacancy until the
279 earlier of: (i) the next primary election, if a nominee is declared elected; (ii) the
280 next general election; or (ii) the expiration of the term of the District Seat.

281 **~~SECTION 3.02 – FILLING OF VACANCIES~~**

282 **~~SECTION 3.03-02 – EXTRAORDINARY CIRCUMSTANCES~~**

283 In the event three (3) or more vacancies on the City Commission occur as defined in
284 Section 3.01 of this Charter, the City Clerk shall immediately notify the Governor of the State who
285 shall fill the vacancies by appointment, and the appointee(s) shall serve until the next general or
286 special election. At the time of the next general or special election, the City Clerk shall proceed
287 with an election for the unexpired term of each vacant Commissioner seat in accordance with
288 the City's ~~Election election Ordinance ordinance~~ and this charter.

289
290 **ARTICLE IV – ETHICS**

291 All ~~Officers~~officers, employees and contractors of the City of North Port shall be governed
292 by the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112

293 Florida Statutes, as may be amended from time to time, and by those additional standards of
294 conduct that may be adopted by ~~Ordinance~~ordinance.

295

296 **ARTICLE V – CITY COMMISSION AUTHORITIES**

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

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

302 **~~SECTION 5.02 – INVESTIGATIONS~~**

303 ~~———— The City Commission may make investigations into the affairs of the city and the conduct~~
304 ~~of any city department, office, or contractor. In order to carry out investigations under this~~
305 ~~section, the City Commission may subpoena witnesses, administer oaths, take testimony, and~~
306 ~~require the production of evidence relative thereto. A majority vote of the City Commission is~~
307 ~~required to initiate any investigative process.~~

308

309 **SECTION 5.~~03~~02 – LIMITATIONS OF COMMISSION POWERS**

310 (a) Neither the Commission, nor any member thereof, shall dictate the appointment of
311 any person to office or employment by the City Manager or in any manner interfere
312 with the City Manager’s exercise of judgement in personnel selections of the City
313 Manager’s subordinates. City Commission members shall deal with administrative
314 services through the City Manager, and neither the Commission, nor any member
315 thereof, shall give orders to or make requests of any of the City Manager’s
316 subordinates, including contracted consultants, either publicly or privately unless
317 authorized to do so by the City Manager. Individual members of the City Commission
318 may make requests of the City Manager but may not give orders to the City Manager.

319

320 (b) Neither the Commission, nor any member thereof, shall dictate the appointment of
321 any person to office or employment by the City Attorney or in any manner interfere
322 with the City Attorney’s exercise of judgement in personnel selections of the City
323 Attorney’s subordinates. City Commission members shall deal with legal services
324 through the City Attorney, and neither the Commission, nor any member thereof,
325 shall give orders to or make requests of any of the City Attorney’s subordinates,
326 including contracted consultants, either publicly or privately, unless authorized to do
327 so by the City Attorney. Individual members of the City Commission may make
328 requests of the City Attorney but may not give orders to the City Attorney.

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

SECTION 5.04-03 – POSITION OF MAYOR

~~(a)~~ At the second regularly scheduled City Commission meeting in November each year,
~~†~~The City Commission shall elect annually, by majority vote, one of its members as Mayor and one of its members as ~~Vice-Vice~~-Mayor. The election shall occur at the assumption of office meeting during election years and at the first meeting in November in non-election years.

~~(a)(b)~~ The Vice Mayor shall assume the duties of Mayor in the absence thereof. Term
The term of Mayor ~~and Vice Mayor~~ shall be one year ~~each, and a commissioner may not serve as Mayor or Vice Mayor for more than one consecutive term. There shall be no limitation on the number of consecutive terms a Commissioner may serve as Mayor. The term of Vice-Mayor shall be one year. There shall be no limitation on the number of consecutive terms a Commissioner may serve as Vice-Mayor.~~

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

~~(c)(d)~~ The mayor ~~Mayor~~ may use the official title when necessity arises from the general laws of the State. The Mayor 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; sign on behalf of the City all intergovernmental agreements, ordinances, resolutions and any other official documents.

367 **SECTION 5.05-04 – CITY COMMISSION COMPENSATION**

- 368 (a) The City Commission shall receive an annual compensation, benefits, and expense
369 allowance in the same manner as general city employees.
370
- 371 (b) Annual expense allowance and benefits shall be determined by the City’s budget in
372 accordance with benefits and expenditure reimbursement provisions adopted by
373 ~~Ordinance~~ordinance.
374
- 375 (c) Any ordinance which changes the compensation of City Commissioners will not take
376 effect until the next general City election.
377

378 **SECTION 5.06-05 – ORGANIZATIONAL STRUCTURE**

- 379 (a) The City Commission shall, by ordinance, activate or deactivate departments as
380 deemed necessary for the efficient administration and operation of City government.
381 The following departments may not be deactivated ~~EXCEPT~~except by referendum of
382 voters:²
383 1. City Manager
384 2. Police Department
385 3. Fire Rescue District
386 4. Department of Finance
387 5. Road and Drainage District
388 ~~5-6.~~ Solid Waste District
389
- 390 (b) The following charter offices shall not be ~~subject to abolishment by the City~~
391 ~~Commission~~abolished except by referendum:
392 1. City Manager³
393 ~~1-2.~~ City Clerk
394 3. City Attorney

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.

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397 **SECTION 5.07-06 – ADVISORY BOARDS AND COMMITTEES**

398 (a) ~~The City Commission may appoint advisory boards and committees composed of~~
399 ~~citizens qualified to act in an advisory capacity to the City Commission, City Manager,~~
400 ~~or to any department of the City government regarding the conduct and management~~
401 ~~of any property or institution or the exercise of any public function of the City.~~
402 ~~Members of any such board or committee shall serve without compensation for the~~
403 ~~time fixed in their appointment or at the pleasure of the City Commission. Their duties~~
404 ~~shall be to seek the public's input and advise with municipal officers in order to make~~
405 ~~written recommendation to the City Commission on their appointed area of~~
406 ~~concentration.~~The City Commission may appoint advisory boards and committees
407 composed of citizens qualified to act in an advisory capacity to the City Commission,
408 the City Manager or to any department of the City government, with respect to the
409 conduct and management of any property or institution or the exercise of any public
410 function of the City. The members of any such board or committee shall serve without
411 compensation for the time fixed in their appointment or at the pleasure of the
412 Commission, and their duties shall be to consult and advise with appropriate
413 municipal officers and make written recommendations which shall become part of
414 the records of the City.

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- (b) The City Commission shall always maintain the following Advisory Boards:
1. Charter Review Advisory Board
 2. Planning and Zoning Advisory Board

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

421 **SECTION 6.01 – MEETINGS**

422 (a) The City Commission shall meet at such time and place as prescribed by ordinance,
423 except that it shall meet regularly not less than once each month, but not in the month
424 of August. All meetings shall be public except as provided by state law. At all meetings,
425 the public shall have the right to be heard as provided by Constitution, State law, and
426 City Code. ~~(NOTE: last sentence is per referendum of voters 11 2 04, so wording~~
427 ~~should be checked to conform to that vote).~~

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

432

433 **SECTION 6.02 – RULES**

- 434 (a) The City Commission shall determine its own rules and order of business. The
435 Commission shall be guided by parliamentary procedures.
436
437 (b) The Chief of Police, or a duly designated deputy, shall attend all meetings of the City
438 Commission and aid in the enforcement of order under the direction of the presiding
439 officer.

440

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

- 442 (a) A majority of all members of the City Commission shall constitute a quorum, ~~but a~~
443 ~~lesser number may adjourn from day to day and compel the attendance of absent~~
444 ~~members in such manner and under such penalties as may be prescribed by~~
445 ~~ordinance.~~
446
447 (b) A majority vote of a quorum of the City Commissioners present at a meeting is
448 required for the enactment of ordinances, resolutions, and contractual commitments
449 unless otherwise specified in this Charter, ordinance, or general law.
450
451 (c) Voting on ordinances and resolutions shall be by roll call ~~and shall be recorded in the~~
452 ~~journal.~~

453

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ARTICLE VII – LEGISLATIVE ENACTMENTS

456 **SECTION 7.01 – ~~ORDINANCES AND RESOLUTIONS~~ ORDINANCE ENACTMENT**

- 457 (a) An ordinance is an official legislative action of the governing body, which action is a
458 regulation of a general and permanent nature and enforceable as a local law.
459 (b) Each ordinance shall be introduced in writing and shall embrace but one subject and
460 matters properly connected therewith. The subject shall be stated clearly in the title.
461 No ordinance shall be revised or amended by reference to its title only. An
462 amendatory ordinance shall set out in full the revised or amended section.
463 (c) Except as provided in 7.02 herein, the proposed ordinance shall be noticed at least
464 ten (10) days prior to its adoption once in a newspaper of general circulation in the
465 Municipality. The notice shall state the date, time and place of the meeting, the title
466 of the proposed ordinance, the place within the Municipality where such proposed
467 ordinance may be inspected by the public and that interested parties may appear at
468 the meeting and be heard with respect to said proposed ordinance.

469 (d) Each ordinance shall be considered at a public hearing at two (2) separate meetings
470 at least one (1) week apart. On the first reading, the ordinance shall be read in its
471 entirety unless the City Commissioners present at the first reading unanimously vote
472 to waive full reading and have the Ordinance read by title only. The City Commission
473 may waive reading of exhibits to ordinances. On the second and final reading, the
474 proposed ordinance shall be read by title only and proffered for its adoption.

475 (e) Each ordinance that is adopted by the City Commission shall be authenticated by the
476 Mayor, the City Attorney and the City Clerk and shall bear the seal of the City.

477 (f) Immediately after adoption of this revised Charter, and then at least quarterly
478 thereafter, the Commission shall provide for the preparation of general codification
479 of all City ordinances.

480
481 ~~(a) Procedures for adoption of ordinances and resolutions shall be as provided in Florida~~
482 ~~Statutes Section 166.041, as may be amended from time to time.~~

483
484 ~~(b) When more than one hearing on a legislative enactment is required, at least one of the~~
485 ~~hearings must be held after 5pm.~~

486
487 ~~(c) "Ordinance" means an official legislative action of the City Commission, which action is a~~
488 ~~general regulation of a general and permanent nature and enforceable as a local law.~~

489
490 ~~(d) "Resolution" means an expression of the City Commission concerning matters of~~
491 ~~administration, an expression of temporary character, or a provision for the disposition~~
492 ~~of a particular item of the administrative business of the Commission.~~

493
494 ~~Each ordinance that is adopted by the City Commission shall be authenticated by the Mayor, the~~
495 ~~City Attorney, the City Clerk, and shall bear the seal of the City.~~

496 **SECTION 7.02 – EMERGENCY ORDINANCE**

497 An emergency ordinance may be enacted when, by a vote of four (4) members of the City
498 Commission, it is deemed necessary for the public health, safety and welfare of the City. An
499 emergency ordinance shall not be enacted which modifies a franchise, land-use plan,
500 appropriation, or budgetary matters or which rezones private real property. Administrative
501 procedures for enactment shall be as prescribed by ordinance. If at least four (4) members of the
502 City Commission are unavailable in times of an emergency for reasons beyond their control, the
503 City Manager or the City Manager's designee may grant the initial and temporary procurement
504 of goods and services. At the next regularly scheduled North Port City Commission meeting, the
505 Commission shall consider whether to ratify the City Manager's actions.~~Pursuant to Florida~~
506 ~~Statutes Section 166.041(3)(b), as may be amended from time to time, an emergency ordinance~~

507 ~~may be enacted by vote of four (4) members of the City Commission when it is deemed necessary~~
508 ~~for the public health, safety and welfare of the city.~~

509
510 ~~If at least four (4) members of the City Commission are unavailable in times of an emergency for~~
511 ~~reasons beyond their control, the City Manager or City Manager's designee may grant the initial and~~
512 ~~temporary procurement of goods and services. At the next regularly scheduled City Commission meeting,~~
513 ~~the Commission shall consider ratification of the City Manager's actions.~~

514
515 **SECTION 7.03 – GENERAL APPROPRIATION ORDINANCE**

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

519
520 **SECTION 7.03-04 – ANNEXATION ORDINANCE**

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

523
524 **SECTION 7.04-05 – CITIZEN INITIATIVE(S)**

525 (a) —Citizens shall have the power to propose ordinances to the City Commission, to
526 request reconsideration of adopted ordinances, or to advocate removal of any charter
527 officer by a petition signed by at least five percent (5%) of the ~~qualified registered~~
528 ~~voters~~electors of the City. Each signature shall be executed in ink and shall be followed
529 by the printed name and address of the person signing. Petitions shall contain or have
530 attached thereto throughout their circulation the full text of the ordinance proposed
531 to be reconsidered or adopted, or the name and office of the charter officer
532 advocated for removal, as applicable. All papers of a petition shall have an affidavit
533 attached, executed by the person circulating them and stating that he or she
534 personally circulated the papers, the number of signatures thereon, that all signatures
535 were affixed in his or her presence, that he or she believes them to be the genuine
536 signatures of the persons whose names they purport to be, and that each signer had
537 an opportunity before signing to read the full text of the ordinance proposed or
538 sought to be reconsidered, or the name and office of the charter officer advocated for
539 removal, as applicable.⁴

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

540
541 (b) The final petition with the required number of signatures and affidavits shall be
542 assembled as one instrument for filing with the City Clerk. Within twenty (20)
543 business days after the final petition is filed, the City Clerk shall complete a certificate
544 as to its compliance with the provisions herein, specifying, if it is insufficient, the
545 defects and shall promptly send a copy of the certificate to the filer(s) by certified
546 mail, return receipt requested.

547
548 ~~(a)~~(c) Upon the City Clerk's issuance of a certificate that a petition has complied with the
549 provisions herein, ~~receipt of such petition~~ the City Commission shall consider the item
550 for discussion and action at ~~place the item on the agenda of the next a~~ regularly
551 scheduled City Commission meeting ~~for discussion and action~~ as soon as practicable,
552 allowing for timely advertisements and notices as required by State and local laws.

553
554 **~~SECTION 7.05 – CODIFICATION~~**

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

557 **SECTION 7.06 – RESOLUTIONS**

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

561
562 (b) A resolution shall be introduced in writing and shall embrace but one (1) subject and
563 matters properly connected therewith. The subject shall be clearly stated in the title.

564
565 ~~(a)~~(c) A resolution shall be noticed once in a public place of the Municipality for at least
566 five (5) days prior to adoption and shall be enacted at a City Commission meeting and
567 may be read by title only and proffered for its adoption.

568
569 **ARTICLE VIII – CHARTER AMENDMENTS**

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

571 ~~The City Commission shall, by ordinance, amend any part of the Charter when such part~~
572 ~~is pre-empted by general or special laws, has been judicially construed to be contrary by either~~

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.

573 ~~State or Federal court or the general or special laws of the State, or when, as a result of~~
574 ~~annexation or de-annexation the corporate boundaries of the City change. Upon passage of such~~
575 ~~ordinance, the City Commission shall have the amendment incorporated into the Charter and file~~
576 ~~same with the Florida Department of State. The City Commission shall, by ordinance, amend any~~
577 ~~part of the Charter when such part is preempted by general or special laws or when, as a result~~
578 ~~of annexation or de-annexation, the corporate boundaries of the City change. Upon passage of~~
579 ~~subject ordinance, the governing body shall have the amendment incorporated into the Charter~~
580 ~~and file same with the Florida Department of State.~~

581
582 **SECTION 8.02 – AMENDMENTS SUBMITTED TO VOTERSELECTORS**

- 583 (a) The City Commission may, by ordinance, submit a proposed amendment to the
584 Charter.
- 585
586 (b) ~~Voters-Electors~~ of the City may, by a petition⁵ signed by ten percent (10%) of the
587 ~~registered voters~~electors, submit a proposed amendment to the Charter.
- 588
589 (c) The Charter Review Advisory Board may recommend proposed amendment(s) to the
590 City Commission.
- 591
592 (d) The City Commission shall subject the proposed amendment(s) or petitions(s) to
593 referendum at the next general election or at a special election called for that
594 purpose.
- 595
596 (e) Amendments to the Charter shall be effective immediately after the certification of
597 the referendum results reflecting that a majority of voters approved the
598 amendment(s) approval by the voters.
- 599
600 (f) Upon passage of an amendment by a majority vote of the City's voters who voted in
601 the referendum, the City Commission, by ordinance, shall have the amendment(s)
602 incorporated into the Charter and shall file same with the Florida Department of State.

603
604 **ARTICLE IX – CITY MANAGER**

605 **SECTION 9.01 – APPOINTMENT AND QUALIFICATIONS**

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.

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

611 (a) If the City Manager relocates outside the City but within Sarasota County due to a
612 declared emergency or loss of residence due to emergency circumstances, the City
613 Manager will be given six (6) months to re-establish residency within the City. If the
614 City Manager is unable to re-establish City residency within the initial six (6) month
615 period for good cause, the City Manager may be granted a one-time extension of an
616 additional six (6) months by a majority vote of the City Commission. If the City
617 Manager is unable or unwilling to re-establish City residency within the provided
618 deadline, then the office of City Manager shall be declared vacant. At no time may the
619 City Manager relocate outside of Sarasota County without the office being declared
620 vacant.

621

622 **SECTION 9.02 – COMPENSATION**

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

624

625 **SECTION 9.03 – REMOVAL**

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

628

629 **SECTION 9.04 – VACANCY**

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

633

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

638

639 **SECTION 9.05 – POWERS AND DUTIES**

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

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

646
647 (b) Employ or remove any employee(s) of the City, subject to the provisions of this
648 Charter, and all ordinances and personnel rules of the State and Federal
649 government. Charter Officers appointed by the City Commission, employees of
650 the ~~Legal Department~~City Attorney's department, and employees of the City
651 Clerk's department shall not be subject to employment or removal by the City
652 Manager.

653
654 (c) Promulgate such rules and regulations and amendments thereto for appointment,
655 promotion, discipline and removal of employee(s) of the City subject to State,
656 Federal, and local laws governing employment, except as otherwise provided for
657 in this section.

658
659 (d) Enforce all ordinances, franchises and contracts of the City.

660
661 (e) Attend all City Commission meetings either in person or by the City Manager's
662 duly designated representative with a voice with but not a vote in the proceedings.

663
664 (f) At the first regularly scheduled meeting each month of the City Commission,
665 submit a summary report of receipts and disbursements.

666
667 (g) Prepare and submit the annual budget and capital improvement budget to the
668 City Commission; implement the final budget approved by the Commission to
669 achieve the goals of the City; submit to the City Commission and make available
670 to the public a complete report of the finances and administrative activities of the
671 City as of the end of each fiscal year; make such other reports as the City
672 Commission may require concerning budget and operations; keep the City
673 Commission fully advised as to financial conditions and future needs of the City.

674
675 (h) Be the purchasing agent for the City.

676
677 (i) Sign warrants for payment of moneys for the City.

678
679 (j) Be custodian of all real property and tangible personal property of the City.

680
681 (k) Perform such duties as may be prescribed under this Charter or as may be required
682 of such officer by ordinance or resolution of the City Commission.

683
684 (l) Determine whether any officer, clerk, or employee shall require bonding and the
685 amount thereof. When bonding is required, the costs of the bonding shall be paid
686 by the City.

687
688 (m) Sign all contracts, agreements, and applications for the City after such has been
689 approved by the City Commission at a regular or special City Commission meeting.
690

691 **ARTICLE X – CITY CLERK**

692 **SECTION 10.01 – APPOINTMENT AND QUALIFICATIONS**

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

698 (a) If the City Clerk relocates out of the City but within Sarasota County due to a declared
699 emergency or loss of residence due to emergency circumstances, the City Clerk will
700 be given six (6) months to re-establish City residency. If the City Clerk is unable to re-
701 establish City residency after the initial six (6) month period due to good cause, the
702 City Clerk may be granted a one-time extension for an additional six (6) months by
703 majority vote of the City Commission. If the City Clerk is unable or unwilling to re-
704 establish City residency after the deadline, the office of City Clerk will be declared
705 vacant. At no time may the City Clerk relocate outside of Sarasota County without the
706 office being declared vacant.

707

708 **SECTION 10.02 – COMPENSATION**

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

710

711 **SECTION 10.03 – REMOVAL**

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

714

715 **SECTION 10.04 – VACANCY**

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

719
720 (b) In the event of a vacancy of the office of City Clerk for any reason whatsoever, City
721 Commission shall designate and appoint a properly qualified person to execute the
722 functions of the office until such time as a new City Clerk is forthwith appointed by
723 majority vote of the City Commission.

724

725 **SECTION 10.05 – POWERS AND DUTIES**

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

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

732

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

736

737 ~~(a)~~(c) Make recommendation to the City Commission concerning the records and
738 proprietary functions of the City.

739

740 ~~(b)~~(d) Attend all meetings of the City Commission, either in person, or by City Clerk's duly
741 designated representative, and keep a journal of its proceedings. The correctness of
742 said proceedings as entered in the journal kept by City Clerk shall be certified to after
743 each meeting by the City Clerk's signature (or duly designated representative) and the
744 signature of the presiding officer of the City Commission. Said journal shall be a public
745 record and any person shall have access to the journal at all reasonable times as
746 prescribed by law.

747

748 ~~(c)~~(e) Give notice of all meetings to the City Commission and to the public, as required
749 by ordinance or State law.

750

751 ~~(d)~~(f) Serve as the election official for the City.

752

753 ~~(e)~~(g) Authenticate documents of the City.

754

755 ~~(f)~~(h) Attest all written contracts and instruments on behalf of the City.

756

757 ~~(e)~~(i) Prescribe and be responsible for a system of review, retention, and disposition of
758 records of all governmental and proprietary functions of the City and all departments
759 of the City, subject to State laws or local ordinance.

760

761 ~~(h)~~(j) Administer oaths required or authorized under general law, the City Charter, or
762 City ordinance.

763

764 ~~(i)~~(k) Countersign warrants for payment of obligations.

765

766 ~~(j)~~(l) Keep on file the legal descriptions of the boundaries of the City, as amended.

767

768 ~~(k)~~(m) Perform such other duties as may be prescribed by general law, by City Charter,
769 by ordinance of the City, or by direction of the City Commission as a whole.

770

771 **ARTICLE XI – CITY ATTORNEY**

772 **SECTION 11.01 – APPOINTMENT AND QUALIFICATIONS**

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

779 (a) If the City Attorney relocates outside the City but within Sarasota County, due to a
780 declared emergency or loss of residence due to emergency circumstances, the City
781 Attorney will be given six (6) months to re-establish City residency. If the City Attorney
782 is unable to re-establish City residency for good cause after the initial six (6) month
783 period, the City Attorney may be granted a one-time extension of an additional six (6)
784 months by a majority vote of the City Commission. If the City Attorney is unable or
785 unwilling to re-establish City residency after the deadlines provided, the office of City
786 Attorney will be declared vacant. At no time may the City Attorney relocate outside
787 of Sarasota County without the office of City Attorney being declared vacant.

788

789 **SECTION 11.02 – COMPENSATION**

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

791

792 **SECTION 11.03 – REMOVAL**

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

795

796 **SECTION 11.04 – VACANCY**

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

800

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

805

806 **SECTION 11.05 – POWERS AND DUTIES**

807 The City Attorney shall be the legal advisor and legal counselor for the City Commission,
808 City Manager, City Clerk, all City departments, and City Advisory boards and committees. City
809 Attorney shall:

810 (a) Supervise all functions of the City Attorney's department.

811

812 (b) Employ or remove any employee(s) of the City Attorney's department, subject to the
813 provisions of this Charter, and all ordinances and personnel rules of the State and
814 Federal government.

815

816 ~~(a)~~(c) Attend all meetings of the City Commission and City boards and advisory
817 committees either in person, or by a duly qualified and designated representative to
818 supply legal advice and legal information as may be needed or requested during a
819 meeting.

820

821 ~~(b)~~(d) Prepare or review all contracts, bonds, and all other legal and official instruments
822 in which the City is concerned. The City Attorney's endorsement as to approval of the
823 form and correctness on all such documents is required prior to the City Commission
824 or advisory board or committee's review of said document(s).

825
826 ~~(e)~~(e) No formal contract or legal document of the City shall take effect until the City
827 Attorney's legal opinion thereon has been provided.

828
829 ~~(d)~~(f) Prosecute and defend on behalf of the City all complaints, suits, and controversies
830 in which the City is a party except in cases where the City's defense is provided either
831 by contract or law by a third party.

832
833 ~~(e)~~(g) Act as legal advisor for the Code Enforcement process.

834
835 ~~(f)~~(h) Advise the City Commission and its members as to their compliance or non-
836 compliance with the provisions of this Charter and all State laws and statutes.

837
838 ~~(g)~~(i) Upon request, furnish the City Commission and its members, City advisory boards
839 and committees, City Manager, City Clerk and any department head with the City
840 Attorney's legal opinion on any question of law relating to official city business
841 actions.

842
843 ~~(h)~~(j) Perform such other duties as are required of City Attorneys under the general laws
844 of the State of Florida, or as may be assigned by the City Commission.

845

846 **ARTICLE XII – DEPUTY CHARTER OFFICERS**

847

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

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

851

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

855

856 **ARTICLE XIV – SEVERABILITY CLAUSE**

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