



City of North Port

ORDINANCE NO. 2018-36

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 4 - BOARDS AND COMMITTEES, TO ADDRESS RESIDENCY AND MEMBERSHIP REQUIREMENTS, PUBLIC COMMENT AT MEETINGS, TERMS, AND VOTING; MAKING RELATED FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 5.06 of the Charter of the City of North Port provides that the City Commission may appoint advisory boards and committees composed of citizens qualified to act in an advisory capacity to the City Commission, the City Manager or to any department of the City government, with respect to the conduct and management of any property or institution or the exercise of any public function of the City; and

WHEREAS, the City Commission has utilized this authority over time to create a variety of citizen advisory boards to assist it in the development of policies and in other initiatives to improve the City for its citizens and businesses; and

WHEREAS, Chapter 4, Article I of the Code of the City of North Port generally regulates boards created by the City Commission; and

WHEREAS, Section 4-1 of the Code of the City of North Port provides that the provisions of Article I apply to all boards, except that if a board's enacting legislation conflicts with Article I, that legislation controls over Article I; and

WHEREAS, the City Commission desires to achieve uniformity among its boards with respect to certain regulations; and

WHEREAS, the City Commission recognizes the value in allowing one nonresident property owner to serve as a voting member of each board, and requiring all other board members to have maintained residency in the City for at least one year prior to appointment; and

WHEREAS, the City Commission finds that the proposed amendments will encourage more public involvement in local government; and

WHEREAS, the City Commission has determined that the proposed amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

40
41 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA,**
42 **AS FOLLOWS:**

43
44 **SECTION 1 – FINDINGS:**

45
46 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set
47 forth herein.

48
49 **SECTION 2 – ADOPTION:**

50
51 2.01 The City Commission hereby approves and adopts the following amendments to the Code of the
52 City of North Port, Florida:

53
54 **“Chapter 4 – BOARDS AND COMMITTEES**

55 ...

56 **ARTICLE I. – BOARDS GENERALLY**

57 ...

58 **Sec. 4-3. - Appointment, qualifications, term and vacancies.**

59
60 (a) Appointment. All board members shall be appointed by majority vote of the city commission.

61
62 (b) Residency.

63
64 (1) Except as otherwise provided herein, All-all board appointees shall have resided within
65 the city for a period of six months-one year. Residency must be maintained throughout
66 the term of office. Failure to maintain permanent residency within the city shall result in
67 automatic vacation of the board seat.

68
69 (2) One nonresident may serve on each board, provided that the person has owned real
70 property in the City of North Port for at least one year. Ownership will be determined by
71 the property’s Sarasota County tax bill. This nonresident member will enjoy full voting
72 rights.

73 ...

74
75 **Sec. 4-4. - Meetings.**

76 ...

77 (f) Public comment. The public shall be allocated time to comment on agenda items and matters
78 pertinent to each board pursuant to state law. The city commission may establish policies
79 governing public comment for the boards. Time for public comment shall be designated on
80 each meeting agenda, toward the beginning and the end of the meeting. Members of the
81 public shall be given a reasonable opportunity to be heard on each agenda item except as
82 provided for below. The right to comment does not apply to:

83
84 (1) An official act that must be taken to deal with an emergency situation affecting the
85 public health, welfare, or safety, if compliance with the requirements would cause an
86 unreasonable delay in the ability of the board to act;

87

- 88 (2) An official act involving no more than a ministerial act, including, but not limited to,
- 89 approval of minutes and ceremonial proclamations;
- 90
- 91 (3) A meeting that is exempt from F.S. § 286.011; or
- 92
- 93 (4) A meeting during which the board ~~or commission~~ is acting in a quasi-judicial capacity.
- 94 This paragraph does not affect the right of a person to be heard as otherwise provided
- 95 by law.”
- 96

97 2.02 The City Commission hereby approves and adopts the following amendments to the Code of the
 98 City of North Port, Florida:

99 **“Chapter 4 – BOARDS AND COMMITTEES**

100 . . .

101 **ARTICLE IV. - AUDIT COMMITTEE**

102 . . .

103 **Sec. 4-131. - Membership.**

104
 105
 106 The audit committee shall consist of five regular members and two alternate members. One
 107 regular member shall be the city manager or designee, one shall be the finance director or
 108 designee, and one shall be a city employee with financial knowledge who shall be appointed by
 109 the city commission. ~~The remaining two regular members and the two alternate members shall~~
 110 ~~be city residents appointed by the other three regular members, and confirmed by the city~~
 111 ~~commission.~~ An alternate may participate in a meeting only when taking the place of a resident
 112 non-employee member; no alternate shall participate or vote in place of the city manager or
 113 designee, the finance director or designee, or the city employee member. ~~The city commission~~
 114 ~~employee appointee and the resident members shall serve two-year terms.~~ The terms of the
 115 ~~resident~~ non-employee members shall be staggered. No youth members shall be permitted.

116 . . .”

117
 118 2.03 The City Commission hereby approves and adopts the following amendments to the Code of the
 119 City of North Port, Florida:

120 **“Chapter 4 – BOARDS AND COMMITTEES**

121 . . .

122 **ARTICLE VI. - COMMUNITY ECONOMIC DEVELOPMENT ADVISORY BOARD**

123 . . .

124 **Sec. 4-152. - Residency requirement.**

125
 126
 127 ~~Preference will be given to qualified applicants who are also city residents.~~ It is preferred that
 128 a majority of the regular and alternate members of the board shall be city residents. However, in
 129 cases where local residents are unable or unavailable to fill a specific category, applicants who are
 130 not city residents will be considered for membership.

131 . . .”

132
 133 2.04 The City Commission hereby approves and adopts the following amendments to the Code of the
 134 City of North Port, Florida:

136 **“Chapter 4 – BOARDS AND COMMITTEES**

137 ...

138 **ARTICLE VIII. – PUBLIC UTILITY ADVISORY BOARD**

139 ...

140 **Sec. 4-171. - Membership.**

141
142 (a) The public utility advisory board shall consist of seven regular members and two alternate
143 members. ~~Additionally, a nonvoting~~ One nonresident member who receives city water and
144 wastewater utility services and represents extraterritorial customers may also be appointed.
145 ~~Such nonvoting member shall not count in determining a quorum.~~

146

147 ...”

148
149 2.05 The City Commission hereby approves and adopts the following amendments to the Code of the
150 City of North Port, Florida:

151 **“Chapter 4 – BOARDS AND COMMITTEES**

152 ...

153 **ARTICLE X. - HISTORIC AND CULTURAL ADVISORY BOARD**

154 ...

155 **Sec. 4-191. - Membership.**

156
157
158 The historic and cultural advisory board shall consist of seven regular members. At least four
159 members shall be year-round residents of the city. Three members shall be residents-at-large.
160 One nonresident may serve on the board in place of a resident-at-large, provided that the person
161 has owned real property in the City of North Port for at least one year. Four members shall be
162 practicing or retired professionals from any of the following disciplines with a demonstrated
163 commitment to historic and cultural preservation; no more than two members shall be from the
164 same discipline:

- 165 (1) Anthropology.
- 166 (2) Real estate, land development, or finance.
- 167 (3) History, culture, folklore, or architectural history or culture.
- 168 (4) Conservation or curation.
- 169 (5) Architecture or historic or cultural architecture.
- 170 (6) Historic or cultural preservation.
- 171 (7) Land use planning or historic or cultural preservation planning.
- 172 (8) Historic or cultural landscape architecture.
- 173 (9) General or building contractor.
- 174 (10) Professional engineering.

175 ...”

176

177

178 **SECTION 3 – CONFLICTS:**

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180 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or
181 provisions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.
182

183 **SECTION 4 – SEVERABILITY:**

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185 4.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason
186 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be
187 deemed a separate, distinct, and independent provision and such holding shall not affect the
188 validity of the remaining portions hereof.
189

190 **SECTION 5 – CODIFICATION:**

191
192 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. These
193 editorial notations shall not appear in the codified text.
194

195 **SECTION 6 – EFFECTIVE DATE:**

196
197 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of
198 North Port, Florida.
199

200
201 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
202 session on the 9th day of January 2019.

203 PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and
204 final reading in public session this _____ day of _____ 2019.

205 CITY OF NORTH PORT, FLORIDA

206
207
208
209
210 _____
211 CHRISTOPHER HANKS
212 MAYOR

213 ATTEST:

214
215
216 _____
217 KATHRYN PETO
218 CITY CLERK
219
220

221 APPROVED AS TO FORM AND CORRECTNESS:

222

223

224

225 _____
AMBER L. SLAYTON

226 CITY ATTORNEY