



City of North Port

ORDINANCE NO. 2024-49

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE CITY OF NORTH PORT, FLORIDA AT THE MAY 13, 2025 SPECIAL ELECTION; PROVIDING A REFERENDUM QUESTION DETERMINING WHETHER TO AMEND THE CITY CHARTER TO REMOVE THE RESIDENCY REQUIREMENTS FOR THE CITY CLERK AND CITY ATTORNEY POSITIONS; PROVIDING FOR THE FULL TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE FOR THE NEW CHARTER LANGUAGE IF THE PROPOSED CHARTER AMENDMENT IS APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR PUBLICATION OF THE TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE IF THE PROPOSED CHARTER AMENDMENT IS APPROVED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Sarasota County Supervisor of Elections advises that a special election will occur on May 13, 2025, and to obtain placement on the ballot for the special election, the Supervisor of Elections has established a deadline of February 17, 2025 for the submission of referendum questions; and

WHEREAS, on December 3, 2024, the City Commission discussed recruitment to fill the vacant City Attorney position and the limitations posed by the City Charter's residency requirements pertaining to the City Clerk and the City Attorney positions; and

WHEREAS, Section 10.01(a) of the City Charter requires the City Clerk to establish residency in the City of North Port within one (1) year of appointment date and to maintain residency within the City while in the position; and

WHEREAS, Section 10.01(b) of the City Charter authorizes the City Clerk to temporarily relocate out of the City but within Sarasota County due to a City-declared emergency and loss of residence due to emergency circumstances, requiring the reestablishment of residency within one (1) year before the office of City Clerk is declared vacant, and prohibiting the City Clerk from relocating outside of Sarasota County; and

WHEREAS, Section 12.01(a) of the City Charter requires the City Attorney to establish residency in the City of North Port within one (1) year of appointment date and to maintain residency within the City while in the position; and

WHEREAS, Section 12.01(b) of the City Charter authorizes the City Attorney to temporarily relocate out of the City but within Sarasota County due to a City-declared emergency and loss of residence due to emergency circumstances, requiring the reestablishment of residency within one (1) year before the office of City Attorney is declared vacant, and prohibiting the City Attorney from relocating outside of Sarasota County; and

WHEREAS, the City Commission desires to attract the most qualified candidates when recruiting for a vacant City Clerk or City Attorney position and believes that eliminating the residency requirement will create more interest in the positions; and

WHEREAS, on December 10, 2024, the City Commission directed the City to include a referendum question on a May 13, 2025 special election ballot to amend the City Charter to remove the residency requirements for the City Clerk and City Attorney positions; and

WHEREAS, on December 18, 2024, the Charter Review Advisory Board conducted a publicly noticed meeting to review and propose amendments to the Charter's requirements, and the City Commission considered the advisory board's input at its January 28, 2025 meeting; and

WHEREAS, the City Commission finds that the City Charter should be amended to remove language in Section 10.01, Appointment and qualifications, as to the City Clerk's residency requirements, and Section 12.01, Appointment and qualifications, as to the City Attorney's residency requirements; and

WHEREAS, the City Commission authorizes that this referendum question be placed on the May 13, 2025 special election ballot for consideration by the City's electors.

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

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City's website on or before the date the newspaper published notice of this ordinance's final reading.

SECTION 2 – PROPOSED CHARTER AMENDMENT

- 2.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.
- 2.02 Article X of the North Port City Charter is hereby amended as follows:

"ARTICLE X. – CITY CLERK

Sec. 10.01. – Appointment and qualifications.

- ~~(a) The City Commission shall appoint the City Clerk by majority vote. The City Clerk shall be appointed on the basis of executive and administrative qualifications without regard to political affiliations of the individual. It shall not be required for the City Clerk to be a resident of the City at the time of appointment; however, the City Clerk shall be required to establish residency in the City within one (1) year of the appointment date and must maintain residency in the City while in the position, except as provided in Subsection (b).~~
- ~~(b) If the City Clerk relocates out of the City but within Sarasota County due to a City-declared emergency and loss of residence due to emergency circumstances, the City Clerk will be given six (6) months to re-establish City residency. If the City Clerk is unable to re-establish City residency after the initial six (6) month period due to good cause, the City Clerk may be granted a one-time extension for an additional six (6) months by a majority vote of the City Commission. If the City Clerk is unable or unwilling to re-establish City residency by the deadline, the office of City Clerk will be declared vacant. At no time may the City Clerk relocate outside of Sarasota County without the office being declared vacant."~~

2.03 Article XII of the North Port City Charter is hereby amended as follows:

"ARTICLE XII. – CITY ATTORNEY

Sec. 12.01. – Appointment and qualifications.

- ~~(a) The City Commission shall appoint the City Attorney by majority vote. The City Attorney shall be a lawyer admitted to practice in the State of Florida. Appointment of the City Attorney shall be based on legal service qualifications without regard to the political affiliations of the individual. It shall not be required for the City Attorney to be a resident of the City at the time of appointment; however, the City Attorney shall be required to establish residency within one (1) year from the appointment date and must maintain residency in the City while in the position, except as provided in Subsection (b).~~
- ~~(b) If the City Attorney relocates outside the City but within Sarasota County due to a City-declared emergency and loss of residence due to emergency circumstances, the City Attorney will be given six (6) months to re-establish City residency. If the City Attorney is unable to re-establish City residency after the initial six (6) month period due to good cause, the City Attorney may be granted a one-time extension of an additional six (6) months by a majority vote of the City Commission. If the City Attorney is unable or unwilling to re-establish City residency by the deadline, the office of City Attorney will be declared vacant. At no time may the City Attorney relocate outside of Sarasota County without the office of City Attorney being declared vacant."~~

SECTION 3 – REFERENDUM ELECTION CALLED

- 3.01 A referendum election is ordered and called to be held throughout the City of North Port, Florida on May 13, 2025. The referendum will be held at a special election for the purpose of submitting

to the City's electors a referendum question as to whether the North Port City Charter should be amended to remove the residency requirements for the City Clerk and City Attorney positions.

SECTION 4 – CONDUCT OF REFERENDUM ELECTION

- 4.01 The referendum election called by this ordinance will be conducted in the manner prescribed in Florida Statutes Chapters 100, 101, and 102.
- 4.02 The polling places, election officials, and hours of election for the special election will be the same as those for the special election scheduled to be held within the City of North Port on May 13, 2025.

SECTION 5 – FORM OF BALLOT

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

**OFFICIAL BALLOT
CITY OF NORTH PORT, FLORIDA
MAY 13, 2025**

**REFERENDUM QUESTION 2 – REMOVAL OF RESIDENCY REQUIREMENTS FOR CITY CLERK
AND CITY ATTORNEY POSITIONS**

The City Charter requires that the City Clerk and City Attorney establish residency in the City of North Port within one year of being hired and that each maintain residency in the City while in the position. Should the Charter be amended to remove the residency requirements for the City Clerk and City Attorney positions?

_____ **YES – Amend the City Charter**

_____ **NO – Do not amend the City Charter**

SECTION 6 – NOTICE OF ELECTION

- 6.01 The City Clerk is directed to make this ordinance available for inspection at the office of the City Clerk and available on the City's website at www.northportfl.gov.
- 6.02 The City Clerk is directed to publish a notice of the referendum election in a newspaper of general circulation within the City of North Port at least thirty (30) days prior to the date of the election. The notice must be published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held. The notice must be in substantially the following form:

NOTICE OF REFERENDUM ELECTION

Notice is hereby given that a referendum election will be held on May 13, 2025, in the City of North Port, Florida to consider the following question:

REFERENDUM QUESTION 2 – REMOVAL OF RESIDENCY REQUIREMENTS FOR CITY CLERK AND CITY ATTORNEY POSITIONS

The City Charter requires that the City Clerk and City Attorney establish residency in the City of North Port within one year of being hired and that each maintain residency in the City while in the position. Should the Charter be amended to remove the residency requirements for the City Clerk and City Attorney positions?

The complete text of the proposed City Charter amendment is contained in City of North Port Ordinance No. 2024-49. Copies of the ordinance may be inspected and are available at the office of the City Clerk, North Port City Hall, 4970 City Hall Boulevard, North Port, Florida; as well as on the City's website at www.northportfl.gov.

The polls will be open at the voting places on the date of the referendum election from 7:00 a.m. to 7:00 p.m. All qualified electors of the City of North Port, Florida may vote in said election. Vote-by-mail and early voting will be permitted upon compliance with the applicable provisions of general law.

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

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

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

SECTION 8 – EFFECTIVENESS OF REFERENDUM RESULTS

- 8.01 Returns of the votes cast at the referendum shall be made as required by law.
- 8.02 If a majority of the votes cast for the referendum question are "YES," then the referendum question will be approved, and the proposed City Charter amendment will become effective as of 12:01 a.m. on the day following certification of the referendum results.
- 8.03 If less than a majority of the votes cast for the referendum question are "YES," then the referendum question will be defeated, the adoption of the proposed City Charter amendment will have failed, and the amendment will not be effective or operative. The referendum question's defeat will result in all provisions from the current City Charter remaining in full force and effect.

SECTION 9 – FILING WITH THE SUPERVISOR OF ELECTIONS

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

SECTION 10 – FILING WITH THE FLORIDA DEPARTMENT OF STATE

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

SECTION 11 – CONFLICTS

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

SECTION 12 – SEVERABILITY

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

SECTION 13 – EFFECTIVE DATE

- 13.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on December 10, 2024.

ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session January 28, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY