



## City of North Port

### ORDINANCE NO. 2022-13

**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 NOVEMBER 8, 2022 GENERAL ELECTION; PROVIDING A REFERENDUM QUESTION DETERMINING WHETHER TO AMEND THE CITY CHARTER TO DIRECT THE CITY MANAGER TO SIGN ALL CONTRACTS AND ALLOW THE CITY COMMISSION TO GRANT THE CITY MANAGER AUTHORITY TO ENTER INTO CERTAIN CONTRACTS WITHOUT PRIOR COMMISSION APPROVAL, AND TO ESTABLISH CONDITIONS FOR THAT AUTHORITY, SUCH AS FINANCIAL LIMITS; 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 the next general election will occur on November 8, 2022, and to obtain placement on the ballot for the general election, the Supervisor of Elections has established a deadline of August 9, 2022 for the submission of referendum questions; and

**WHEREAS**, on January 12, 2021, the City Commission directed the Charter Review Advisory Board to review the City's Charter requirements that all contracts and intergovernmental agreements require City Commission approval before execution, and to provide pros and cons for the repeal of the requirement; and

**WHEREAS**, on March 31, 2021 and May 19, 2021, the Charter Review Advisory Board conducted publicly noticed meetings to review and propose amendments to the Charter's requirements, and the City Commission considered the advisory board's input at its April 4, 2022 workshop; and

**WHEREAS**, the City Commission finds that the City Charter should be amended to repeal the requirement that the Mayor sign all intergovernmental agreements and “any other official documents” on behalf of the City, retaining the requirement that the Mayor sign all ordinances and resolutions; and

**WHEREAS**, the City Commission finds that the City Charter should be amended to: (i) direct the City Manager to sign all contracts (including intergovernmental agreements); and (ii) allow the City Commission to authorize the City Manager to enter into certain contracts without prior Commission approval, and to establish conditions for that authority, such as financial limits; and

**WHEREAS**, the City Commission authorizes that this referendum question be placed on the November 8, 2022 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.

**SECTION 2 – PROPOSED CHARTER AMENDMENTS**

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 V of the North Port City Charter is hereby amended as follows:

**“ARTICLE V – CITY COMMISSION AUTHORITIES**

...

**SECTION 5.03 – POSITION OF MAYOR**

...

(d) The 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 ordinances, and resolutions.”

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

**“ARTICLE IX – CITY MANAGER**

...

**SECTION 9.05 – POWERS AND DUTIES**

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

...

- (l) Sign all contracts, applications, and other documents on behalf of the City. The City Commission may grant the City Manager authority to enter into contracts and may establish appropriate conditions for that authority, such as financial limits.

...”

**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 November 8, 2022. The referendum will be held in conjunction with the City of North Port’s general 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: (i) direct the City Manager to sign all contracts; and (ii) allow the City Commission to authorize the City Manager to enter into certain contracts without prior Commission approval, and to establish conditions for that authority, such as financial limits. The referendum question is more particularly set forth below.

**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 general election will be the same as those for the general election scheduled to be held within the City of North Port on November 8, 2022.

**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  
NOVEMBER 8, 2022**

**REFERENDUM QUESTION 2 – CITY MANAGER’S AUTHORITY TO SIGN AND ENTER INTO CONTRACTS, APPLICATIONS, AND OTHER DOCUMENTS**

The City Charter requires that the Mayor sign intergovernmental contracts and the City Manager sign other contracts, regardless of value or impact, after approval by the City Commission. Do you approve amending the Charter to: (i) direct the City Manager to sign all contracts; and (ii) allow the City Commission to authorize the City Manager to enter into certain contracts without prior Commission approval, and to establish conditions for that authority, such as financial limits?

\_\_\_\_\_ **YES – Amend the City Charter**

\_\_\_\_\_ **NO – Do not amend the City Charter**

**SECTION 6 – NOTICE OF ELECTION**

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

**NOTICE OF REFERENDUM ELECTION**

**Notice is hereby given that a referendum election will be held on November 8, 2022, in the City of North Port, Florida to consider the following question:**

**REFERENDUM QUESTION 2 – CITY MANAGER’S AUTHORITY TO SIGN AND ENTER INTO CONTRACTS, APPLICATIONS, AND OTHER DOCUMENTS**

**The City Charter requires that the Mayor sign intergovernmental contracts and the City Manager sign other contracts, regardless of value or impact, after approval by the City Commission. Do you approve amending the Charter to: (i) direct the City Manager to sign all contracts; and (ii) allow the City Commission to authorize the City Manager to enter into certain contracts without prior Commission approval, and to establish conditions for that authority, such as financial limits?**

The complete text of the proposed City Charter amendment is contained in City of North Port Ordinance No. 2022-13. 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.cityofnorthport.com](http://www.cityofnorthport.com).

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 Taylor, 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 May 10, 2022.

ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session on May 24, 2022.

CITY OF NORTH PORT, FLORIDA

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PETE EMRICH  
MAYOR

ATTEST

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HEATHER TAYLOR, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY