

City of North Port

ORDINANCE NO. 2016-12

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM TO CONSIDER A PROPOSED AMENDMENT TO THE CITY OF NORTH PORT CHARTER RELATING TO TERM LIMITS; PROVIDING FINDINGS; PROVIDING PROPOSED CHARTER AMENDMENT; CALLING A REFERENDUM ELECTION; PROVIDING THE BALLOT FORM; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR POSTING WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR FILING WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1 – FINDINGS:**

- 1.01 - The Charter Review Advisory Board forwarded recommended Charter changes to the City Commission for consideration.
- 1.02 - On March 22, 2016, the City Commission accepted two of the Charter Review Board's recommendations.
- 1.03 - On May 10, 2016, the City Commission received evidence that the Charter Review Board recommendation concerning open meetings, had been previously adopted by the electors via ordinance 2004-40
- 1.04 – Section 166.031, Florida Statutes and Section 10.01(b) of the North Port City Charter provide the commission may by ordinance submit to the electors proposed amendments to the City's charter. Proposed amendments shall be placed to a vote of the electors at the next general election or special election called for that purpose.
- 1.05 – The Sarasota County Supervisor of Elections advises the following two dates are available for a general or special election; The Primary Election August 30, 2016, and the General Election November 8, 2016.
- 1.06 – In order to obtain placement on the ballot for the primary election, the Supervisor of Elections has established a deadline of June 20, 2016 for the submission of referendum

questions. In order to obtain placement on the ballot for the general election, the Supervisor of Election has established a deadline of August 22, 2016.

- 1.07 – This Ordinance has been adopted by a vote of at least three (3) members of the City Commission.

## **SECTION 2 – PROPOSED CHARTER AMENDMENTS**

- 2.01 - Article III, Section 3.02, North Port Charter relating to election and term of office should be amended to read as follows [Note: additions are shown as underlined and deletions as ~~strike through~~. These editorial notations shall not appear in the codified text]:

“City Commissioners shall hold office for a term of four years. ~~and may serve for no longer than two consecutive full terms inclusive of terms prior to 2012.”~~ No person shall be elected to the office of a city commissioner more than twice, and no person who has held the office of a city commissioner, or acted as a city commissioner, for more than two years of a term to which some other person was elected city commissioner shall be elected to the office of a city commissioner more than once”

## **SECTION 3 – REFERENDUM ELECTION CALLED:**

- 3.01 – A referendum election is hereby ordered and called to be held throughout the City of North, Florida on November 8, 2016, for the purpose of submitting to the electors of the City of North Port, Florida the question of approval or rejection of the proposed amendment of the North Port Charter as set forth herein.

## **SECTION 4 – CONDUCT OF REFERENDUM ELECTION:**

- 4.01 – The referendum election called by this ordinance shall be conducted in the manner prescribed in Chapter 100, 101, and 102 Florida Statutes.
- 4.02 – The polling places, election officials, and hours of election for the general election shall be the same as those for the general election scheduled to be held within the City of North Port on November 8, 2016.

## **SECTION 5 – FORM OF BALLOT**

- 5.01 – The ballot to be used in the referendum election called by this ordinance shall contain the question to be voted upon and which shall be in substantially the following form:

OFFICIAL BALLOT  
CITY OF NORTH PORT, FLORIDA

### **AMENDMENT OF NORTH PORT CHARTER**

NOVEMBER 8, 2016

**TERM LIMITS:**

Presently the City Charter provides a commissioner may serve for no longer than two consecutive full terms. Are you in favor of striking that language and inserting no person shall be elected to the office of a city commissioner more than twice?

YES for Approval        [    ]

NO for Rejection        [    ]

**Section 6 – NOTICE OF ELECTION:**

6.01 – The City Clerk shall publish a notice of the referendum election in a newspaper of general circulation with the City of North Port at least thirty (30) days prior to the date of the election. The notice shall 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<sup>1</sup>. Said notice shall be substantially the following form:

**NOTICE OF REFERENDUM ELECTION**

Notice is hereby given that a referendum election will be held on November 8, 2016, in the City of North Port, Florida to consider the following questions:

**TERM LIMITS:**

Presently the City Charter provides a commissioner may serve for no longer than two consecutive full terms. Are you in favor of amending the language to read no person shall be elected to the office of a city commissioner more than twice?

YES for Approval        [    ]

NO for Rejection        [    ]

The complete text of the amendment proposed is contained in City of North Port Ordinance No. 2016-12, copies of which may be inspected and are available at the office of the City Clerk, North Port City Hall, 4970 City Hall Boulevard, North Port Florida.

The polls will be open at the voting places on the date of such 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

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<sup>1</sup> Fl.Stat § 100.342

election. Absentee voting will be permitted upon compliance with the applicable provisions of general law.

Helen Raimbeau  
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 this referendum.

**SECTION 8 – FILING WITH THE SUPERVISOR OF ELECTIONS:**

8.01 – The City Clerk is hereby directed to file a certified copy of this ordinance with the Supervisor of Elections for Sarasota County, Florida upon its adoption, and is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this ordinance.

**SECTION 9- EFFECTIVENESS OF CHARTER AMENDMENTS**

9.01 - The Charter Amendment as described in Section 2 above shall only be effective if a majority of the qualified electors of the city voting on the specific Charter Amendment, vote for its adoption, and shall be considered adopted and effective upon certification of the election results as provided herein.

9.02 - The city attorney is authorized to revise the Charter to the extent necessary to assure that any amendment adopted conforms and is properly included in the publication of the revised Charter. Further, in the event that the Charter Amendment is approved by the electors, conforming amendments shall be deemed to be adopted and the city attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that the amendment adopted conforms to all remaining Charter provisions.

**Section 10 - SEVERABILITY:**

10.01 If any section, subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

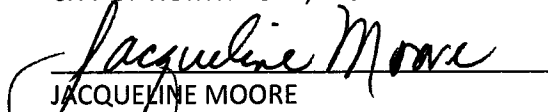
**SECTION 11 - EFFECTIVE DATE:**

11.01 This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

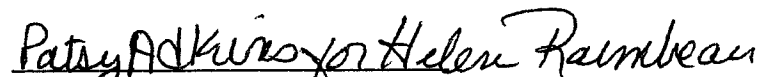
READ BY TITLE ONLY in public session this 10 day of May, 2016.

**PASSED and ADOPTED** on second and final reading in public session this 24<sup>th</sup> day of May, 2016.

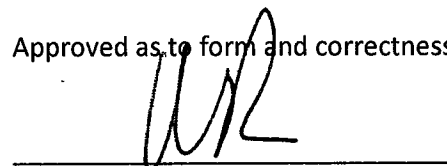
CITY OF NORTH PORT, FLORIDA

  
JACQUELINE MOORE  
Mayor

ATTEST:

  
HELEN RAIMBEAU, MMCO  
City Clerk

Approved as to form and correctness:

  
MARK MORIARTY  
City Attorney