



City of North Port

ORDINANCE NO. 04-40

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO THE CALLING OF A REFERENDUM ELECTION TO CONSIDER PROPOSED AMENDMENTS TO THE CITY OF NORTH PORT CHARTER RELATING TO THE TITLE OF THE CHAIRPERSON, FORM OF GOVERNMENT AND COMPOSITION, ELECTION AND TERM OF OFFICE, QUALIFICATIONS OF ELECTED MEMBERS, CANVASSING ELECTIONS AND ASSUMPTION OF OFFICE AND ASSIGNMENTS, FORFEITURE OF OFFICE, POWERS OF THE CITY, POWERS OF THE CHAIRPERSON, ORGANIZATIONAL STRUCTURE OF THE CITY GOVERNMENT, MEETINGS, JOURNAL, RESOLUTIONS, CITY MANAGER POWERS AND DUTIES, CITY CLERK COMPENSATION, CITY CLERK REMOVAL, CITY ATTORNEY DUTIES; PROVIDING FINDINGS; PROVIDING PROPOSED CHARTER AMENDMENTS; 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 - On August 9, 2004, the City Commission of the City of North Port Florida voted to submit a proposed amendment to the Charter of the City of North Port, Florida to the electors of the City of North Port at a referendum election to be called to coincide with the next general election within the City of North Port.

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- 1.02 - The next general election is scheduled to be conducted within the City of North Port on November 2, 2004.
- 1.03 - Section 166.03(1), Florida Statutes, provides that Charter amendments sponsored by municipalities must be submitted to the electors by ordinance.
- 1.04 - In order to obtain placement on the ballot for the November 2, 2004, general election, the Supervisor of Elections has established a deadline of September 2, 2004, for the submission of referendum questions.
- 1.05 - This Ordinance has been adopted by a vote of at least three members of the City Commission.

SECTION 2 - PROPOSED CHARTER AMENDMENTS:

- 2.01 - Article III, Section 3.01(b), North Port Charter relating to the form of government and composition should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

“The City Commission, with all legislative powers vested therein, shall consist of five (5) Commissioners elected by the electors of this City as provided herein and in accordance with election procedures established by Ordinance. ~~On November 7, 1991, and thereafter annually a~~ At the second regularly scheduled City Commission meeting in November, the City Commission shall elect, by majority vote, one of its members as Chairperson and one of its members as Vice Chairperson. Beginning with the assumption of office meeting following the general election on November 2, 2004, the holder of Commission Seat 1 shall assume the position of Chair of the North Port City Commission. The term shall last one (1) year. Each year thereafter, at the assumption of office meeting in a general election year or at the first regularly scheduled meeting in November, the holders of Commission Seats 4, 2, 5 and 3, shall serve respectively for a term of one (1) year. Beginning with the assumption of office meeting following the general election on November, 2, 2004, the Vice-chair for the City Commission shall be held by the holder of City Commission Seats 4 for a term of (1) year.

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Thereafter, the Vice-chair shall be held by the holder of North Port Commission Seats 2, 5, 3 and 1, respectively. The Vice-Chairperson shall assume the duties of the Chairperson in the absence thereof. The nominee(s) shall be entitled to vote. The term of the Chairperson and Vice-Chairperson shall be one (1) year. A Commissioner may serve as Chairperson for more than one term, but may not serve as Chairperson for more than two (2) consecutive terms."

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

"Each Seat on the City Commission is hereby designated as Seat Numbers 1, 2, 3, 4, and 5 respectively. The five (5) City Commissioners shall be elected, at large, to one of the five seats. The designation of Commission Seats shall not be used or construed to divide the City into Commission districts for purposes of qualification, nomination, election or representation. ~~City Commissioners elected to Seat Number 4 and 5 during the November 7, 1995 general election shall hold office for a period of three (3) years. City Commissioners elected to Seat Number 1, 2, and 3 during the November 4, 1997 general election shall hold office for a period of three (3) years.~~

"Thereafter, City Commissioners shall hold office for a period term of four (4) years and may serve for no longer than two (2) consecutive full terms inclusive of terms prior to 2004. A primary shall be held in 1998 and an election shall be held during the November 3, 1998 general election to fill vacancies occasioned by the expiration of the terms for Seat Number 4 and 5, respectively. A primary shall be held in 2000 and an election shall be held during the November 7, 2000 general election to fill vacancies occasioned by the expiration of the terms for Seat Number 1, 2 and 3, respectively. For the purposes of the 1993 and 1995 primary and general municipal elections, the following City Commissioners are assigned to the designated Commission Seat:

Seat No. 1	John P. Higgins
Seat No. 2	Althea "Buddy" Hughes
Seat No. 3	Lawrence R. Sansone, Jr.
Seat No. 4	Joseph H. Russell
Seat No. 5	Ben Hardin

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“At the ~~1993~~ 2004 primary and general municipal election, three (3) Commissioners shall be elected to Seat Number 1, 2, and 3 respectively. Except as otherwise provided herein, Primary and general municipal elections for Seat Number 1, 2, and 3 shall be conducted every four years thereafter. At the ~~1995~~ 2006 primary and general municipal election, two (2) Commissioners shall be elected to Seat Number 4 and 5 respectively. Except as otherwise provided herein, Primary and general municipal elections for Seat Number 4 and 5 shall be conducted every four years thereafter.”

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

~~“Immediately after the approval by the electorate of the ballot question contained in City of North Port Ordinance No. 91-20, the Office of Mayor was abolished. The person who was sitting as Mayor immediately prior to the abolishment of the Office of Mayor shall serve as a City Commissioner for a term of two (2) years. Municipal elections shall be conducted every two (2) years. Except as otherwise provided in this Section, beginning with the municipal election on the first Tuesday after the first Monday in November, 1993 and every four (4) years thereafter, three (3) City Commissioners shall be elected to serve a term of four (4) years to fill vacancies occasioned by the expiration of the terms of three members of the City Commission and shall serve until their successors are elected, qualified and sworn. Except as otherwise provided in this Section, beginning with the municipal election on the first Tuesday after the first Monday in November, 1995, and every four (4) years thereafter, two (2) City Commissioners shall be elected to serve a term of four (4) years to fill vacancies occasioned by the expiration of the terms of two members of the City Commission and shall serve until their successors are elected, qualified and sworn.”~~

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

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Every candidate for City Commission shall be nominated for such office by the filing of a petition containing the following:

- (1) - The nominee's name, place of residence, and Commission Seat Number (1-5) for which he/she seeks to be a candidate; and,
- (2) - The signatures of not less than twenty-five (25) qualified electors of the City of North Port. Each signature shall be made in ink ~~with~~ and the residence address of each signatory shall be provided opposite the signature.

Petition forms shall be obtained from the City Clerk. Each candidate shall notify the City Clerk which Commission Seat he/she will be seeking when petition forms are obtained.

Candidates may seek election to only one Commission Seat at a time. Prior to obtaining petition forms, candidates for City Commission shall take and subscribe to a written oath or affirmation which shall be furnished by the City Clerk and which shall be substantially in the form provided in Section 99.021(1)(a), Florida Statutes (~~1991~~ 1999). Prior to obtaining petition forms, each candidate shall also appoint a treasurer and designate a primary depository. Completed nominating petitions shall be filed with the City Clerk any time after noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, ~~and~~ Signatures shall be verified by the Supervisor of Elections at candidate expense upon filing.

- 2.05 - Article III, Section 3.05(d), North Port Charter relating to the qualifications of elected members 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.]:

Public officials and employees of the City of North Port shall be governed by the ~~Florida~~ Code of Ethics for Public Officers and Employees (112.311~~and~~ 112.313, et seq, Florida Statutes as the same may from time to time be amended) and by those additional standards of conduct that may be or are adopted by ordinance. Violations of any provisions of such Code of Ethics or standards of conduct in addition to any criminal penalty involved shall, pursuant to the constitutional and statutory procedures, constitute grounds for removal and punishment as provided by general law.

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- 2.06 - Article IV, North Port Charter, should be retitled and Article IV, Section 4.03, North Port Charter relating to assignments should be deleted. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

**“ARTICLE IV - CANVASSING ELECTIONS AND
ASSUMPTION OF OFFICE AND ASSIGNMENTS”**

Section 4.03- ~~At such time as the Office of City Manager is deactivated, the Commissioners shall assume divisional duties. The City Commission, by vote, shall assign divisional duties to the newly elected Commissioners.~~

- 2.07 - Article IV, Section 4.04, North Port Charter, relating to forfeiture of office should be renumbered, retitled and amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

SECTION 4.04 3 - FORFEITURE VACATION OF OFFICE:

(a) The office of a Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, ~~or forfeiture of his office.~~

~~(b) By an extraordinary vote (majority plus one) of the entire City Commission, a Commissioner shall forfeit his office if he:~~

~~(1) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law.~~

~~(2) Violates any express prohibition of this Charter.~~

~~(3) Is convicted of a crime involving moral turpitude.~~

- 2.08 - Article V, Section 5.01(b), North Port Charter, relating to powers of the City should be amended to read as follows. [Note: additions are shown as underlined and

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deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

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

- 2.09 - Article V, North Port Charter, should be retitled and Article V, Section 5.03(a)(b), North Port Charter, relating to the powers of the Chairperson should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

“Article V POWERS OF THE CHAIRPERSON:

(a) - The Chairperson shall preside at all meetings of the City Commission, perform such other duties consistent with the office as may be imposed upon it by law or City Ordinance, and shall have a vote in the proceedings of the Commission.

(b) - The Chairperson may use the official title of office when necessity arises from the general laws of the State and 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; ~~take command of the police and government of the City by proclamation during times of grave public danger and/or emergency~~; be responsible to see that all laws, provisions of this Charter and acts of the Commission are faithfully executed; sign on behalf of the City all ~~contracts, agreements~~, intergovernmental agreements, ~~applications~~, ordinances, resolutions and any other official documents.”

- 2.10 - Article V, Section 5.04(a), North Port Charter, relating to organizational structure of City Government should be amended to read as follows. [Note: additions are shown

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as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

“The City Commission shall, by ordinance, activate or deactivate departments as deemed necessary for the efficient administration and operation of City government. The following departments may not be deactivated except by referendum:

- (1) City Manager
- (~~1~~2) Police Department
- (2)(3) Fire Rescue District
- (~~3~~4) Department of Finance

- 2.11 - Article VI, Section 6.01, North Port Charter, relating to meetings should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

The City Commission shall meet at such time and place as prescribed by ordinance, ~~except that it shall meet regularly not less than once each month.~~ All meetings shall be public ~~and any person shall have the right to be heard on any matter before the Commission except as provided by State law .~~ The public shall have the right to be heard as provided for in City Code.

- 2.12 - Article VI, Section 6.05, North Port Charter, relating to the journal should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

The City Commission shall keep a journal of record (minutes) recording the proceedings of all meetings. This record shall be a public record and any person shall have access to the journal ~~at all reasonable times~~ pursuant to Florida law.

- 2.13 - Article VII, Section 7.01, North Port Charter, relating to vacancy in the office of chairperson to be amended in the title and body to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]:

"Section 7.01 - VACANCY IN THE OFFICE OF CHAIRPERSON":

In the event a vacancy occurs in the Office of Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson for the remainder of the Chairperson's unexpired term. The City Commission shall elect a new Vice-Chairperson for the remainder of the Chairperson's unexpired term.

- 2.14 - Article IX, Section 9.08, North Port Charter, relating to resolutions should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]

A resolution is an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body. Therefore, a resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. A resolution shall be noticed once in a public place of the Municipality for at least five (5) days prior to adoption and shall be enacted ~~by one (1) reading in full~~ at a City Commission meeting and may be read by title only and proffered for its adoption.

- 2.15 - Article XII, Section 12.06(m), North Port Charter, relating to the powers and duties of the City Manager should be added as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]

"(m) - Sign all contracts, agreements and applications for the City of North Port after such has been approved by City Commission at a regular or special City Commission meeting."

- 2.16 - Article XIII, Section 13.02, North Port Charter, relating to the compensation of the City Clerk should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]

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The City Commission shall determine and establish the compensation for the City Clerk and Deputy City Clerk.

- 2.17 - Article XIII, Section 13.03, North Port Charter, relating to the removal of the City Clerk should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]

The City Clerk and/or the Deputy City Clerk shall be removed from office for good cause by a majority vote of the entire City Commission who shall within ten (10) days of such determination serve written notice to the City Clerk.

- 2.18 - Article XIV, Section 14.05(a), North Port Charter, relating to the duties of the City Attorney should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]

(a) - The City Attorney shall be the legal advisor and counselor for all departments and all of its officers in matters relating to their official duties. He shall prepare or review all contracts, bonds, and all other legal and official instruments in which the Municipality is concerned and shall endorse on each his approval of the form and correctness. No legal document with this Municipality shall take effect until his approval is so endorsed thereon.

- 2.19 - Article XIV, Section 14.05(c), North Port Charter, relating to the duties of the City Attorney should be amended to read as follows. [Note: additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.]

(c) - He shall prosecute and defend on behalf of the City all complaints, suits, and controversies in which the City is a party except where the City's defense is provided either by contract or law by a third party.

SECTION 3 - REFERENDUM ELECTION CALLED:

- 3.01 - A referendum election is hereby ordered and called to be held throughout the City of North Port, Florida on November 2, 2004, for the purpose of submitting to the qualified 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 Chapters 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 2, 2004.

SECTION 5 - FORM OF BALLOT:

- 5.1 - The ballot to be used in the referendum election called by this Ordinance shall be that portion of the computer touch screen or other material within the ballot frame of the voting machine which shall contain the question to be voted upon and which shall be insubstantially the following form:

**OFFICIAL BALLOT
CITY OF NORTH PORT, FLORIDA**

AMENDMENT OF NORTH PORT CHARTER

NOVEMBER 2, 2004

QUESTION ONE

Presently the City Charter utilizes the term Chairperson throughout the text of the Charter to refer either to the Chairperson or Vice-Chairperson. Are you in favor of amending the City Charter to change the word "Chairperson" to "Chair" so as to be gender neutral?

YES for Approval []

NO for Rejection []

QUESTION TWO

Presently the City Charter provides for the election of the Chairperson and Vice-Chairperson at the second regularly scheduled City Commission meeting in November. Any Commissioner may seek the position of Chairperson or Vice-Chairperson but the Chairperson may not be elected for more than two (2) consecutive terms. Are you in favor of amending the City Charter to provide for the automatic rotation of the Chairperson and Vice-Chairperson at the assumption of office meeting during an election year or at the first regularly scheduled Commission meeting in November during a non-election year, thus eliminating elections for Chairperson and Vice-Chairperson?

YES for Approval []

NO for Rejection []

QUESTION THREE

Presently the City Charter under Election and Term of Office contains antiquated language relating to Charter amendments which occurred in 1993. Are you in favor of amending the City Charter as to Election and Term of Office to eliminate specific references to prior elections and prior Commissioners but maintaining the present system of five (5) elected city Commissioners serving staggered four (4) year terms?

YES for Approval []

NO for Rejection []

QUESTION FOUR

Presently the City Charter provides that at such time as the office of City Manager is deactivated, the Commissioner shall be assigned divisional duties. If Question EIGHT is approved, the City Manager would not be deactivated except by referendum. Are you in favor of amending the City Charter to eliminate the assignment of duties Section 4.03 and to amend the Title to Article IV concerning CANVASSING Elections and Assumption of Office and Assignments?

YES for Approval []

NO for Rejection []

QUESTION FIVE

Presently the City Charter provides for the forfeiture of office for City Commissioner by extraordinary vote of the City Commission for various acts. Florida courts have held this provision to be unconstitutional allowing the vacation of office of City Commissioner only upon death, resignation and removal from office in any manner authorized by law. Are you in favor of amending the City Charter to delete reference to the removal of a City Commissioner by extraordinary vote of the City Commission?

YES for Approval []

NO for Rejection []

QUESTION SIX

Presently the City Charter provides that all general obligation bonds and revenue bonds issued by the City must be approved by a vote of the majority of the qualified electors of the City. Are you in favor of amending the City Charter to eliminate the referendum requirement for revenue bonds which have an independent source of funding and do not require the pledging of the ad valorem taxing power of the City Commission?

YES for Approval []

NO for Rejection []

QUESTION SEVEN

Presently the City Charter provides that the Chairperson may take command of the police and government of the City by proclamation during the times of grave public danger and/or emergency. In addition, the Charter provides that the Chair shall sign on behalf of the City all contracts, agreements and applications. Are you in favor of amending the City Charter to eliminate the Chairperson's powers to take command of the police and government of the City by proclamation during times of grave public danger and/or emergency and to vest the power to sign contracts, agreements and applications with the City Manager after approval by the City Commission?

YES for Approval []

NO for Rejection []

QUESTION EIGHT

Presently the City Charter provides the Departments of Police, Fire Rescue District, and Finance may not be deactivated except by referendum. Are you in favor of amending the City Charter to add the City Manager as one of the departments which may not be deactivated except by referendum?

YES for Approval []

NO for Rejection []

QUESTION NINE

Presently the City Charter requires the City Commission to meet regularly not less than once each month. It has been the past practice of the City Commission not to meet in the month of August for vacation. Are you in favor of amending the City Charter to delete the requirement of a regular monthly meeting?

YES for Approval []

NO for Rejection []

QUESTION TEN

Presently the City Charter requires that all meetings shall be public and that all persons shall have the right to be heard on any matter before the Commission. Are you in favor of amending the City Charter to provide that all meetings shall be public except as provided by State law and to provide the public the right to be heard as presently provided for in the City Code?

YES for Approval []

NO for Rejection []

QUESTION ELEVEN

Presently the City Charter requires the City Commission to keep a journal of record (minutes), that the journal shall be public record, and a person shall have access to the journal at all reasonable times. Are you in favor of amending the City Charter to delete the reference to review of the journal at all reasonable times and to allow access to the journal pursuant to Florida law?

YES for Approval []

NO for Rejection []

QUESTION TWELVE

Presently the City Charter requires that resolutions be read in total at a public meeting prior to adoption. Are you in favor of amending the City Charter to allow resolutions to be read by title only prior to being proffered for adoption to the City Commission?

YES for Approval []

NO for Rejection []

QUESTION THIRTEEN

Presently the City Charter provides various powers and duties of the City Manager. Are you in favor of amending the City Charter to allow the City Manager to sign all contracts, agreements and applications after such have been approved by the City Commission at a regular or special City Commission meeting?

YES for Approval []

NO for Rejection []

QUESTION FOURTEEN

Presently the City Charter provides the City Commission shall determine and establish the compensation and may remove for good cause by majority vote the City Clerk. No provision is presently contained within the Charter referencing the Deputy Clerk, which is also a Charter officer. Are you in favor of amending the City Charter to add the Deputy City Clerk to the section on Compensation and Removal for the City Clerk?

YES for Approval []

NO for Rejection []

QUESTION FIFTEEN

Presently the City Charter provides the City Attorney shall prepare all contracts, bonds, and other official instruments of the City. Are you in favor of amending the City Charter to provide that the City Attorney shall prepare or review all contracts, bonds, and other legal or official instruments of the City?

YES for Approval []

NO for Rejection []

QUESTION SIXTEEN

Presently the City Charter requires the City Attorney to prosecute and defend on behalf of the City all complaints, suits, and controversies in which the City is a party. Are you in favor of amending the City Charter to provide an exception to the obligation of the City Attorney where the City's defense to the lawsuit is provided either by contract or law by a third-party?

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 within 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. 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 2, 2004, in the City of North Port, Florida to consider the following question:

QUESTION ONE

Presently the City Charter utilizes the term Chairperson throughout the text of the Charter to refer either to the Chairperson or Vice-Chairperson. Are you in favor of amending the City Charter to change the word "Chairperson" to "Chair" so as to be gender neutral?

YES for Approval []

NO for Rejection []

QUESTION TWO

Presently the City Charter provides for the election of the Chairperson and Vice-Chairperson at the second regularly scheduled City Commission meeting in November. Any Commissioner may seek the position of Chairperson or Vice-Chairperson but the Chairperson may not be elected for more than two (2) consecutive terms. Are you in favor of amending the City Charter to provide for the automatic rotation of the Chairperson and Vice-Chairperson at the assumption of office meeting during an election year or at the first regularly scheduled Commission meeting in November during a non-election year, thus eliminating elections for Chairperson and Vice-Chairperson?

YES for Approval []

NO for Rejection []

QUESTION THREE

Presently the City Charter under Election and Term of Office contains antiquated language relating to Charter amendments which occurred in 1993. Are you in favor of amending the City Charter as to Election and Term of Office to eliminate specific references to prior elections and prior Commissioners but maintaining the present system of five (5) elected city Commissioners serving staggered four (4) year terms?

YES for Approval []

NO for Rejection []

QUESTION FOUR

Presently the City Charter provides that at such time as the office of City Manager is deactivated, the Commissioner shall be assigned divisional duties. If Question Eight is approved, the City Manager would not be deactivated except by referendum. Are you in favor of amending the City Charter to eliminate the assignment of duties Section 4.03 and to amend the Title to Article IV concerning CANVASSING Elections and Assumption of Office and Assignments?

YES for Approval []

NO for Rejection []

QUESTION FIVE

Presently the City Charter provides for the forfeiture of office for City Commissioner by extraordinary vote of the City Commission for various acts. Florida courts have held this provision to be unconstitutional allowing the vacation of office of City Commissioner only upon death, resignation and removal from office in any manner authorized by law. Are you in favor of amending the City Charter to delete reference to the removal of a City Commissioner by extraordinary vote of the City Commission?

YES for Approval []

NO for Rejection []

QUESTION SIX

Presently the City Charter provides that all general obligation bonds and revenue bonds issued by the City must be approved by a vote of the majority of the qualified electors of the City. Are you in favor of amending the City Charter to eliminate the referendum requirement for revenue bonds which have an independent source of funding and do not require the pledging of the ad valorem taxing power of the City Commission?

YES for Approval []

NO for Rejection []

QUESTION SEVEN

Presently the City Charter provides that the Chairperson may take command of the police and government of the City by proclamation during the times of grave public danger and/or emergency. In addition, the Charter provides that the Chair shall sign on behalf of the City all contracts, agreements and applications. Are you in favor of amending the City Charter to eliminate the Chairperson's powers to take command of the police and government of the City by proclamation during times of grave public danger and/or emergency and to vest the power to sign contracts, agreements and applications with the City Manager after approval by the City Commission?

YES for Approval []

NO for Rejection []

QUESTION EIGHT

Presently the City Charter provides the Departments of Police, Fire Rescue District, and Finance may not be deactivated except by referendum. Are you in favor of amending the City Charter to add the City Manager as one of the departments which may not be deactivated except by referendum?

YES for Approval []

NO for Rejection []

QUESTION NINE

Presently the City Charter requires the City Commission to meet regularly not less than once each month. It has been the past practice of the City Commission not to meet in the month of August for vacation. Are you in favor of amending the City Charter to delete the requirement of a regular monthly meeting?

YES for Approval []

NO for Rejection []

QUESTION TEN

Presently the City Charter requires that all meetings shall be public and that all persons shall have the right to be heard on any matter before the Commission. Are you in favor of amending the City Charter to provide that all meetings shall be public except as provided by State law and to provide the public the right to be heard as presently provided for in the City Code?

YES for Approval []

NO for Rejection []

QUESTION ELEVEN

Presently the City Charter requires the City Commission to keep a journal of record (minutes), that the journal shall be public record, and a person shall have access to the journal at all reasonable times. Are you in favor of amending the City Charter to delete the reference to review of the journal at all reasonable times and to allow access to the journal pursuant to Florida law?

YES for Approval []

NO for Rejection []

QUESTION TWELVE

Presently the City Charter requires that resolutions be read in total at a public meeting prior to adoption. Are you in favor of amending the City Charter to allow resolutions to be read by title only prior to being proffered for adoption to the City Commission?

YES for Approval []

NO for Rejection []

QUESTION THIRTEEN

Presently the City Charter provides various powers and duties of the City Manager. Are you in favor of amending the City Charter to allow the City Manager to sign all contracts, agreements and applications after such have been approved by the City Commission at a regular or special City Commission meeting?

YES for Approval []

NO for Rejection []

QUESTION FOURTEEN

Presently the City Charter provides the City Commission shall determine and establish the compensation and may remove for good cause by majority vote the City Clerk. No provision is presently contained within the Charter referencing the Deputy Clerk, which is also a Charter officer. Are you in favor of amending the City Charter to add the Deputy City Clerk to the section on Compensation and Removal for the City Clerk?

YES for Approval []

NO for Rejection []

QUESTION FIFTEEN

Presently the City Charter provides the City Attorney shall prepare all contracts, bonds, and other official instruments of the City. Are you in favor of amending the City Charter to provide that the City Attorney shall prepare or review all contracts, bonds, and other legal or official instruments of the City?

YES for Approval []

NO for Rejection []

QUESTION SIXTEEN

Presently the City Charter requires the City Attorney to prosecute and defend on behalf of the City all complaints, suits, and controversies in which the City is a party. Are you in favor of amending the City Charter to provide an exception to the obligation of the City Attorney where the City's defense to the lawsuit is provided either by contract or law by a third-party?

YES for Approval []

NO for Rejection []

ORDINANCE NO. 04-40

The complete text of the amendments proposed is contained in City of North Port Ordinance No. 02-31, copies of which may be inspected and are available at the Office of the City Clerk, North Port City Hall, 5650 North Port 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 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.

SECTION 9 - SEVERABILITY:

9.01 - If any section, subsection, sentence, clause, phrase, 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 hereof.

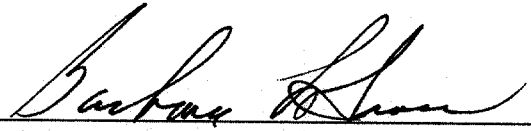
SECTION 10- EFFECTIVE DATE:

10.01 - This Ordinance shall take effect immediately upon its adoption by the City Commission.

ORDINANCE NO. 04-40

Read by title only in public session this 9th day of August, 2004.

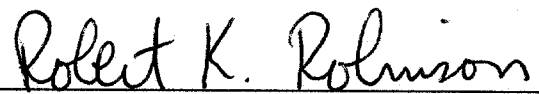
PASSED AND ADOPTED as an Ordinance in public session this 23rd day of August, 2004.


BARBARA L. GROSS, COMMISSIONER
CHAIRPERSON

ATTEST:


HELEN RAIMBEAU, CITY CLERK

Approved as to form and correctness:


ROBERT K. ROBINSON, CITY ATTORNEY

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