



City of North Port

ORDINANCE NO. 2017-30

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 4 - BOARDS AND COMMITTEES, ARTICLE I - BOARDS GENERALLY, SECTIONS 4-2 AND 4-3 TO PROVIDE FOR THE ADDITION AND APPOINTMENT OF ALTERNATE MEMBERS TO THE CITY'S ADVISORY BOARDS AND TO PROVIDE FOR FILLING VACANCIES TO SAID BOARDS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 5.05 of the North Port City Charter 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, for many years, the City's various advisory boards included alternate members who would be able to serve during meetings where a regular member was unable to attend; and

WHEREAS, in Ordinance 2015-39, the City Commission made a policy decision to eliminate alternate advisory board members; and

WHEREAS, upon further consideration of the merits of having alternate members of advisory boards, including the ability to have the maximum amount of citizen participation in the process of debate on recommendations, the City Commission finds that two alternates should be available to the City's various advisory boards; and

WHEREAS, the City Commission also desires to recognize the service of citizens who serve as alternate members of its advisory boards by giving them preferential consideration for appointment to regular member seats which become available during their service; 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.

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

SECTION 1 – FINDINGS. The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION. The City Commission hereby approves and adopts the following amendments to Section 4-2 of the Code of the City of North Port, Florida:

“Chapter 4 – BOARDS AND COMMITTEES

...

ARTICLE I. – BOARDS GENERALLY

...

Sec. 4-2. - Board construction.

(a) All boards shall consist of seven regular members and two alternate members, except and unless otherwise provided for by State statute. The alternates shall be designated as “first” and “second” alternate, based on time served as an alternate on a particular board. One regular member of each advisory board may be a youth member, unless youth members are specifically provided for by ordinance.

(b) Each board shall elect from its members a chairperson to serve as the presiding officer at all meetings and a vice-chairperson to serve as the presiding officer at all meetings at which the chairperson is absent. Board chairpersons and vice-chairpersons shall be elected annually at their first meeting of each calendar year. Youth may not serve as chair or vice-chair unless they are 18. A member may not serve as chairperson for more than two consecutive years.

(c) No subcommittees, special committees or ad hoc committees shall be formed by the boards without prior approval of the city commission.

(d) Alternates. ~~No new alternates shall be appointed. All alternate positions shall cease naturally at the end of their respective terms.~~ In the absence of a regular

member, an alternate shall take the place of the regular member and may participate and vote in the meeting as a regular member. The first alternate shall take the place of the first absent regular member, and the second alternate shall take the place of the next absent regular member. If both a regular member and the first alternate are absent, the second alternate will ~~sit as a~~ take the place of the absent regular member. An alternate may participate in a meeting ~~as a nonvoting member through the making of a motion on an issue if he or she is not filling in for a regular member only when taking the place of a regular member.~~

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

[subsections (a) - (e), (g) - (j), and (l) - (m) unchanged]

...

(f) Term. Adult board members shall serve two-year terms, and may be reappointed for one additional two-year term. Time spent as an alternate shall not count toward the calculation of a member's term. Service is limited to two consecutive terms, but a former board member may reapply for the same board after an absence of one year. Youth board members shall serve a one-year term, and may be reappointed for an additional one-year term if they are still in high school and under 18 at the time of reappointment. Youth who have aged out may apply for membership as an adult member.

...

(k) Vacancies.

(1) Applications of persons seeking appointment or reappointment as a regular or an alternate member of an advisory to a board shall be kept on record for a period of two years. After two years, a new application shall be required for persons still seeking appointment or reappointment.

(2) New boards. The city commission shall appoint board members from the available applicants by majority vote. The city commission is not required to make an appointment, even if some seats are left unfilled, except where otherwise provided by law.

(3) Automatic promotion of alternate member.

a. An alternate member shall be automatically promoted to a regular member only when: (i) a vacancy is created prior to the end of a regular member's term; or (ii) a regular member's service has concluded after two consecutive terms. An alternate shall not be automatically promoted at the expiration of a regular member's first term if the

regular member applies for reappointment in accordance with subsection (k)(4) herein. When not automatically promoted, alternates may apply for appointment to any vacant seat.

b. The first alternate shall be deemed, upon acceptance, to be automatically appointed to fill an eligible vacancy. If the first alternate does not accept the appointment, the second alternate shall be deemed, upon acceptance, to be automatically appointed to fill the regular member vacancy.

~~(3)-(4)~~ Existing board vacancies.

a. Any vacancy not filled by the automatic promotion of an alternate shall be filled in accordance with this subsection.

b. The city commission shall appoint board members to a vacant seat from the available applicants by majority vote. The city commission is not required to make an appointment, even if some seats are left unfilled, except where otherwise provided by law.

~~(4)-c.~~ The city clerk or designee shall announce vacancies and upcoming board member term expirations for all boards at each regular commission meeting and shall advertise in an appropriate medium to solicit applications from interested citizens to serve on the boards. One month after a vacancy or a term expiration is first announced at a commission meeting, or if no applications are received within that time and no applications are on file, upon receiving an eligible application, the application(s) will be placed on a commission meeting agenda for the commission to review for appointment. The city commission is not required to make an appointment, except as otherwise provided by law.

~~(5) d.~~ The city clerk or designee shall post on the bulletin board and provide the commission with a list to be updated periodically of those appointments expiring from the various boards, to include the name, appointment and termination dates, at least three months in advance. Copies shall also be made available for the citizens at commission meetings in an effort to encourage more participation ~~in~~ on the boards. The city clerk will add to the regular commission meeting agenda the list of vacancies and term expirations on the various boards.

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SECTION 3 – SEVERABILITY. If any section, subsection, sentence, clause, provision or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4 – CONFLICTS. In the event of any conflict between the provisions of this Ordinance and any other Ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 5 – CODIFICATION.

5.01 For purposes of codification of any existing section of the North Port City Code herein amended, words **underlined** represent additions to original text, and words **~~stricken~~** are deletions from the original text. These editorial notations shall not appear in the codified text.

5.02 Pursuant to § 9.10 of the North Port City Charter, the Codifier shall codify the substantive amendments to the North Port Administrative Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify any other sections not designated for codification.

SECTION 6 – EFFECTIVE DATE. This Ordinance shall take effect immediately after adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on the 10th day of October, 2017.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this _____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

VANESSA CARUSONE
MAYOR

ATTEST:

PATSY C. ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

AMBER L. SLAYTON
CITY ATTORNEY