



## City of North Port

### ORDINANCE NO. 2018-36

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 4 - BOARDS AND COMMITTEES, TO ADDRESS RESIDENCY AND MEMBERSHIP REQUIREMENTS, PUBLIC COMMENT AT MEETINGS, TERMS, AND VOTING; MAKING RELATED FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, section 5.06 of the Charter of the City of North Port 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**, Chapter 4, Article I of the Code of the City of North Port generally regulates boards created by the City Commission; and

**WHEREAS**, Section 4-1 of the Code of the City of North Port provides that the provisions of Article I apply to all boards, except that if a board's enacting legislation conflicts with Article I, that legislation controls over Article I; and

**WHEREAS**, the City Commission desires to achieve uniformity among its boards with respect to certain regulations; and

**WHEREAS**, the City Commission recognizes the value in allowing one nonresident property owner to serve as a voting member of each board, and requiring all other board members to have maintained residency in the City for at least one year prior to appointment; and

**WHEREAS**, the City Commission finds that the proposed amendments will encourage more public involvement in local government; 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:**

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

**SECTION 2 – ADOPTION:**

- 2.01 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

**“Chapter 4 – BOARDS AND COMMITTEES**

...

**ARTICLE I. – BOARDS GENERALLY**

...

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

- (a) Appointment. All board members shall be appointed by majority vote of the city commission.
- (b) Residency.

(1) Except as otherwise provided herein, All all board appointees shall have resided within the city for a period of ~~six months~~ one year. Residency must be maintained throughout the term of office. Failure to maintain permanent residency within the city shall result in automatic vacation of the board seat.

(2) One nonresident may serve on each board, provided that the person currently owns and has owned real property in the City of North Port for at least one year prior to appointment. Ownership will be determined by the property’s Sarasota County tax bill. This nonresident member will enjoy full voting rights.

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**Sec. 4-4. - Meetings.**

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- (f) Public comment. The public shall be allocated time to comment on agenda items and matters pertinent to each board pursuant to state law. The city commission may establish policies governing public comment for the boards. Time for public comment shall be designated on each meeting agenda, toward the beginning and the end of the meeting. Members of the public shall be given a reasonable opportunity to be heard on each agenda item except as provided for below. The right to comment does not apply to:

- (1) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board to act;

- (2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (3) A meeting that is exempt from F.S. § 286.011; or
- (4) A meeting during which the board ~~or commission~~ is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.”

2.02 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

**“Chapter 4 – BOARDS AND COMMITTEES**

...

**ARTICLE IV. - AUDIT COMMITTEE**

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**Sec. 4-131. - Membership.**

The audit committee shall consist of five regular members and two alternate members. One regular member shall be the city manager or designee, one shall be the finance director or designee, and one shall be a city employee with financial knowledge who shall be appointed by the city commission. ~~The remaining two regular members and the two alternate members shall be city residents appointed by the other three regular members, and confirmed by the city commission.~~ An alternate may participate in a meeting only when taking the place of a ~~resident~~ non-employee member; no alternate shall participate or vote in place of the city manager or designee, the finance director or designee, or the city employee member. ~~The city commission employee appointee and the resident members shall serve two-year terms.~~ The terms of the ~~resident~~ non-employee members shall be staggered. No youth members shall be permitted.

...”

2.03 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

**“Chapter 4 – BOARDS AND COMMITTEES**

...

**ARTICLE VI. - COMMUNITY ECONOMIC DEVELOPMENT ADVISORY BOARD**

...

**Sec. 4-152. - Residency requirement.**

~~Preference will be given to qualified applicants who are also city residents.~~ It is preferred that a majority of the regular and alternate members of the board shall be city residents. However, in cases where local residents are unable or unavailable to fill a specific category, applicants who are not city residents will be considered for membership.

...”

2.04 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

**"Chapter 4 – BOARDS AND COMMITTEES**

...

**ARTICLE VIII. – PUBLIC UTILITY ADVISORY BOARD**

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**Sec. 4-171. - Membership.**

- (a) The public utility advisory board shall consist of seven regular members and two alternate members. ~~Additionally, a nonvoting~~ One nonresident member who receives city water and wastewater utility services and represents extraterritorial customers may also be appointed. ~~Such nonvoting member shall not count in determining a quorum.~~

..."

- 2.05 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

**"Chapter 4 – BOARDS AND COMMITTEES**

...

**ARTICLE X. - HISTORIC AND CULTURAL ADVISORY BOARD**

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**Sec. 4-191. - Membership.**

The historic and cultural advisory board shall consist of seven regular members. At least four members shall be year-round residents of the city. Three members shall be residents-at-large. One nonresident may serve on the board in place of a resident-at-large, provided that the person currently owns and has owned real property in the City of North Port for at least one year prior to appointment. Four members shall be practicing or retired professionals from any of the following disciplines with a demonstrated commitment to historic and cultural preservation; no more than two members shall be from the same discipline:

- (1) Anthropology.
- (2) Real estate, land development, or finance.
- (3) History, culture, folklore, or architectural history or culture.
- (4) Conservation or curation.
- (5) Architecture or historic or cultural architecture.
- (6) Historic or cultural preservation.
- (7) Land use planning or historic or cultural preservation planning.
- (8) Historic or cultural landscape architecture.
- (9) General or building contractor.
- (10) Professional engineering.

..."

**SECTION 3 – CONFLICTS:**

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or provisions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 4 – SEVERABILITY:**

- 4.01 If any section, subsection, sentence, clause, phase, or provision 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 5 – CODIFICATION:**

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.

**SECTION 6 – EFFECTIVE DATE:**

- 6.01 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 8th day of January 2019.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session this 22nd day of January 2019.

CITY OF NORTH PORT, FLORIDA

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CHRISTOPHER HANKS  
MAYOR

ATTEST:

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KATHRYN PETO  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON  
CITY ATTORNEY