

CHARTER OF THE CITY OF NORTH PORT, FLORIDA

INTRODUCTION

[To be inserted in this Section:]

District Seats Number 1, 2, and 3 were implemented for the primary and general elections of 2016. District Seats Number 4 and 5 will be implemented for the primary and general elections of 2018.

ARTICLE I – CREATION, POWERS, AND CONSTRUCTION

SECTION 1.01 – CREATION

The City of North Port, County of Sarasota, State of Florida, was created as of June 18, 1959. The name of the City was changed from “City of North Port Charlotte” to “City of North Port,” per Ordinance No. 74-5.

SECTION 1.02 – POWERS

- (a) The City of North Port shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of the State and by this Charter, together with all implied powers necessary to ~~carry into execution~~ execute all the powers granted. Except as prohibited by the Constitution of this State, general or special laws, County Charter, or as restricted by this Charter, the City ~~shall and~~ of North Port may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.
- (b) The City of North Port 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 or revenue bonds shall be issued by the City of North Port unless approved by ~~vote of a~~ majority vote of the voters of the City of North Port voting on the issuance of those bonds in a primary, general, or special election.
- (c) The police powers of the City of North Port and the police jurisdiction granted under this Charter shall extend to and be in full force and effect upon all property within the corporate limits as defined in this Charter.

SECTION 1.03 – CONSTRUCTION

(a) The powers of the City of North Port shall be construed liberally in favor of the City.

(b) In construing this Charter and each and every word, phrase or part thereof, where the context will permit:

1. The singular includes the plural and vice versa.
2. The word “oath” includes affirmations.
3. Reference to any office, officer, or official includes any person authorized by law to perform the duties of such office or position.
4. “City” or “Municipality” shall mean the City of North Port, Florida.
5. “Elector” means a person who is eligible to vote in an election.
6. Voter” means a person who votes in an election.

SECTION 1.04 – INTERGOVERNMENTAL RELATIONS

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, political subdivisions or districts or agencies of the State of Florida or any other state or the United States or any agency thereof.

ARTICLE II – GOVERNANCE

SECTION 2.01 – FORM OF GOVERNMENT AND COMPOSITION

(a) The form of government shall be a Commission-Manager form. This form of government shall not be abolished or modified except by referendum. The Commission shall hereinafter be called the “City Commission” and shall constitute the governing body.

- (b) The City Commission, with all legislative powers vested therein, shall consist of five (5) Commissioners elected by the voters of this City as provided herein and in accordance with election procedures established by ordinance.

SECTION 2.02 – DISTRICTING AND REDISTRICTING PLANS

- (a) There shall be five (5) City Commission districts, numbers 1, 2, 3, 4, and 5.
- (b) The City Commission shall by ordinance adopt the boundaries of each of the five (5) districts using the following specifications:
1. Each district shall be formed of compact, contiguous territory;
 2. Each district shall be based on the principle of equal effective representation as required by the United States Constitution; and
 - 2-3. Each district shall be as equal in population as possible, with no more than a five percent (5%) deviation in population based on average population among the districts.
- (c) The City Commission approved a districting plan by Ordinance No. 2014-41 on ~~12-December 1-14, 2014.~~
- (d) The City Commission shall approve a redistricting plan by ordinance, if a substantial change is proven, in accordance with Section 2.02(b)~~1, 2, and 3,~~ no later than 10 months (300 days) following each decennial census published results.
1. Proposed plans must be available to the public for inspection and comment not less than one (1) month before the first public hearing on ~~said plan~~the plans. Proposed plans shall include a map and description of recommended district boundaries.
 - 1-2. Redistricting provisions shall not be deemed to prohibit the City Commission from considering restructuring boundaries of the districts in the event of major changes in the population of any district brought about by annexation, contraction, or substantial population shifts prior to the decennial census results.

105 ~~2.3.~~ The City Commission may utilize management, staff, or consultants in the
106 evaluation and/or drawing of proposed district boundaries.

107
108 ~~4.~~ Any adopted redistricting plan will take effect for any election held at least one (1)
109 year following final approval of ~~said~~the plan.

110
111 ~~3.5.~~ A sitting Commissioner who is adversely affected by the redistricting plan
112 may serve out the balance of their term as a representative of their former District
113 Seat.

114
115 (e) If the City Commission fails to enact a redistricting plan within the required time, the
116 City Attorney shall, the following business day, inform the Circuit Court, Sarasota
117 County, and ask that a special master be appointed to perform the redistricting. The
118 special master shall, within sixty (60) ~~-days~~, provide the court with a plan drawn in
119 accordance with the criteria set forth in Section 2.02(b)~~1, 2, and 3.~~ That plan shall
120 have the force and effect of law unless the court finds it does not comply with ~~said~~the
121 criteria. The court shall cause a redistricting plan to go into effect one (1) year after
122 the court's final approval. The City shall be liable for all reasonable costs incurred by
123 the special master in preparing the redistricting plan for the court.

124 125 **SECTION 2.03 – TERM OF OFFICE**

126 (a) Each Seat on the City Commission is hereby designated as District Seat Numbers 1, 2,
127 3, 4, and 5, respectively~~;~~.

128
129 (b) ~~City~~ Commissioners shall hold office for a term of four (4) years. No person shall be
130 elected to the office of ~~City~~ Commissioner more than twice.

131
132 (c) A Commissioner shall serve until their successor has been qualified, elected, and
133 sworn to the oath of office.

134 135 **SECTION 2.04 – ELECTIONS**

136 (a) The general and special elections of the City shall proceed as prescribed by provisions
137 of this Charter, and the election ordinances of the City, State law, and the rules and
138 regulations of the Sarasota County Supervisor of Elections.

- (b) All elections to the office of Commissioner shall be on a nonpartisan basis without regard for the candidate's political party affiliation.
- (c) Municipal elections shall be conducted every two (2) years to fill District Seats of the ~~City Commission members~~Commissioners whose terms are expiring. At the 2018 primary and general municipal elections, two (2) Commissioners shall be elected to District Seat numbers 4 and 5, respectively. Except as otherwise provided herein, primary and general municipal elections for District Seat Numbers 4 and 5 shall be conducted every four (4) years thereafter. At the 2020 primary and general municipal elections, three (3) Commissioners shall be elected to District Seats Numbers 1, 2, and 3, respectively. Except as otherwise provided herein, primary and general municipal elections for District Seat Numbers 1, 2, and 3 shall be conducted every four (4) years thereafter.
- (d) Except as otherwise provided in this Section, general municipal elections shall be held each even-numbered year on the first Tuesday after the first Monday in November.
- (e) If fewer than two (2) persons qualify for nomination to a Commission District Seat, or if the death, withdrawal, or removal from the ballot of a qualified candidate following the end of a qualifying period leaves fewer than two (2) nominees, the qualifying nominee shall be deemed elected upon the closing of the qualification period.
- (f) If only two (2) persons qualify for nomination to a particular Commission District Seat, there shall not be a primary election held for that particular seat. Both candidates will run in the general election.
- (g) In each year when a general municipal election is held and more than two (2) persons qualify for nomination to a particular Commission District Seat, a primary election for nomination of City Commission candidates for that particular District Seat shall be held on the Tuesday ten (10) weeks prior to the general municipal election.
1. If any nominee in the primary election receives fifty percent (50%) plus one vote of the total votes cast in the primary election for that District Seat, such nominee shall be declared elected to that Commission District Seat without necessity of running in the general municipal election.
 2. If, in the primary election for a Commission District Seat, no nominee receives fifty percent (50%) plus one vote of the total votes cast in the primary election, then the two (2) nominees receiving the highest number of votes for that particular

Commission District Seat shall be declared candidates for ~~said~~the Commission District Seat and they shall run in the municipal general election.

2-3. In the general election, the candidate for a Commission District Seat who receives the highest number of votes shall be declared elected to that District Seat.

(h) In the event of a tie vote in the primary ~~or~~, general, or special election for a particular Commission District Seat, the tie shall be resolved by drawing lots.

(i) ~~City~~ Commissioners will begin their term of office within five (5) business days following the certification of ballots by Sarasota County Supervisor of Elections after the general election. The City Commission will convene at that time for the purpose of announcing the election results and the newly elected ~~Commissioner(s)~~Commissioners shall subscribe to the oath of office at that special meeting.

SECTION 2.05 – QUALIFICATIONS OF NOMINEES, CANDIDATES, AND ~~ELECTED MEMBERS~~COMMISSIONERS

(a) The five (5) ~~City~~ Commissioners shall be elected, at large, to one of the five (5) district seats in which they reside.

(b) Nominees and candidates for a Commission District Seat must be a resident of that particular district for a minimum of one (1) year prior to the close of the qualification period for nominees, as determined by voter registration records of the Sarasota County Supervisor of Elections.

~~(c) Nominees and candidates for City Commission and members of the City Commission, for the duration of their candidacy and term of office, shall be citizens and registered voters of the United States, State of Florida, and City of North Port within the District for which they are nominated and/or elected.~~

(c) The City Clerk's department will serve as the custodian of all forms, documents, and filings. Petitions and other forms may be obtained from the City Clerk.

(d) Prior to obtaining petition forms, each candidate shall appoint a treasurer and designate a primary depository.

(d)(e) Every candidate for City Commission shall be nominated for such office by satisfying other applicable requirements for qualifying and by filing a petition providing the following information:

1. The nominee's name, place of residence, and Commission District Seat number sought by the candidate (1 through 5). ~~Nominees must reside within the district for which they file the petition.~~

2. The signatures of ~~not less~~ no fewer than twenty-five (25) qualified electors of the City ~~of North Port~~. Each signature shall be made in ink, and the residence address of each signatory shall be provided opposite the signature. Petition signatures shall be verified by the Supervisor of Elections at the candidate's expense ~~upon filing.~~

~~Petition forms shall be obtained from the City Clerk. Each candidate shall notify the City Clerk which Commission District Seat the candidate is seeking when the petition forms are obtained.~~

(e)(f) Completed nominating petitions shall be filed with the City Clerk any time after noon of the 71st day prior to the first primary election, but not later than the 67th day prior to the date of the first primary election.

(g) City Nominees and candidates for City Commission and the Commissioners, for the duration of their candidacy and term of office, shall be citizens and registered voters of the United States, State of Florida, and City of North Port within the District for which they are nominated and/or elected.

(f)(h) Commissioners must reside within their respective District for the duration of their term. If a Commissioner relocates out of their District, due to a declared emergency or loss of residence due to emergency circumstances, ~~said~~ the Commissioner shall have twelve (12) months to re-establish residency within their respective City District. If a Commissioner is unable or unwilling to re-establish residency within their respective City District after the provided deadline, the Commission District Seat will be declared vacant at the close of business on the day of the final deadline.

ARTICLE III – VACANCY OF ~~CITY COMMISSIONER(S)~~ COMMISSIONERS

SECTION 3.01 – VACANCIES

(a) A vacancy shall be created by the expiration of a Commissioner's term and shall be filled by an election in accordance with Section 2.04.

(b) A vacancy shall be created by the submission of a letter of resignation, when a Commissioner fails to meet a residency requirement, as set forth in Sections 2.05(g) and (h), or when a seat becomes physically vacant upon a Commissioner's death or removal from office in any manner authorized by law and shall be filled as follows:

1. When a vacancy occurs more than nine (9) months prior to the unexpired term of a Commissioner District Seat or more than nine (9) months prior to the next general election, the City Commission shall convene within fourteen (14) days to call a special election to fill the vacancy for the unexpired term of the District Seat. The special election shall be held on the first available date determined by the Sarasota County Supervisor of Elections for Registration Books.¹ Regardless of the number of candidates, there will only be a single election. The candidate who receives the highest number of votes in the special election shall be declared elected to that District Seat. Commissioners will begin their term of office within five (5) business days following the certification of ballots by Sarasota County Supervisor of Elections after the election. The City Commission will convene at that time for the purpose of announcing the election results and the newly elected Commissioner shall subscribe to the oath of office.

2. When a physical vacancy occurs more than three (3) months but less than nine (9) months prior to the unexpired term of a Commission District Seat or less than nine (9) months prior to the next general election, within two (2) business days of the creation of the vacancy, the City Clerk shall notify the Governor of the vacancy and shall announce at a public meeting that for a period of twenty-one (21) calendar days, applications ~~may~~shall be submitted to the City Clerk from individuals meeting the qualifications ~~in Section 2.05~~ for appointment to the office of Commissioner. In order to qualify, an applicant must:

(i) Be a resident of the District for which they are applying for a minimum of one (1) year prior to the application deadline, as determined by voter registration records of the Sarasota County Supervisor of Elections;

(ii) Provide the signatures of not less than one hundred (100) qualified electors of the City, with each signature being made in ink and including the residence address of each signatory;

(iii) Have all signatures verified by the Supervisor of Elections at the applicant's expense; and

¹ The City Attorney recommends striking this language, as it seems misplaced.

(iv) For the duration of the application and appointment process and the time served in office, be a citizen and registered voter of the United States, State of Florida, and City within the District for which they are applying.

Within thirty (30) calendar days from the opening of applications, the City Clerk shall send the applications which meet the qualifications to the Governor, who shall select and appoint the person to fill the vacancy. Within three (3) business days, the City Commission shall convene for the purpose of announcing the appointment, and the appointee shall subscribe to the oath of office. The appointee shall fill the vacancy until the earlier of: ~~(i) the~~

(v) The next primary election, if a nominee is declared elected; ~~(ii) the~~

(vi) The next general election; or ~~(ii) the~~

(vii) The expiration of the term of the District Seat.

SECTION 3.02 – EXTRAORDINARY CIRCUMSTANCES

In the event three (3) or more vacancies on the City Commission occur as defined in Section 3.01 of this Charter, the City Clerk shall immediately notify the Governor of the State who shall fill the vacancies by appointment, and the ~~appointee(s)~~appointees shall serve until the next general or special election. At the time of the next general or special election, the City Clerk shall proceed with an election for the unexpired term of each vacant Commissioner seat in accordance with the City's election ordinance and this ~~charter~~Charter.

ARTICLE IV – ETHICS

All officers, employees, and contractors of the City ~~of North Port~~ shall be governed by the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112, Florida Statutes, as may be amended from time to time, and by those additional standards of conduct that may be adopted by ordinance.

ARTICLE V – CITY COMMISSION AUTHORITIES

SECTION 5.01 – POWERS OF THE CITY COMMISSION

327 All powers ~~in~~of the City, except as otherwise provided in this Charter or by the
328 Constitution of the State of Florida, or by general or special laws or County Charter are vested in
329 the City Commission. The City Commission shall determine the manner in which such powers of
330 this City shall be exercised as prescribed by ordinance or resolution.

331
332 **SECTION 5.02 – LIMITATIONS OF CITY COMMISSION POWERS**

- 333 (a) Neither the City Commission, nor any ~~member thereof~~Commissioner, shall dictate the
334 appointment of any person to office or employment by the City Manager or in any
335 manner interfere with the City Manager's exercise of judgement in personnel
336 selections of the City Manager's subordinates. ~~City—Commission~~
337 ~~members~~Commissioners shall deal with administrative services through the City
338 Manager, and neither the City Commission, nor any ~~member thereof~~Commissioner,
339 shall give orders to or make requests of any of the City Manager's subordinates,
340 including contracted consultants, either publicly or privately unless authorized to do
341 so by the City Manager. Individual ~~members of the City Commission~~Commissioners
342 may make requests of the City Manager but may not give orders to the City Manager.
343
- 344 (b) Neither the City Commission, nor any ~~member thereof~~Commissioner, shall dictate the
345 appointment of any person to office or employment by the City Attorney or in any
346 manner interfere with the City Attorney's exercise of judgement in personnel
347 selections of the City Attorney's subordinates. ~~City—Commission~~
348 ~~members~~Commissioners shall deal with legal services through the City Attorney, and
349 neither the City Commission, nor any ~~member thereof~~Commissioner, shall give orders
350 to or make requests of any of the City Attorney's subordinates, including contracted
351 consultants, either publicly or privately, unless authorized to do so by the City
352 Attorney. Individual ~~members of the City Commission~~Commissioners may make
353 requests of the City Attorney but may not give orders to the City Attorney.
354
- 355 (c) Neither the City Commission, nor any ~~member thereof~~Commissioner, shall dictate the
356 appointment of any person to office or employment by the City Clerk or in any manner
357 interfere with the City Clerk's exercise of judgement in personnel selections of the City
358 Clerk's subordinates. ~~City Commission members shall deal with public records services~~
359 ~~through~~Neither the City ~~Clerk, and neither the~~ Commission, nor any ~~member~~
360 ~~thereof~~Commissioner, shall give orders to or make requests of any of the City Clerk's
361 subordinates, including contracted consultants, either publicly or privately unless
362 authorized to do so by the City Clerk. Individual ~~members of the City~~
363 ~~Commission~~Commissioners may make requests of the City Clerk but may not give
364 orders to the City Clerk.

SECTION 5.03 – POSITION OF MAYOR

- (a) The City Commission shall ~~elect~~appoint annually, by majority vote, one of its members as Mayor and one of its members as Vice-Mayor. The ~~election~~nomination and appointment shall occur at the assumption of office meeting during election years and at the first meeting in November in non-election years.
- (b) The term of Mayor shall be one year. There shall be no limitation on the number of consecutive terms a Commissioner may serve as Mayor. The term of Vice-Mayor shall be one year. There shall be no limitation on the number of consecutive terms a Commissioner may serve as Vice-Mayor.
- (c) The Mayor shall preside at all meetings of the City Commission, perform such other duties consistent with the position as may be imposed upon it by law or ordinance, and the Mayor shall have a vote in the proceedings of the City Commission. The Vice-Mayor shall assume the duties of Mayor in the absence thereof. The Commissioner serving as mayor shall have legislative and governing powers commensurate with all other Commissioners.
- (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 intergovernmental agreements, ordinances, resolutions and any other official documents.

SECTION 5.04 – ~~CITY COMMISSION~~COMMISSIONER COMPENSATION

- (a) ~~The City Commission~~Commissioners shall receive an annual compensation, benefits, and expense allowance in the same manner as general ~~city~~City employees.
- (b) Annual expense allowance and benefits shall be determined by the City's budget in accordance with benefits and expenditure reimbursement provisions adopted by ordinance.
- (c) Any ordinance which changes the compensation of ~~City~~ Commissioners will not take effect until the next general City election.

SECTION 5.05 – ORGANIZATIONAL STRUCTURE

(a) The City Commission shall, by ordinance adopted by unanimous vote², 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 ~~of voters~~:

~~1. City Manager~~

1. Police Department

~~1. Fire Rescue District~~

2. Department of Finance

(b) The City Commission shall, by ordinance adopted by unanimous vote, create or dissolve special districts as deemed necessary for the efficient administration and operation of City government. The following districts may not be dissolved except by ordinance adopted by unanimous vote after conducting a referendum question:

1. Fire Rescue District

2. Road and Drainage District

3. Solid Waste District

~~(b)~~(c) The following ~~charter offices~~ Charter officer positions shall not be abolished except by referendum:

1. City Manager

2. City Clerk

3. Deputy City Clerk

2-4. City Attorney

² The meeting minutes did not reflect the inclusion of a unanimous vote for Subsections (a) and (b), but the City Attorney's notes reflected this consensus; a technical issue with the video interfered with confirming this.

SECTION 5.06 – ADVISORY BOARDS AND COMMITTEES

(a) 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. The members of any such board or committee shall serve without compensation ~~for the time fixed in their appointment or and~~ at the pleasure of the City Commission, ~~and their~~. Their duties shall be to consult and advise with appropriate municipal officers and make written recommendations which shall become part of the records of the City.

(b) The City Commission shall always maintain the following Advisory Boards:

1. Charter Review Advisory Board
2. Planning and Zoning Advisory Board

ARTICLE VI – MEETINGS OF THE CITY COMMISSION

SECTION 6.01 – MEETINGS

(a) 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, but not in the month of August. All meetings shall be public except as provided by state law. At all meetings, the public shall have the right to be heard as provided by Constitution, State law, and City Code.

(b) If the City Commission holds more than one regularly scheduled meeting in any month, then at least one meeting shall be scheduled to begin after 5:00 p.m.

SECTION 6.02 – RULES

(a) The City Commission shall determine its own rules and order of business. The City Commission shall be guided by parliamentary procedures.

(b) The Chief of Police, or a duly designated deputy, shall attend all meetings of the City Commission and aid in the enforcement of order under the direction of the presiding officer.

SECTION 6.03 – QUORUM AND VOTING REQUIREMENTS

- (a) A majority of all members of the City Commission shall constitute a quorum.
- (b) A majority vote of a quorum of the ~~City~~ Commissioners present at a meeting is required for the enactment of ordinances, resolutions, and contractual commitments unless otherwise specified in this Charter, ordinance, or general law.
- (c) Voting on ordinances and resolutions shall be by roll call.

ARTICLE VII – LEGISLATIVE ENACTMENTS

SECTION 7.01 – ORDINANCE ENACTMENT

- (a) An ordinance is an official legislative action of the governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.
- (b) Each ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be stated clearly in the title. No ordinance shall be revised or amended by reference to its title only. An amendatory ordinance shall set out in full the revised or amended section.
- ~~(c)~~ Except as provided in 7.02 herein, the proposed ordinance shall be noticed at least ten (10) days prior to its adoption once in a newspaper of general circulation in the Municipality. The notice shall state the date, time and place of the meeting, the title of the proposed ordinance, the place within the Municipality where such proposed ordinance may be inspected by the public and that interested parties may appear at the meeting and be heard with respect to ~~said~~the proposed ordinance.
- ~~(c)~~(d) Each ordinance shall be considered at a public hearing at two (2) separate meetings at least one (1) week apart. On the first reading, the ordinance shall be read in its entirety unless the ~~City~~ Commissioners present at the first reading unanimously vote to waive full reading and have the Ordinance read by title only. The City Commission may waive reading of exhibits to ordinances. On the second and final reading, the proposed ordinance shall be read by title only and proffered for its adoption.

(d)(e) Each ordinance ~~that is~~ adopted by the City Commission shall be authenticated by the Mayor, the City Attorney and the City Clerk and shall bear the seal of the City.

(e)(f) Immediately after adoption of this revised Charter, and then at least quarterly thereafter, the City Commission shall provide for the preparation of general codification of all City ordinances.

SECTION 7.02 – EMERGENCY ORDINANCE

An emergency ordinance may be enacted when, by a vote of four (4) ~~members of the City Commission~~ Commissioners, it is deemed necessary for the public health, safety and welfare of the City. An emergency ordinance shall not be enacted which modifies a franchise, land-use plan, appropriation, or budgetary matters or which rezones private real property. Administrative procedures for enactment shall be as prescribed by ordinance. If at least four (4) ~~members of the City Commission~~ Commissioners are unavailable in times of an emergency for reasons beyond their control, the City Manager or the City Manager's designee may grant the initial and temporary procurement of goods and services. At the next regularly scheduled ~~North Port City~~ Commission meeting, the City Commission shall consider whether to ratify the City Manager's actions.

SECTION 7.03 – GENERAL APPROPRIATION ORDINANCE

A general appropriation ordinance shall be enacted to reflect the daily operation of the city for each ensuing fiscal year. Administrative procedures for enactment shall be as prescribed by ordinance.

SECTION 7.04 – ANNEXATION ORDINANCE

The City Commission may annex any lands into the City by ordinance, provided all requirements and administrative procedures are followed as per general law.

SECTION 7.05 – CITIZEN ~~INITIATIVE(S)~~ INITIATIVES

(a) Citizens shall have the power to propose ordinances to the City Commission, to request reconsideration of adopted ordinances, or to advocate removal of any ~~charter~~ Charter officer by a petition signed by at least five percent (5%) of the electors of the City.

(a)(b) Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed to be reconsidered or adopted, or the name and office of the ~~charter~~Charter officer advocated for removal, as applicable. All papers of a petition shall have an affidavit attached, executed by the person circulating them and stating that he or she personally circulated the papers, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered, or the name and office of the ~~charter~~Charter officer advocated for removal, as applicable.

(b)(c) The final petition with the required number of signatures and affidavits shall be assembled as one instrument for filing with the City Clerk. Within twenty (20) business days after the final petition is filed, the City Clerk shall verify and complete a certificate as to ~~the~~the petition's compliance with the provisions herein, specifying, if it is insufficient, the defects and shall promptly send a copy of the certificate to the filer(s) by certified mail, return receipt requested.

(c)(d) Upon the City Clerk's issuance of a certificate that a petition has complied with the provisions herein, the City Commission shall consider the item for discussion and action at a regularly scheduled City Commission meeting as soon as practicable, allowing for timely advertisements and notices as required by State and local laws.

SECTION 7.06 – RESOLUTIONS

(a) 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.

(b) 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.

(c) 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 at a City Commission meeting and may be read by title only and proffered for its adoption.

ARTICLE VIII – CHARTER AMENDMENTS

SECTION 8.01 – AMENDMENT WITHOUT REFERENDUM OF VOTERS

The City Commission shall, by ordinance, amend any part of ~~the~~this Charter when such part is preempted by general or special laws or when, as a result of annexation or de-annexation, the corporate boundaries of the City change. Upon passage of subject ordinance, the governing body shall have the amendment incorporated into ~~the~~this Charter and file same with the Florida Department of State.

SECTION 8.02 – AMENDMENTS SUBMITTED TO ELECTORS

(a) The City Commission may, by ordinance, submit a proposed amendment to ~~the~~this Charter.

(b) Electors of the City may, by a petition signed by ten percent (10%) of the electors, submit a proposed amendment to ~~the~~this Charter.

~~(c) The Charter Review Advisory Board may recommend proposed amendment(s) to the City Commission.~~

1. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed to be reconsidered or adopted, or the name and office of the Charter officer advocated for removal, as applicable. All papers of a petition shall have an affidavit attached, executed by the person circulating them and stating that he or she personally circulated the papers, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered, or the name and office of the Charter officer advocated for removal, as applicable.

2. The final petition with the required number of signatures and affidavits shall be assembled as one instrument for filing with the City Clerk. Within twenty (20) business days after the final petition is filed, the City Clerk shall verify and complete a certificate as to the petition's compliance with the provisions herein, specifying, if it is insufficient, the defects and shall promptly send a copy of the certificate to the filer by certified mail, return receipt requested.

615
616 3. Upon the City Clerk's issuance of a certificate that a petition has complied with the
617 provisions herein, the City Commission shall call for a referendum at a regularly
618 scheduled City Commission meeting as soon as practicable, allowing for timely
619 advertisements and notices as required by State and local laws.
620

621 ~~(d)~~(c) The City Commission shall subject the proposed amendment~~(s)~~ or petitions~~(s)~~ to
622 referendum at the next general election or at a special election called for that
623 purpose.
624

625 ~~(e)~~(d) ~~Amendments~~An amendment to ~~the~~this Charter shall be effective immediately
626 after the certification of the referendum results reflecting that a majority of voters
627 approved the amendment~~(s)~~.
628

629 ~~(f)~~(e) Upon passage of an amendment by a majority vote of the City's voters who voted
630 in the referendum, the City Commission, by ordinance, shall have the amendment~~(s)~~
631 incorporated into ~~the~~this Charter and shall file same with the Florida Department of
632 State.
633

ARTICLE IX – CITY MANAGER

SECTION 9.01 – APPOINTMENT AND QUALIFICATIONS

636 (a) —The City Commission shall appoint ~~a~~the City Manager by majority vote. The City
637 Manager shall be appointed on the basis of ~~the City Manager's~~ executive and
638 administrative qualifications without regard for the political affiliations of the
639 individual. It shall not be required for the City Manager to be a resident of the City at
640 the time of appointment; however, the City Manager shall be required to establish
641 residency in the City within one (1) year from the appointment date ~~and must~~
642 maintain residency in the City while in the position, except as provided in Subsection
643 (b).
644

645 (b) If the City Manager relocates outside the City but within Sarasota County due to a
646 City-declared emergency ~~or~~and loss of residence due to emergency circumstances,
647 the City Manager will be given six (6) months to re-establish City residency ~~within the~~
648 City. If the City Manager is unable to re-establish City residency within the initial six
649 (6) month period ~~for~~due to good cause, the City Manager may be granted a one-time
650 extension of an additional six (6) months by a majority vote of the City Commission. If
651 the City Manager is unable or unwilling to re-establish City residency ~~within~~by the
652 ~~provided~~ deadline, ~~then~~ the office of City Manager ~~shall~~will be declared vacant. At no

time may the City Manager relocate outside of Sarasota County without the office being declared vacant.

SECTION 9.02 – ~~COMPENSATION~~EMPLOYMENT CONTRACT

The City ~~Commission~~ shall ~~determine the compensation of~~enter into a contract for employment with the City Manager. The contract shall include the City Manager's compensation as determined by ~~contract~~the City Commission.

SECTION 9.03 – REMOVAL

The City Manager shall be removed from office for good cause by majority vote of the City Commission or by mutual consent of both parties.

SECTION 9.04 – VACANCY

- (a) A vacancy shall be created immediately upon the submission of a letter of resignation, when the City Manager fails to meet the residency requirement, dies, or is removed from office in any manner authorized by law.
- (b) In the event of a vacancy ~~in of~~ the ~~Office~~office of City Manager for any reason whatsoever, the City Commission shall designate and appoint a properly qualified person to execute the functions of the office until such time as a new City Manager is forthwith appointed by majority vote of the City Commission.

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:

- (a) Supervise all governmental and proprietary functions of the City and all departments, except the City Attorney's and City Clerk's departments.
- (b) Employ or remove any employee~~(s)~~ of the City, subject to the provisions of this Charter, ~~and~~all ordinances and resolutions of the City, all personnel policies and applicable collective bargaining agreements of the City, and all personnel rules of

686 the State and Federal government. -Charter ~~Officers~~officers appointed by the City
687 Commission, employees of the City Attorney's department, and employees of the
688 City Clerk's department shall not be subject to employment or removal by the City
689 Manager.

690
691 (c) Promulgate such rules and regulations and amendments thereto for appointment,
692 promotion, discipline and removal of ~~employee(s)~~employees of the City subject to
693 State, Federal, and local laws governing employment, except as otherwise
694 provided for in this ~~section~~Section.

695
696 (d) Enforce all ordinances, franchises and contracts of the City.

697
698 (e) Attend all City Commission meetings, either in person or by ~~the City Manager's~~a
699 duly qualified and designated representative, with a voice ~~with~~ but not a vote in
700 the proceedings.

701
702 (f) At the first regularly scheduled meeting each month of the City Commission,
703 submit a summary report of receipts and disbursements.

704
705 (g) Prepare and submit the annual budget and capital improvement budget to the
706 City Commission; implement the final budget approved by the City Commission to
707 achieve the goals of the City; submit to the City Commission and make available
708 to the public a complete report of the finances and administrative activities of the
709 City as of the end of each fiscal year; make such other reports as the City
710 Commission may require concerning budget and operations; and keep the City
711 Commission fully advised as to financial conditions and future needs of the City.

712
713 (h) Be the purchasing agent for the City.

714
715 (i) Sign warrants for payment of moneys for the City.

716
717 (j) Be custodian of all real property and tangible personal property of the City.

718
719 ~~(k) Perform such duties as may be prescribed under this Charter or as may be required~~
720 ~~of such officer by ordinance or resolution of the City Commission.~~

721
722 ~~(+)(k)~~ Determine whether any officer, clerk, or employee shall require bonding
723 and the amount thereof. When bonding is required, the costs of the bonding shall
724 be paid by the City.

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

(m) Perform such duties as may be prescribed by general law, by this Charter, by ordinance or resolution of the City, or by direction of the City Commission as a whole.

ARTICLE X – CITY CLERK

SECTION 10.01 – APPOINTMENT AND QUALIFICATIONS

(a) — The City Commission shall appoint the City Clerk by majority vote. The City Clerk shall be appointed on the basis of executive and administrative qualifications without regard to political affiliations of the individual. It shall not be required for the City Clerk to be a resident of the City at the time of appointment; however, the City Clerk shall be required to establish residency in the City within one (1) year of the appointment date. and must maintain residency in the City while in the position, except as provided in Subsection (b).

(b) If the City Clerk relocates out of the City but within Sarasota County due to a City- declared emergency ~~or~~ and loss of residence due to emergency circumstances, the City Clerk will be given six (6) months to re-establish City residency. If the City Clerk is unable to re-establish City residency after the initial six (6) month period due to good cause, the City Clerk may be granted a one-time extension for an additional six (6) months by a majority vote of the City Commission. If the City Clerk is unable or unwilling to re-establish City residency ~~after~~ by the deadline, the office of City Clerk will be declared vacant. At no time may the City Clerk relocate outside of Sarasota County without the office being declared vacant.

SECTION 10.02 – ~~COMPENSATION~~ EMPLOYMENT CONTRACT

— The City ~~Commission~~ shall ~~determine the compensation of~~ enter into a contract for employment with the City Clerk. The contract shall include the City Clerk's compensation as determined by ~~contract~~ the City Commission.

SECTION 10.03 – REMOVAL

The City Clerk shall be removed from office for good cause by majority vote of the City Commission or by mutual consent of both parties.

SECTION 10.04 – VACANCY

(a) A vacancy shall be created upon submission of a letter of resignation, when the City Clerk fails to meet the residency requirement, dies, or is removed from office in any manner authorized by law.

(b) In the event of a vacancy of the office of City Clerk for any reason whatsoever, the City Commission shall designate and appoint a properly qualified person to execute the functions of the office until such time as a new City Clerk is forthwith appointed by majority vote of the City Commission.

SECTION 10.05 – POWERS AND DUTIES

The City Clerk shall be the head of the Department of Records. The City Clerk shall be the custodian of all official records of the City and custodian of the official City Seal. The City Clerk shall be responsible to the City Commission for the proper administration of all affairs concerning the records of the City placed in the City Clerk's charge under this Charter and as may be promulgated by ordinance or resolution. The City Clerk shall:

(a) Supervise all functions of the City Clerk's department.

(b) Employ or remove any employee~~(s)~~ of the City Clerk's department, subject to the provisions of this Charter, ~~and all ordinances and~~ resolutions of the City, all personnel policies and applicable collective bargaining agreements of the City, and all personnel rules of the State and Federal government.

(c) Make ~~recommendation~~recommendations to the City Commission concerning the records and proprietary³ functions of the City.

(d) Attend all ~~meetings of the~~ City Commission meetings, either in person, or by City Clerk's~~a~~ duly qualified and designated representative, and keep a journal of its proceedings. The correctness of ~~said~~the proceedings as entered in the journal kept by City Clerk shall be certified to after each meeting by the City Clerk's signature (or duly designated representative) and the signature of the presiding officer of the City

³ The City Attorney recommends replacing "proprietary" with "clerical." Legally, a municipality's proprietary function is typically a business/commercial function, as distinguished from a governmental function.

Commission. ~~Said~~The journal shall be a public record and any person shall have access to the journal at all reasonable times as prescribed by law.

- (e) Give notice of all meetings to the City Commission and to the public, as required by ordinance or State law.
- (f) Serve as the election official for the City.
- (g) Authenticate documents of the City.
- (h) Attest all written contracts and instruments on behalf of the City.
- (i) Prescribe and be responsible for a system of review, retention, and disposition of records of all governmental and proprietary functions of the City and all departments of the City, subject to State laws or local ordinance.
- (j) Administer oaths required or authorized under general law, ~~the City~~this Charter, or City ordinance.
- (k) Countersign warrants for payment of obligations.
- (l) Keep on file the legal descriptions of the boundaries of the City, as amended.
- (m) Perform such other duties as may be prescribed by general law, by ~~City~~this Charter, by ordinance or resolution of the City, or by direction of the City Commission as a whole.

ARTICLE XI – DEPUTY CITY ATTORNEY~~CLERK~~

SECTION 11.01 – APPOINTMENT AND QUALIFICATIONS

- (a) — The City Commission shall appoint a City Attorney by majority vote. The City Commission shall appoint the Deputy City Clerk by majority vote. The Deputy City Clerk shall be appointed on the basis of executive and administrative qualifications without regard to political affiliations of the individual. It shall not be required for the Deputy City Clerk to be a resident of the City at the time of appointment; however, the Deputy City Clerk shall be required to establish residency in the City within one (1)

year of the appointment date and must maintain residency in the City while in the position, except as provided in Subsection (b).

(b) If the Deputy City Clerk relocates out of the City but within Sarasota County due to a City-declared emergency and loss of residence due to emergency circumstances, the Deputy City Clerk will be given six (6) months to re-establish City residency. If the Deputy City Clerk is unable to re-establish City residency after the initial six (6) month period due to good cause, the Deputy City Clerk may be granted a one-time extension for an additional six (6) months by a majority vote of the City Commission. If the Deputy City Clerk is unable or unwilling to re-establish City residency by the deadline, the office of Deputy City Clerk will be declared vacant. At no time may the Deputy City Clerk relocate outside of Sarasota County without the office being declared vacant.

SECTION 11.02 – EMPLOYMENT CONTRACT

The City shall enter into a contract for employment with the Deputy City Clerk. The contract shall include the Deputy City Clerk's compensation as determined by the City Commission.

SECTION 11.03 – REMOVAL

The Deputy City Clerk shall be removed from office for good cause by majority vote of the City Commission or by mutual consent of both parties.

SECTION 11.04 – VACANCY

(a) A vacancy shall be created upon submission of a letter of resignation, when the Deputy City Clerk fails to meet the residency requirement, dies, or is removed from office in any manner authorized by law.

(b) In the event of a vacancy of the office of Deputy City Clerk for any reason whatsoever, the City Commission shall designate and appoint a properly qualified person to execute the functions of the office until such time as a new Deputy City Clerk is forthwith appointed by majority vote of the City Commission.

SECTION 11.05 – POWERS AND DUTIES

862 The Deputy City Clerk shall be responsible to the City Commission for the proper
863 administration of all affairs concerning the records of the City placed in the Deputy City Clerk's
864 charge under this Charter and as may be promulgated by ordinance or resolution. The Deputy
865 City Clerk shall:

866 (a) Carry out the duties of the City Clerk in the City Clerk's absence.

867
868 (b) Make recommendations to the City Commission concerning the records and clerical
869 functions of the City.

870
871 (c) Perform such other duties as may be prescribed by general law, by this Charter, by
872 ordinance or resolution of the City, or by direction of the City Commission as a whole.
873

874 **SECTION 11.06 – CITY CLERK VACANCY**

875 When the City Clerk's office is vacant, the Deputy City Clerk shall carry out the duties of
876 the City Clerk until such time as a new City Clerk is appointed.
877

878 **ARTICLE XII – CITY ATTORNEY**

879 **SECTION 12.01 – APPOINTMENT AND QUALIFICATIONS**

880 (a) The City Commission shall appoint the City Attorney by majority vote. The City
881 Attorney shall be a lawyer admitted to practice in the State of Florida. Appointment
882 of the City Attorney shall be based on legal service qualifications ~~of the individual~~
883 without regard to the political affiliations of ~~that person~~ the individual. It shall not be
884 required for the City Attorney to be a resident of the City at the time of appointment;
885 however, the City Attorney shall be required to establish residency within one (1) year
886 from the appointment date ~~and must maintain residency in the City while in the~~
887 position, except as provided in Subsection (b).
888

889 (b) If the City Attorney relocates outside the City but within Sarasota County, due to a
890 City-declared emergency ~~or~~ and loss of residence due to emergency circumstances,
891 the City Attorney will be given six (6) months to re-establish City residency. If the City
892 Attorney is unable to re-establish City residency ~~for good cause~~ after the initial six (6)
893 month period due to good cause, the City Attorney may be granted a one-time
894 extension of an additional six (6) months by a majority vote of the City Commission. If
895 the City Attorney is unable or unwilling to re-establish City residency ~~after~~ by the
896 ~~deadlines provided~~ deadline, the office of City Attorney will be declared vacant. At no

time may the City Attorney relocate outside of Sarasota County without the office of City Attorney being declared vacant.

SECTION ~~11.12.02~~ – ~~COMPENSATION~~EMPLOYMENT CONTRACT

The City ~~Commission~~ shall ~~determine the compensation of~~enter into a contract for employment with the City Attorney. The contract shall include the City Attorney's compensation as determined by contract the City Commission.

~~SECTION 11.03 – REMOVAL~~

SECTION 12.03 – REMOVAL

The City Attorney shall be removed from office for good cause by majority vote of the City Commission or by mutual consent of both parties.

SECTION 12.04 – VACANCY

~~SECTION 11.04 – VACANCY~~

- (a) A vacancy shall be created immediately upon submission of a letter of resignation, when the City Attorney fails to meet the residency requirement, dies, or is removed from office in any manner authorized by law.
- (b) In the event of a vacancy in the office of City Attorney for any reason whatsoever, the City Commission shall designate and appoint a qualified person to execute the functions of the office until such time as a new City Attorney is forthwith appointed by majority vote of the City Commission.

SECTION 12.05 – POWERS AND DUTIES

~~SECTION 11.05 – POWERS AND DUTIES~~

The City Attorney shall be the legal advisor and legal counselor for the City Commission, City Manager, City Clerk, all City departments, and City ~~Advisory~~advisory boards and committees. The City Attorney shall:

- 928 (a) Supervise all functions of the City Attorney's department.
929
- 930 (b) Employ or remove any employee~~(s)~~ of the City Attorney's department, subject to the
931 provisions of this Charter, ~~and all ordinances and~~ resolutions of the City, all personnel
932 policies and applicable collective bargaining agreements of the City, and all personnel
933 rules of the State and Federal government.
934
- 935 (c) Attend all ~~meetings of the~~ City Commission meetings and City ~~boards~~board and
936 advisory committeescommittee⁴ meetings, either in person, or by a duly qualified and
937 designated representative to supply legal advice and legal information as may be
938 needed or requested during a meeting.
939
- 940 (d) Prepare or review all contracts, bonds, and all other legal and official instruments in
941 which the City is concerned. The City Attorney's endorsement as to approval of the
942 form and correctness on all such documents is required prior to the City Commission
943 or advisory board or committee's review of ~~said document(s)~~ the documents.
944
- 945 (e) No formal contract or legal document of the City shall take effect until the City
946 Attorney's legal opinion thereon has been provided.
947
- 948 (f) Prosecute and defend on behalf of the City all complaints, suits, and controversies in
949 which the City is a party except in cases where the City's defense is provided either by
950 contract or law by a third party.
951
- 952 ~~(g) Act as legal advisor for the Code Enforcement process.~~
953
- 954 ~~(h)~~(g) Advise the City Commission and its membersCommissioners⁵ as to their
955 compliance or non-compliance with the provisions of this Charter and all State laws
956 and statutes.

⁴ The City Attorney requests consideration of this requirement to attend all advisory board and committee meetings. This could exhaust a meaningful amount of resources for existing standing boards and committees, and even greater resources if future standing and ad hoc boards are created. The City Attorney will still be able to address legal issues as they arise and to attend advisory board meetings as necessary, rather than as a matter of course.

⁵ The City Attorney recommends replacing this subsection in its entirety, as set forth below, and at the very least, striking this language. As written, it could: (1) create a conflict of interest pursuant to the Florida Bar's professional responsibility rules; and (2) cause the expenditure of public resources for a private matter, in violation of Article VII, Section 10 of the Florida Constitution. The City Attorney will still be able to provide these legal services as needed, when there is no conflict with laws or rules.

957
958 Upon request, furnish the City Commission and ~~its members~~Commissioners, City
959 advisory boards and committees, City Manager, City Clerk, and any department head
960 with the City Attorney's legal opinion⁶ on any question of law relating to official
961 ~~city~~City business actions.

962
963 ~~(i)~~(h) Perform such other duties as are required of City Attorneys ~~under the~~by general
964 ~~laws~~law, by this Charter, by ordinance or resolution of the ~~State of Florida~~City, or ~~as~~
965 ~~may be assigned by~~ direction of the City Commission as a whole.

966
967 **ARTICLE XII – DEPUTY CHARTER OFFICERS**

968
969 ~~ARTICLE XIII~~ARTICLE XIII – ~~SUITS AGAINST THE CITY OR CITY OFFICIAL(S)~~SUITS AGAINST THE CITY OR CITY OFFICIAL(S)

970 ~~(a)~~ The ~~provisions of Florida Statutes Section 768, as amended from time to time, City~~
971 ~~shall be applied to provide an attorney to defend~~ any ~~suit against the City.~~

972
973 ~~(b)~~(a) ~~Any suit against a City official brought about civil action arising from a complaint~~
974 ~~for damages or injury suffered as a result of that official acting within any act or~~
975 ~~omission of any officer, employee, or agent of the City for an act or omission arising~~
976 ~~out of and in the scope of the City Official's proper authority shall be indemnified by~~
977 ~~the City his or her employment or function~~ pursuant to Florida Statutes Section
978 111.07, ~~as amended may be amended from time to time, including the limitations and~~
979 ~~repayment provisions found in the statute.~~

980
981 ~~(b)~~ The provisions in Subsection (a) are not intended to be a waiver of sovereign immunity
982 ~~or a waiver of any other defense or immunity to any civil action.~~

983

Alternative language for consideration – replace (g) in its entirety with, “Serve as legal advisor to the City, the City Commission, and all of the governmental and proprietary functions of the City and its departments, divisions, officers, boards, and committees.”

⁶ The City Attorney suggests changing “opinion” to “advice.” The State records retention schedule requires that legal opinions be kept permanently. If this Charter provision were to be interpreted as requiring a written “legal opinion,” it could create a burdensome workload, as well as a large volume of permanent records.

984

ARTICLE XIV – SEVERABILITY CLAUSE

985

986

987

Should any part, section, sentence, clause, or provision of this Charter be construed by the courts of this State to be unconstitutional, ineffectual, or inoperative for any reason, the remainder of the Charter shall not be affected.

DRAFT