



City of North Port

ORDINANCE NO. 2015-39

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY CODE BY **ELIMINATING THE ALTERNATE POSITION** FROM ORDINANCE NUMBER 2014-07; CHAPTER 4 - BOARDS AND COMMITTEES, ARTICLE I - BOARDS GENERALLY, SECTION 4-2 - BOARD CONSTRUCTION AND SECTION 4-3 APPOINTMENT, QUALIFICATION, TERM AND VACANCIES; ORDINANCE 2014-10, ARTICLE III - ART ADVISORY BOARD, SECTION 4-121 - MEMBERSHIP; ORDINANCE 2014-14, ARTICLE VII - NORTH PORT PARKS AND RECREATIONAL ADVISORY BOARD, SECTION 4-161 - MEMBERSHIP; ORDINANCE 2014-06, ARTICLE VIII - PUBLIC UTILITY ADVISORY BOARD, SECTION 4-171 - MEMBERSHIP; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1 - AMENDMENT.

- 1.01 - The City Commission of the City of North Port hereby amends the City Code by removing alternates from the following ordinances:
- a) ORDINANCE NO. 2014-07; CHAPTER 4 - BOARDS AND COMMITTEES, ARTICLE I - BOARDS GENERALLY, SECTION 4-2 - BOARD CONSTRUCTION AND SECTION 4-3 APPOINTMENT, QUALIFICATION, TERM AND VACANCIES of the City Code, which is attached hereto as Exhibit "A."
 - b) ORDINANCE 2014-10; CHAPTER 4 - BOARDS AND COMMITTEES, ARTICLE III - ART ADVISORY BOARD, SECTION 4-121 - MEMBERSHIP; of the City Code, which is attached hereto as Exhibit "B."
 - c) ORDINANCE 2014-14, CHAPTER 4 - BOARDS AND COMMITTEES, ARTICLE VII - NORTH PORT PARKS AND RECREATIONAL ADVISORY BOARD, SECTION 4-161 - MEMBERSHIP; of the City Code, which is attached hereto as Exhibit "C."
 - d) ORDINANCE 2014-06, CHAPTER 4 - BOARDS AND COMMITTEES, ARTICLE VIII - PUBLIC UTILITY ADVISORY BOARD, SECTION 4-171 - MEMBERSHIP; of the City Code, which is attached hereto as Exhibit "D."

SECTION 3 - SEVERABILITY.

- 3.01- 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 provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4 - EFFECTIVE DATE.

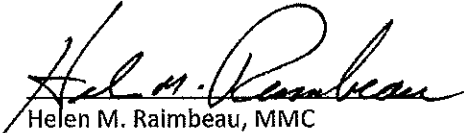
- 4.01- This Ordinance shall take effect immediately upon its adoption.


READ BY TITLE ONLY in public session this 14th day of September 2015.

PASSED AND DULY ADOPTED by the City Commission this 28th day of September, 2015.

CITY OF NORTH PORT, FLORIDA

ATTEST:


Helen M. Raimbeau, MMC
City Clerk


Rhonda DiFranco
Mayor

Approved as to form and correctness:


Mark Moriarty
City Attorney

EXHIBIT A

CHAPTER 4, BOARDS AND COMMITTEES, ARTICLE I, BOARDS GENERALLY

Sec. 4-1. Legislative intent.

It is the intent of the City Commission of the City of North Port to establish uniform rules of procedure and governance of the meetings and conduct therein of the various boards and committees of the City of North Port, Florida. Any reference to boards in this article shall also include councils and committees. The provisions of this article shall apply to all boards and committees created by the City Commission, except that an ordinance or resolution creating a board or committee that conflicts with a provision of this article shall control over this article, unless otherwise expressly provided in this article I.

Sec. 4-2. Board construction.

A. All boards shall consist of seven regular members ~~and two alternates~~. One regular member of each advisory board may be a youth member, unless youth members are specifically provided for by ordinance.

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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.

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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 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.

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.** All board appointees shall have resided within the City for a period of six months. 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.

C. Advisory board members serve at the pleasure of the Commission and may be removed or replaced by a majority vote of the Commission, unless otherwise provided by law.

D. Compensation. Board members shall serve without compensation. An advisory board member shall receive reimbursement for expenses incurred in the performance of his/her official duties only upon prior written request and written authorization of the City Manager.

E. Youth. Persons aged 14 -17 years at the time of appointment and in high school may serve on non-quasi-judicial boards.

F. Term. Adult board members shall serve two year terms, and may be reappointed for one additional two year 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.

G. ~~Alternate and Youth~~ board member seats are filled in the same manner as regular board member seats.

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H. Citizens of the City of North Port may serve on only one board with the exception of ad hoc, task force or special committees appointed by the Commission for specific purposes. When such ad hoc committees are established by the City Commission in which responsibilities and terms are limited, a citizen serving on one board may also serve on the ad hoc committee. An individual may not hold a position on two quasi-judicial boards concurrently.

I. Relatives shall not serve on the same advisory board or committee, and may not serve concurrently where one is a member of a board which issues decisions that are subject to appeal to a board on which their relative sits. Relative shall be as defined in F.S. § 112.3135 as amended, with the addition of grandfather and grandmother.

J. City employees may only sit on boards where expressly provided by law, ordinance or resolution.

K. Vacancies.

1. Applications of persons seeking appointment or reappointment 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. **Existing Board Vacancies.** 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. 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. 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 the boards. The City Clerk will add to the regular Commission meeting agenda the list of vacancies and term expirations on the various boards.
- L. Conflicts of interest. Prior to reappointing an advisory board member or appointing a public officer as defined in F.S. Ch. 112, the City Commission shall consider the number and nature of the memoranda of conflict previously filed by the public officer.
- M. Effect of change in qualifications or term. For any board members serving on a board prior to a change in number of members, length of term, or adoption of a disqualifying factor such as service on only one advisory board or a prerequisite for service, the board member may continue to serve out the duration of their term under the prior ordinance or resolution, where the board member was appropriately appointed at the time. Notwithstanding the foregoing, if the change in ordinance or resolution was required by state or federal law, county ordinance or City charter, and immediate compliance is needed, the board member's seat will be vacated. This subsection shall control over specific board ordinances unless the board ordinances expressly states otherwise.

EXHIBIT B

CHAPTER 4, ARTICLE III, ART ADVISORY BOARD

Sec. 4-120. Establishment

The Art Advisory Board is hereby created and established.

Sec. 4-121. Membership

The Art Advisory Board shall consist of seven (7) regular members, and two (2) youth members, and two (2) alternates, all of which shall be appointed by the City Commission. No new alternates shall be appointed. All alternate positions shall cease naturally at the end of their respective terms.

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Sec. 4-122. Meetings

The Art Advisory Board shall meet not less quarterly. The Chairperson may call for a special or emergency meeting to address special issues.

Sec. 4-123. Powers and duties

A. The Art Advisory Board shall advise and recommend on the following matters:

1. The rotation of an art exhibit within City Hall and the Police Department.
2. Recommendations on the placement of artwork within public places within the City limits.
3. Presentation of an art budget to the Commission for review.

EXHIBIT C

CHAPTER 4, ARTICLE VII, NORTH PORT PARKS & RECREATIONAL ADVISORY BOARD

Sec. 4-160. Establishment

The Parks & Recreation Advisory Board is hereby created and established.

Sec. 4-161. Membership

The Parks & Recreation Advisory Board shall consist of seven (7) regular members and two (2) youth members, and two (2) alternates, all of which shall be appointed by the City Commission. No new alternates shall be appointed. All alternate positions shall cease naturally at the end of their respective terms.

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Members shall include representatives of the community at large and the business community, with at least one representative from each sector.

Sec. 4-162. Power and duties

A. The Parks & Recreation Advisory Board shall advise the City Commission on parks and recreation matters.

B. The advisory board shall:

1. Make written and verbal recommendations to the City Commission regarding parks and recreation matters within the City of North Port:
 - (a) Use and condition of all public recreation facilities and recommend such changes as the advisory board shall deem appropriate.
 - (b) Recommend recreational programs to ensure that all public recreational facilities are properly and efficiently operated and each facility is utilized to its optimum to the benefit of all citizens.
 - (c) The Parks & Recreation Board Advisory Board will explore various sources of grant funds that may be available for recreational programs and/or facilities and assist in development of an application for such funds.
 - (d) Shall recommend a representative from the Board to serve as a representative on the Sarasota County Parks Advisory and Recreation Council to the City Commission.
2. Make written and verbal recommendations to the City Commission as follows:
 - (a) Design an annual action plan for play and implement initiatives that work

toward improving the quality, quantity and access to play opportunities within the community.

- (b) Conduct a play space audit and make recommendations regarding the play space database.
 - (c) Outline financial and civic investment and identify the financial and civic resources available to the City for play.
 - (d) Celebration of an annual Play Day.
3. Work with government, community, and business representatives to encourage play and play opportunities.
 4. Identify various sources of grant funding that may be available for recreational programs and/or facilities and assist in applying for grants for such funds.

EXHIBIT D

Chapter 4, ARTICLE VIII, PUBLIC UTILITY ADVISORY BOARD

Sec. 4-170. Establishment

The Public Utility Advisory Board is hereby created and established.

Sec. 4-171. Membership

A. The Public Utility Advisory Board shall consist of seven (7) regular members. ~~and two (2) alternate members. No new alternates shall be appointed. All alternate positions shall cease naturally at the end of their respective terms.~~ Additionally, a nonvoting nonresident member who receives North Port water and wastewater utility services and represents extraterritorial customers may also be appointed. Such nonvoting member shall not count in determining a quorum.

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B. To the greatest extent possible, members shall have experience and expertise in water and/or sewer services, utility management and/or operations, utility rate setting, utility engineering, utility construction, utility regulation, public health and/or environmental engineering.

Sec. 4-172. Power and duties

A. The North Port Utility Advisory Board shall have the following powers, duties and responsibilities:

1. Assist in public outreach efforts to include groundbreaking and ribbon cutting ceremonies and water conservation education.
2. To make written and verbal recommendations to the City Commission regarding water and sewer utilities on such issues as:
 - (a) Capital Improvement projects to be included in the Utility Department's Capital Improvement Program.
 - (b) Water and Sewer Master Plans.
 - (c) Purchase of additional utility facilities.
 - (d) Rate review and recommendations.
 - (e) Utility ordinances.
 - (f) Federal, State and regional utility matters that may affect the City of North Port.
3. To perform other duties relating to water and sewer utilities as the City Commission may from time-to-time direct.