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INTRODUCTION -LEAVE IN

ARTICLE I - CREATION, POWER & CONSTRUCTION

SECTION 1.01 – CREATION:

~~The City of North Port, County of Sarasota, State of Florida, was created, as of June 18, 1959, pursuant to provisions of the Constitution of the State of Florida, the laws of the State of Florida and the Special Legislative Enactment of Chapter 59-1617 as amended by Chapter 59-1618.~~

LEAVE IN

ADD from 1.02 : Name of the City was changed from the "City of North Port Charlotte" to "City of North Port." - See Ordinance No. 74-5.

SECTION 1.02 - POWERS:

The City shall have all powers possible for a city to have under the constitution and laws of the state as fully and completely as though they

<sup>1</sup> Historical reference removed.

were specifically enumerated in the charter.<sup>2</sup> The powers of the City of North Port shall be construed liberally in favor of the City.<sup>3</sup>

Use 5.01 (c) instead

(c) - The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this State and by this Charter, together with all the implied powers necessary to carry into execution 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 may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

~~The City of North Port, having been duly created as specified in Section 1.01, shall have all governmental, corporate and proprietary powers of the "Home Rule Powers Act" to enable it to conduct municipal government, perform municipal functions and render municipal services, and shall exercise any and all powers for municipal purposes within its corporate limits, except as otherwise provided by the Constitution, General or Special laws of the State of Florida, or County Charter, OR THIS CHARTER and as such shall have perpetual succession and seal.~~<sup>4</sup>

<sup>2</sup> Article VIII, section 2(b) of the State Constitution: a provision was added to the 1968 Florida Constitution to grant municipalities broad home rule powers. Id. Article VIII, section 2(b) provides that "[m]unicipalities shall have governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law."; See also Fl.Stat. 166.021; Section 1.01 Model City Charter 8<sup>th</sup> Edition Second Printing 2011;

<sup>3</sup> Moved from Section 1.03 of the City Charter of the City of North Port

<sup>4</sup> Removed and merged into Section 1.02.



~~Name of the City was changed from the "City of North Port  
Charlotte" to "City of North Port." See Ordinance No. 74-5.~~<sup>5</sup>

## MOVED TO 1.01

### SECTION 1.03 - CONSTRUCTION:

~~The powers of the City of North Port shall be construed liberally in  
favor of the City, limited only by the Constitution of the State of Florida,  
any general and special laws of the State of Florida, and specific  
limitations contained therein, and the County Charter. Future special  
acts pertaining to the jurisdiction and exercise of powers by this City  
shall be considered amendments to this Charter and, pursuant to  
provisions adopted for incorporation of other Charter amendments,  
shall be incorporated as official amendments to the Charter.~~<sup>6</sup>

### LEAVE IN BLUE PART

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

(a) The singular includes the plural and vice versa.

~~(b) The masculine includes the feminine and neuter and vice versa.~~<sup>7</sup>

(c) The word "oath" includes affirmations.

(d) Reference to any office or officer includes any person  
authorized by law to perform the duties of such office.

<sup>5</sup> Historical reference removed.

<sup>6</sup> Moved and merged into Section 1.02 of the City Charter of the City of North Port.

<sup>7</sup> Modification by CRAB (Use official titles in place of gender pronouns).

(e) "City or Municipality" shall mean City of North Port, Florida.

### 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 - CORPORATE BOUNDARIES

### SECTION 2.01 - CORPORATE BOUNDARIES:

~~The boundaries of the City shall be the legal description on file in  
the office of the City Clerk and is hereby incorporated by reference as  
the same may from time to time be amended as provided herein.~~<sup>8</sup>

### LEAVE IN

## ARTICLE III - LEGISLATIVE

### SECTION 3.01 - FORM OF GOVERNMENT AND COMPOSITION:

(a) - The form of government, ~~as established by the Special  
Legislative Enactment Chapter 59-1617 as amended by Chapter 59-  
1618, is hereby adopted and~~<sup>9</sup> shall be a Commission/Manager plan.  
The Commission shall hereinafter be called the City Commission and  
shall constitute the governing body.

<sup>8</sup> Moved to Section 13.05 (k) (Clerk's Duties) of the City Charter of the City of North Port.  
Annexation procedures are provided for in Florida Statutes Chapter 171.

<sup>9</sup> Historical reference removed



(b) - The City Commission, with all legislative powers vested therein, shall consist of five (5) Commissioners elected by the ~~electors~~ voters of this City as provided herein. ~~and in accordance with election procedures established by Ordinance.~~<sup>10</sup> ~~Beginning with the assumption of office meeting following the general election on November 6, 2012, and thereafter annually at the first regularly scheduled City Commission meeting in November, the City Commission shall elect, by majority vote, one of its members as Mayor, and one of its members as Vice Mayor. The Vice Mayor shall assume the duties of the Mayor in the absence thereof. The term of the Mayor and Vice Mayor shall be one (1) year. A Commissioner may not serve as Mayor or Vice Mayor for two consecutive terms.~~<sup>11</sup>

## LEAVE IN BLUE

### SECTION 3.02 - ~~ELECTIONS AND TERMS OF OFFICE: (strike & replace)~~

#### COMMISSION SEATS; DISTRICTING PLAN AND PROCEDURES

(a) - Number of Districts. There shall be five (5) City Commission districts, numbers 1, 2, 3, 4, and 5. **(insert d) Each Seat on the City Commission is hereby designated as District Seat Numbers 1, 2, 3, 4 and 5 respectively. The five City Commissioners shall be elected, at large, to one of the five district seats. (ADD) IN WHICH THEY RESIDE FOR A FOUR YEAR TERM.**

(b) Districts. (replace with) **CREATION OF DISTRICT BOUNDARIES**

<sup>10</sup> Covered by §3.02 (j)

<sup>11</sup> Moved to § 5.03 (a) of the City Charter of the City of North Port

(1) Adoption by Commission. The City Commission shall by ordinance adopt the boundaries of the five (5) districts.

(2) Specifications. The districts shall meet the following specifications:

(a) Each district shall be formed of compact, contiguous territory;

(b) The districts shall be based on the principle of equal and effective representation as required by the United States Constitution;

(c) The districts shall be as equal in population as possible, with no more than a 5% deviation in population based on average population of the districts.

(3) Procedure.

**(MOVE ENTIRE PARAGRAPH TO 3B)**

~~(a) The City Commission shall hold one or more public hearings prior to bringing any proposed districting plan to a vote. Proposed plans must be available to the public for inspection and comment not less than one month before the first public hearing on said plan. The plan shall include a map and description of the recommended districts. The Commission may utilize management, staff or consultants in the drawing of the district boundaries.~~<sup>12</sup>

**(Moved from c) (3a) Initial implementation of Districts. (add) THE INITIAL DISTRICTS WERE APPROVED BY ORDINANCE**

<sup>12</sup> Moved and merged into 3.02 (3) (b).



IN DECEMBER 2014. Districts Seat Number 1, 2 and 3 shall be implemented for the general and primary elections in 2016 taking the place of the three non-districted seats that would have been up for election in 2016. Districts Seat Numbers 4 and 5 shall initially be implemented for the general and primary elections in 2018, taking the place of the two non-districted seats that would have been up for election in 2018. A sitting commissioner who is affected by the districting may serve out the balance of ~~his or her~~ their term as a representative of ~~his or her~~ their former seat.

- (b) **(ADD) REDISTRICTING.** ~~The City Commission shall approve already approved an initial districting plan, through passage of an ordinance no later than December 31, 2014. Thereafter, (1).~~ the City Commission shall approve a redistricting plan no later than MARCH 1<sup>ST</sup> OF THE YEAR PRIOR TO THE YEAR A CITY REGULAR GENERAL ELECTION WILL BE HELD 10 months (300 days) prior to the first regular City election following the decennial census. (MOVED FROM END OF PARAGRAPH) This provision shall not be deemed to prohibit the City Commission from considering restructuring the 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. (2) The City Commission shall hold one or more public hearings prior to bringing any proposed districting plan to a vote (moved from 3a). (3) Proposed plans must be available to the public for inspection and comment not less than one month before the first public hearing on said plan. The plan shall include a map and description of the

recommended districts. The Commission may utilize management, staff or consultants in the drawing of the district boundaries.<sup>13</sup> ~~This provision shall not be deemed to prohibit the City Commission from considering restructuring the 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 (MOVED UP).~~

- (4) Failure to Enact Ordinance. If the City Commission fails to enact a ~~districting or~~ redistricting plan within the required time, the City Attorney shall, the following business day, inform the Circuit Court, Sarasota County, and ask that a special master be appointed to do the ~~districting/~~redistricting. The special master shall, within sixty days, provide the court with a plan drawn in accordance with the criteria set forth in ~~§3.02(b) (2)~~ §2.02 (b) (2). That plan shall have the force and effect of law unless the court finds it does not comply with said criteria. The court shall cause an approved plan to go into effect no later than MAY 31<sup>ST</sup> OF THE YEAR PRIOR TO THE YEAR A CITY REGULAR GENERAL ELECTION WILL BE HELD FOLLOWING THE DECENNIAL CENSUS. 210 days prior to the first regular City election after the decennial census. ~~or if the plan is for the initial districts, by May 31, 2015.~~ The City shall be liable for all reasonable costs incurred by the special master in preparing the plan for the court.

~~(c) (MOVED TO 3a) Initial implementation of Districts. Districts Seat Number 1, 2 and 3 shall be implemented for the general and primary elections in 2016 taking the place of the three non-districted~~

<sup>13</sup> Moved from 3.02 (3) (a)



~~seats that would have been up for election in 2016. Districts Seat Numbers 4 and 5 shall initially be implemented for the general and primary elections in 2018, taking the place of the two non-districted seats that would have been up for election in 2018. A sitting commissioner who is affected by the districting may serve out the balance of his or her their term as a representative of his or her their former seat.~~

~~{d} (moved to 3.02(a)) Each Seat on the City Commission is hereby designated as District Seat Numbers 1, 2, 3, 4 and 5 respectively. The five City Commissioners shall be elected, at large, to one of the five district seats.~~

**(NEW ARTICLE): TERMS OF OFFICE**

**(A) EACH CITY COMMISSIONER DISTRICT SEAT SHALL BE A TERM OF FOUR YEARS. (reworded from d and f)**

**(B) EACH COMMISSIONER SHALL SERVE UNTIL THEIR SUCCESSORS ARE QUALIFIED, ELECTED AND SWORN. (MOVED FROM F)**

**(C) (MOVED FROM 3D) ~~City Commissioners shall hold office for a term of four years and may serve for no longer than two consecutive full terms inclusive of terms prior to 2012. No person shall be elected to the office of a city commissioner more than twice, and no person who has held the office of a city commissioner, or acted as a city commissioner, for more than two years of a term to which some other person was elected city commissioner shall be elected to the office of a city commissioner more than once.~~**<sup>14</sup>

**(NEW ARTICLE #) : ELECTIONS**

<sup>14</sup> Language from Ordinance 2016-12.

**ADD (A) (MOVED FROM E) All elections to the Office of Commissioner shall be on a nonpartisan basis without regard for ~~or to~~ NOR designation of the political party affiliation of any candidate on any petition or ballot.**

**ADD B (MOVED FROM F AND REWORDED) Municipal elections shall be conducted every two (2) years TO FILL THE DISTRICT SEATS OF MEMBERS OF THE CITY COMMISSION WHO'S TERMS ARE EXPIRING.**

~~{f} Municipal elections shall be conducted every two (2) years. City Commissioners shall be elected to serve a term of four (4) years to fill vacancies occasioned by the expiration of the terms of members of the City Commission and shall serve until their successors are elected, qualified and sworn.~~

**ADD C (FROM PARAGRAPH 3D) -** At the 2016 primary and general municipal election, three Commissioners shall be elected to District Seat 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 years thereafter. At the 2018 primary and general municipal election, 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 years thereafter.

~~{e} All elections to the Office of Commissioner shall be on a nonpartisan basis without regard for or to designation of the political party affiliation of any candidate on any petition or ballot. (MOVED UP)~~

~~{f} Municipal elections shall be conducted every two (2) years. City Commissioners shall be elected to serve a term of four (4) years to fill vacancies occasioned by the expiration of the terms of members of the City Commission and shall serve until their successors are elected,~~



~~qualified and sworn.~~ (MOVED UP AND REWORDED)

**ADD D (MOVED UP FROM (h) AND KEEP 1<sup>ST</sup> SENTENCE)** ~~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.~~<sup>15</sup> If less than two (2) persons qualify for nomination to any (CHANGE TO A) Commission District Seat, the qualifying nominee shall be deemed elected upon the closing of the qualification period. In each year in which a general municipal election is held and more than two persons qualify for nomination to a particular Commission District Seat, a primary election for nomination of City Commission candidates shall be held on the Tuesday ten (10) weeks prior to the general municipal election. If any nominee in the primary election receives fifty percent (50%) of the total votes cast in the primary election for the Commission District Seat he/she is nominated for, plus one vote, such nominee shall be declared elected to the Commission District Seat without the necessity of running in the general municipal election. If in the primary election for a Commission District Seat, no nominee receives fifty percent (50%) of the total votes cast in the primary election for said Commission District Seat, plus one vote, the two (2) nominees receiving the highest number of votes in the primary election for a particular Commission District Seat shall be declared candidates for said Commission District Seat and run in the general

<sup>15</sup> Covered by Florida Statutes § 100.031. See also City Charter § 3.02 (I). Florida State Statute §100.3605 "(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities. (2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes."

municipal election. **(ADD: IF ONLY TWO PERSONS QUALIFY FOR NOMINATION TO A DISTRICT SEAT THERE SHALL NOT BE A PRIMARY ELECTION FOR THE SEAT AND BOTH CANDIDATE WILL RUN IN THE GENERAL ELECTION).** The candidate for a Commission District Seat who receives the highest number of votes among the candidates for said District Seat in the general municipal election shall be declared elected to that District Seat. In the event of a tie vote in the primary or general election for a particular Commission District Seat, the tie shall be resolved by drawing lots.

**(CHANGE TO E)** (i) Beginning of term. Terms will begin two business days following the certification of ballots by the Supervisor of Elections. The City Commission shall convene for the purpose of announcing the election results, and the newly elected Commissioner(s) shall subscribe to the oath of office.<sup>16</sup>

**(CHANGE TO F)** (j) - The provisions of the general election laws of the State of Florida shall apply to elections held under this charter.<sup>17</sup>

**(CHANGE TO G)** (k) - All necessary arrangements shall be made by the City Commission.<sup>18</sup>

<sup>16</sup> Moved from §§ 4.02 and 8.02 of the City Charter of the City of North Port. Two business days recommended by the City Clerk.

<sup>17</sup> Moved from §8.01 (a) of the City Charter of the City of North Port.

Florida Statute § 97.0115 "Preemption. — All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by § 100.3605."

<sup>18</sup> Moved from §8.01 (b) of the City Charter of the City of North Port



**MOVED TO SECTION 3.05 AND REWORDED)** (g) - Every candidate or City Commission shall be nominated for such office by the filing of a petition containing providing the following:

(1) - The nominee's name, place of residence, Commission District Seat Number (1 through 5). The candidate must reside in the district for which they run for which he/she seeks to be a candidate; and<sup>19</sup>

(2) - The signatures of not less than twenty-five (25) qualified electors voters of the District within 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 forms shall be obtained from the City Clerk. Each candidate shall notify the City Clerk which Commission District Seat he/she the candidate will be seeking when petition forms are obtained.

~~Candidates may seek election to only one District Commission Seat at a time.~~<sup>20</sup> ~~Prior to obtaining petition forms, candidates for~~

<sup>19</sup>Clarified CRAB 04-28-2016 (a commissioner must reside in the district to which they are elected).

<sup>20</sup> Covered by Florida Statutes § 99.012(2).

Florida Statute § 97.0115 "Preemption. — All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by § 100.3605."

Florida State Statute §100.3605 "(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities. (2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes."

~~City Commission shall take and subscribe to a written oath or affirmation which shall be furnished by the City Clerk and which shall be substantially in the form provided in F.S. § 99.021(1)(a) (2007), as amended.~~<sup>21</sup> ~~Prior to obtaining petition forms, each candidate shall also appoint a treasurer and designate a primary depository.~~<sup>22</sup> Completed nominating petitions shall be filed with the City Clerk any time after noon of the 71<sup>st</sup> day prior to the first primary, but not later than noon of the 67<sup>th</sup> day prior to the date of the first primary. Signatures shall be verified by the Supervisor of Elections at candidate expense upon filing.<sup>23</sup>

**(MOVED TO D IN PREVIOUS ARTICLE)** ~~(h) 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.~~<sup>24</sup> If less than two (2) persons qualify for nomination to any Commission District Seat, the qualifying nominee shall be deemed elected upon the closing of the qualification period. In each year in which a general municipal election is held and more than two persons qualify for nomination to a particular Commission District Seat, a primary election for nomination of City

<sup>21</sup> Covered by Florida Statutes § 99.021(1) (a).

<sup>22</sup> Covered by Florida Statutes § 106.021.

<sup>23</sup> Verified with City Clerk. Municipalities not individually itemized in Fl.Stat. §99.061

<sup>24</sup> Covered by Florida Statutes § 100.031. See also City Charter § 3.02 (J). Florida State Statute §100.3605 "(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities. (2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes."



Commission candidates shall be held on the Tuesday ten (10) weeks prior to the general municipal election. If any nominee in the primary election receives fifty percent (50%) of the total votes cast in the primary election for the Commission District Seat he/she is nominated for, plus one vote, such nominee shall be declared elected to the Commission District Seat without the necessity of running in the general municipal election. If in the primary election for a Commission District Seat, no nominee receives fifty percent (50%) of the total votes cast in the primary election for said Commission District Seat, plus one vote, the two (2) nominees receiving the highest number of votes in the primary election for a particular Commission District Seat shall be declared candidates for said Commission District Seat and run in the general municipal election. The candidate for a Commission District Seat who receives the highest number of votes among the candidates for said District Seat in the general municipal election shall be declared elected to that District Seat. In the event of a tie vote in the primary or general election for a particular Commission District Seat, the tie shall be resolved by drawing lots.

**(MOVED TO E IN PREVIOUS ARTICLE)-(i) Beginning of term. Terms will begin two business days following the certification of ballots by the Supervisor of Elections. The City Commission shall convene for the purpose of announcing the election results, and the newly elected Commissioner(s) shall subscribe to the oath of office.**<sup>25</sup>

<sup>25</sup> Moved from §§ 4.02 and 8.02 of the City Charter of the City of North Port. Two business days recommended by the City Clerk.

**(MOVED TO F IN PREVIOUS ARTICLE)-(j) - The provisions of the general election laws of the State of Florida shall apply to elections held under this charter.**<sup>26</sup>

**(MOVED TO G IN PREVIOUS ARTICLE) -(k) - All necessary arrangements shall be made by the City Commission.**<sup>27</sup>

**(STRIKE AND MAKE NEW ARTICLE) SECTION 3.03 - ADD: COMMISSIONER COMPENSATION:**

**STRIKE: (a) — The City Commission shall receive an annual compensation and expense allowance as determined by the City's budget.**

**(b) — Any ordinance which changes the compensation of the Commissioners will not take effect until the next General City Election.**

**REPLACE WITH:**

(a) - City Commissioners shall receive an annual compensation, benefits and expense allowance.

(b) - Annual expense allowance and benefits shall be as determined by the City's budget in accordance with the benefits and expenditure reimbursement provisions adopted by Ordinance.

(c) - During their term of Office City Commissioners shall receive an annual salary compensation payable in the same manner as general city

<sup>26</sup> Moved from §8.01 (a) of the City Charter of the City of North Port.

Florida Statute § 97.0115 "Preemption. — All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by § 100.3605."

<sup>27</sup> Moved from §8.01 (b) of the City Charter of the City of North Port



Employees are paid through the normal payroll system. The annual salary compensation shall be calculated as follows:

1) Each member of the City Commission shall receive as an annual salary the amount indicated below as base salary based on the City's population from the preceding year as estimated and published by BEBR (Bureau of Economic and Business Research). In addition, compensation shall be made for population increments over the minimum for each population group which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate.

Example: base \$29,000 + (3,000 increase in pop x .15 = \$450) = \$29,450.

2) If a commissioner leaves office mid-month, his/her compensation shall be prorated. The calculation shall be determined by the commissioner's last day in office, divided by the number of calendar days in the month.

(3) If a commissioner begins office mid-month, his/her compensation shall be prorated. The calculation shall be determined by the commissioner's first day in office, divided by the number of calendar days in the month.

(4) The Commissioner designated to serve as Mayor for the year shall receive the calculated annual salary for commissioners plus an additional \$1,000 for the year.

(5) Notwithstanding the provisions of this section each member of the Commission may reduce his or her salary rate on a voluntary basis.

(6) For any fiscal year in which there is no wage increases

**budgeted for general employees the Commission may by a majority vote forego an increase in salary compensation for the Commissioners for that same fiscal year.**

**(STRIKE) SECTION 3.04 – JUDGE OF QUALIFICATIONS:**

~~The City Commission shall be the judge of the election and qualifications of its own members and its decision shall be reviewable only by the courts of competent jurisdiction.~~

**SECTION 3.05 - QUALIFICATIONS OF (ADD: CANDIDATES AND) ELECTED MEMBERS:**

(a) – **ADD: CANDIDATES AND** Members of the City Commission **(ADD: FOR THE DURATION OF THE TERM OF OFFICE)** shall be citizens of the United States, State of Florida and the City of North Port and shall be registered voters of the City of North Port.

STRIKE ENTIRE PARAGRAPH: (b) – ~~Candidates for a City Commission district seat must be a resident of that District for a minimum of one (1) year prior to filing for election A one (1) year district residency requirement as determined by voter registration for the office of Commissioner at the time of filing is hereby established.~~<sup>28</sup>

**REPLACE WITH: (b) CANDIDATES. IN ORDER TO QUALIFY FOR NOMINATION AND ELECTION TO OFFICE CANDIDATES MUST MEET THE FOLLOWING:**

**1) MUST BE A RESIDENT OF THE DISTRICT SEAT FOR A MINIMUM OF ONE (1) YEAR AT THE END OF THE QUALIFYING PERIOD FOR WHICH THE PERSON IS SEEKING NOMINATION AND ELECTION. THE RESIDENCY**

<sup>28</sup> 2016 election experience.



REQUIREMENT SHALL BE DETERMINED BY THE VOTER REGISTRATION  
OR THE PERIOD OF ONE YEAR PRIOR TO THE QUALIFYING DATE.

2) MUST SUBMIT TO THE CITY CLERK PAYMENT OF THE ELECTION  
ASSESSMENT FEE AS PER F.S. 99.093 AND ALL QUALIFICATION PAPERS  
AS REQUIRED BY LAW IN ADDITION TO A COMPLETED PETITION FOR  
NOMINATION, AS PRESCRIBED BELOW, BY THE END OF THE  
QUALIFYING PERIOD ESTABLISHED BELOW FOR CITY ELECTIONS.

(a) PETITION. (MOVED FROM 3.02(g) AND REWORDED)

Petition forms shall be obtained from the City Clerk and shall  
contain the following:

1. The Candidate's name, place of residence, Commission District  
Seat Number seeking nomination and election to.

2. The signatures of not less than twenty-five (25) qualified voters  
of the District within 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. Signatures shall be verified by the  
Supervisor of Elections at candidate expense upon filing.

3. Prior to obtaining petition forms, each candidate shall also  
appoint a treasurer and designate a primary depository.

(b) Qualifying Period. The qualifying period for a City General,  
Primary or Special Election shall be any time after noon of the 71st day  
prior to the election being held, but not later than noon of the 67th  
day prior to the date of that election.

~~(c) Members of the City Commission shall discharge the duties of  
each respective office and shall hold no other government office or be  
employed by the City of North Port during their respective terms of~~

office.<sup>29</sup>

NEW ARTICLE: CODE OF ETHICS

**STRIKE ENTIRELY AND REPLACE** (d) - Public officials and employees  
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 amended (112.311 and 112.313, et seq, Florida  
Statutes as the same may from time to time be amended) and by those  
additional standards of conduct that may be or are adopted by  
ordinance. ~~Violations of any provisions of such Code of Ethics or  
standards of conduct in addition to any criminal penalty involved shall,  
pursuant to the constitutional and statutory procedures, constitute  
grounds for removal and punishment as provided by general law.~~<sup>30</sup>

**REPLACE WITH:** Public officials and employees 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 from time to time be amended. Violations of any provisions of  
such Code of Ethics or standards of conduct in addition to any criminal  
penalty involved shall, pursuant to the constitutional and statutory  
procedures, constitute grounds for removal and punishment as  
provided by general law.

ARTICLE IV - CANVASSING ELECTIONS AND ASSUMPTION OF  
OFFICE.

SECTION 4.01 - CANVASSING ELECTIONS:

<sup>29</sup> Covered by Florida Statutes §§ 99.021 (b) & 112.3143.

<sup>30</sup> Covered by Florida Statutes §112.317.



~~At the hour of 9:30 a.m., on the day following the certification of ballots by the Supervisor of Elections after the special or general election, the City Commission shall convene for the purpose of publicly canvassing said election at which time the Commissioner(s) elect shall be officially announced.~~<sup>31</sup>

**SECTION 4.02 - ASSUMPTION OF OFFICE:**

~~At the hour of 9:30 a.m., on the day following the certification of ballots by the Supervisor of Elections, the City Commission shall convene and the newly elected Commissioners shall subscribe to the oath of office.~~<sup>32</sup>

**NEW ARTICLE \_\_\_\_ : VACANCIES**

**(STRIKE AND REWORD AND COMBINE FROM ARTICLE VII) SECTION 4.03 - VACATION OF OFFICE:**

~~The office of a Commissioner shall become vacant upon his the commissioner's death, resignation, removal from office in any manner authorized by law.~~<sup>33</sup>

**1) Vacancies. VACANCIES SHALL BE CREATED BY A COMMISSIONER'S TERM EXPIRATION, SUBMISSION OF A LETTER OF RESIGNATION OR WHEN THE A SEAT BECOMES PHYSICALLY VACANT UPON A COMMISSIONER'S DEATH OR REMOVAL FROM OFFICE IN ANY MANNER AUTHORIZED BY LAW.**

<sup>31</sup> Moved to §3.02 (i) of the City Charter of the City of North Port.

<sup>32</sup> Moved to §3.02 (i) of the City Charter of the City of North Port.

<sup>33</sup> Moved to Art VII of the City Charter of the City of North Port. Covered by Florida Statutes §114.01

**2) VACANCIES CREATED BY EXPIRATION OF A COMMISSIONERS TERM SHALL BE FILLED BY AN ELECTION IN ACCORDANCE WITH ARTICLE \_\_\_\_.**

**3) VACANCIES CREATED BY THE EFFECTIVE DATE OF A RESIGNATION, DEATH OR REMOVAL FROM OFFICE SHALL BE FILLED AS FOLLOWS:**

**(A) WHEN THERE IS 18 MONTHS OR MORE LEFT IN THE UNEXPIRED TERM OF A COMMISSIONER DISTRICT SEAT, THE COMMISSION SHALL FORETHWITH 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 SUPERVIROR OF ELECTIONS FOR REGISTRATION BOOKS**

**(B) WHEN THERE IS MORE THAN 90 DAYS BUT LESS THAN 18 MONTHS LEFT IN THE UNEXPIRED TERM OF A COMMISSION DISTRICT SEAT, WITHIN 2 DAYS OF THE CREATION OF A VACANCY THE COMMISSION SHALL NOTIFY THE GOVERNOR OF THE VACANCY AND SHALL ANNOUNCE AT A PUBLIC MEETING THAT FOR A PERIOD OF 21 DAYS APPLICATIONS MAY BE SUBMITTED TO THE CITY FROM INDIVIDUALS MEETING THE QUALIFICATIONS FOR APPOINTMENT TO THE OFFICE OF COMMISSIONER AS PRESCRIBED BELOW. WITHIN 30 DAYS FROM THE OPENING OF APPLICATIONS THE CCOMMISSION SHALL SEND THE APPLICATIONS MEETING THE QUALIFICATIONS TO THE GOVERNOR WHO SHALL SELECT AND APPOINT THE PERSON TO FILL THE VACANCY FOR THE UNEXPIRED TERM. WITHIN 3 BUSINESS DAYS THE COMMISSION SHALL CONVENE FOR THE PURPOSE OF ANNOUNCING THE APPOINTMENT AND THE APPOINTEE SHALL SUBSCRIBE TO THE OATH OF OFFICE.**

**((C) MOVED FROM SECTION 7.03) - FILLING EXTRAORDINARY VACANCIES:**



In the event three (3) or more vacancies on the City Commission occur due to death OR **REMOVAL FROM OFFICE IN ANY MANNER AUTHORIZED BY LAW**, ~~disability, forfeiture of office or resignation~~, the City Clerk shall immediately notify the Governor of the State who shall fill the vacancies by appointment and the same shall serve until the next general or special election. The City Clerk shall then declare these offices as vacancies and proceed with an election for the unexpired term of each position in accordance with **(A) the City's Election Ordinance**.

#### **4) QUALIFICATIONS FOR APPOINTMENT.**

### **ARTICLE V - JURISDICTION AND RESPONSIBILITIES**

#### **(LEAVE TITLE THE SAME) SECTION 5.01 - ~~POWERS OF THE CITY: PROHIBITIONS~~**

~~(a) 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.~~<sup>34</sup>

#### **(LEAVE ORIGINAL LANGUAGE)**

The City may borrow money, contract loans and issue bonds (general obligation or revenue) **from time to time** to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution and may pledge the funds, credit, property and taxing power of the municipality for the payment of such debts

<sup>34</sup> Redundant of §1.02 of the City Charter of the City of North Port.

**and bonds. No general obligation bonds or revenue bonds shall be issued by the City unless approved by **vote of** a majority of the qualified electors of the City voting on the issuance of such bonds in a general or special election.**

(b) - The City may ~~not~~<sup>35</sup> borrow money, contract loans and issue bonds (general obligation or revenue) 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, unless approved by a majority of the ~~qualified electors~~ **voters in a general or special election**. No general obligation bonds or revenue bonds shall be issued by the City unless approved by vote of a majority of the ~~qualified electors~~ **voters** of the City voting on the issuance of such bonds in a general or special election.<sup>36</sup>

~~(c) The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this State and by this Charter, together with all the implied powers necessary to carry into execution 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 may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.~~<sup>37</sup>

#### **MOVED TO 1.02**

<sup>35</sup> Motion carried unanimously 03-01-2016 to revert Section 5.01(b) back.

<sup>36</sup> Change "qualified electors" to "voters".

<sup>37</sup> Redundant of §§ 5.01(a) & §1.02 of the City Charter of the City of North Port.



**SECTION 5.02 - POWERS OF THE CITY COMMISSION:**

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

**(MOVE BACK TO 12.06)**

- a) Neither the Commission, nor any member thereof, shall dictate the appointment of any person to office or employment by the City Manager or in any manner prevent the City Manager from exercising his own judgment in selecting the personnel of the City Manager's subordinates, and its members shall deal with the Administrative service through the City Manager, and neither the Commission, nor any member thereof, shall give orders to or make requests upon any of the subordinates of the City Manager, either publicly or privately. Any such dictation, orders, requests or interference upon the part of a member of the City Commission with the administration of the City shall be cause for the City Commissioner's removal from office.<sup>38</sup> But the Commission may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.<sup>39</sup>

**(THIS IS QUESTIONABLE UNDER THE COMMISSION/MANAGER FORM OF GOVERNMENT AS THE CITY MANAGER WOULD BE**

<sup>38</sup> Moved from §12.06 of the City Charter of the City of North Port.

<sup>39</sup> § 2.05 (b) & (c) Model City Charter 8th Edition Second Printing 2011.

**THE ONE IMPLIMENTING AND ADMINISTERING WHICH MAY  
DEFEAT THE PURPOSE AND RELIABILITY)**

- b) Investigations. The City Commission may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.<sup>40</sup>

**(REVISE TITLE) SECTION 5.03 - POWERS OF THE MAYOR:**

**APPOINTMENT AND DUTIES OF THE COMMISSIONER AS MAYOR**

**(a) – (ADD: AT THE ASSUMPTION OF OFFICE MEETING FOLLOWING A GENERAL ELECTION OR IN ODD NUMBERED YEARS** At the first regularly scheduled City Commission meeting in November, the City Commission shall elect, by majority vote, one of its members as Mayor, and one of its members as Vice-Mayor. The Vice-Mayor shall assume the duties of the Mayor in the absence thereof. The term of the Mayor and Vice-Mayor shall be one (1) year. A Commissioner may not serve as Mayor or Vice-Mayor for two consecutive terms.<sup>41</sup> (REVISE: FOR CONSECUTIVE YEARS UNLESS BY A UNANIMOUS VOTE OF THE COMMISSION.

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

<sup>40</sup> §2.09 Model City Charter 8th Edition Second Printing 2011.

<sup>41</sup> Moved from § 3.01(b) of the City Charter of the City of North Port.



**S MAYOR ONLY HAS LEGISLATIVE AND GOVERNING POWERS AS  
QUALLY SHARED BY EACH COMMISSIONER).**

~~(b)~~ ~~(c)~~ - The Mayor may use the official title of office when necessity arises from the general laws of the State and shall be recognized as the official head of the City by the courts for the purpose of serving civil process; in the exercising of military law and for all ceremonial purposes; be responsible to see that all laws, provisions of this Charter and acts of the Commission are faithfully executed; sign on behalf of the City all intergovernmental agreements, ordinances, resolutions and any other official documents.

**(REVISE) The official title of MAYOR MEANS when necessity arises from the general laws of the State THE COMMISSIONER shall be recognized as the official head of the City by the courts for the purpose of serving civil process; and for all ceremonial purposes; sign on behalf of the City all intergovernmental agreements, ordinances, resolutions and any other official documents. The Commission as the governing body has the power of exercising of military law and is responsible to see that all laws, provisions of this Charter and acts of the Commission are faithfully executed.**

**SECTION 5.04 - ORGANIZATIONAL STRUCTURE OF CITY GOVERNMENT:**

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

- (1) - City Manager
- (2) - Police Department
- (3) - Fire Rescue District

(4) - Department of Finance

(b) - The following offices shall not be subject to abolishment by the City Commission:

- (1) - City Clerk
- (2) - City Attorney

**SECTION 5.05 - APPOINTMENTS OF ADVISORY BOARDS &  
COMMITTEES:**

~~(LEAVE IN) 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 at the pleasure of the Commission, and 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.~~<sup>42</sup>

**SECTION 5.06 - STANDING ADVISORY BOARDS:**

The City Commission shall always maintain the following Advisory Boards:

- (a) - Charter Review Advisory Board
- (b) - Planning & Zoning Advisory Board

<sup>42</sup> Redundant of §1.02 of the City Charter of the City of North Port.



The City Commission may appoint additional advisory boards and committees with respect to the exercise of any function of the City.<sup>43</sup>

## ARTICLE VI - MEETINGS OF THE COMMISSION

### SECTION 6.01 - MEETINGS:

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. If there is more than one general (SHOULD BE REGULAR) meeting per month, one shall be scheduled in the evening.<sup>44</sup> All meetings shall be public ~~and any person shall have the right to be heard on any matter before the Commission, except as provided by State Law. The public shall have the right to be heard as provided in City Code (BY CONSTITUTION AND LAW AND CITY CODE).~~<sup>45</sup>

### SECTION 6.02 - RULES:

(a) - The City Commission shall determine its own ~~regulations,~~ rules and order of business. ~~In promulgating the regulations, rules and order of business proceedings, the City Commission and~~ shall be guided by parliamentary ~~law~~ procedures.<sup>46</sup>

<sup>43</sup> Moved from section 5.05.

<sup>44</sup> Added by CRAB 03-01-2016 (evening meeting).

<sup>45</sup> Language from Ordinance No. 04-40 approved by referendum November 2, 2004.

<sup>46</sup> Removing unnecessary language.

~~(LEAVE IN) (b) The Chief of Police, or his 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.~~<sup>47</sup>

### SECTION 6.03 - QUORUM:

A majority of all members of the City Commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. No action of the Commission, except as otherwise provided for herein and in ~~Article VII~~ VI (Vacancies) hereof, shall be binding unless adopted by the affirmative vote of the majority of a quorum present.

### SECTION 6.04 - MAJORITY VOTE REQUIREMENTS:

It shall require a majority vote of the entire City Commission for the enactment of ordinances, resolutions and contractual commitments unless otherwise specified in this Charter, ordinance or general law.

### ~~SECTION 6.05 - JOURNAL:~~

~~The City Commission shall keep a journal of record (minutes) recording the proceedings of all meetings. This record shall be a public record and any person shall have access to the journal at all reasonable times.~~<sup>48</sup>

### SECTION 6.06 - VOTING:

Voting on ordinances shall be by roll call and shall be so recorded in the journal. ~~All other issues may be by voice vote (yeas or nays) or at the option of the presiding officer, by roll call vote.~~<sup>49</sup>

<sup>47</sup> Redundant of §1.02 of the City Charter of the City of North Port.

<sup>48</sup> Duplicative of §§13.05 (b) and (j) (Clerk's duties) of the City Charter of the City of North Port



**MOVED TO NEW ARTICLE) SECTION 6.07 - CONFLICT OF INTEREST:**

~~Section 112.3143, Florida Statutes, as the same may from time to time be amended, is hereby adopted and incorporated by reference.~~<sup>50</sup>

**ARTICLE VII - VACANCIES**

**MOVED TO NEW ARTICLE)**

**SECTION 7.01 - VACANCY IN THE OFFICE OF MAYOR VACANCIES:**

Vacancies. The office of a commissioner shall become vacant upon the commissioner's death, resignation, or removal of office or forfeiture of office in any manner authorized by law.<sup>51</sup>

~~In the event a vacancy occurs in the Office of Mayor, the Vice Mayor shall assume the duties of the Mayor for the remainder of the Mayor's unexpired term. The City Commission shall elect a new Vice Mayor for the remainder of the Mayor's unexpired term.~~<sup>52</sup>

**SECTION 7.02 - VACANCY REQUIRING SPECIAL ELECTION FILLING VACANCIES:**

~~In the event a vacancy in the Office of City Commissioner occurs ninety (90) or more prior to the next general election, the Commission shall forthwith call a special election for the purpose of filling such vacancy.~~

<sup>49</sup> Redundant of §1.02 of the City Charter of the City of North Port.

<sup>50</sup> Redundant of §3.05 (d) of the City Charter of the City of North Port.

<sup>51</sup> Moved from §4.03 of the City Charter of the City of North Port. Covered by Florida Statutes §114.01

<sup>52</sup> Moved and merged into §5.03(a) of the city Charter of the City of North Port.

~~(a) If a vacancy occurs less than ninety (90) days prior to the next general election, the City Commission shall fill the vacancy by appointment made by a majority vote of the remaining members. The appointee shall serve until the next general election.~~

A vacancy in the city commission shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days upon the occurrence of the vacancy, but the commission by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the commission fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy when the registration books can be available, but not sooner than ninety days of the occurrence of the vacancy.<sup>53</sup>

**(MOVED TO NEW ARTICLE) SECTION 7.03 - FILLING EXTRAORDINARY VACANCIES:**

In the event three (3) or more vacancies on the City Commission occur due to death, disability, forfeiture of office or resignation, the City Clerk shall immediately notify the Governor of the State who shall fill the vacancies by appointment and the same shall serve until the next general or special election. The City Clerk shall then declare these offices as vacancies and proceed with an election for the unexpired term of each position in accordance with the City's Election Ordinance.

**(MOVED TO 3.02) ARTICLE VIII - ELECTIONS**<sup>54</sup>

<sup>53</sup> Covered by Florida Statutes §100.151 and Section 2.06 Model City Charter 8th Edition Second Printing 2011.

<sup>54</sup> Merged into §3.02 of the City Charter of the City of North Port



SECTION 8.01 - PROCEDURE:

~~(a) The provisions of the general election laws of the State of Florida shall apply to elections held under this charter.~~<sup>55</sup>

~~The general or special elections of the City shall proceed as prescribed by provisions of this Charter, and the Election Ordinance of the City, State law, and the rules and regulations of the Sarasota County Supervisor of Elections.~~<sup>56</sup>

~~(b) All necessary arrangements shall be made by the City Commission.~~<sup>57</sup>

~~(c) Candidates for City Commission must qualify for election no later than 67 and no earlier than 71 days before the election. A candidate shall file his qualification papers with and pay the qualification fees to the City Clerk.~~<sup>58</sup>

ARTICLE IX - LEGISLATIVE ENACTMENTS

**(LEAVE THE SAME)** SECTION 9.01 – ORDINANCES AND RESOLUTIONS ENACTMENT:

<sup>55</sup> Preempted by Florida Statute § 97.0115 Preemption. --All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by § 100.3605; Section 6.01(c) Model City Charter 8th Edition Second Printing 2011.

<sup>56</sup> Restatement of existing laws.

<sup>57</sup> Moved to 3.02 (j) & (k).

<sup>58</sup> Covered by §3.02 (g) (2).

(a) - The procedures for adoption of ordinances and resolutions provided in Florida State Statutes shall apply. ~~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.~~<sup>59</sup>

~~(b) Except as provided in 9.02 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 proposed ordinance.~~<sup>60</sup>

~~(c) 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.~~<sup>61</sup> **(ADD LANGUAGE FOR 1 DAY AND 1 NIGHT HEARING)**

<sup>59</sup> Covered by Florida Statutes §166.041 (2) & (6)

<sup>60</sup> Covered by Florida Statutes §166.041 (3)(a) & (6).

<sup>61</sup> Covered by Florida Statutes §166.041 (3) (a) ("2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality").



~~(d) 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.~~

**(LEAVE IN) SECTION 9.02 - EMERGENCY ORDINANCE:**

~~An emergency ordinance may be enacted when, by a vote of four (4) members of the City Commission, 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 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 Commission shall consider whether to ratify the City Manager's actions.~~<sup>62</sup>

**(LEAVE IN) SECTION 9.03 - GENERAL APPROPRIATION ORDINANCE/RESOLUTION:**

~~A general appropriation ordinance or resolution 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 or resolution.~~<sup>63</sup>

<sup>62</sup> Covered by Florida Statutes §166.041 (3) (b) & (6).

<sup>63</sup> Covered by Florida Statutes § 166.241.

**(LEAVE IN) SECTION 9.04 - ANNEXATION ORDINANCE:**

~~The City Commission may annex any lands to the City of North Port by ordinance provided all requirements and administrative procedures are as stipulated by general law.~~<sup>64</sup>

**(LEAVE IN) SECTION 9.05 - REZONING ORDINANCE:**

~~The rezoning of private real property from one zoning classification to another may be accomplished only by ordinance as prescribed by general law and ordinance.~~<sup>65</sup>

**(LEAVE IN) SECTION 9.06 - BOUNDARY ORDINANCE:**

~~The City Commission shall, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Florida Department of State as prescribed by general law and ordinance.~~<sup>66</sup>

**(LEAVE IN) SECTION 9.07 - ORGANIZATIONAL STRUCTURE ORDINANCE:**

~~The City Commission may abolish or create municipal departments, except those stipulated in Article V, Section 5.04 herein,<sup>67</sup> and amend provisions of the Charter which have been judicially construed to be contrary to either the State or Federal Constitution or general or special~~

<sup>64</sup> Covered by Florida Statutes §171.0413 (4).

<sup>65</sup> Covered by Florida Statutes §166.041 (3) (a) & (6).

<sup>66</sup> Covered by Florida Statutes Chapter 171.

<sup>67</sup> Redundant of §§1.02 & 5.04 of the City Charter of the City of North Port.



~~laws of the State. Such actions shall be enacted by ordinance and sustained by the unanimous vote of the Commission.~~<sup>68</sup>

**(LEAVE IN) SECTION 9.08 - RESOLUTIONS:**

~~A resolution is an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body. Therefore, a resolution shall be introduced in writing and shall embrace but one (1) subject and matters properly connected therewith. The subject shall be clearly stated in the title. A resolution shall be noticed once in a public place of the Municipality for at least five (5) days prior to adoption and shall be enacted at a City Commission meeting and may be read by title only and proffered for its adoption.~~<sup>69</sup>

**(LEAVE IN) SECTION 9.09 - EFFECTIVE DATE:**

~~All ordinances, except emergency ordinances, enacted by the City Commission shall take effect as of the date of the second and final passage thereof, or at such time as provided therein. An emergency ordinance shall take effect immediately upon initial passage. Resolutions enacted by the City Commission shall take effect as of the date of adoption or as stipulated therein.~~<sup>70</sup>

**(LEAVE IN) SECTION 9.10 - CODIFICATION:**

<sup>68</sup> Moved and merged into §10.01 of the City Charter of the City of North Port.

<sup>69</sup> Covered by Florida Statutes §166.041 (3) (a) & (6) (no 5 days' notice for resolutions).

<sup>70</sup> Covered by Florida Statutes §166.041 (3) (a) & (6), §5.02 of the City Charter of the City of North Port

~~Immediately after adoption of this revised Charter, and at least annually thereafter, the Commission shall provide for the preparation of general codification of all City ordinances.~~<sup>71</sup> **(CHANGE TO QUARTERLY)**

**ARTICLE X - CHARTER AMENDMENTS**

**SECTION 10.01 - AMENDMENTS, HOW AUTHORIZED:**

(a) - The City Commission shall, by ordinance, amend any part of the Charter when such part is pre-empted by general or special laws, has been judicially construed to be contrary to either the State or Federal Constitution or the general or special laws of the State,<sup>72</sup> 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 Charter and file same with the Florida Department of State.

(b) - The City Commission may, by ordinance, and the ~~electors voters~~ of the City may, by a petition signed by ~~ten percent (10%) five percent (5%)~~<sup>73</sup> **(CONTRARY TO 166.031 – REQUIRES 10%)** of the registered voters, submit a proposed amendment to the Charter, or the Charter Review Advisory Board may recommend a proposed amendment. The governing body shall subject the proposed amendment(s) or petition(s) to referendum at the next general election or at a special election called for that purpose. Upon passage of the amendment by majority of the ~~electors voters~~ voting in the referendum, the governing body, by ordinance, shall have the amendment

<sup>71</sup> Outdated, old language. §§1.02 & 5.02 of the City Charter of the City of North Port

<sup>72</sup> Moved from §9.07 of the City Charter of the City of North Port

<sup>73</sup> Added by CRAB 04-28-16 Item #9 (lowering 10% to 5%).



incorporated into the Charter and shall file same with the Florida Department of State.

(c) - Amendments to the Charter shall be effective immediately after approval by the electorate.

ARTICLE XI - ADMINISTRATION

(LEAVE IN) SECTION 11.01 - GENERAL POLICY:

~~Upon appointment, the City Manager shall be the Chief Administrative Officer of the City and shall be responsible to the City Commission for the proper and efficient administration of all City affairs placed in his the City Manager's charge by and under this Charter and as may be promulgated by ordinance.~~<sup>74</sup>

ARTICLE XII - CITY MANAGER

(LEAVE IN AND PUT IN 3.01) SECTION 12.01 - ACTIVATION OR DEACTIVATION OF OFFICE:

~~The submission of a petition to the governing body signed by ten percent (10%) of the registered electors voters shall cause the question of activating or deactivating said office to be placed upon a ballot for the next general election of the City.~~<sup>75</sup> ~~If the majority of those voting approve the deactivation of said office, the City Government shall revert back to the Commission with a Mayor system.~~<sup>76</sup>

<sup>74</sup> Redundant § 12.06 of the City Charter of the City of North Port

<sup>75</sup> Redundant of §§5.04 (a) (1), 10.01(b) and 15.01 of the City Charter of the City of North Port

<sup>76</sup> Language is not consistent with ordinance 92-2 as amended. (see minutes dated 03/23/1992).

SECTION 12.02 - APPOINTMENT AND QUALIFICATIONS:

The City Commission shall appoint a City Manager by majority vote of the governing body. ~~He~~ The City Manager shall be appointed solely on the basis of ~~his the City Manager's~~ executive and administrative qualifications and without regard to ~~his the City Manager's~~ political persuasion. It shall not be necessary that the City Manager be a resident of the City at the time of ~~his~~ appointment; however, ~~he the City Manager~~ shall be required to establish residency in the City within a one (1) year period after appointment.

SECTION 12.03 - COMPENSATION:

The City Commission shall determine and establish the compensation for the City Manager. (ADD BY CONTRACT)

(LEAVE THE SAME – TOO POLITICAL TO BE AT WILL – CAUSE BURDON ON TAXPAYERS AND FREQUENT TURMOIL) SECTION 12.04 - REMOVAL:

The City Manager ~~may be removed by a majority vote of the entire City Commission or by mutual consent of both parties.~~<sup>77</sup> ~~shall be removed from office for good cause by majority vote of the entire City Commission who shall within ten (10) days of such determination serve written notice to the City Manager. After having served one (1) year, the City Manager may demand written charges and a public hearing upon the same by the City Commission and the City Manager's final removal shall not take effect until such hearing has been held, but the Commission may suspend him from office pending such hearing.~~<sup>78</sup>

<sup>77</sup> Make consistent with §§13.03 and 14.03 of the City Charter of the City of North Port (Same removal provision for all Charter Officers)

<sup>78</sup> Covered by contract language



## SECTION 12.05 - VACANCY:

In the event of a vacancy occurring in the Office of the City Manager or any reason whatsoever, the City Commission shall designate a properly qualified person to execute the functions of the office until such time as a new City Manager is forthwith appointed.

## **CONSIDER COMMISSION APPOINTED DEPUTY ASSISTANT MANAGER**

## SECTION 12.06 - 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 ~~his~~ the City Manager's authority under this Charter. ~~Neither the Commission, nor any member thereof, shall dictate the appointment of any person to office or employment by the City Manager or in any manner prevent the City Manager from exercising his own judgment in selecting the personnel of his the City Manager's subordinates, and its members shall deal with the Administrative service through the City Manager, and neither the Commission, nor any member thereof, shall give orders to or make requests upon any of the subordinates of the City Manager, either publicly or privately. Any such dictation, orders, requests or interference upon the part of a member of the City Commission with the administration of the City shall be cause for his the City Manager's removal from office.~~<sup>79</sup> **(CONSIDER CAUSE FOR SEPERATION OF EMPLOYMENT WITH SEVERANCE PAY)** He The City Manager shall:

(a) -Supervise all governmental and proprietary functions of the City and all departments and divisions.

(b) -Employ or remove all employees of the City (except appointees of the City Commission and the Legal Department) subject to the provisions of this Charter and all ordinances and personnel rules and regulations.

(c) -Promulgate such rules and regulations and amendments thereto for appointment, promotion, discipline and removal of employees of the City, except as otherwise provided for in this Section.

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

(e) -Attend all City Commission meetings, either in person or by his duly designated representative, with a voice but not a vote in the proceedings.

(f) - At the first meeting each month of the City Commission, submit a summary report of receipts and disbursements.

### **(LEAVE THE SAME)**

(g) ~~--Advise the City Commission of the financial and other needs of the City and submit an annual Operating and a Five year Capital Improvement Budget to the City Commission in which the City Manager shall furnish detailed estimates of the expenses of conducting all departments, divisions and all governmental and proprietary functions of the City and any other information which he deems advisable or which is required by the City Commission to determine budgetary requirements for the ensuing year. Prepare and submit the annual budget and capital program to the City Commission, and implement the final budget approved by the Commission to achieve the goals of the city; submit to the City Commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year; make such other reports as the City Commission may require concerning operations; Keep the City~~

<sup>79</sup> Moved to §5.02 (a) of the City Charter of the City of North Port



Commission fully advised as to the financial condition and future needs of the city.<sup>80</sup>

- (h) - Be the purchasing agent for the City.
- (i) - Sign warrants for payment of moneys for the City.
- (j) - Be custodian of all real property and tangible personal property of the City.
- (k) - Perform such duties as may be prescribed under this Charter or as may be required of such office him or her by ordinance or resolution of the City Commission.
- (l) - Determine whether any officer, clerk or employee shall require bonding and the amount thereof. When bonding shall be required, the costs of same shall be paid by the City of North Port.
- (m) - Sign all contracts, agreements and applications for the City of North Port after such has been approved by City Commission at a regular or special City Commission meeting.

ARTICLE XIII - CITY CLERK

**(SEPARATE SECTION FOR THE DEPUTY)** SECTION 13.01 - APPOINTMENT AND QUALIFICATIONS:

The City Commission shall, by majority vote, appoint the City Clerk ~~and a Deputy City Clerk~~<sup>81</sup> solely on the basis of ~~their~~ executive and

<sup>80</sup> Added by CRAB 04/28/2016 Section 3.04 (5) (6) (7) and (8) of the Model City Charter 8<sup>th</sup> edition Second Printing 2011.

<sup>81</sup> Removed by CRAB 04/28/2016 (no job functions specified except as provided in § 13.04 of the North Port City Charter). No order of reporting between the City Clerk and the Deputy City Clerk.

administrative qualifications and without regard to ~~their~~ political persuasion. It shall not be necessary that the City Clerk be a resident of the City at the time of the appointment; however, ~~he the~~ City Clerk shall be required to establish residency in the City within a one (1) year period after appointment.

SECTION 13.02 - COMPENSATION:

The City Commission shall determine and establish the compensation for the City Clerk ~~and Deputy City Clerk.~~ **(ADD BY CONTRACT AND MOVE DEPUTY CLERK TO SEPARATE SECTION)**

**(LEAVE AS IT WAS – TOO POLITICAL FOR AT WILL)** SECTION 13.03 - REMOVAL:

The City Clerk may be removed by a majority vote of the entire City Commission or by mutual consent of both parties.<sup>82</sup> ~~and/or Deputy City Clerk shall be removed from office for good cause by a majority vote of the entire City Commission who shall within ten (10) days of such determination serve written notice to the City Clerk.~~

SECTION 13.04 - VACANCY:

In the event of a vacancy occurring in the Office of the City Clerk for any reason whatsoever, the City Commission shall designate a properly qualified person to execute the functions of the office until such time as a new City Clerk is forthwith appointed.<sup>83</sup> ~~The Deputy City Clerk shall~~

<sup>82</sup> Make consistent §§12.04 and 14.03 of the City Charter of the City of North Port (Same removal provision for all Charter Officers).

<sup>83</sup> Make consistent §§12.05 and 14.04 of the City Charter of the City of North Port (Same provision for all the Charter Officers)



~~carry out the duties of the City Clerk until such time as a new City Clerk is appointed.~~

#### SECTION 13.05 - DUTIES:

The City Clerk shall be the head of the Department of Records. ~~He~~ the City Clerk shall be the custodian of all official records of the City and the custodian of the official City Seal. ~~He~~ 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 ~~his~~ the City Clerk's charge by and under this Charter and as may be promulgated by ordinance or by resolution but not limited to those placed under ~~his~~ the City Clerk's authority by this Charter. ~~, and shall: The City Clerk shall~~

(a) - Make recommendations concerning the records of governmental and proprietary functions of the City.

~~(b) - Record all official actions of the City Commission.~~<sup>84</sup>

(c) - Serve as the election official for the City.

(d) - Authenticate documents of the City.

(e) - Attest all written contracts and instruments on behalf of the City.

(f) - 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.

(g) - Administer oaths required or authorized under general law, the City Charter or ordinance of the City.

<sup>84</sup> Duplicative of §§6.05 and 13.05 (j) and of the City Charter of the City of North Port.

(h) - Countersign warrants for payment of obligations.

(i) - Perform such duties as may be prescribed by general law, by the City Charter, by ordinances of the City, or by direction of the City Commission.

(j) - Attend all meetings of the City Commission, either in person or by ~~his~~ the City Clerk's duly designated representative, give notice of all meetings to the City Commission and to the public,<sup>85</sup> and keep a journal of its proceedings, the correctness of which proceedings as entered in such journal shall be certified to after each meeting by ~~his~~ the City Clerk's signature and the signature of the presiding officer of the City Commission.

(k) - keep on file the legal descriptions of the boundaries of the City as amended.<sup>86</sup>

#### ARTICLE XIV - CITY ATTORNEY

##### SECTION 14.01 - APPOINTMENT AND QUALIFICATIONS:

The City Commission shall, by majority vote, appoint a City Attorney who shall be a lawyer admitted to practice in the State. It shall not be necessary that the City Attorney be a resident of the City at the time of appointment; however, the City Attorney shall be required to establish residency in the City within a one (1) year period after appointment.<sup>87</sup>

##### SECTION 14.02 - COMPENSATION:

<sup>85</sup> §2.08 of the Model City Charter 8th edition Second Printing 2011.

<sup>86</sup> Moved from §2.01 of the City Charter of the City of North Port

<sup>87</sup> Make consistent with §§12.02 and 13.01 of the City Charter of the City of North Port (Same provision for all the Charter Officers)

The City Commission shall determine the compensation for the City attorney by contractual agreement.

**make the same as city manage and clerks) SECTION 14.03 - REMOVAL:**

The City Attorney may be removed by a majority vote of the entire City Commission or by mutual consent of both parties.

**SECTION 14.04 - VACANCY:**

In the event of a vacancy occurring in the Office of the City Attorney for any reason whatsoever, the City Commission shall designate a properly qualified person to execute the functions of the office until such time as a new City Attorney is forthwith appointed.<sup>88</sup> ~~In the event a vacancy occurs, the City Commission shall direct the City Clerk to cause the announcement of the vacancy and the City Commission shall appoint a City Attorney. (consider adding Deputy City Attorney)~~

**SECTION 14.05 - DUTIES:**

(a) - The City Attorney shall be the legal advisor and counselor for the City Commission, the city manager, all city departments, offices, agencies and city boards.<sup>89</sup> ~~for all departments and all of its officers in matters relating to their official duties. (LEAVE IN) He The City Attorney shall prepare or review all contracts, bonds, and all other legal and official instruments in which the Municipality is concerned and shall endorse on each his the City Attorney's approval of the form and correctness prior to the commission's review. No formal contract legal~~

<sup>88</sup> Make consistent with §§12.05 and 13.04 of the City Charter of the City of North Port (Same provision for all the Charter Officers)

<sup>89</sup> Added by CRAB 04/28/2016 §4.03 of the Model City Charter 8th edition Second Printing 2011; "and city boards" added by CRAB at 08-16-2016 meeting.

document<sup>90</sup> with the Municipality shall take effect until ~~such his the City Attorney's approval is so endorsed thereon~~ legal opinion is provided.  
**(LEAVE THE SAME)**

~~(b) He The City Attorney shall act as prosecuting attorney before the Code Enforcement Board.~~<sup>91</sup> **(LEAVE IN)**

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

(d) - ~~He Upon request, the City Attorney~~ shall furnish the City Commission **AND ITS MEMBERS, City Boards,**<sup>92</sup> the City Manager and the head of any department, ~~his the City Attorney's~~ opinion on any question of law relating to official city business. **(STRIKE AND LEAVE ORIGINAL) any matter concerning their respective powers and duties. (PERTAINING TO OFFICIAL CITY BUSINESS)**

(e) - ~~He The City Attorney~~ shall perform such other duties as are required of city attorneys under the general laws of the State of Florida.

<sup>90</sup> Language from previous charter. Changed via ordinance 1987-241, and 1988-18

<sup>91</sup> Cherry Communications v Deason, 652 So.2d 803 (Fla.1995). Florida Courts and The Florida Attorney General have cautioned against the same individual who prosecutes a case on behalf of an agency being the same individual who also serves to advise the agency in its deliberations. Metropolitan Dade County v Florida Processing Company, 218 So.2d 495, 497 (Fla. App. 3<sup>rd</sup> 1969), "It is sufficient for us to point out that it would be in closer accord with traditional notions of justice and fair play for a quasi-judicial administrative board to designate one person to act as its legal adviser and a different person to act as its prosecutor." See Brown v Walton County, 667 So. 2d 376 (Fla. 1st DCA 1995); see also Cotter v District Bd. Of Trustees of Pensacola Jr. College, 548 So. 2d 731 (Fla. 1st DCA 1989), rev. den. 558 So. 2d 17 (Fla. 1990).

<sup>92</sup> "and city boards" added by CRAB at 08-16-2016 meeting



(f) - ~~He~~ The City Attorney shall advise the City Commission **AND ITS MEMBERS** as to their compliance or non-compliance with the provisions of the Charter and Florida Statutes.

(g) - ~~He~~ The City Attorney shall attend all meetings of the City Commission, either in person or by ~~his~~ the City Attorney's duly designated representative to supply those legal services as may be needed during the meeting.

#### ARTICLE XV - INITIATIVE

##### SECTION 15.01 - GENERAL AUTHORITY:

The Citizens of the City shall have power to propose ordinances to the Commission or request **reconsideration of adopted ordinances** by petition signed by ~~ten percent (10%)~~ **five percent (5%)** (STRIKE AND MAKE 1%) of the qualified voters, ~~provided that such power shall not extend to: (a) the budget or capital program; (b) any ordinance relating to appropriation of money; (c) salaries of City employees; (d) any aspect of land development, e.g. zoning, building construction, sign regulation, etc.; (e) emergency ordinances.~~

##### SECTION 15.02 - PROCEDURE:

~~The procedure~~ **Procedure** for implementation of a proposed proposal or reconsideration of an adopted ordinance shall be initiated or executed by ordinance.

REWORD

~~The procedure~~ **Procedure** for A CITIZEN INITIATED **implementation of a proposed proposal** **ORDINANCE** or reconsideration of an adopted ordinance shall be ~~initiated or executed~~ **ADOPTED** by ordinance.

#### ARTICLE XVI - SUITS AGAINST THE CITY OR CITY OFFICIAL

##### SECTION 16.01 - PROCEDURE:

~~(a) No suit against the City may be instituted unless first presented in writing within thirty (30) days after the injury or damage has occurred with such reasonable specifications as to time and place and witnesses. Written notice must be presented to the City Clerk. It shall be the duty of the City Manager, upon receiving such notice from the City Clerk, to submit a written report to the City Commission.~~ <sup>93</sup>

(b) - Any suit against a City Official brought about as a result of an Official acting within the scope of ~~his~~ the City Official's authority shall be indemnified by the City. <sup>94</sup>

#### ARTICLE XVII - SEVERABILITY CLAUSE

##### SECTION 17.01 - GENERAL PROVISIONS:

Should any part, section, subsection, 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 this Charter shall not be affected.

<sup>93</sup> Preempted by Florida Statutes § 768.28(6)(a)

<sup>94</sup> See also Florida Statutes §111.07 Defense of civil actions against public officers, employees, or agents