



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Special Meeting

CITY COMMISSIONERS

Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Tuesday, March 20, 2018

9:00 AM

CITY COMMISSION CHAMBERS

Review of Charter

MINUTES APPROVED AT THE 05-08-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 9:08 a.m. in City Chambers by Mayor Carusone.

Present: Mayor Carusone; Vice-Mayor Yates; Commissioners, Luke and McDowell, City Manager Lear; City Attorney Slayton; City Clerk Adkins; Deputy City Clerk Peto and Assistant Police Chief Pelfrey.

Absent: Commissioner Hanks.

Charter Review Advisory Board Members: Bob Smith and Justin Willis.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to approve the Agenda. The motion carried by the following vote, with Commissioner Hanks absent:

Yes: 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner McDowell and Commissioner Luke

2. PUBLIC COMMENT:

There was no public comment.

3. DISCUSSION ITEM:

It is noted that the Commission will be referring to and working from the Revised Working Document. 2018 03 09. Redlined version during the meeting.

A. [18-148](#)

Discussion and possible action regarding proposed changes to the City Charter

Discussion ensued: (1) it was noted that Staff is researching the question about nine or ten months for redistricting and that will have to come back at another meeting; (2) the question of a bond proposal on a primary election is being researched; (3) the Supervisor of Elections has to receive the Ordinance by August 20, 2018 for inclusion in the November election; (4) the Ordinance would have to be drafted by July; (5) it was noted there will be at least three additional meetings, and citizen input will be necessary before finalizing the Ordinance; (6) a suggestion was made to conduct a charrette/final draft review simultaneously with public input; (7) it was suggested the Charter be enlarged and posted for public review, allowing the public to write down their comments; (8) a suggestion was made to have a link on the City website to let the public review and comment online; (9) the time frame needed could be met by having a late meeting in June and two meetings in July, including second reading; (10) it was noted the public meeting could have a facilitator with Commissioners seated at different tables, the public moving from table to table and a Clerk's Office representative could be seated at each table to take notes; (11) the first reading could be set on June 26, 2018 and the second reading on July 10, 2018, and that this would give flexibility for the July 24, 2018 meeting if necessary; (12) it was suggested the meetings could be held at the Morgan Center or Suncoast Technical College; (13) a Commission quorum is not required to hold a charrette with the public; (14) the public meeting should be set in late May/early June; (15) it was noted a notice of referendum is to be advertised in the newspaper of general circulation 30 days prior to the election, published twice, once in the first and third week, prior to the week the referendum election will be held; (16) a Commission Special Meeting can be called if needed; (17) answers and changes to be brought back by Staff: [a] suits against city and city officials; [b] 300-day requirement and redistricting; [c] bonds and primary elections; [d] how to determine annual census; [e] creating the Deputy City Clerk section; [f] residence while in position; [g] reword for loss of use of residency; [h] review contracts for changes in Charter employees; [i] removing items; [j] consistency throughout the Charter; (18) it was suggested to give the City Attorney the authority to put in the redistricting timeline; (19) a suggestion was made to propose the Charter as a whole on the ballot because of the changes and reformatting throughout; (20) separate issues can be placed on the ballot individually; (21) it was suggested that the redistricting provision for the courts be reduced from one year to six months; (22) the four areas Staff will review for time frames are: [a] 10 months/300 days; [b] redistricting plans take effect in one year; [c] special master in 60 days; [d] plan to go in effect in one year; (23) it was clarified that Staff will make a change regarding provisions for redistricting with the intent to make sure people can run for Commission based on the June 2022 qualifying date.

ARTICLE II GOVERNANCE

SECTION 2.04(b)(e) ELECTIONS

Discussion ensued: (1) it was clarified the previous consensus was to approve the language as shown on line 130 and 131, and that the remainder would be stricken; (2) the word "less" was changed to "fewer" as a grammatical change on line 165.

SECTION 2.05 QUALIFICATIONS OF NOMINEES, CANDIDATES, AND ELECTED

MEMBERS

Discussion ensued: (1) it was suggested to strike the word "elected" from line 202.

There was a consensus to strike the word "Elected" from line 202.

SECTION 2.05 continued.

Discussion continued: (1) it was suggested that line 206 become item "c", and line 211 as item "b"; (2) it was suggested that "c" on line 211 should come before item "e" on line 232.

There was a consensus to move "c" before "e", which starts on line 211.

SECTION 2.04(h).

Discussion ensued: (1) it was suggested that line 192 also include special election.

There was a consensus that line 192 include special election.

SECTION 2.05(d).

Discussion ensued: (1) it was suggested that items (1) and (2) remain in section (d) on line 216 and that (3) and (4) be re-sequenced.

There was a consensus to have the City Attorney re-letter line 225 to 231.

SECTION 2.05(d) continued.

Discussion continued: (1) it was suggested language be added to lines 216 and 217 to include "and satisfying other applicable requirements for qualifying"; (2) a suggestion was made to remove the word "nominated" on line 216; (3) it was noted that the Florida State Statutes (FSS) refer to "candidate" and "qualify" prior to the primary election; (4) FSS refers to "nominee" after a primary election.

There was a consensus to add language to line 216 - 217 to include "and satisfying other applicable requirements for qualifying".

SECTION 2.05(d) continued.

Discussion continued: (1) a candidate secures the required signatures and the petition is validated to become a nominee; (2) it was noted the residency requirement for the state and county is one year from the qualifying date; (3) in previous discussion it was decided that the City would use one-year from the end of the qualifying period to meet the residency requirement; (4) it was suggested to delete the second sentence of (d)(1) starting on line 219 because residency is already specified in item (b); (5) items (d)(1) and (2) are necessary because they outline what needs to be on the petition; (6) a suggestion was made to leave the second sentence in (d)(1) because it clearly states the requirement for the candidate; (7) it was noted that line 232 is appropriately placed based on the title of this Section and the intent of the content.

There was a consensus to remove the last sentence of line 220.

SECTION 2.05(d) continued.

Discussion continued: (1) it was suggested to reword line 216 to: "Every candidate for City Commission shall be nominated by satisfying applicable requirements for qualifying and filing a petition providing the following information:".

Recess: 10:38 a.m. - 10:51 a.m.

Discussion ensued: (1) it was noted there was a consensus on April 3, providing for the language on lines 221, 222 and 223; (2) the Commission agreed to the City Attorney's suggestion to change "less than" to "fewer than" on line 221, and where applicable in the document; (3) a suggestion was made to strike "upon filing" at the end of line 224.

There was a consensus to remove the words "upon filing" from line 224.

SECTION 2.05(d) continued.

Discussion continued: (1) it was suggested to strike the second sentence that begins on line 225.

There was a consensus to remove the last sentence that begins on line 225.

SECTION 2.05(d) continued.

Discussion continued: (1) it was suggested to add language that an appointment of treasurer is required to file as a candidate; (2) a candidate is required to file a designation of depository and appoint a treasurer prior to receiving their petition for candidacy; (3) a suggestion was made that item (d)(3) should be renumbered to (d)(1) and the current (d)(1) should become (d)(2); (4) it was suggested to create a new (d)(1); (5) a suggestion was made that on line 225 insert "petition forms for a specific commission district seat shall be obtained from the City Clerk"; (6) the new (d)(1) should state: "prior to obtaining petition forms, each candidate shall appoint a treasurer and designated primary depository"; (7) there should be a general statement that all filings are done with the City Clerk; (8) there should be something in the beginning that states if you intend to file you must see the City Clerk for all required documentation; (9) a suggestion was made that item (d) language include: "information and satisfying other applicable requirements for qualifying which are obtained from the City Clerk"; (10) it was suggested that item (d) provide: "by filing a petition with the City Clerk providing the following information: "; (11) language should be worded to include all required documentation necessary to file and not just the petition; (12) it was suggested to modify (d)(3) to include the petition and other necessary forms; (13) it was noted that the current (d)(3)(4) should become a new letter for sequencing.

There was a consensus to add a new letter "a" after line 202 to have all forms, documents and filings held within City Clerks department, to be worded by the City Attorney, and the City Attorney shall review the entire section for organization purposes.

There was a consensus to add a new "1", after the new letter "a", stating "prior to obtaining petition forms each candidate shall appoint a treasurer and primary depositor", added in a section deemed reasonable by the City Attorney.

Discussion ensued: (1) a suggestion was made to review Article III later in the meeting.

ARTICLE IV ETHICS

Discussion ensued: (1) it was noted that a contractor as stated on line 291 could include a position as stated on line 39, making the term "contractor" appropriate in this section; (2) a suggestion was made to add a definition for contractor under line 39; (3) it was suggested to review Chapter 112 of the Florida State Statutes (FSS) for clarification of contractor; (4) it was suggested to strike the word "contractor" from line 291 and then include the descriptive language from FSS Chapter 112, part three; (5) a contractor may be someone who receives remuneration from the City for services but is not an employee

of the City.

ARTICLE V CITY COMMISSION AUTHORITIES

Discussion ensued: (1) the July 12, 2017 minutes stated there was a consensus to keep Article V, 5.01 Powers of City Commission as it is written in the current City Charter; (2) it was noted that use "of" or "in" on line 298 does not change the meaning; (3) it was suggested to change "in" to "of" on line 298.

There was a consensus to change "in" to "of" on line 298.

ARTICLE V CITY COMMISSION AUTHORITIES

SECTION 5.02 LIMITATIONS OF COMMISSION POWERS

Discussion ensued: (1) it was suggested to insert the words "for information" after the word "requests" on line 318; (2) it was explained that the Commission can request information or request an agenda item from a Charter Officer but they cannot order them to do so; (3) a Commissioner cannot individually give orders to the City Manager, it must be done collectively; (4) the same language is repeated on lines 327 and 337; (5) line 333 provides that City Commission members shall deal with public records services through the City Clerk, and that this is in addition to working with the City Manager; (6) it was suggested to strike the public records language from line 333; (7) it was suggested that the word "shall" be changed to "may" on line 333.

There was a consensus to deleting line 333 from the words "City Commission" all the way to line 334 where it ends with "City Clerk, and."

SECTION 5.02 continued.

Discussion continued: (1) it was noted that Section 5.02 should include the Deputy City Clerk; (2) it was suggested language be inserted for the Deputy City Clerk and subordinates similar to line 335; (3) concern was expressed that the Commission should go to the City Clerk before going to the Deputy City Clerk; (4) a suggestion was made to add a line at the end of the Section 5.02(c) stating these limitations also apply to the Deputy City Clerk when acting in the powers of the City Clerk; (5) it was suggested to create a new Section letter for the Deputy City Clerk that mirrors the other Charter Officers.

There was a consensus to write an additional letter within Article IV having it apply to the Deputy City Clerk.

SECTION 5.02 continued.

Discussion continued: (1) it was suggested to have one paragraph that outlines the limitations and a second paragraph referring to the Charter Officers, eliminating redundant paragraphs; (2) it was noted each paragraph states the applicable services of each Charter Officer.

SECTION 5.05 ORGANIZATIONAL STRUCTURE

Discussion ensued: (1) it was suggested that City Manager on line 383 be changed to "operations division" because City Manager is a Charter Officer; (2) it was noted that red-line changes made to Section 5.05(a) were changes specified from the meeting, including the addition of Solid Waste District; (3) it was explained that the Charter provides that departments can only be abolished by referendum and Section 166.0315 of the Florida State Statutes (FSS) provides that a municipality may abolish municipal departments provided for in the Charter; (4) Section 189.071(a) of the FSS provides that

the merger or dissolution of a dependent special district may be effectuated by an ordinance of a local general-purpose governmental entity and this conflicts with the Charter which requires a referendum; (5) it was suggested to remove lines 381 to 388; (6) a suggestion was made to keep lines 379 to 380 and adding "by unanimous vote" to be in compliance with FSS; (7) it was suggested to leave the language in for the benefit of the citizens who do not see this as basic knowledge; (8) line 379 to 388, it was suggested the three districts, Fire Rescue, Road and Drainage, and Solid Waste, should be separated and identified by code; (9) the difference between dependent districts and independent districts were explained; (10) there are code provisions for Fire Rescue, Road and Drainage, and Solid Waste stating that the district shall continue until dissolved in accordance with the general laws of the State of Florida; (11) it was suggested to add the Deputy City Clerk to Section 5.05(b); (12) the City Attorney would need to research if the requirement for a referendum to abolish the dependent districts can remain in the Charter as it conflicts with FSS.

Recess 12:18 p.m. - 1:40 p.m.

There was a consensus to add Deputy City Clerk to line 394 or as City Attorney sets as the best place.

SECTION 5.05 continued.

Discussion ensued: (1) implied and expressed pre-emption was explained; (2) it was noted that to require a referendum, a pre-emption challenge would be a low risk pursuant to Florida State Statutes (FSS) 166.031(5); (3) FSS 189.071(1) relates to dependent districts and states "shall comply" which is more of an expressed pre-emption; (4) FSS 189.013 relates to all special districts and is an expressed pre-emption; (5) it was explained that to leave the requirement for a referendum in Section 5.05 relating to the departments would be a low risk, and a low to moderate for the districts; (6) it was clarified that to dissolve a district an ordinance and referendum would be needed, and that the ordinance is to call the election; (7) it was noted an additional ordinance to dissolve a district would not be required after the referendum, and may be prohibited to require it in the Charter; (8) districts were not created with a referendum; (9) the moderate risk special districts include Fire Rescue, Road and Drainage, and Solid Waste; (10) concerns were expressed with a Commission having the ability to dissolve a department or district without the input of the community; (11) it was suggested that City Manager be removed from (a)(1); (12) a suggestion was made that Section 5.05(a) be worded to say "The City Commission may by ordinance, referendum of voters, activate or deactivate departments as deemed necessary for the efficient administration and operation of City government, including City Manager, Police Department, Fire Rescue District, Department of Finance, Road and Drainage District, Solid Waste District and other departments as may be required."; (13) add "and districts" after departments on line 379; (14) departments and districts should be separated on lines 383 to 388; (15) add "by unanimous vote" after City Commission on line 379; (16) it was suggested to: [a] leave lines 379 to 382 as stated and list Police Department and Finance Department; [b] add another section to state "the following districts may not be deactivated except by referendum of voters: Fire, Road and Drainage and Solid Waste"; (17) it was noted that the referendum to deactivate a district is a polling of the voters, afterward there are steps the Commission must take to be in compliance, this may be misleading to the public; (18) the proposed wording meets the intent to require a referendum, there will still be a process to follow; (19) the City Attorney would be responsible for following proper protocol to set a referendum to deactivate a district; (20) to create a special district should also be done by referendum; (21) the word "activate" may need to be inserted next to "deactivate"; (22) it was noted that the City Manager names a district; (23) it was suggested "The City Commission shall, by ordinance, or referendum of voters activate or deactivate departments..."; (24) it was

noted it is the Commission's will to not allow any departments or districts to deactivate without a referendum; (25) under FSS to create a dependent special district the Commission would have to adopt an ordinance meeting certain criteria; (26) there could be a problem to create a dependent special district by referendum; (27) a referendum could be held for voter approval prior to the Commission taking action; (28) it was suggested that from Section 5.05: [a] remove City Manager from the list in (a); [b] split departments and districts both requiring referendum question for possible deactivation; (29) it was clarified that the Commission wants: [a] to retain the ability to activate or deactivate other departments; [b] departments by unanimous vote as required by FSS; [c] Police and Fire would be by referendum to deactivate; [d] require a referendum to create or abolish a dependent district; [e] use dissolution, not deactivation for the districts; (30) it was suggested that: [a] in Section 5.05 remove City Manager from the list in (a); [b] split the departments; [c] districts require the question for possible dissolution; [d] departments will require a referendum for dissolution and a unanimous vote; (31) a suggestion was made to state "Create an ordinance by unanimous vote to activate or deactivate departments that are deemed necessary for administration and operation of the City, except for by referendum for Police and Finance".

There was a consensus to split departments and districts, creating a new (b) to apply to districts, requiring the creation or dissolution via ordinance after conducting a referendum question.

SECTION 5.05 continued.

Discussion continued: (1) a suggestion was made to add Emergency Medical Services (EMS) to departments with Police and Finance; (2) it was noted that the Utility Department is an enterprise fund and it would be sold; (3) it was noted line 390 refers to offices, not officers and Deputy City Clerk would not be appropriate listed below if it is offices; (4) line 390 add the word "positions" after "charter offices".

There was a consensus to add "positions" after "charter offices" on line 390.

SECTION 5.05 continued:

Discussion continued: (1) it was noted that to abolish the office of City Manager would change the form of government for the City and would require a referendum with the voters to change the City Charter.

SECTION 5.03(a)

Discussion ensued: (1) it was noted in a prior meeting it was the Commission's intent that "appoint" should replace "elected" on line 342, and line 343 should state "the nomination and appointment shall occur".

There was a consensus to change line 342 to "appoint annually", and line 343 to state "the nomination and appointment shall occur".

SECTION 5.06(b)

Discussion ensued: (1) it was explained that the Zoning Board of Appeals (ZBA) is not an Advisory Board and it is not a required Board as it can be done by a Hearing Officer as opposed to a Board; (2) it was suggested to leave line 416 as is; (3) a suggestion was made to change "or" to "and" on line 411; (4) it was suggested to rearrange the lists in Section 5.05; (5) it was suggested to change line 411 to read "compensation and at the pleasure of the Commission".

There was a consensus that line 411 and line 412 state: "compensation and at the pleasure of the Commission." "Their duties shall..."

ARTICLE VII LEGISLATIVE ENACTMENTS
SECTION 7.05 CITIZEN INITIATIVE(S)

Discussion ensued: (1) it was noted that language has been suggested on lines 528 to line 546 outlining the process necessary for someone to petition in regard to an ordinance or an Officer; (2) it was noted that the City Clerk can obtain a list from the Supervisor of Elections to verify signatures on the petition; (3) 5% is of all registered voters and not the population of the City; (4) Section (b) provides for verification by the City Clerk; (5) for clarification line 543 may state "... the City Clerk shall verify and complete"; (6) it was suggested to add "...as to the petitions" before "compliance" on line 544; (7) it was explained the word "City" references the City of North Port throughout the Charter; (8) it was noted that the City Clerk would need to: [a] verify the affidavits are there as required; [b] the attachments are there as required; [c] verify the signatures; [d] confirm signature count; (9) it was explained this is a policy issue and it is suggested the Commission consider having a process to safeguard the petition process.

There was a consensus that line 543 state "The City Clerk shall verify and complete a certificate as to the petition's compliance with the provisions herein."

ARTICLE VIII CHARTER AMENDMENTS
SECTION 8.02 (b) AMENDMENTS SUBMITTED TO ELECTORS

Discussion ensued: (1) it was suggested that "petition" as stated on line 586 follow the same process as provided in Section 7.05(a)(b)(c); (2) a suggestion was made that the highlighted portion starting on line 528 in Section 7.05(a) become (b) so that it may be used throughout the Charter without reference to a specific percentage; (3) it was suggested that the language in 7.05(a)(b)(c) be replicated in Section 8.02 for clarification; (4) it was noted that 7.05(c) would not be applicable to Section 8.02.

There was a consensus to that line 587 restate the process that is applicable as provided in Section 7.05.

SECTION 8.02 continued.

Discussion continued: (1) concerns were expressed regarding item (c) on line 589 that a recommendation from the Charter Review Board could go straight to a referendum; (2) Florida State Statutes (FSS) 166.031 provides that the governing body may by ordinance, or the electors, by petition signed by 10 percent of the registered electors, submit to the electors of said municipality a proposed amendment to its charter, the governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose; (3) it was noted that the current process is for the Charter Review Board to propose to the Commission, and then the Commission makes the decision; (4) concern was expressed that item (d) states the Commission "shall" subject the proposed amendment for a referendum; (5) there is no delineation from item (b) or (c) going directly to the ballot as stated; (6) the Section as worded could indicate a petition would first go to the Charter Review Board; (7) it was suggested to remove item (c) on lines 589 and 590.

There was a consensus to remove item (c) on line 589.

SECTION 8.02 continued.

Discussion continued: (1) it was explained that if a petition is presented that violates Florida State Statutes (FSS) the matter would go to Court; (2) it was noted that the original intent of the Charter Review Board was to speak for the people and that the Charter Review Board cannot be abolished; (3) in the past the Charter Review Board

would go line by line through the Charter and then the Commissioners would decide which proposals to approve; (4) historically the Charter Review Board would review the Charter annually; (5) it was suggested that the duties of the Charter Review Board be addressed in the upcoming workshop regarding the different Boards.

Recess 3:07 p.m. - 3:24 p.m.

4. PUBLIC COMMENT:

Public Comment was held 3:29 p.m. - 3:47 p.m.

Thomas White: Recycling facility.

Discussion ensued: (1) it was suggested Mr. White set a time with the Clerk's Office to give a presentation to the Commission.

Andrew Noshagya: Town hall meeting.

A. [18-148](#)

Discussion and possible action regarding proposed changes to the City Charter

ARTICLE III VACANCY OF CITY COMMISSIONER(S)
SECTION 3.01

Discussion ensued: (1) a suggestion was made to add a reference to 2.05(c) and (e) on line 255; (2) it was suggested to add the word "and" after "term" on line 251.

There was a consensus that on line 251 to add the word "and" between the words "term" and "shall"; on line 255 after residency requirements, add as stated in 2.05 in the appropriate letters.

SECTION 3.01 continued.

Discussion continued: (1) it was suggested to add "only election" for clarification on lines 264-265; (2) the intent is to make it clear there is only one election regardless of the number of candidates.

There was a consensus to have the City Attorney add language on lines 264 to 265 reflecting that regardless of the number of candidates there will only be a single election.

SECTION 3.01 continued.

Discussion continued: (1) it was noted that qualifications are stated on line 272; (2) it was noted there are specifications in 2.05 that would not apply in this section regarding appointments; (3) concerns were expressed that an applicant to be appointed by the Governor should meet the same requirements as a primary candidate; (4) it was suggested an applicant in this section: [a] should live in the district they are seeking appointment; [b] they have to be a registered voter in the City of North Port; [c] they have one-year residency in the district; [d] have to get the 25 signatures for petition; (5) the section needs to specifically state the qualifications for an appointment; (6) suggested appointee requirements are: [a] one-year residency in their district; [b] to have petition signatures of 100 people in the City certified by the Supervisor of Elections at the applicant's expense; [c] restate the requirements from lines 211 to 214; (7) it may not be possible to eliminate someone from being appointed who lost an election; (8) it was suggested a candidate and a vacancy applicant submit a resume with their petition or application; (9) concerns were expressed about requesting a resume and sharing

information that is not required; (10) a suggestion was made to develop an application asking for basic information, and that the City Clerk would provide the form to an applicant; (11) the one-year residency in the district is longer in the Charter since the clean-up; (12) a term is considered 12 months or more and an appointment is for nine months or less; (13) concern was expressed that to state an appointee cannot run in a regular election could be a problem; (14) appointment is by the Governor, not the Commission.

There was a consensus: line 272 removing the 2.05 reference; adding the requirements of an application; one-year residency in district; 100 signatures on a petition verified by the Supervisor of Elections at their expense; citizen of the United States of America; citizen of the City; City voter; modifying the paragraph starting on line 211.

SECTION 3.01 continued.

Discussion continued: (1) a suggestion was made to change "may" to "shall" and add "Clerk" after "City" on line 271.

There was a consensus to change "may" to "shall" and enter "Clerk" after "City" on line 271.

SECTION 3.01 continued.

Discussion continued: (1) it was suggested to add verbiage on line 265 similar to 2.04 (i), that within five business days after certification of ballots those declared elected will be sworn in.

There was a consensus to add verbiage on line 265 similar to 2.04 (i), that within five business days after certification of ballots those declared elected will be sworn in.

SECTION 3.01 continued.

Discussion continued: (1) concern was expressed regarding line 266 that to determine an unexpired term, filling a vacancy should start when the position is vacant and not when a notice to vacate is received; (2) a suggestion was made to change the language on line 254 to use the date identified rather than submission of a letter; (3) concern was expressed that using date identified may be interpreted that no action can be taken until that date; (4) it was suggested line 258 be worded to state "when a vacancy occurs, and there is more than nine months prior to the expiration of a term of a Commissioner"; (5) the vacancy is determined with the resignation, but it doesn't become effective until the resignation date; (6) it was suggested the verbiage "when a vacancy has been determined" may provide flexibility to take action; (7) the issue is to determine if the submission date or effective date is used to determine whether a special election or an appointment will be the next step; (8) it was noted that items (1) and (2) do not need to address when a vacancy occurs because it is addressed in line 254; (9) a suggestion was made to change line 258 to state "when there is more than 9 months left in the unexpired term of a commissioner/district seat, or more"; (10) the intent of this Commission has been to say when there is nine months or more, there will be a special election and the vacation starts the day the position is vacated; (11) the work to fill the vacancy can be started at notification of vacancy; (12) it was noted that the general election may be utilized in lieu of a special election if it is within nine months of a vacancy; (13) vacancy and vacating office definitions were explained from the previous meeting; (14) it was suggested a section be created for when a vacancy occurs by resignation; (15) the proposed language provides that the date used for calculation be the date the resignation is delivered and not the date the seat becomes physically vacant;

(16) it was previously discussed that an appointment would not occur for anything less than 50 days and that the Commission agreed they would be willing to go 60 to 90 days without a Commissioner; (17) the letter of resignation is the point of action and not the date used for calculation; (18) the proposed wording in the Charter currently reads a vacancy occurs upon submission of a letter; (19) the Commission needs to determine if the calculation will start at notice of vacancy or when it is physically vacant; (20) if a vacancy is more than 90 days but less than nine months, an appointment can be made allowing to utilize a general election to save costs of having a special election; (21) it was suggested line 266 to read as "when a vacancy occurs, and the seat becomes physically vacant more than nine months prior to the end of the Commissioner's term then a special election shall be set"; (22) concern was expressed that no action would be taken until the seat was physically vacant; (23) concern was expressed the proposed language would require a special election when a general election could be utilized; (24) it was noted that in previous discussion the Commission was willing to authorize the cost of a special election for a vacancy that would exceed nine months, and would be willing to utilize an appointment to allow time for placement on the general election if the vacancy was nine months or less; (25) Vice-Mayor Yates will listen to the previous meeting and will bring back the unintended consequences; (26) line 266 should read more than three months and less than nine months as previously discussed; (27) it was noted that line 266 should state a "physical vacancy"; (28) it was suggested that if the language change is made to line 266, the same should be applied to section 1 and in the introductory statement in subsection (b); (29) it was clarified that a physical vacancy should exist to make an appointment, and the change would only be to line 266; (30) it was noted that the language regarding submission of resignation letter will need to be re-addressed.

There was a consensus that line 266 read "When a physical vacancy occurs more than three months but less than nine months prior to the unexpired..."

5. COMMISSION COMMUNICATIONS:

There were no Commission communications.

6. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative of Legal reports.

7. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Special Meeting at 5:31 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.