



Legislation Text

File #: ORD. NO. 2024-46, **Version:** 2

TO: Honorable Mayor & Members of the North Port Commission

FROM: Heather Faust, MMC, City Clerk

TITLE: An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 4-3 Regarding Qualifications of Boards and Committees; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Recommended Action - First Reading

Continue Ordinance No. 2024-46 to second reading on December 10, 2024.

Recommended Action - Second Reading

Adopt Ordinance No. 2024-46.

Background Information

Currently, the Code of the City of North Port, Florida, Sec. 4-3. - Appointment, qualifications, term, and vacancies. (6) states:

"Dual board service. Board members may serve on only one board, with the exception of ad hoc, task force, or special committees appointed by the city commission."

Florida Constitution prohibits a person from holding more than one State, County, or municipal office at the same time. The Florida Supreme Court holds that a person is holding an office if they have delegated authority from the government to act independently. A person with no authority to act independently, and only the authority to act in an advisory capacity, is holding an employment, but not an office. The prohibition on dual office holding only applies to those holding an office, not an employment. Many of the City's Advisory Boards and Committees possess only the authority to advise the City Commission; these Board members may be appointed to more than one such Board.

To increase membership on Advisory Boards, it is beneficial to allow members to serve on more than one Board that is only advisory to the City Commission.

Ordinance No. 2024-46 has been reviewed by the Interim City Attorney and is legally correct as to form.

Information for Second Reading

At its regular meeting on November 26, 2024, City Commission continued Ordinance No. 2024-46 to second reading on December 10, 2024, as presented.

Strategic Plan

Good Governance

Financial Impact

Not applicable.

Procurement

Not applicable.

Attachments:

1. Ordinance - First Reading
2. Ordinance - Second Reading
3. Business Impact Estimate

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