



City of North Port

ORDINANCE NO. 2024-35

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ADOPTED AS A CURATIVE LAW TO RATIFY, VALIDATE, AND CONFIRM ALL RESOLUTIONS THAT ADOPTED OR AMENDED THE CITY'S NON-DISTRICT BUDGET AND/OR THE CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEARS 2021-2022, 2022-2023, AND 2023-2024; DECLARING THE RESOLUTIONS AND THE RELATED BUDGETARY ACTIONS TO BE LEGAL AND VALID IN ALL RESPECTS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RETROACTIVE APPLICATION TO THE EFFECTIVE DATES OF THE REFERENCED RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statutes Section 166.241, municipalities are required to set a budget that is balanced and adopted each fiscal year; and

WHEREAS, for fiscal year 2021-2022, fiscal year 2022-2023, and fiscal year 2023-2024, the City adopted and amended its non-district budgets and capital improvement budgets by resolution; and

WHEREAS, Florida Statutes Section 166.241(2) provides that municipalities may adopt budgets by resolution or ordinance, unless the city charter provides otherwise; and

WHEREAS, while the North Port City Charter does not specifically reference budgets or budget adoption, Section 7.03 provides that a general appropriation ordinance shall be enacted to reflect the daily operation of the City for each ensuing fiscal year; and

WHEREAS, budget amendments made pursuant to Florida Statutes Section 166.241(8)(c) must be adopted in the same manner as the original budget; and

WHEREAS, the City intends going forward to adopt and amend its non-district budgets and capital improvement budgets by ordinance, pursuant to City Charter Section 7.03; and

WHEREAS, this procedure does not apply to the budgets for the City's dependent special districts, as Florida Statutes Section 189.016(3) requires that special districts adopt budgets by resolution; and

WHEREAS, it is well-established law in Florida that legislative bodies may retroactively enact curative laws to ratify, validate, and confirm any act they could have authorized in the first place; and

WHEREAS, the City Commission desires to ratify, validate, and confirm in all respects its prior actions in adopting and amending the referenced budgets for fiscal years 2021-2022, 2022-2023, and 2023-2024; and

WHEREAS, the City Commission finds that its action serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:
SECTION 1 – FINDINGS**

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- 1.03 The City Commission finds that, for fiscal years 2021-2022, 2022-2023, and 2023-2024 and with respect to the identified resolutions, all requirements of Florida Statutes Section 166.241, including but not limited to the posting requirement of subsections (3) and (9), were timely met and that the City continues to be in compliance with the statute.
- 1.04 All resolutions adopting the City’s non-district budgets and capital improvement budgets, including those referenced in Section 2 below, along with their exhibits and attachments, are incorporated into this ordinance as if set forth fully herein.

SECTION 2 – RATIFICATION, VALIDATION, AND CONFIRMATION OF PRIOR ACTIONS

- 2.01 The City Commission hereby declares legal and valid and ratifies, validates, and confirms in all respects, the City’s non-district budgets and capital improvement budgets, and all amendments thereto, adopted by resolution prior to the effective date of this ordinance.
- 2.02 The City Commission hereby ratifies, validates, and confirms in all respects its actions related to adopting and amending the City’s non-district budget and capital improvement budget for fiscal year 2021-2022, including as set forth in the following instruments. Pursuant to Section 4.02 of Resolution No. 2021-R-43, the City Commission heard each of these budget amendment resolutions twice in public session and an advertisement was placed in a newspaper of general circulation in the municipality at least 10 days prior to adoption.
 - a. Resolution No. 2021-R-38, adopting the tentative non-district and capital improvement budget;
 - b. Resolution No. 2021-R-43, adopting the final non-district and capital improvement budget;
 - c. Resolution No. 2021-R-56, amending the non-district budget for staffing needs for the Neighborhood Development Services Department and police vehicle;

- d. Resolution No. 2022-R-06, amending the non-district budget and capital improvement budget for Warm Mineral Springs building rehabilitation project WM19BR, Myakkahatchee Creek greenway project P10MCG, and Building Division online permitting software project BD22OP;
 - e. Resolution No. 2022-R-17, amending the non-district budget for an additional Planner III full time equivalent;
 - f. Resolution No. 2022-R-18, amending the non-district budget for two Grants Coordinator full time equivalents;
 - g. Resolution No. 2022-R-19, amending the non-district budget for a Project Manager full time equivalent;
 - h. Resolution No. 2022-R-20, amending the non-district budget for a Legislative Analyst 0.75 full time equivalent;
 - i. Resolution No. 2022-R-21, amending the non-district budget for a Development Tech II full time equivalent;
 - j. Resolution No. 2022-R-24, amending the non-district budget and capital improvement budget for police vehicles, a fire engine, and the Legacy Trail project P22DPB;
 - k. Resolution No. 2022-R-27, amending the non-district budget for Fire Rescue and law enforcement reimbursement payments pursuant to the *West Villages Developer Agreement (Post Annexation)*;
 - l. Resolution No. 2022-R-31, amending the non-district budget and capital improvement budget for Myakkahatchee Creek Greenway Trail project P10MCG and the first floor lobby piece of art;
 - m. Resolution No. 2022-R-40, amending the non-district budget for sanitary trailer rental for Warm Mineral Springs; and
 - n. Resolution No. 2022-R-43, amending the non-district budget for the Interlocal Agreement for a joint county/municipality economic development program.
- 2.03 The City Commission hereby ratifies, validates, and confirms in all respects its actions related to adopting and amending the City's non-district budget and capital improvement budget for fiscal year 2022-2023, including as set forth in the following instruments:
- a. Resolution No. 2022-R-48, adopting the tentative non-district and capital improvement budget;
 - b. Resolution No. 2022-R-53, adopting the final non-district and capital improvement budget;

- c. Resolution No. 2023-R-05, amending the non-district budget for costs related to Hurricane Ian and vehicle and drone requests from the Police Department;
 - d. Resolution No. 2023-R-26, amending the non-district budget and capital improvement budget relating to Hurricane Ian utilities purchases, utilities lift station project, an additional Assistant City Attorney, a mobile lift system and maintenance costs for fleet, six John Deere mowers for Road and Drainage, Cranberry and Toledo Blade improvements project R23CTI, I-75 interchange at Toledo Blade project R22175, I-75 interchange at Sumter project R2275S, Price Widening Phase II project R23PW2, and Yorkshire Raintree Interchange project R23YRI;
 - e. Resolution No. 2023-R-28, amending the non-district budget and capital improvement budget for salary, benefits, operating and capital costs for nine new positions plus temporary staffing, and a return to fund balance in the Building Division;
 - f. Resolution No. 2023-R-42, amending the non-district budget and capital improvement budget for utilities costs due to Hurricane Ian; an autocar for Solid Waste; four full time equivalents and associated costs for the Natural Resources Division; temporary space for the Parks Maintenance Division; demolition and clearing of part of Dallas White Complex; land and design for a police headquarters; and construction, engineering and inspection (CEI) services for Price Widening Phase I;
 - g. Resolution No. 2023-R-48, amending the non-district and capital improvement budget for law enforcement equipment, sans replacement project IT22SR, one additional full time equivalent in Utilities, Hurricane Ian costs, parks amenities project P23PAI, costs for increase in sergeant and police officer compensation, and payment related to the *West Villages Developer Agreement (Post Annexation)*; and
 - h. Resolution No. 2023-R-66, amending the non-district budget for overtime and operating costs for the Facilities Maintenance budget.
- 2.04 The City Commission hereby ratifies, validates, and confirms in all respects its actions related to adopting and amending the City's non-district budget and capital improvement budget for fiscal year 2023-2024, including as set forth in the following instruments:
- a. Resolution No. 2023-R-54, adopting the tentative non-district and capital improvement budget;
 - b. Resolution No. 2023-R-59, adopting the final non-district and capital improvement budget;
 - c. Resolution No. 2023-R-76, amending the non-district budget and capital improvement budget for Fire Station 81 rebuild F17R81 and Warm Mineral Springs rehabilitation WM19BR;
 - d. Resolution No. 2023-R-87, amending the non-district budget for reroof of the Police Station Headquarters and additional police vehicle costs;

- e. Resolution No. 2024-R-05, amending the non-district budget for rental of air conditioning units, generators, and fuel for use at the Morgan Family Community Center;
- f. Resolution No. 2024-R-10, amending the non-district budget and capital improvement budget for an additional 0.5 full time equivalent for Warm Mineral springs, road rehabilitation project and Parks Maintenance Building;
- g. Resolution No. 2024-R-16, amending the non-district budget for ten additional police officers and vehicles, and increase to the fire impact fee capital contribution to Wellen Park;
- h. Resolution No. 2024-R-17, amending the non-district budget and capital improvement budget for design of a Police Headquarters, public art projects, Emergency Operations Center, capital contribution to West Villages Improvement District, Morgan Center reroof, and two tire balancers; and
- i. Resolution No. 2024-R-27, amending the non-district budget and capital improvement budget for kayak launch repairs and Utilities Administration and Field Operations Building.

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

- 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – RETROACTIVE APPLICATION

- 5.01 This ordinance retroactively applies to the effective dates of each of the resolutions adopting and amending the City's non-district budgets and capital improvement budgets.
- 5.02 The City Commission finds that the retroactive application of this ordinance is for a benign and legitimate purpose to address any procedural discrepancies in adopting and amending the City's non-district budgets and capital improvement budgets.
- 5.03 The City Commission has affirmatively considered the potential ramifications and any unfairness of applying this ordinance retroactively and determined that it is an acceptable price to pay for the countervailing benefits.
- 5.04 The City Commission finds that this ordinance does not create new obligations, does not impose new penalties, does not impose any additional burdens based on conduct that occurred in the past, and does not impair vested rights.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on September 10, 2024.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session on September 24, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY