


MEMORANDUM

TO: Michael Fuino, City Attorney
FROM: Nikki Day, B.C.S. 
Board Certified Expert in City, County & Local Government Law
DATE: November 19, 2025
SUBJECT: City Matter No. 3023 - Analysis of City Charter Section 5.02 and Administrative Personnel Policy 6.8

Question Presented

You have asked for our opinion as to whether there is a conflict between the North Port City Charter Section 5.02 and Administrative Personnel Policy 6.8.

Brief Answer

The question presented underscores the legal significance of the North Port City Charter as the local “constitution” of the City. As section 5.02 is a limitation on the powers granted to the City Commissioners from the citizens, there is no apparent conflict between the City’s non-interference charter limitations and the City’s administrative policy governing how employees are to route such communications from City Commissioners to their respective charter officer.

Analysis

I. City Charter as “Constitution” of the City

Under Article VIII, Section 2(b) of the Florida Constitution, cities are granted broad home-rule powers to conduct municipal government and perform municipal functions “except as otherwise provided by law.” The exercise of that broad home-rule authority is channeled and limited by the municipal charter, which defines the structure of government, the distribution of powers, and the procedures for the exercise of those powers.

Thus, the North Port City Charter is the local “constitution” of the City: it is the document through which the people of North Port have delegated authority to the City Commission and define the permissible scope of action. The powers of City Commissioners exist only as granted and as limited by the Charter. As such, Commissioners’ actions must remain within the Charter-defined boundaries and must respect the limits imposed therein.

Further, each City Commissioner in North Port takes an oath of office to “support, protect, and defend” the Constitution and government of the United States, the Constitution and government of the State of Florida, and the Charter and ordinances of the City of North Port. This oath imposes a binding legal and ethical duty to uphold the Charter—including both its grants and its expressed limitations.

II. City Charter Section 5.02 - Non-Interference Limitation

The City of North Port operates under the council–manager form of government: the City Commission acts as the legislative and policy-making body and the City Manager (and other charter officers) serve as the administrative executives responsible for day-to-day operation of the City.

The North Port Charter provides a specific limitation on city commission powers, commonly referred to as a “non-interference” clause:

Sec. 5.02. - Limitations of city commission powers.

(a) Neither the City Commission, nor any Commissioner, shall dictate the appointment of any person to office or employment by the City Manager or in any manner interfere with the City Manager's exercise of judgment in personnel selections of the City Manager's subordinates. **Commissioners shall deal with administrative services through the City Manager**, and neither the City Commission, nor any Commissioner, shall give orders to or make requests of any of the City Manager's subordinates, including contracted consultants, either publicly or privately unless authorized to do so by the City Manager. Individual Commissioners may make requests of the City Manager but may not give orders to the City Manager.

(b) [Provides the same substantive limitation as to the City Attorney.]

(c) [Provides the same substantive limitation as to the City Clerk.]

While the charter calls out certain examples of prohibited conduct (i.e. “give orders” and “make requests”), the principles of legislative construction require the entire text be read together. *See e.g. Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So.2d 452 (1992). Thus, regardless of the form or example, it is clear that City Commissioners must only “**deal with**” employees of other charter officers through that respective charter officer (whether City Manager, City Attorney, or City Clerk).

This limitation represents an authority-delegation structure adopted and imposed by the people of North Port through its Charter, and is a valid and enforceable limitation under Florida law. To provide context, many Florida municipalities, especially those employing the council–manager plan, have adopted similar non-interference clauses in their charters. The model city charter (9th Edition) published by the National Civic League further includes a standard non-interference clause.

Non-interference clauses are typically intended to preserve the separation between policy-making authority and administrative authority, ensuring City operations remain professionally managed, free from undue interference, and accountable through the administrative chain of command.

III. Personnel Policy 6.8 - Implementing Non-Interference Limitations

It is consistent with both Florida law and the North Port Charter for the City to adopt personnel policies that provide guidance to employees on how to handle requests or communications from individual Commissioners. Personnel Policy 6.8 requires that any Commissioner request for staff action or contact with City employees be routed through the City Manager (or other designated charter officer, such as the City Attorney or City Clerk) and that such requests only proceed following confirmation of appropriate approval from the charter officer.

The language does not conflict with City Charter Section 5.02 because they can be read in harmony with one another. *See e.g. Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011 (Fla. 2d DCA 2005). One is a limitation on the powers of government imposed on the City Commissioner's communication, and the other prescribes what an employee is to do if it receives a City Commissioner's communication to ensure it has been routed through the proper channels per the Charter. Therefore, the policy supplements, rather than contradicts the Charter. Further, because compliance with one does not violate the other, the policy and Charter are consistent.

Finally, the policy does not impede legitimate oversight, policy direction, or the functions of City Commissioners. Rather, it supports the Charter by ensuring:

1. Requests from individual Commissioners are properly coordinated through the designated administrative officer;
2. Employees are protected from conflicting instructions or unauthorized direction;
3. Administrative accountability remains with the charter officer as prescribed by the Charter; and
4. The chain of command and structural boundaries set forth in the Charter are respected in practice.

Thus, Personnel Policy 6.8 requiring routing or supervisory review of Commissioner requests is consistent with the Charter's non-interference clause and it helps operationalize the Charter's structure in day-to-day administration of City business.

Conclusion

The City Charter of North Port is the City's governing constitution, embodying the powers delegated by the people to their elected officials. The Charter both grants and limits those powers, and the City Commissioners' oath of office obligates them to act within those boundaries. The Charter's non-interference clause is a lawful and essential limitation designed to protect professional administration, prevent the erosion of the council-manager system, and maintain clarity of accountability and chain of command. The City's personnel policy governing how employees are to route such communications from City Commissioners to their respective charter officer is consistent with the Charter's limitations.

As always, if you should have any additional questions, please do not hesitate to contact me.