



City of North Port

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CALLING FOR A REFERENDUM QUESTION TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE CITY OF NORTH PORT, FLORIDA AT THE NOVEMBER 5, 2024 GENERAL ELECTION; PROVIDING A REFERENDUM QUESTION DETERMINING WHETHER TO AMEND THE CITY CHARTER TO AUTHORIZE THE CITY COMMISSION TO ISSUE DEBT IN CERTAIN CIRCUMSTANCES WITHOUT PRIOR VOTER APPROVAL; PROVIDING FOR THE FULL TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE FOR THE NEW CHARTER LANGUAGE IF THE PROPOSED CHARTER AMENDMENT IS APPROVED; PROVIDING FOR THE FILING OF THE ORDINANCE WITH THE SARASOTA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR PUBLICATION OF THE TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE IF THE PROPOSED CHARTER AMENDMENT IS APPROVED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statutes Section 166.031 and North Port City Charter Section 8.02, the City Commission may, by ordinance, submit proposed amendments to the City Charter to the electors; and

WHEREAS, the Sarasota County Supervisor of Elections advises that the next general election will occur on November 5, 2024, and to obtain placement on the ballot for the general election, the Supervisor of Elections has established a deadline of August 6, 2024 for the submission of referendum questions; and

WHEREAS, on November 8, 2022, the City Commission directed that the City start the process to present a referendum question on the next election cycle to amend the City Charter to allow the City to incur debt in the future under certain circumstances; and

WHEREAS, on December 4, 2023, the City Commission considered several proposed City Charter amendments related to the City's authority to incur debt and provided direction for the Charter Review Advisory Board to review the proposed amendments and to provide recommendations for Commission consideration; and

WHEREAS, on December 20, 2023, the Charter Review Advisory Board conducted a publicly noticed meeting to review and propose amendments to the Charter's requirements, and the City Commission considered the advisory board's input at its March 26, 2024 meeting; and

WHEREAS, the City Commission finds that the establishment of a debt management policy will establish parameters and provide guidance governing the issuance, management, continuing evaluation, and

reporting of the City's debt obligations, and will allow the City to prepare and implement the safeguards necessary to assure responsible fiscal policy; and

WHEREAS, the City Commission finds that the City Charter should be amended to authorize the Commission to incur debt during the existence of a declared local, state, or federal emergency or disaster, to remove debris from and to repair or reconstruct any public infrastructure or capital facilities damaged as a direct result of the emergency or disaster; and

WHEREAS, the City Commission finds that the City Charter should be amended to authorize the City to incur debt, payable from a source other than property taxes, to address safety or public health related to regulatory agency requirements, imminent infrastructure or system failure, and capital improvement facilities for emergency and essential services; and

WHEREAS, the City Commission finds that the City Charter should be further amended to limit the amount of debt incurred to address safety or public health prior to October 1, 2025 to a maximum principal amount of fifteen million dollars, and that beginning October 1, 2025 and each October 1 thereafter, the principal amount of debt limitation in effect shall be adjusted to reflect the percentage change in the Engineering News and Record (ENR) Construction Cost Index by using the most recent available information for the prior 12-month period; and

WHEREAS, the City Commission authorizes that this referendum question be placed on the November 5, 2024 ballot for consideration by the City's electors.

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 issuance or refinancing of debt.

SECTION 2 – PROPOSED CHARTER AMENDMENTS

- 2.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.
- 2.02 Article 1 of the North Port City Charter is hereby amended as follows:

“ARTICLE 1 – CREATION, POWERS, AND CONSTRUCTION

...

SECTION 1.02 – Powers.

...

- (b) The City of North Port 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 and bonds. Except as

otherwise provided in subsection (c) below, the City of North Port shall not issue ~~No~~ general obligation or revenue bonds shall be issued by the City of North Port unless approved by majority vote of the voters of the City of North Port voting on the issuance of those bonds in a primary, general, or special election. The City Commission shall adopt a debt management policy by resolution that is considered at two (2) separate public meetings at least one (1) week apart.

(c) Without referendum, the City Commission may authorize the City of North Port to borrow money, contract loans, and issue revenue bonds payable from funds other than property taxes to the full extent permitted by the State Constitution and laws of the State of Florida, as provided in this subsection.

1. Emergency response. During the existence of a declared local, state, or federal emergency or disaster, to remove debris from and to repair or reconstruct any public infrastructure or capital facilities damaged as a direct result of the emergency or disaster; or

2. Safety or public health.

(a) Categories of permissible debt. For safety or public health to address:

(i) Regulatory agency requirements;

(ii) Imminent infrastructure or system failure, including but not limited to roads; bridges; water control structures; or sanitation, water, or sewer facilities; and

(iii) Capital improvement facilities for emergency and essential services, including but not limited to facilities for the Police Department, North Port Fire Rescue District, North Port Road and Drainage District, North Port Solid Waste District or Utilities Department.

(b) Limitation on debt. The City's authority to address safety or public health in this subsection is limited as follows:

(i) Prior to October 1, 2025, the indebtedness incurred by the City to address safety or public health shall be in a principal amount no greater than Fifteen Million Dollars (\$15,000,000.00) per project. Any instrument of indebtedness in a principal amount exceeding a project's indebtedness limitation must be approved by majority vote of the voters of the City of North Port in a primary, general, or special election.

(ii) Beginning October 1, 2025 and each October 1 thereafter, the maximum principal amount of indebtedness the City may incur to address safety or public health shall be adjusted to reflect the percentage change in the Engineering News and Record (ENR) Construction Cost Index by using the most recent available information for the prior 12-month period.

(iii) The City Commission shall not approve of the issuance of this debt through an emergency ordinance.

(iv) The City shall not avoid the requirements in this section by separating a single, simultaneous, or concurrent project into parts to avoid the limitation set forth herein.

...”

(the remainder of this section is to be renumbered)

SECTION 3 – REFERENDUM ELECTION CALLED

3.01 A referendum election is ordered and called to be held throughout the City of North Port, Florida on November 5, 2024. The referendum will be held in conjunction with the City of North Port’s general election for the purpose of submitting to the City’s electors a referendum question as to whether the North Port City Charter should be amended to allow the City Commission to issue debt payable from funds other than property taxes without voter approval: (i) for safety or public health up to a maximum principal amount of \$15,000,000 increasing annually based on the Engineering News and Record (ENR) Construction Cost Index; and (ii) to respond to a declared emergency or disaster. The referendum question is more particularly set forth below.

SECTION 4 – CONDUCT OF REFERENDUM ELECTION

4.01 The referendum election called by this ordinance will be conducted in the manner prescribed in Florida Statutes Chapters 100, 101, and 102.

4.02 The polling places, election officials, and hours of election for the general election will be the same as those for the general election scheduled to be held within the City of North Port on November 5, 2024.

SECTION 5 – FORM OF BALLOT

5.01 The question pertaining to the adoption of the proposed amendment to the North Port City Charter will be submitted to the qualified electors of the City in substantially the following form, and will be printed on the ballot:

**OFFICIAL BALLOT
CITY OF NORTH PORT, FLORIDA
NOVEMBER 5, 2024**

REFERENDUM QUESTION 1 – DEBT ISSUANCE FOR SAFETY/PUBLIC HEALTH AND TO RESPOND TO DECLARED EMERGENCY/DISASTER

Florida local governments may issue certain debt for various governmental purposes. The City Charter requires voter approval before the City issues any debt. Should the Charter be amended, allowing the City to issue debt payable from funds other than property taxes without voter approval: (i) for safety and public health projects with a maximum principal amount of \$15,000,000, increasing annually based on a cost index; and (ii) to respond to a declared emergency or disaster?

_____ YES – Amend the City Charter

_____ NO – Do not amend the City Charter

SECTION 6 – NOTICE OF ELECTION

- 6.01 The City Clerk is directed to make this ordinance available for inspection at the office of the City Clerk and available on the City’s website at www.northportfl.gov.
- 6.02 The City Clerk is directed to publish a notice of the referendum election in a newspaper of general circulation within the City of North Port at least thirty (30) days prior to the date of the election. The notice must be published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held. The notice must be in substantially the following form:

NOTICE OF REFERENDUM ELECTION

Notice is hereby given that a referendum election will be held on **November 5, 2024**, in the City of North Port, Florida to consider the following question:

REFERENDUM QUESTION 1 – DEBT ISSUANCE FOR SAFETY/PUBLIC HEALTH AND TO RESPOND TO DECLARED EMERGENCY/DISASTER

Florida local governments may issue certain debt for various governmental purposes. The City Charter requires voter approval before the City issues any debt. Should the Charter be amended, allowing the City to issue debt payable from funds other than property taxes without voter approval: (i) for safety and public health projects with a maximum principal amount of \$15,000,000, increasing annually based on a cost index; and (ii) to respond to a declared emergency or disaster?

The complete text of the proposed City Charter amendment is contained in City of North Port Ordinance No. 2024-07. Copies of the ordinance may be inspected and are available at the office of the City Clerk, North Port City Hall, 4970 City Hall Boulevard, North Port, Florida; as well as on the City’s website at www.northportfl.gov.

The polls will be open at the voting places on the date of the referendum election from 7:00 a.m. to 7:00 p.m. All qualified electors of the City of North Port, Florida may vote in said election. Vote-by-mail and early voting will be permitted upon compliance with the applicable provisions of general law.

Heather Faust, MMC
City Clerk
City of North Port, Florida

SECTION 7 – SUPERVISOR OF ELECTIONS TO POST COPY OF ORDINANCE AT EACH POLLING PLACE

- 7.01 The Supervisor of Elections shall conspicuously post a copy of this ordinance at each polling place during the hours that the polls are open to consider the referendum.

SECTION 8 – EFFECTIVENESS OF REFERENDUM RESULTS

- 8.01 Returns of the votes cast at the referendum shall be made as required by law.
- 8.02 If a majority of the votes cast for the referendum question are “YES,” then the referendum question will be approved, and the proposed City Charter amendment will become effective as of 12:01 a.m. on the day following certification of the referendum results.
- 8.03 If less than a majority of the votes cast for the referendum question are “YES,” then the referendum question will be defeated, the adoption of the proposed City Charter amendment will have failed, and the amendment will not be effective or operative. The referendum question’s defeat will result in all provisions from the current City Charter remaining in full force and effect.

SECTION 9 – FILING WITH THE SUPERVISOR OF ELECTIONS

- 9.01 Upon this ordinance becoming effective, the City Clerk is directed to file a certified copy of this ordinance with the Supervisor of Elections for Sarasota County, Florida, and is authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this ordinance.

SECTION 10 – FILING WITH THE FLORIDA DEPARTMENT OF STATE

- 10.01 If the City’s electors approve the referendum question and the proposed City Charter amendment, the City Clerk is directed to file the City Charter amendment with the Florida Department of State in accordance with Florida Statutes Section 166.031(2).

SECTION 11 – CONFLICTS

- 11.01 In the event of any conflicts 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 12 – SEVERABILITY

- 12.01 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 13 – EFFECTIVE DATE

- 13.01 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 July 9, 2024.

ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session on July 23, 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