

June 2, 2003

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BARBARA T. SCOTT, CLERK, CHARLOTTE CO
REC 24100

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ORDINANCE

NUMBER 2003-28

AN ORDINANCE AMENDING CHAPTER 4-5, ARTICLE XV, CHARLOTTE COUNTY CODE; AMENDING THE SOUTH CHARLOTTE STORMWATER UTILITY DISTRICT; AMENDING THE PURPOSE OF THE UNIT; AMENDING THE DEFINITIONS APPLICABLE TO THE UNIT; PROVIDING THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

RECITALS

WHEREAS the Board of County Commissioners, by Ordinance 91-66, established the South Charlotte Stormwater Utility District for the purpose of planning, constructing, operating and maintaining a stormwater management system in that certain portion of Charlotte County; and

WHEREAS the Board of County Commissioners has determined that certain amendments to said municipal service benefit unit, as initially established, are needed to more efficiently provide for and fairly assess stormwater management projects and maintenance within the unit.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. The heading to Chapter 4-5, Article XV, Charlotte County Code, is amended to read as follows:

“ARTICLE XV. SOUTH CHARLOTTE STORMWATER UTILITY DISTRICT UNIT”

IMAGED
6-26-03
AP

IMAGED L.T.

Minutes
★
5

Section 2. Charlotte County Code, Section 4-5-342 is amended to read as follows:

“Sec. 4-5-342. Unit established.

There is hereby created, pursuant to the authority contained in F.S. Sections 125.01 and 403.0893, a municipal service benefit unit to be known as the South Charlotte Stormwater Utility ~~District~~ (“~~district~~”) Unit (“unit”).”

Section 3. Charlotte County Code, Section 4-5-344 is amended to read as follows:

“Sec. 4-5-344. Governing body.

The Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the ~~district~~ unit.

Section 4. Charlotte County Code, Section 4-5-345 is amended to read as follows:

“Sec. 4-5-345. Purpose.

The purpose of the ~~district~~ unit is to provide for the financing, design, construction, maintenance and operation of a stormwater management system, plan for future infrastructure needs, accrue or borrow funds for future work, and carry out such work. It is not the intent of the Board of County Commissioners in either the adoption of this article or the establishment of the ~~district~~ unit, solely by the action of such adoption or establishment, that the ~~district~~ unit assume any independent liability or obligation (without regard to whether the liability or obligation arises from provision of contract, statute, administrative code or permit) of any private person or private entity. The Board, however, by separate vote, may assume such obligations in specifically identified circumstances, with the vote spread on the minutes of the Board of County Commissioners.”

Section 5. Charlotte County Code, Section 4-5-346 is amended to read as follows:

“Sec. 4-5-346. Definitions.

The words and terms used in this article shall have the meanings provided in Charlotte County Code, Section 4-5-286.”

Section 6. Charlotte County Code, Section 4-5-347 is deleted in its entirety.

Section 7. Charlotte County Code, Section 4-5-348 is deleted in its entirety.

Section 8. Charlotte County Code, Section 4-5-349 is deleted in its entirety.

Section 9. Charlotte County Code, Section 4-5-350 is deleted in its entirety.

Section 10. Charlotte County Code, Section 4-5-351 is renumbered and amended to read as follows:

“Sec. ~~4-5-351~~ 4-5-347. Powers.

The board shall have the powers enumerated in Charlotte County Code, Section 4-5-287.”

Section 11. Charlotte County Code, Section 4-5-352 is deleted in its entirety.

Section 12. Charlotte County Code, Section 4-5-353 is renumbered and amended to read as follows:

“Sec. ~~4-5-353~~ 4-5-348. Capital project assessments.

The authority and procedure for imposing capital project assessments shall be as provided in Charlotte County Code, Section 4-5-288.”

Section 13. Charlotte County Code, Section 4-5-354 is renumbered and amended to read as follows:

“Sec. ~~4-5-354~~ 4-5-349. Maintenance assessments.

The authority and procedure for imposing maintenance assessments shall be as provided in Charlotte County Code, Section 4-5-289.”

Section 14. Charlotte County Code, Section 4-5-355 is renumbered and amended to read as follows:

“Sec. ~~4-5-355~~ 4-5-350. Collection of non-ad valorem assessments.

The authority and procedure for collecting capital project and maintenance assessments shall be as provided in Charlotte County Code, Section 4-5-290.”

Section 15. Charlotte County Code, Section 4-5-356 is renumbered and amended to read as follows:

“Sec. ~~4-5-356~~ 4-5-351. Issuance of debt obligations.

The authority and procedure regarding the issuance of debt obligations shall be as provided in Charlotte County Code, Section 4-5-291.”

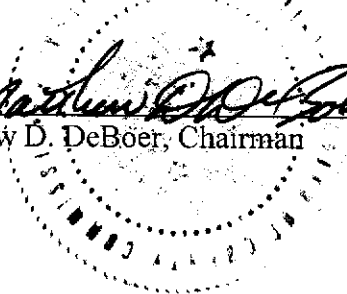
Section 16. Severability. In the event any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

Section 17. Effective Date. This ordinance shall take effect upon its filing in the office of the Secretary of State, State of Florida.

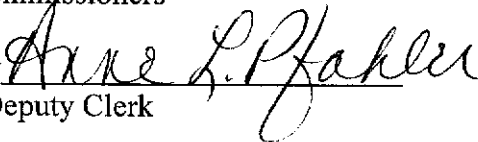
PASSED AND DULY ADOPTED this 27th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA



By 
Matthew D. DeBoer, Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By 
Anne L. Pfahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Renée Francis Lee, County Attorney 

p:\wpdata\brad\ords\msbu\south charlotte stormwater ord.doc/LR2003-233
May 1, 2003

ECONOMIC IMPACT STATEMENT
Ordinance Amending the
South Charlotte Stormwater Utility Unit

PURPOSE: *Analyze what the ordinance is designed to accomplish. Describe present situation and the ordinance's effect thereon.*

This ordinance adopts the changes previously made to the West Charlotte and Mid-Charlotte Stormwater Utility Units, including changes to the purpose of the Unit, additions and deletions to defined terms, and administrative remedies.

IMPACT: *Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (government). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals and groups). Identify the specific groups which will be impacted.*

A. Cost of Implementation:

The cost of implementation is administrative in nature and will be borne by the unit.

B. Source of Funds/Ultimate Burden of Costs:

Assessments on non-exempt property within the territory of the Unit.

C. Effect on Competition and the Employment Market:

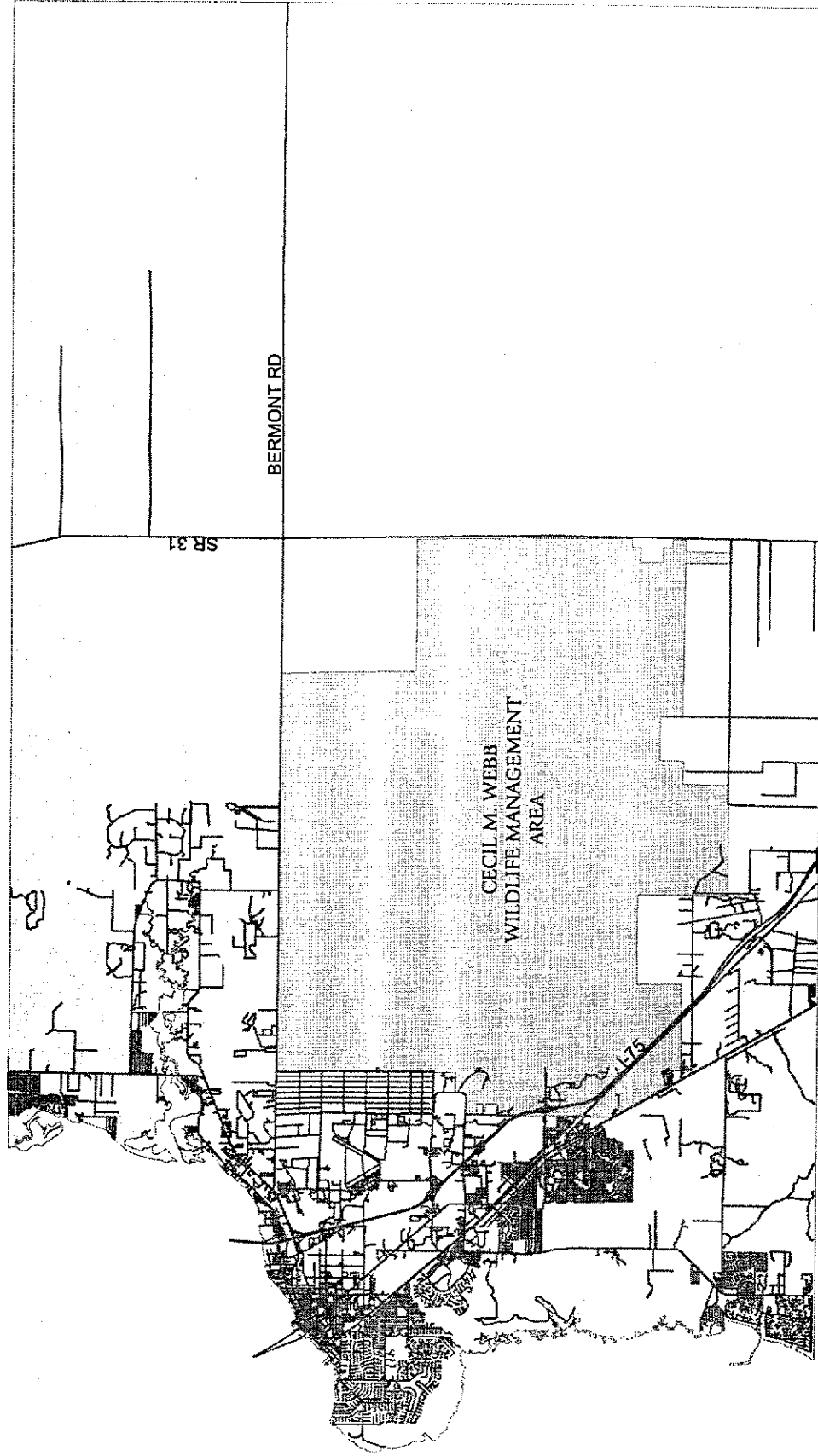
All amendments are administrative in nature; no effect on competition or the local employment market is anticipated.

D. Benefits on Implementation:

The ordinance will provide the framework, including the use of an improved assessment methodology, for the implementation of the comprehensive stormwater maintenance plan in the described portion of Charlotte County.

South County Stormwater Utility Unit

*Cecil M. Webb Wildlife Management Area is not included in the South County Stormwater Utility Unit



SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

ORD 2003-028

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Peggy Mazzone, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intention to Consider Ordinance, was published in said newspaper in the issues of:

May 16, 2003

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County will, in regular session, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, at 10 AM, or as soon thereafter as may be heard, on the 27th day of May, 2003, consider the enactment of an ordinance bearing the following title:

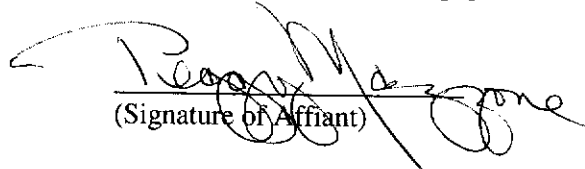
AN ORDINANCE AMENDING CHAPTER 4-5, ARTICLE XV, CHARLOTTE COUNTY CODE; AMENDING THE SOUTH CHARLOTTE STORMWATER UTILITY DISTRICT; AMENDING THE PURPOSE OF THE UNIT; AMENDING THE DEFINITIONS APPLICABLE TO THE UNIT; PROVIDING THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING MAINTENANCE AND CAPITAL PROJECT ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance and economic impact statement are available at the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.


BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA
 P.O. 2003002628-0
 PUBLISHED: May 16, 2003
 163352 1022548


 (Signature of Affiant)

Sworn and subscribed before me this 16th day of May, 2003.


 (Signature of Notary Public)

$1 \times 5.583 \times 4.95 = \27.64

 SUSAN J. DESMIDT
 My Comm Exp. 6/26/04
 No. CC 947769
 Personally Known Other I.D.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
 Office of the Secretary
 Division of Administrative Services
 Division of Corporations
 Division of Cultural Affairs
 Division of Elections
 Division of Historical Resources
 Division of Library and Information Services
 Division of Licensing
 MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
 Glenda E. Hood
 Secretary of State
 DIVISION OF ELECTIONS

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 Historic Palm Beach County Preservation Board
 Historic Pensacola Preservation Board
 Historic St. Augustine Preservation Board
 Historic Tallahassee Preservation Board
 Historic Tampa/Hillborough County
 Preservation Board
 RINGLING MUSEUM OF ART

June 2, 2003

Honorable Barbara T. Scott
 Clerk of the Circuit Court
 Charlotte County Board of County Commissioners
 Post Office Box 1687
 Punta Gorda, Florida 33951

Attention: Anne Pfahler

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 29, 2003, and certified copies of Charlotte County Ordinance Nos. 2003-023 through 2003-030, which were filed in this office on June 2, 2003.

Sincerely,

Liz Cloud, Chief
 Bureau of Administrative Code

LC/mp

IMAGED
 6-26-03
 AP

JUN 17 11:45 AM '03

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
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