

#14

ORDINANCE  
NUMBER 2013-006

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XXX, CHAPTER 4-6, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE DON PEDRO AND KNIGHT ISLANDS STREET AND DRAINAGE UNIT BY CREATING AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Section 125.01, Florida Statutes, has the power to establish, merge or abolish municipal service benefit units and levy and collect assessments within such units; and

WHEREAS, the Board, on December 18, 1990, amended the provisions of Chapter 4-6 of the Code of Laws and Ordinances of Charlotte County, Florida (the "Code") by adopting Ordinance No. 90-70 which created the Don Pedro and Knight Islands Street and Drainage Municipal Service Taxing Unit (the "Unit"); and

WHEREAS, the residents of the Unit have requested that an advisory board be formed for their Unit; and

WHEREAS, the Board of County Commissioners has determined based on the request of the residents and the recommendation of county staff, to create an advisory board for the Don Pedro and Knight Islands Street and Drainage Municipal Service Taxing Unit.



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

3           Section 1. Article XXX of Chapter 4-6 of the Charlotte County Code is amended by  
4 adding the following new language numbered and designated as follows:

5           **“Sec. 4-6-656. Establishment.**

6           The Board of County Commissioners hereby establishes a board of advisors  
7 for the Don Pedro and Knight Islands Street and Drainage Unit.  
8

9           **Sec. 4-6-657. Membership.**

10          The board of advisors shall consist of five (5) members and one (1) alternate  
11 member (hereinafter, collectively "members") appointed by the board of  
12 county commissioners. The alternate member shall assume the duties of any  
13 absent member until the conclusion of such absence. All members shall be  
14 resident electors of the Don Pedro and Knight Islands Street and Drainage  
15 Unit (the "Unit"). For purposes of appointing advisory board members, the  
16 Unit shall be divided into four (4) districts numbered District 1, District 2,  
17 District 3 and District 4 as shown on the attached Exhibit A. The advisory  
18 board shall be composed of one member each from Districts 1, 2, 3 and 4,  
19 whom shall be residents of their respective District, and one at-large member  
20 who may be a resident of any District of the Unit. The alternate member of  
21 the advisory board may also be a resident of any District of the Unit.  
22

23          The criteria for selection of members shall include, among other things,  
24 technical knowledge or expertise in matters related to the work program of  
25 the unit or demonstrated interest in community service. To provide for  
26 continuity of membership, the initial terms of office shall be drawn by lot and  
27 be as follows: One (1) member shall be appointed for one (1) year, two (2)  
28 members shall be appointed for two (2) years, and two (2) members shall be  
29 appointed for three (3) years. The initial term of the alternate member shall  
30 be two (2) years. After the initial term, members shall serve a term of three  
31 (3) years, except that the term of the alternate member shall be two (2)  
32 years, and all members shall be eligible for reappointment to the board of  
33 advisors for two (2) additional terms only. After a member serves three  
34 consecutive terms, the member shall not be eligible for reappointment to the  
35 board of advisors for one (1) year. In the event the term of a member who is  
36 not eligible for reappointment has expired and there are no eligible  
37 candidates to replace the term limited member, the board of county  
38 commissioners may reappoint the term limited member for one (1) additional  
39 three (3) year term.  
40

41          **Sec. 4-6-658. Removal from office.**

42          All advisory board members serve at the pleasure of the board of county

1 commissioners who may remove any member by majority vote, with or  
2 without cause, at any time. Members who fail to attend three (3) meetings in  
3 a twelve-month period without cause and without prior approval of the  
4 chairman shall automatically forfeit appointment and the board of county  
5 commissioners shall promptly fill each vacancy from a list of qualified  
6 petitioners. In the event that a vacancy occurs on the advisory board from a  
7 District and no eligible candidates from the District have applied for the  
8 vacant position, the Board may fill the vacancy with a resident from any  
9 District within the Unit. The filling of any vacancy occurring in any office shall  
10 be for only the remainder of that term.  
11

12 **Sec. 4-6-659. Officers.**

13 At the first meeting of the advisory board following the approval of this  
14 Ordinance by the Board of County Commissioners, or as soon thereafter as  
15 possible, the members shall elect a chairman and a vice-chairman, who shall  
16 be voting members, from among its members. Said chairman and vice-  
17 chairman shall serve until the first meeting of the advisory board occurring  
18 after the first day of December. At the first meeting of the advisory board  
19 occurring after the first day of December, the advisory board shall elect again  
20 a chairman and vice-chairman who shall serve for one (1) year and may be  
21 reelected for a maximum of three (3) consecutive terms. All members shall  
22 be eligible to be elected as chairman and vice-chairman at the December  
23 election. Thereafter, all elections of chairman and vice-chairman shall be  
24 conducted at the first meeting of the advisory board occurring after the first  
25 day of December in all subsequent years. These officers shall have such  
26 duties as are prescribed by the by-laws of the advisory board. The advisory  
27 board shall also have a recording secretary who is a member of county staff.  
28 Adopted minutes from each meeting will be filed with the county. The cost of  
29 providing such a secretary shall be charged to the Don Pedro and Knight  
30 Islands Street and Drainage Unit.  
31

32 **Sec. 4-6-660. Procedures.**

33 The board of advisors shall have the power to establish by-laws or other  
34 procedural rules necessary to accomplish its goals, subject to the authority of  
35 the board of county commissioners. The presence of three (3) or more  
36 members shall constitute a quorum. The board of advisors may request  
37 technical or administrative support through the county administrator, who  
38 may furnish such assistance as deemed proper.  
39

40 **Sec. 4-6-661. Recommendations.**

41 The board of advisors shall make recommendations to the board of county  
42 commissioners and to county staff. Recommendations shall include, but not  
43 be limited to, the following issues:

- 44 (1) Proposed maintenance work programs;
- 45 (2) Proposed capital projects;
- 46 (3) Proposed ad valorem taxes to be levied within the unit; and

1 (4) Proposed ordinances or resolutions which may affect the particular unit.

2  
3 **Sec. 4-6-662. Sunshine and Public Records Laws.**


4 The board of advisors in all its proceedings shall be governed by the Florida  
5 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law,  
6 Chapter 119, Florida Statutes.”

7  
8 Section 2. Severability. If any provision of this Ordinance or the application  
9 thereof to any person or circumstance is held invalid, the invalidity shall not affect other  
10 provisions or applications of this Ordinance which can be given effect without the invalid  
11 provision or applications. To this end, the provisions of this Ordinance are declared  
12 severable.

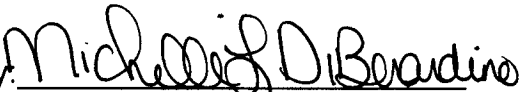
13 Section 3. Effective Date. A certified copy of this Ordinance shall be filed with the  
14 Department of State of the State of Florida within 10 days of enactment and shall take  
15 effect upon filing with said department.

16 PASSED AND DULY ADOPTED this 25<sup>th</sup> day of April, 2013.

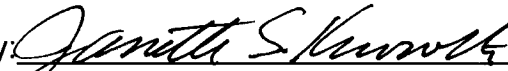
17 BOARD OF COUNTY COMMISSIONERS  
18 OF CHARLOTTE COUNTY, FLORIDA

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21 By:   
22 Christopher S. Constance, Chairman  
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23 ATTEST:  
24 Barbara T. Scott, Clerk of  
25 Circuit Court and Ex-Officio  
26 Clerk to the Board of County  
27 Commissioners

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29  
30 By:   
31 Deputy Clerk

32 APPROVED AS TO FORM  
33 AND LEGAL SUFFICIENCY:

34  
35  
36 By:   
37 Janette S. Knowlton, County Attorney  
38

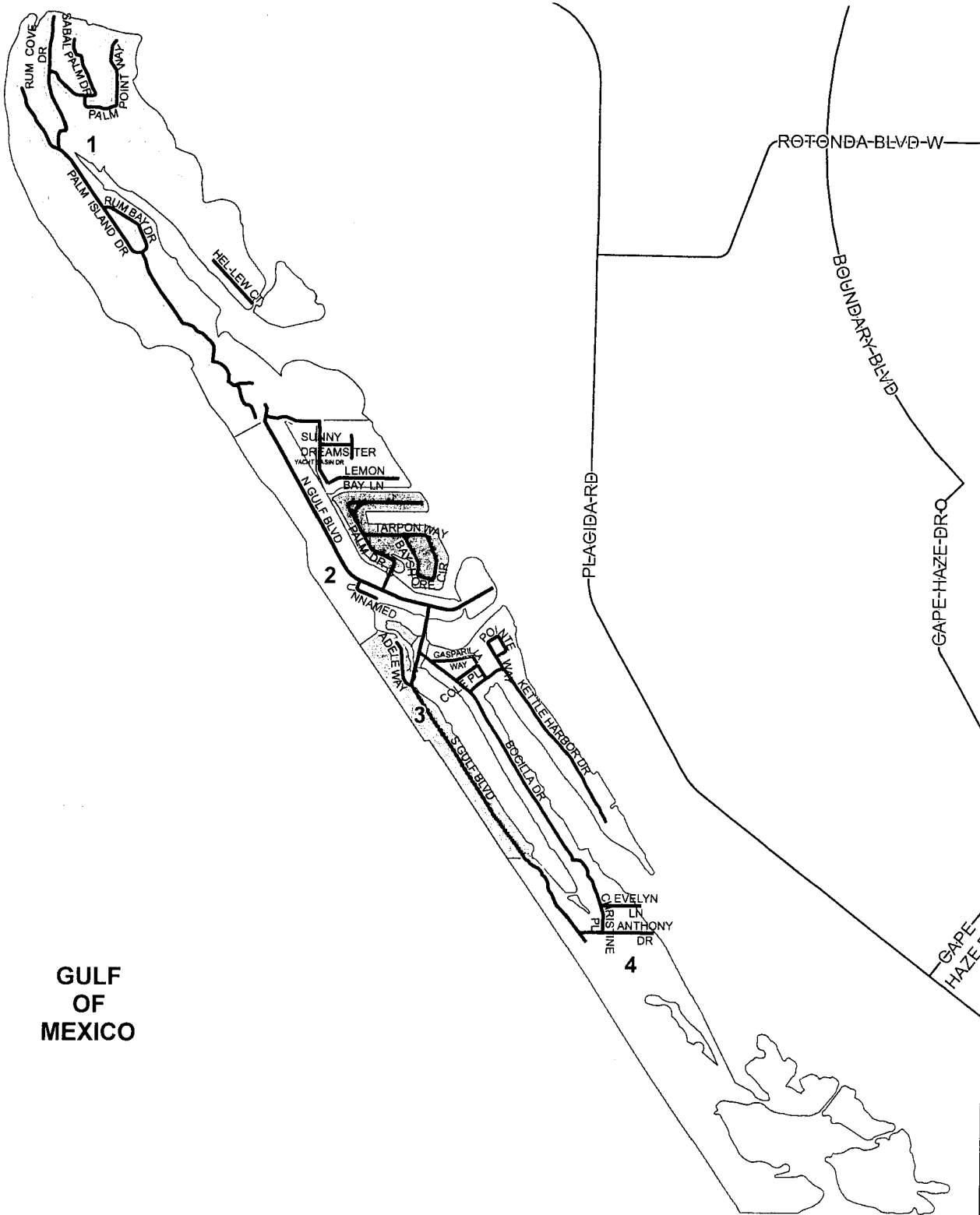


Public Works  
Department

# CHARLOTTE COUNTY

Don Pedro/ Knight Island MSTU

## EXHIBIT "A"



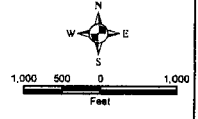
GULF OF MEXICO

Stateplane Projection  
Datum: NAD83  
Units: Meters  
Source: CCGIS, Public Works  
Prepared By: R. English, GISP  
Metadata available upon request

Structures	Pavement
District 1 - 104	Maintained, Paved
District 2 - 101	Maintained, Sand
District 3 - 121	Not Maintained, Sand
District 4 - 148	Private, Sand

OID	FC_DESCRIP	Sum_Miles
0	Paved	1.32
1	Sand/ Dirt	7.24
2	Treated Sand	1.89

Structures from 2011 Aerial



## ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XXX, CHAPTER 4-6, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE DON PEDRO AND KNIGHT ISLANDS STREET AND DRAINAGE UNIT BY CREATING AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The ordinance creates an advisory board for the Don Pedro and Knight Islands Street and Drainage Municipal Service Taxing Unit.

**IMPACT:** Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). 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 or groups). Identify the specific groups which will be impacted.

There are no appreciable costs to the public or private sector.

- |  |  |
|--|--|
| A. Cost of Implementation:                                   | The costs of adopting the ordinance are nominal. |
| B. Source of Funds/Ultimate Burden of Costs: None.           |  |
| C. Effect on Competition and the Employment: None.<br>Market |  |
| D. Benefits on Implementation:                               | Creates an advisory board for the unit.          |



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 2, 2013

Ms. Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 29, 2013 and certified copy of Charlotte County Ordinance No. 2013-006 which was filed in this office on May 2, 2013.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

RECEIVED  
MURDOCK BRANCH  
2013 MAY -9 PM 12:39  
BARBARA T. SCOTT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FL

# SUN NEWSPAPERS


Charlotte • DeSoto • Englewood • North Port • Venice

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

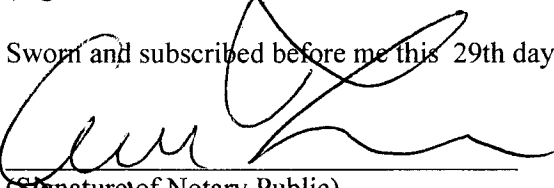
Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the Charlotte Sun and Englewood Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Ordinance to Amend, was published in said newspaper in the issues of:


March 29, 2013

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.

  
(Signature of Affiant)

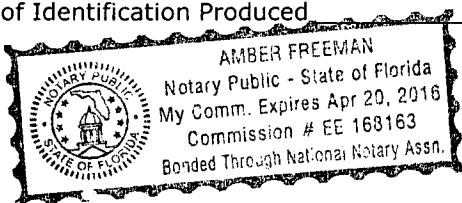
Sworn and subscribed before me this 29th day of March 2013.

  
(Signature of Notary Public)

  
(Print Name of Notary Public)

Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_



The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XXX, CHAPTER 4-6, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE DON PEDRO AND KNIGHT ISLANDS STREET AND DRAINAGE UNIT BY CREATING AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on this ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 9th day of April, 2013, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in 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 proceeding, 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

The Charlotte County Commission meeting room is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services, please contact our office at 941-743-1392 or TTY #941-743-1234. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.

Ref: 040913-A  
Published: March 29, 2013

163352 2871241

\$ 58.74

RECEIVED  
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MAR 29 AM 9:52  
CHARLOTTE COUNTY  
FLORIDA