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Effective Date 2/12/96
County # 960040A0

ORDINANCE

NUMBER 96-004

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR GROVE CITY STREET AND DRAINAGE MAINTENANCE UNIT WITHIN THE BOUNDARIES OF CHARLOTTE COUNTY, AMENDING CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-6-821 THROUGH 4-6-827, DESIGNATING SAID NEW SECTIONS AS DIVISION 2. ADVISORY BOARD, DESIGNATING EXISTING SECTIONS 4-6-811 THROUGH 4-6-820 AS DIVISION 1, GENERALLY, PROVIDING FOR MEMBERSHIP, DUTIES, POWERS, APPOINTMENTS AND PROCEDURES, REQUIRING COMPLIANCE WITH THE PROVISIONS OF THE SUNSHINE AND PUBLIC RECORDS LAWS OF FLORIDA, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE COUNTY CODE AND PROVIDING AN EFFECTIVE DATE.

RECITALS

1. The board of county commissioners, under the provisions of §125.01, Florida Statutes, has the power to establish municipal services benefit units (MSBU) or municipal services taxing units (MSTU).
2. Article II, Section 2.2(H) of the Home Rule Charter for Charlotte County, Florida specifies that the board of county commissioners shall, upon the petition of thirty (30) or more electors residing in an MSBU or MSTU, establish by ordinance an appointed board of advisors.
3. Thirty (30) or more electors residing within the Grove City Street and Drainage Maintenance Unit have petitioned for an appointed board of advisors.

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

4.75
minutes

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RECORDED 2599
COUNTY CLERK OF CHARLOTTE COUNTY, FLORIDA

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Section 1. Chapter 4-6 Article XXXIX of the Charlotte County Code is amended by adding the following new sections, designated as "Division 2: Advisory Board", as follows:

Division 2. Advisory Board

Section 4-6-821. Establishment. Upon the petition of thirty (30) or more electors residing within the Grove City Street and Drainage Maintenance Unit, the board of county commissioners, in accordance with the Home Rule Charter, Article II, Section 2.2(H), hereby establishes a board of advisors for the Grove City Street and Drainage Maintenance Unit.

Section 4-6-822. Membership. The Board of Advisors shall consist of five (5) members and one (1) alternate member [hereinafter, collectively "Members"] appointed by the board of county commissioners. The alternate member shall assume the duties of any absent member until the conclusion of such absence. All Members shall be residents of the Grove City Street and Drainage Maintenance Unit. The criteria for selection of Members shall include, among other things, technical knowledge or expertise in matters related to the work program of the MSBU or demonstrated interest in community service. Members shall serve a term of three (3) years, except that the term of the alternate member shall be two (2) years, and all Members shall be eligible for two (2) additional terms. To provide for continuity of membership, the initial terms of office shall be drawn by lot as follows: One (1) member shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, and two (2) members shall be appointed for three (3) years. The initial term of the alternate member shall be two (2) years.

Section 4-6-823. Removal from Office. Members who fail to attend three (3) meetings in a twelve-month period without cause and without prior approval of the chairman shall automatically forfeit appointment and the board of county commissioners shall promptly fill each

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vacancy from a list of qualified petitioners. The filling of any vacancy occurring in any office shall be for only the remainder of that term.

Section 4-6-824. Officers. The board of advisors shall elect a chairman and a vice-chairman, who shall be voting members, from among its members. Each officer shall serve for one (1) year and may be reelected for a maximum of three (3) consecutive terms. These officers shall have such duties as are prescribed by the by-laws of the board of advisors. The board of advisors shall also have a recording secretary who is a member of county staff. Adopted minutes from each meeting will be filed with the county. The cost of providing such a secretary shall be charged to the Grove City Street and Drainage Maintenance Unit.

Section 4-6-825. Procedures. The board of advisors shall have the power to establish by-laws or other procedural rules necessary to accomplish its goals, subject to the authority of the board of county commissioners. The presence of three or more Members shall constitute a quorum. The board of advisors may request technical or administrative support through the county administrator, who may furnish such assistance as deemed proper.

Section 4-6-826. Recommendations. The board of advisors shall make recommendations to the board of county commissioners and to county staff. Recommendations shall include, but not be limited to, the following issues:

1. Proposed maintenance work programs;
2. Proposed capital projects;
3. Proposed assessments to be levied within the particular unit;
4. Proposed ordinances or resolutions which may affect the particular unit.

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Section 4-6-827. Sunshine and Public Records Law. The board of advisors in all its proceedings shall be governed by the Florida Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law, Chapter 119, Florida Statutes.

Section 2. Chapter 4-6 Article XXXIX of the Charlotte County Code is further amended by designating existing sections 4-6-811 through 4-6-820 as "Division 1. Generally"

Section 3. 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 4. Intent. It is the intention of the board of county commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 5. Effective Date. This ordinance shall take effect upon its filing in the Office of Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 6th day of February, 1996.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA


Matthew D. DeBoer, Chairman

ATTEST:

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

By *Caroline A. Handberg*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Renee Francis Lee
Renee Francis Lee, County Attorney

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FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham
Secretary of State

DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
401 South Monroe Street
Tallahassee, Florida 32399-0250
(904) 488-8427

February 13, 1996

Honorable Barbara T. Scott
Clerk to Board of County Commissioners
Charlotte County
Post Office Box 1687
Punta Gorda, Florida 33950-1687

Attention: Caroline W. Lounsbury, Supervisor

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated February 7, 1996 and certified copy each of Charlotte County Ordinance Nos. 96-3, 96-4, 96-5, and 96-6, which were filed in this office on February 12, 1996.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

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2/6/96

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Ord 960040AO

SARASOTA HERALD-TRIBUNE
(Charlotte/Englewood AM Editions)

Published Daily

Charlotte County, FLORIDA

AD NUMBER /ANNYC-DIGC 10# 161639-V

STATE OF FLORIDA
COUNTY OF CHARLOTTE

Before the undersigned authority personally appeared Penny DiGregorio, who on oath says she is Advertising Manager, Charlotte/AM of the Sarasota Herald-Tribune (Charlotte/Englewood editions), a daily newspaper published in Charlotte County, Florida; that the attached copy of advertisement, being a notice in the matter of:

NOTICE OF INTENTION TO CONSIDER ORDINANCE

in the Court, was published in the Charlotte/Englewood edition of said newspaper in the issues of:

JANUARY 26, 1996

Affiant further says that the said Sarasota Herald-Tribune is a newspaper published in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in Charlotte County, Florida, each day, and has been entered as second-class mail 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 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.

Signed _____

Sworn to and subscribed before me this 26 day of January, A.D. 1996.

SEAL *[Signature]*
Notary Public

NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County will, at its regular session, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, at 2:15 P.M., on the 6th day of February, 1996, consider the enactment of an ordinance bearing the following title:

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR GROVE CITY STREET AND DRAINAGE MAINTENANCE UNIT WITHIN THE BOUNDARIES OF CHARLOTTE COUNTY; AMENDING CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-6-821 THROUGH 4-6-827; DESIGNATING SAID NEW SECTIONS AS DIVISION 2, ADVISORY BOARD; DESIGNATING EXISTING SECTIONS 4-6-811 THROUGH 4-6-820 AS DIVISION 1, GENERALLY; PROVIDING FOR MEMBERSHIP, DUTIES, POWERS, APPOINTMENTS AND PROCEDURES; REQUIRING COMPLIANCE WITH THE PROVISIONS OF THE SUNSHINE AND PUBLIC RECORDS LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE COUNTY CODE AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance and its 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
By: Matthew D. DeBoer, Chairman

PO #181639-V
Published: Jan. 26, 1996