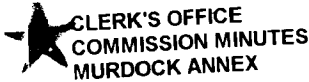


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ORDINANCE
NUMBER 2008- *039*

AN ORDINANCE AMENDING ARTICLE VII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE SUNCOAST WATERWAY MAINTENANCE UNIT TO PROVIDE FOR THE ADDITION OF PROPERTY TO THE UNIT; 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 COMPLIANCE WITH SUNSHINE AND PUBLIC RECORDS LAWS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3294, PGS 937-941 5 pg(s)
INSTR # 1767611
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RECITALS

WHEREAS, the Board of County Commissioners (the "Board"), 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 February 25, 1986, adopted Ordinance No. 86-07 which created the Suncoast Waterway Maintenance Municipal Service Benefit Unit (the "Unit"); and

WHEREAS, it is necessary to include additional property in the Unit, as depicted in Attachment 1 hereto, which will benefit from the Unit, but which has not been previously assessed by the Unit; and

WHEREAS, the Board of County Commissioners has also determined, based on public interest and staff recommendation, that it is in the best interest of the property owners and residents in the affected area to create an advisory board for the Suncoast Waterway Maintenance Unit.

IMAGED

6-2-08 AP

5 mins

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

3 Section 1. Charlotte County Code, Article VII, Section 4-7-137 is amended as
4 follows (underlined sections are additions, strikethrough sections are deletions):

5 "Sec. 4-7-137. Area.

6 The territory included within the unit shall include the portions of the
7 unincorporated area of Charlotte County as depicted on the map attached to
8 Ordinance No. ~~2006-032~~ 2008-_____ as Attachment 1, and as more fully
9 described in any assessment roll provided for in this article."

10
11 Section 2. Article VII of chapter 4-7, Charlotte County Code is further amended by
12 adding the following new language, numbered and designated as follows:

13 "Sec. 4-7-143. Establishment.

14 The Board of County Commissioners hereby establishes a board of advisors for the
15 Suncoast Waterway Maintenance Unit.

16
17 Sec. 4-7-144. Membership.

18 The board of advisors shall consist of five (5) members and one (1) alternate
19 member (hereinafter, collectively "members") appointed by the board of county
20 commissioners. The alternate member shall assume the duties of any absent
21 member until the conclusion of such absence. All members shall be residents of the
22 Suncoast Waterway Maintenance Unit. The criteria for selection of members shall
23 include, among other things, technical knowledge or expertise in matters related to
24 the work program of the MSBU or demonstrated interest in community service. After
25 the initial term, members shall serve a term of three (3) years, except that the term
26 of the alternate member shall be two (2) years, and all members shall be eligible for
27 reappointment to the board of advisors for two (2) additional terms only. After a
28 member serves three consecutive terms, the member shall not be eligible for
29 reappointment to the board of advisors for one (1) year. In the event the term of a
30 member who is not eligible for reappointment has expired and there are no eligible
31 candidates to replace the term limited member, the board of county commissioners
32 may reappoint the term limited member for one (1) additional three (3) year term.
33 To provide for continuity of membership, the initial terms of office shall be drawn by
34 lot and be as follows: One (1) member shall be appointed for one (1) year, two (2)
35 members shall be appointed for two (2) years, and two (2) members shall be
36 appointed for three (3) years. The initial term of the alternate member shall be two
37 (2) years.

38
39 Sec. 4-7-145. Removal from office.

40 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 without
2 cause, at any time. Members who fail to attend three (3) meetings in a twelve-
3 month period without cause and without prior approval of the chairman shall
4 automatically forfeit appointment and the board of county commissioners shall
5 promptly fill each vacancy from a list of qualified petitioners. The filling of any
6 vacancy occurring in any office shall be for only the remainder of that term.

7
8 Sec. 4-7-146. Officers.

9 The board of advisors shall elect a chairman and a vice-chairman, who shall be
10 voting members, from among its members. Each officer shall serve for one (1) year
11 and may be reelected for a maximum of three (3) consecutive terms. These officers
12 shall have such duties as are prescribed by the by-laws of the board of advisors.
13 The board of advisors shall also have a recording secretary who is a member of
14 county staff. Adopted minutes from each meeting will be filed with the county. The
15 cost of providing such a secretary shall be charged to the Suncoast Waterway
16 Maintenance Unit.

17
18 Sec. 4-7-147. Procedures.

19 The board of advisors shall have the power to establish by-laws or other procedural
20 rules necessary to accomplish its goals, subject to the authority of the board of
21 county commissioners. The presence of three (3) or more members shall constitute
22 a quorum. The board of advisors may request technical or administrative support
23 through the county administrator, who may furnish such assistance as deemed
24 proper.

25
26 Sec. 4-7-148. Recommendations.

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

- 30 (1) Proposed maintenance work programs;
31 (2) Proposed capital projects;
32 (3) Proposed assessments to be levied within the particular unit;
33 (4) Proposed ordinances or resolutions which may affect the particular unit.

34
35 Sec. 4-7-149. Sunshine and Public Records Laws.

36 The board of advisors in all its proceedings shall be governed by the Florida
37 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law, Chapter
38 119, Florida Statutes."

39
40 Section 3. Inclusion in the Charlotte County Code. It is the intention of the board of

41 county commissioners and it is hereby ordained that the provisions of this ordinance shall
42 become and be made a part of the Code of Laws and Ordinances, Charlotte County,
43 Florida, and the sections of this ordinance may be renumbered to accomplish such

1 intention.

2 Section 4. Severability. In the event any portion of the foregoing conflicts with any
3 other Charlotte County Code or other applicable law, the more restrictive shall apply. If any
4 subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held
5 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
6 deemed a separate, distinct, and independent provision and such holding shall not affect
7 the validity of the remainder of this Ordinance.

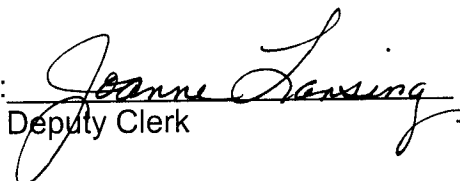
8 Section 5. Effective Date. This Ordinance shall take effect upon its filing in the
9 Office of Secretary of State, State of Florida.

10 PASSED AND DULY ADOPTED this 13 day of May, 2008.

11 BOARD OF COUNTY COMMISSIONERS
12 OF CHARLOTTE COUNTY, FLORIDA

13
14
15
16 By: 
17 Thomas C. D'Aprile, Chair

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

23
24
25 By: 
26 Deputy Clerk




27
28 APPROVED AS TO FORM
29 AND LEGAL SUFFICIENCY:

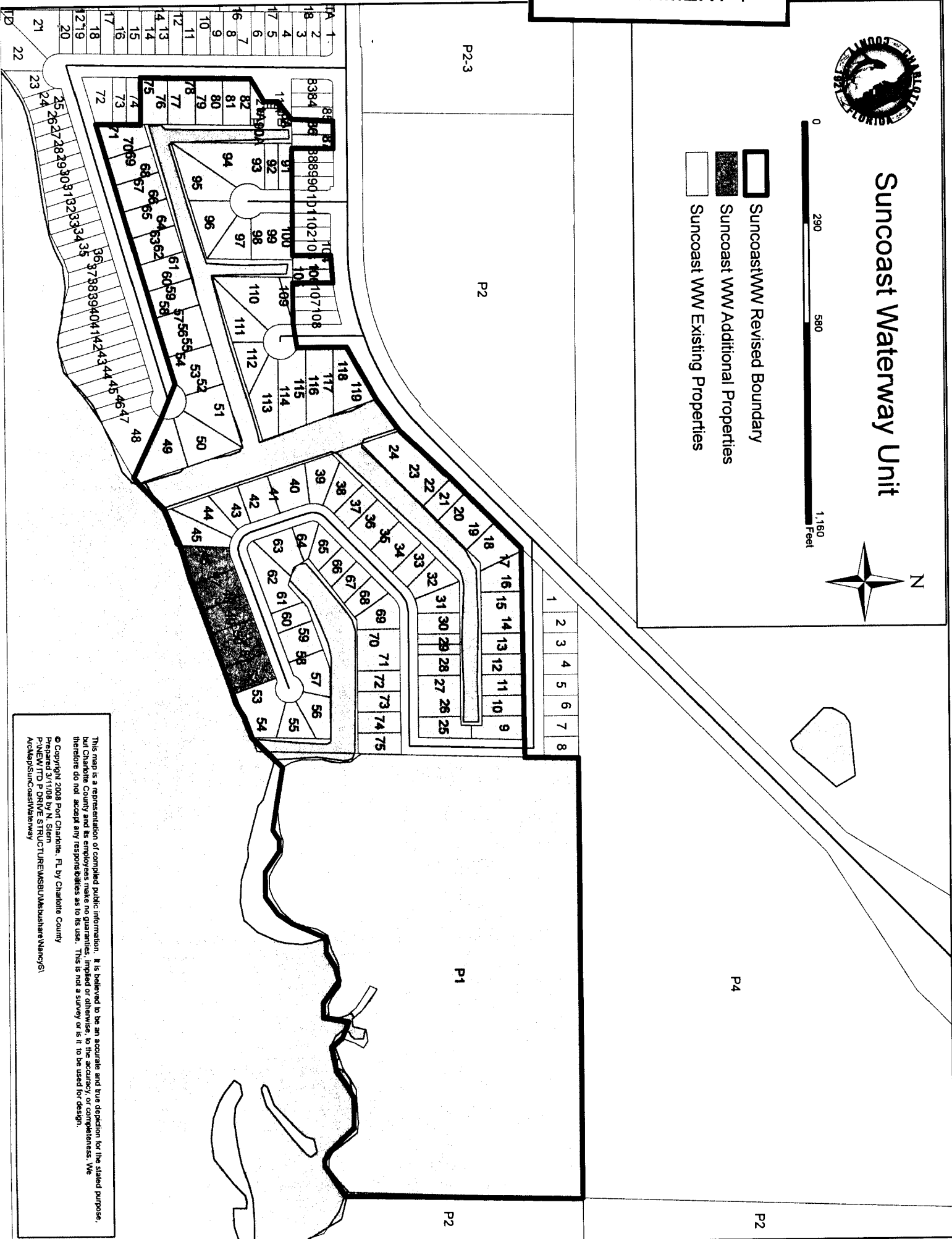
30
31
32 By: 
33 Janette S. Knowlton, County Attorney
34 DG



Suncoast Waterway Unit



-  Suncoast\WW Revised Boundary
-  Suncoast WW Additional Properties
-  Suncoast WW Existing Properties



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness, of the information. Therefore do not accept any responsibility as to its use. This is not a survey or is it to be used for design.

© Copyright 2008 Port Charlotte, FL by Charlotte County
 Prepared by/TDRS by A. Stern
 P:\NEW TDR\DRIVE STRUCTURE\MSU\Wishahare\Wanor\SI
 Ack\Map\Suncoast\Waterway

ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE VII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE SUNCOAST WATERWAY MAINTENANCE UNIT TO PROVIDE FOR THE ADDITION OF PROPERTY TO THE UNIT; 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 COMPLIANCE WITH SUNSHINE AND PUBLIC RECORDS LAWS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; 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 would amend the territory of the Suncoast Waterway Maintenance Unit by adding certain parcels to the unit that have not previously been assessed but which receive a benefit from the unit and also creates an advisory board for the 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.
Market
- D. Benefits on Implementation: Creates an advisory board for the Unit and assesses property that derives a benefit from the unit that had not been previously assessed.

SUN

NEWSPAPERS
Charlotte • DeSoto • Englewood • North Port • Venice

PH #1
ORD# 2008-0391

NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:
AN ORDINANCE AMENDING ARTICLE VII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE SUN-COAST WATERWAY MAINTENANCE UNIT TO PROVIDE FOR THE ADDITION OF PROPERTY TO THE UNIT; 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 COMPLIANCE WITH SUNSHINE AND PUBLIC RECORDS LAWS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; 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 13th day of May, 2008, 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. FM Sound

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Cynthia Acevedo, 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,

May 2, 2008

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.

Cynthia Acevedo
(Signature of Affiant)

Sworn and subscribed before me this 2nd day of May, 2008.

Amber Freeman
(Signature of Notary Public)

1x 7.889 x 5.75 = \$45.37



Enhancement Units for the Hearing Impaired are available at the Front Desk. If Sound Enhancement Units are insufficient for you, please contact our office TTY # 941-743-1234.

P.O. #: 20081986-C
Published: May 2, 2008
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FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

May 20, 2008

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948-1094

Attention: Ms. Anne L. Pfahler, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 15, 2008 and certified copies of Charlotte County Ordinance Nos. 2008-039 through 2008-042, which were filed in this office on May 19, 2008.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
MURDOCK BRANCH
2008 MAY 23 PM 1:33
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

DIRECTOR'S OFFICE

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IMAGED
6-2-08 AP