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July 3, 2006

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
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ORDINANCE
NUMBER 2006-063

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR THE EDGEWATER NORTH WATERWAY UNIT; DESIGNATING EXISTING CHARLOTTE COUNTY CODE SECTIONS 4-7-441 THROUGH 4-7-447 AS "DIVISION 1. GENERALLY"; AMENDING THE CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-7-448 THROUGH 4-7-454; DESIGNATING SAID NEW SECTIONS AS "DIVISION 2. ADVISORY BOARD"; PROVIDING FOR ESTABLISHMENT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR 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

WHEREAS, the Board of County Commissioners of Charlotte County, Florida, (the "Board") under the provisions of §125.01, Florida Statutes, has the power to establish municipal services benefit units (MSBU) or municipal services taxing units (MSTU); and

WHEREAS, pursuant to Article II, Section 2.2 (H) of the Home Rule Charter for Charlotte County, Florida, the Board shall, upon the petition of thirty (30) or more electors residing in an MSBU or MSTU, establish by ordinance an appointed board of advisors; and

WHEREAS, thirty (30) or more electors residing within the Edgewater North Waterway Unit have submitted a petition to the Board requesting that the Board form an appointed advisory board for the Unit; and

WHEREAS, the Board, having considered the petition and pursuant to the provisions of §125.01, Florida Statutes and Article II, Section 2.2 (H) of its Home Rule Charter hereby creates an advisory board for the Edgewater North Waterway Unit.

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7-14-06
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minutes

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

Section 1. Chapter 4-7, Article XXII of the Charlotte County Code is amended by designating existing sections 4-7-441 through 4-7-447 as **"Division 1. Generally."**

Section 2. Charlotte County Code, chapter 4-7, Article XXII, is further amended by adding the following new sections, designated as **"Division 2. Advisory Board"**, as follows:

"Division 2. Advisory Board"

"Section 4-7-448. Establishment.

Having received the petition of thirty (30) or more electors residing within the Edgewater North Waterway Unit, the Board of County Commissioners, in accordance with the provisions of Chapter 125.01, Florida Statutes and Article II, Section 2.2(H), of the Home Rule Charter of Charlotte County, Florida, hereby establishes a board of advisors for the Edgewater North Waterway Unit.

Section 4-7-449. 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 Edgewater North Waterway 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 reappointment to the board of advisors for two (2) additional terms only. After a member serves three consecutive terms, the member shall not be eligible for reappointment to the board of advisors for one (1) year. In the event the term of a member who is not eligible for reappointment has expired and there are no eligible candidates to replace the term limited member, the board of county commissioners may reappoint the term limited member for an additional term. 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 4-7-450. Removal from Office.

All advisory board members serve at the pleasure of the board of county commissioners who may remove any member by majority vote, with or without cause, at any time. 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 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 4-7-451. 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 Edgewater North Waterway Unit.

Section 4-7-452. 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 4-7-453. 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 within the unit;
2. Proposed capital projects within the unit;
3. Proposed assessments to be levied within the unit;
4. Proposed ordinances or resolutions which may affect the unit.

Section 4-7-454. 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 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 receipt of acknowledgment of its filing in the Office of Secretary of State, State of Florida.

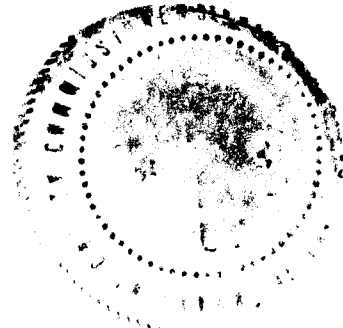
PASSED AND DULY ADOPTED this 27th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Thomas G. Moore
Thomas G. Moore, Chair

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

By: Gail Hanley
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
06-150 14

ECONOMIC IMPACT STATEMENT

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR THE EDGEWATER NORTH WATERWAY UNIT; DESIGNATING EXISTING CHARLOTTE COUNTY CODE SECTIONS 4-7-441 THROUGH 4-7-447 AS "DIVISION 1. GENERALLY"; AMENDING THE CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-7-448 THROUGH 4-7-454; DESIGNATING SAID NEW SECTIONS AS "DIVISION 2. ADVISORY BOARD"; PROVIDING FOR ESTABLISHMENT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR COMPLIANCE WITH THE PROVISIONS OF THE SUNSHINE AND PUBLIC RECORDS LAWS OF FLORIDA.

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

The ordinance would establish a formal board of advisors for the Edgewater North Waterway Unit (MSBU). The required thirty (30) qualified electors of the MSBU have petitioned the Board of County Commissioners for appointment of a formal board of advisors which would act according to the Charlotte County Code and be subject to the Sunshine and Public Records Laws.

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 sectors. The cost of implementing the board of advisors would be associated with clerical costs and document preparation costs and these would be borne by the MSBU itself. The benefits would be realized by the members of the MSBU because of formal representation before the Board of County Commissioners for matters impacting the MSBU.

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| A. Cost of Implementation: | The costs of adopting the ordinance are nominal. |
| B. Source of Funds/Ultimate Burden of Costs: | Edgewater North Waterway Unit |
| C. Effect on Competition and the Employment Market: | None |
| D. Benefits on Implementation: | Formal board operates according to established procedures and is charged with making specific recommendations to the Board of County Commissioners |

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:
 AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR THE EDGEWATER NORTH WATERWAY UNIT; DESIGNATING EXISTING CHARLOTTE COUNTY CODE SECTIONS 4-7-441 THROUGH 4-7-447 AS "DIVISION 1. GENERALLY"; AMENDING THE CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-7-448 THROUGH 4-7-454; DESIGNATING SAID NEW SECTIONS AS "DIVISION 2. ADVISORY BOARD"; PROVIDING FOR ESTABLISHMENT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR 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.

A public hearing on the ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 27th day of June, 2006, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance 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
 P.O. #: 2006003227-H
 Published: June 17, 2006
 163352 1691151

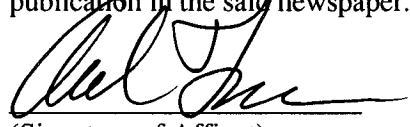
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
 COUNTY OF CHARLOTTE:

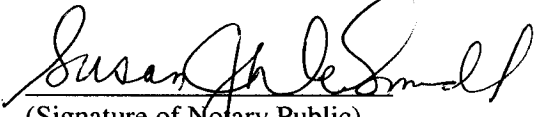
Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

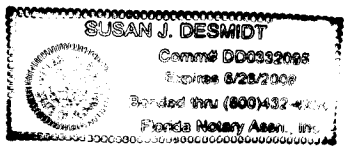
June 17, 2006

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 19th day of June, 2006.


 (Signature of Notary Public)



1 x 6.389 x 5.75 = \$ 36.74



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

July 5, 2006

Honorable Barbara T. Scott
Clerk of Circuit Court
Charlotte County
P.O. Box 510156
Punta Gorda, Florida 33951-0156

Attention: 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 June 29, 2006 and certified copies of Charlotte County Ordinance Nos. 2006-062, 2006-063, 2006-064, 2006-065, and 2006-066, which were filed in this office on July 3, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

2006 JUL 11 AM 11:34

RECEIVED AT
STOCK BRANCH

IMAGED

7-14-06
AP

STATE LIBRARY OF FLORIDA
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