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CLERK'S OFFICE
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MURDOCK ANNEX



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ORDINANCE
NUMBER 2008-060

AN ORDINANCE AMENDING ARTICLE XVIII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; CREATING AN ADVISORY BOARD FOR THE PIRATE HARBOR WATERWAY 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.

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 May 27, 2003, adopted Ordinance No. 03-27 which created the Pirate Harbor Waterway municipal service benefit unit (the "Unit"); and

WHEREAS, the Board of County Commissioners has 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 Pirate Harbor Waterway Unit.

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

Section 1. Article XVIII, Chapter 4-7 of the Charlotte County Code, is hereby amended by adding the following new language, numbered and designated as follows:

"Sec. 4-7-368. Establishment.
The Board of County Commissioners hereby establishes a board of advisors for the

IMAGED *9-18-08*
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1 Pirate Harbor Waterway Unit.

2
3 Sec. 4-7-369. Membership.

4 The board of advisors shall consist of five (5) members and one (1) alternate
5 member (hereinafter, collectively "members") appointed by the board of county
6 commissioners. The alternate member shall assume the duties of any absent
7 member until the conclusion of such absence. All members shall be residents of the
8 Pirate Harbor Waterway Unit. The criteria for selection of members shall include,
9 among other things, technical knowledge or expertise in matters related to the work
10 program of the MSBU or demonstrated interest in community service. After the
11 initial term, members shall serve a term of three (3) years, except that the term of
12 the alternate member shall be two (2) years, and all members shall be eligible for
13 reappointment to the board of advisors for two (2) additional terms only. After a
14 member serves three consecutive terms, the member shall not be eligible for
15 reappointment to the board of advisors for one (1) year. In the event the term of a
16 member who is not eligible for reappointment has expired and there are no eligible
17 candidates to replace the term limited member, the board of county commissioners
18 may reappoint the term limited member for one (1) additional three (3) year term.
19 To provide for continuity of membership, the initial terms of office shall be drawn by
20 lot and be as follows: One (1) member shall be appointed for one (1) year, two (2)
21 members shall be appointed for two (2) years, and two (2) members shall be
22 appointed for three (3) years. The initial term of the alternate member shall be two
23 (2) years.

24
25 Sec. 4-7-370. Removal from office.

26 All advisory board members serve at the pleasure of the board of county
27 commissioners who may remove any member by majority vote, with or without
28 cause, at any time. Members who fail to attend three (3) meetings in a twelve-
29 month period without cause and without prior approval of the chairman shall
30 automatically forfeit appointment and the board of county commissioners shall
31 promptly fill each vacancy from a list of qualified petitioners. The filling of any
32 vacancy occurring in any office shall be for only the remainder of that term.

33
34 Sec. 4-7-371. Officers.

35 The board of advisors shall elect a chairman and a vice-chairman, who shall be
36 voting members, from among its members. Each officer shall serve for one (1) year
37 and may be reelected for a maximum of three (3) consecutive terms. These officers
38 shall have such duties as are prescribed by the by-laws of the board of advisors.
39 The board of advisors shall also have a recording secretary who is a member of
40 county staff. Adopted minutes from each meeting will be filed with the county. The
41 cost of providing such a secretary shall be charged to the Pirate Harbor Waterway
42 Unit.

43
44 Sec. 4-7-372. Procedures.

45 The board of advisors shall have the power to establish by-laws or other procedural
46 rules necessary to accomplish its goals, subject to the authority of the board of

1 county commissioners. The presence of three (3) or more members shall constitute
2 a quorum. The board of advisors may request technical or administrative support
3 through the county administrator, who may furnish such assistance as deemed
4 proper.

5
6 Sec. 4-7-373. Recommendations.

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

10 (1) Proposed maintenance work programs;

11 (2) Proposed capital projects;

12 (3) Proposed assessments to be levied within the particular unit;

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

14
15 Sec. 4-7-374. Sunshine and Public Records Laws.

16 The board of advisors in all its proceedings shall be governed by the Florida
17 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law, Chapter
18 119, Florida Statutes."

19
20 Section 3. Inclusion in the Charlotte County Code. It is the intention of the board of

21 county commissioners and it is hereby ordained that the provisions of this ordinance shall
22 become and be made a part of the Code of Laws and Ordinances, Charlotte County,
23 Florida, and the sections of this ordinance may be renumbered to accomplish such
24 intention.

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

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

33

1 PASSED AND DULY ADOPTED this 26th day of August, 2008.

2 BOARD OF COUNTY COMMISSIONERS
3 OF CHARLOTTE COUNTY, FLORIDA

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6
7 By: [Signature]
8 Thomas C. D. Aprile, Chair

9
10 ATTEST:
11 Barbara T. Scott, Clerk of
12 Circuit Court and Ex-Officio
13 Clerk to the Board of County
14 Commissioners

15
16
17 By: [Signature]
18 Deputy Clerk

19
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21 APPROVED AS TO FORM
22 AND LEGAL SUFFICIENCY:

23
24
25 By: [Signature]
26 Janette S. Knowlton, County Attorney

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ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE XVIII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; CREATING AN ADVISORY BOARD FOR THE PIRATE HARBOR WATERWAY 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 above ordinance creates an advisory board for the Pirate Harbor Waterway 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.



NOTICE OF INTENTION TO CONSIDER ORDINANCE

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

AN ORDINANCE AMENDING ARTICLE XVIII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; CREATING AN ADVISORY BOARD FOR THE PIRATE HARBOR WATERWAY 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 26th day of August, 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 of Intention to Consider Ordinance,

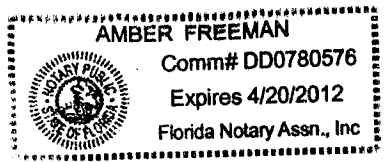
August 15, 2008

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.


 (Signature of Affiant)

Sworn and subscribed before me this 15th day of August, 2008.


 (Signature of Notary Public)



1 x 7.681 x 5.75 = \$ 44.17

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. #: 20082492-C
 Published: August 15, 2008
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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

September 5, 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 August 28, 2008 and certified copy of Charlotte County Ordinance No. 2008-060, which was filed in this office on September 3, 2008.

Sincerely,

Liz Cloud
Program Administrator

RECEIVED AT
MURDOCK BRANCH
2008 SEP 11 AM 11:30
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY FL

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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IMAGED 9-18-08
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