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June 3, 2008

ORDINANCE
NUMBER 2008-050

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AN ORDINANCE AMENDING ARTICLE XIV, CHAPTER 4-5, OF THE CHARLOTTE COUNTY CODE; AMENDING THE MID-CHARLOTTE STORMWATER UTILITY UNIT TO CREATE 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 3298, PGS 1854-1857 4 pg(s)
INSTR # 1771094
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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 December 17, 1991, adopted Ordinance No. 91-65 which created the Mid-Charlotte Stormwater Utility 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 Mid-Charlotte Stormwater Utility Unit.

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

Section 1. Article XIV of Chapter 4-5, Charlotte County Code is amended by adding the following new language numbered and designated as follows:

"Sec. 4-5-322. Establishment.

IMAGED

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1 The Board of County Commissioners hereby establishes a board of advisors for the
2 Mid-Charlotte Stormwater Utility Unit.

3
4 Sec. 4-5-323. Membership.

5
6 (a) The board of advisors shall consist of five (5) members and one (1) alternate
7 member (hereinafter, collectively "members") appointed by the board of county
8 commissioners. The five member board of advisors shall consist of one member
9 from each of the following municipal service benefit units (MSBUs): Deep Creek
10 (Non Urban) Street and Drainage Unit; Harbour Heights Street and Drainage Unit,
11 Northwest Port Charlotte Street and Drainage Unit, the Suncoast Boulevard Street
12 and Drainage Unit and the Greater Port Charlotte Street and Drainage Unit. The
13 alternate member shall be a resident of the Greater Port Charlotte Street and
14 Drainage Unit and shall assume the duties of any absent member until the
15 conclusion of such absence. All members shall be residents of their respective
16 MSBUs and the Mid-Charlotte Stormwater Utility Unit. The criteria for selection of
17 members shall include, among other things, technical knowledge or expertise in
18 matters related to the work program of the MSBU or demonstrated interest in
19 community service.

20
21 (b) To provide for continuity of membership, the initial terms of office shall be
22 drawn by lot and be as follows: one (1) member shall be appointed for one (1) year,
23 two (2) members shall be appointed for two (2) years, and two (2) members shall be
24 appointed for three (3) years. The initial term of the alternate member shall be two
25 (2) years. After the initial term, members shall serve a term of three (3) years,
26 except that the term of the alternate member shall be two (2) years, and all
27 members shall be eligible for reappointment to the board of advisors for two (2)
28 additional terms only. After a member serves three consecutive terms, the member
29 shall not be eligible for reappointment to the board of advisors for one (1) year. In
30 the event the term of a member who is not eligible for reappointment has expired
31 and there are no eligible candidates to replace the term limited member, the board
32 of county commissioners may reappoint the term limited member for one (1)
33 additional three (3) year term. In the event that a vacancy occurs and the board of
34 county commissioners is unable to find an eligible candidate who meets the
35 residency requirement for any particular MSBU, the board of county commissioners
36 may fill the vacant position by appointing any otherwise eligible candidate who
37 resides within the Mid-Charlotte Stormwater Utility Unit.

38
39 Sec. 4-5-324. Removal from office.

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

1
2 Sec. 4-5-325. Officers.

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

11
12 Sec. 4-5-326. Procedures.

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

19
20 Sec. 4-5-327. Recommendations.

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

24 (1) Proposed maintenance work programs;

25 (2) Proposed capital projects;

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

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

28
29 Sec. 4-5-328. Sunshine and Public Records Laws.

30 The board of advisors in all its proceedings shall be governed by the Florida
31 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law, Chapter
32 119, Florida Statutes."

33
34 Section 2. Inclusion in the Charlotte County Code. It is the intention of the board of
35 county commissioners and it is hereby ordained that the provisions of this ordinance shall
36 become and be made a part of the Code of Laws and Ordinances, Charlotte County,
37 Florida, and the sections of this ordinance may be renumbered to accomplish such
38 intention.

39 Section 3. Severability. In the event any portion of the foregoing conflicts with any
40 other Charlotte County Code or other applicable law, the more restrictive shall apply. If any

1 subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held
2 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
3 deemed a separate, distinct, and independent provision and such holding shall not affect
4 the validity of the remainder of this Ordinance.

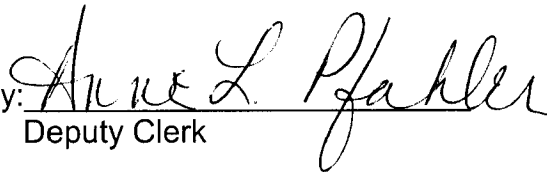
5 Section 4. Effective Date. This Ordinance shall take effect upon its filing in the
6 Office of Secretary of State, State of Florida.

7 PASSED AND DULY ADOPTED this 27 day of May, 2008.


8 BOARD OF COUNTY COMMISSIONERS
9 OF CHARLOTTE COUNTY, FLORIDA

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12
13 By: 
14 Thomas C. D'Aprile, Chair

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

20
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22 By: 
23 Deputy Clerk
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25 APPROVED AS TO FORM
26 AND LEGAL SUFFICIENCY:

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30 By: 
31 Janette S. Knowlton, County Attorney
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ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE XIV, CHAPTER 4-5, OF THE CHARLOTTE COUNTY CODE; AMENDING THE MID-CHARLOTTE STORMWATER UTILITY UNIT TO CREATE 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 above ordinance creates an advisory board for the Mid-County Stormwater Utility 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 Mid-County Stormwater Utility Unit.

P.H. V-4

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 AMENDING ARTICLE XIV, CHAPTER 4-5, OF THE CHARLOTTE COUNTY CODE; AMENDING THE MID-CHARLOTTE STORMWATER UTILITY UNIT TO CREATE 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 27th 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:

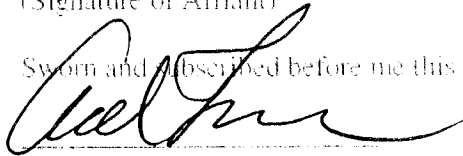
Before the undersigned authority personally appeared Cynthia Acevedo, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intention,

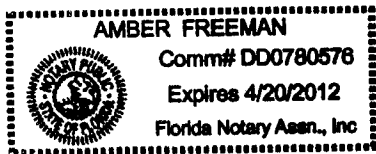
May 17, 2008

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 17th day of May, 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. #: 2008001986-H
Published: May 17, 2008
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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

June 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 May 29, 2008 and certified copies of Charlotte County Ordinance Nos. 2008-048 through 2008-050, which were filed in this office on June 3, 2008.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
MURDOCK BRANCH
2008 JUN -9 PM 12: 28
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY FL

DIRECTOR'S OFFICE

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