

Hyatt

ORDINANCE
NUMBER 2010-017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

AN ORDINANCE AMENDING ARTICLE XLIII, CHAPTER 4-6, OF THE CHARLOTTE COUNTY CODE; AMENDING THE BOCA GRANDE STREET AND DRAINAGE UNIT BY 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 GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, 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 21, 1993, adopted Ordinance No. 93-72 which created the Boca Grande Street and Drainage Municipal Service Benefit Unit (the "Unit"); and

WHEREAS, the Board of County Commissioners has determined, based on public interest and the recommendation of county staff, that it is in the best interest of the property owners and residents in the affected area to create an advisory board for the Boca Grande Street and Drainage Unit.

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

Section 1. Article XLIII, Chapter 4-6 of the Charlotte County Code is amended by adding the following new language numbered and designated as follows:

IMAGED

minutes
4

1 **“Sec. 4-6-901. Establishment.**

2 The Board of County Commissioners hereby establishes a board of advisors
3 for the Boca Grande Street and Drainage Unit.
4

5 **Sec. 4-6-902. Membership.**

6 (a) It is recognized that, as of the date of this Ordinance, the current Boca
7 Grande Street and Drainage Unit advisory board is presently composed of
8 three members previously appointed by the Board of County Commissioners.
9 It is the intent of the Board to now ratify and approve the prior appointments
10 and terms of the three current members, and to ratify and approve all past
11 recommendations made by the advisory board to the Board of County
12 Commissioners. Upon approval of this Ordinance by the Board of County
13 Commissioners, all future appointments or reappointments to the advisory
14 board shall be done in accordance with the provisions and procedures
15 contained herein.
16

17 (b) The board of advisors shall consist of five (5) members and one (1)
18 alternate member (hereinafter, collectively "members") appointed by the
19 board of county commissioners. The alternate member shall assume the
20 duties of any absent member until the conclusion of such absence. All
21 members shall be residents of the Boca Grande Street and Drainage Unit.
22 The criteria for selection of members shall include, among other things,
23 technical knowledge or expertise in matters related to the work program of
24 the unit or demonstrated interest in community service. To provide for
25 continuity of membership, the initial terms of office shall be drawn by lot and
26 be as follows: One (1) member shall be appointed for one (1) year, two (2)
27 members shall be appointed for two (2) years, and two (2) members shall be
28 appointed for three (3) years. The initial term of the alternate member shall
29 be two (2) years. After the initial term, members shall serve a term of three
30 (3) years, except that the term of the alternate member shall be two (2)
31 years, and all members shall be eligible for reappointment to the board of
32 advisors for two (2) additional terms only. After a member serves three
33 consecutive terms, the member shall not be eligible for reappointment to the
34 board of advisors for one (1) year. In the event the term of a member who is
35 not eligible for reappointment has expired and there are no eligible
36 candidates to replace the term limited member, the board of county
37 commissioners may reappoint the term limited member for one (1) additional
38 three (3) year term.
39

40 **Sec. 4-6-903. Removal from office.**

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

1 the remainder of that term.

2
3 **Sec. 4-6-904. Officers.**

4 At the first meeting of the advisory board following the approval of this
5 Ordinance by the Board of County Commissioners, or as soon thereafter as
6 possible, the members shall elect a chairman and a vice-chairman, who shall
7 be voting members, from among its members. Said chairman and vice-
8 chairman shall serve until the first meeting of the advisory board occurring
9 after the first day of December. At the first meeting of the advisory board
10 occurring after the first day of December, the advisory board shall elect again
11 a chairman and vice-chairman who shall serve for one (1) year and may be
12 reelected for a maximum of three (3) consecutive terms. All members shall
13 be eligible to be elected as chairman and vice-chairman at the December
14 election. Thereafter, all elections of chairman and vice-chairman shall be
15 conducted at the first meeting of the advisory board occurring after the first
16 day of December in all subsequent years. These officers shall have such
17 duties as are prescribed by the by-laws of the advisory board. The advisory
18 board shall also have a recording secretary who is a member of county staff.
19 Adopted minutes from each meeting will be filed with the county. The cost of
20 providing such a secretary shall be charged to the Boca Grande Street and
21 Drainage Unit.

22
23 **Sec. 4-6-905. Procedures.**

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

30
31 **Sec. 4-6-906. Recommendations.**

32 The board of advisors shall make recommendations to the board of county
33 commissioners and to county staff. Recommendations shall include, but not
34 be limited to, the following issues:
35 (1) Proposed maintenance work programs;
36 (2) Proposed capital projects;
37 (3) Proposed assessments to be levied within the particular unit;
38 (4) Proposed ordinances or resolutions which may affect the particular unit.

39
40 **Sec. 4-6-907. Sunshine and Public Records Laws.**

41 The board of advisors in all its proceedings shall be governed by the Florida
42 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law,
43 Chapter 119, Florida Statutes.”

44
45 Section 2. Inclusion in the Charlotte County Code. It is the intention of the board of

46 county commissioners and it is hereby ordained that the provisions of this ordinance shall

1 become and be made a part of the Code of Laws and Ordinances, Charlotte County,
2 Florida, and the sections of this ordinance may be renumbered to accomplish such
3 intention.

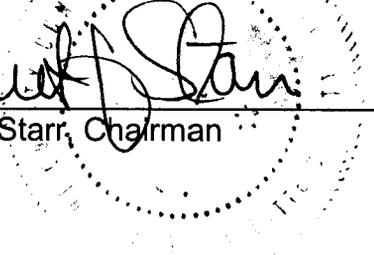
4 Section 3. Severability. If any provision of this ordinance or the application thereof to
5 any person or circumstance is held invalid, the invalidity shall not affect other provisions or
6 applications of this ordinance which can be given effect without the invalid provision or
7 applications. To this end, the provisions of this ordinance are declared severable.

8 Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the
9 Department of State of the State of Florida within 10 days of enactment and shall take
10 effect upon filing with said department.

11 PASSED AND DULY ADOPTED this 13th day of April, 2010.

12 BOARD OF COUNTY COMMISSIONERS
13 OF CHARLOTTE COUNTY, FLORIDA

14
15 By: Robert J. Starr
16 Robert J. Starr, Chairman
17



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 By: Anne L. Baker
25 Deputy Clerk
26

27 APPROVED AS TO FORM
28 AND LEGAL SUFFICIENCY:

29
30 By: Janette S. Knowlton
31 Janette S. Knowlton, County Attorney
32
33
34
35
36
37

ECONOMIC IMPACT ESTIMATE

AN ORDINANCE AMENDING ARTICLE XLIII, CHAPTER 4-6, OF THE CHARLOTTE COUNTY CODE; AMENDING THE BOCA GRANDE STREET AND DRAINAGE UNIT BY 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 GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; 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 creates an advisory board for the Boca Grande Street and Drainage 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.

PH #1

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 XLIII, CHAPTER 4-6, OF THE CHARLOTTE COUNTY CODE; AMENDING THE BOCA GRANDE STREET AND DRAINAGE UNIT BY 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 GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; 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 April, 2010, 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 or TTY #941-743-1234. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.

P.O. #: 2010001428-F
Published: April 1, 2010
163352 2387266

PUBLISHER'S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, 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, was published in said newspaper in the issues of:

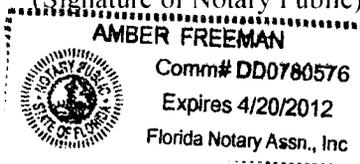
April 1, 2010

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.

Diane Brinckman
(Signature of Affiant)

Sworn and subscribed before me this 1st day of April, 2010.

Amber Freeman
(Signature of Notary Public)



Amber Freeman

Personally known OR Produced Identification _____

Type of Identification Produced _____



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 20, 2010

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 April 15, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-017 and 2010-018, which were filed in this office on April 19, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
MURDOCK BRANCH
2010 APR 23 AM 11:24
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
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

IMAGED