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CLERK'S OFFICE  
COMMISSION MINUTES  
MURDOCK ANNEX

ORDINANCE  
NUMBER 2008-011

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AN ORDINANCE AMENDING ARTICLE XI, CHAPTER 4-7 OF THE CHARLOTTE COUNTY CODE; AMENDING THE BUENA VISTA AREA WATERWAY UNIT BY AMENDING SECTIONS 4-7-216, 4-7-220, 4-7-221, 4-7-222, 4-7-223, 4-7-224 AND 4-7-225; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR ASSESSMENTS AND COLLECTIONS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR THE CREATION OF 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.

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 of County Commissioners has determined that it is necessary to amend the provisions of the Buena Vista Area Waterway Unit in order to bring the language of the ordinance into conformity with other Charlotte County municipal service benefit units; and

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

IMAGED  
*2-6-08  
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1 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of  
2 Charlotte County, Florida:

3 Section 1. Sec. 4-7-216 of Article XI, Chapter 4-7 of the Charlotte County Code is  
4 amended as follows (underlined sections are additions and strikethrough sections are  
5 deletions):

6 "Sec. 4-7-216. Unit established.  
7 There is hereby created, pursuant to the authority contained in F.S. section  
8 125.01(1)(q), a municipal service benefit unit to be known as the Buena Vista  
9 Area Waterway Unit (the "unit")."

10  
11 Section 2. Sec. 4-7-220 of Article XI, Chapter 4-7 of the Charlotte County Code is  
12 amended as follows (underlined sections are additions and strikethrough sections are  
13 deletions):

14 "Sec. 4-7-220. Annual budget. Powers of the governing body.  
15 ~~On or before the first day of June of each year, the county administrator or~~  
16 ~~his designee shall present to the board of county commissioners plans and~~  
17 ~~estimates of cost for work to be performed during the succeeding fiscal year~~  
18 ~~or years. Such plans and estimates of cost for work shall first be reviewed by~~  
19 ~~a committee of seven (7) property owners within the unit appointed by the~~  
20 ~~board of county commissioners. Said committee shall prepare and forward~~  
21 ~~recommendations to the board of county commissioners in conjunction with~~  
22 ~~the presentation by the county administrator. Such plans shall be filed with~~  
23 ~~the clerk of the circuit court as ex-officio clerk to the board of county~~  
24 ~~emmissioners and shall be available for public inspection. The governing~~  
25 body shall have those powers set forth in chapter 4-6, Article I, Charlotte  
26 County Code."

27  
28 Section 3. Sec. 4-7-221 of Article XI, Chapter 4-7 of the Charlotte County Code is  
29 amended as follows (underlined sections are additions and strikethrough sections are  
30 deletions):

31 "Sec. 4-7-221. Annual project discussion. Assessments and Collection.  
32 ~~Upon examination of the plans and estimates, and after public notice by~~  
33 ~~newspaper at least fifteen (15) days prior thereto, and no later than July 1 of~~  
34 ~~each year, the board of county commissioners by resolution may determine~~  
35 ~~to accomplish all or any part of the proposed work and defray the whole or~~

1 any part of the expense thereof by special assessments. The resolution may  
2 designate the work to be performed by reference to the plans and estimates  
3 as filed and shall state the amount to be paid and shall also designate the  
4 lands upon which the special assessments shall be levied. It is at this  
5 meeting, no later than July 1 of each year, that the board shall make its final  
6 decision on whether the project shall be funded, and if so, in what amount.  
7 The public at this meeting shall be informed of the finality of the decisions to  
8 be made and that for all practical purposes, the only further public  
9 participation permitted will be to appeal errors in individual property  
10 assessments. In describing unit lands, it shall be sufficient to describe them  
11 as all lots and lands lying within the Buena Vista Grassy Point Waterway and  
12 Seawall Maintenance Unit One. The resolution also shall state the total  
13 estimated cost of the improvement, including the cost of repair, maintenance,  
14 construction or reconstruction, dredging, the cost of all labor and materials,  
15 the cost of all lands, property rights, easements and franchises to be  
16 acquired, discounts and costs of collection, surveys of estimates of costs and  
17 of revenues, costs of engineering and legal services, and all other expenses  
18 necessary or incident to determining the feasibility or practicability of such  
19 works, administrative expense and such other expense as may be necessary  
20 or incident to the completion of the works. The authority and procedure for  
21 imposing and collecting capital project and maintenance assessments shall  
22 be as provided in Chapter 4-6, Article I, Charlotte County Code."  
23

24 Section 4. Sec. 4-7-222 of Article XI, Chapter 4-7 of the Charlotte County Code is

25 amended as follows (underlined sections are additions and strikethrough sections are  
26 deletions):

27 "Sec. 4-7-222. Annual assessment roll. Issuance of debt obligations.  
28 Upon the adoption of the resolution, the board of county commissioners shall  
29 cause to be made an assessment roll which shall be filed in the office of the  
30 board. The assessment roll shall show the lots and lands assessed, and the  
31 amount of the benefit to and the assessment against each lot or parcel of  
32 land. The method for the determination of the proportionate share of each  
33 property to be specially assessed is on the basis of a single amount to be  
34 assessed upon each separate parcel or lot lying contiguous to any canals in  
35 the unit. ~~Tract G-19 shall be assessed at a rate of fourteen (14) residential~~  
36 ~~parcels or lots.~~  
37 The authority and procedure regarding the issuance of debt obligations shall  
38 be as provided in Chapter 4-6, Article I, Charlotte County Code."  
39

40 Section 5. Section 4-7-223 of Article XI, Chapter 4-7 of the Charlotte County Code is

41 amended as follows (underlined sections are additions and strikethrough sections are

1 deletions):

2 ~~“Sec. 4-7-223. Equalization hearing. Establishment of advisory board.~~  
3 ~~On the completion of the assessment roll, the board of county~~  
4 ~~commissioners as the governing body shall fix a time and place at which the~~  
5 ~~owners of the property to be assessed or any other persons interested may~~  
6 ~~appear before the board and be heard as to the manner of payment therefor~~  
7 ~~or the amount thereof to be assessed against each property so benefited.~~  
8 ~~Notice of the time and place of such hearing shall be given by two (2)~~  
9 ~~publications approximately a week apart in a newspaper of general~~  
10 ~~circulation in Charlotte County, the first of such notices to be published not~~  
11 ~~less than ten (10) days before the time set for the hearing. The notice shall~~  
12 ~~describe the area to be improved and advise all persons interested that the~~  
13 ~~description of each property to be assessed and the amount to be assessed~~  
14 ~~to each piece or parcel of property may be ascertained at the office of the~~  
15 ~~board of county commissioners of Charlotte County. The Board of County~~  
16 ~~Commissioners hereby establishes a board of advisors for the Buena Vista~~  
17 ~~Area Waterway Unit.”~~

18  
19 Section 6. Section 4-7-224 of Article XI, Chapter 4-7 of the Charlotte County Code is  
20 amended as follows (underlined sections are additions and strikethrough sections are  
21 deletions):

22 ~~“Sec. 4-7-224. Adjustment of assessments. Membership.~~  
23 ~~At the time and place named in the notice, the board of county~~  
24 ~~commissioners shall meet as an equalizing board to hear and consider~~  
25 ~~complaints as to errors in special assessments and shall adjust and equalize~~  
26 ~~the assessments on a basis of justice and right. When so equalized and~~  
27 ~~approved by resolution of the board of county commissioners, the~~  
28 ~~assessments shall stand confirmed and remain legal, valid and binding liens~~  
29 ~~of equal dignity with the lien for county taxes on the property against which~~  
30 ~~such assessments are made until paid. The board of advisors shall consist of~~  
31 ~~five (5) members and one (1) alternate member (hereinafter, collectively~~  
32 ~~"members") appointed by the board of county commissioners. The alternate~~  
33 ~~member shall assume the duties of any absent member until the conclusion~~  
34 ~~of such absence. All members shall be residents of the Buena Vista Area~~  
35 ~~Waterway Unit. The criteria for selection of members shall include, among~~  
36 ~~other things, technical knowledge or expertise in matters related to the work~~  
37 ~~program of the MSBU or demonstrated interest in community service. After~~  
38 ~~the initial term, members shall serve a term of three (3) years, except that the~~  
39 ~~term of the alternate member shall be two (2) years, and all members shall~~  
40 ~~be eligible for reappointment to the board of advisors for two (2) additional~~  
41 ~~terms only. After a member serves three consecutive terms, the member~~  
42 ~~shall not be eligible for reappointment to the board of advisors for one (1)~~

1 year. In the event the term of a member who is not eligible for reappointment  
2 has expired and there are no eligible candidates to replace the term limited  
3 member, the board of county commissioners may reappoint the term limited  
4 member for one (1) additional three (3) year term. To provide for continuity  
5 of membership, the initial terms of office shall be drawn by lot and be as  
6 follows: One (1) member shall be appointed for one (1) year, two (2)  
7 members shall be appointed for two (2) years, and two (2) members shall be  
8 appointed for three (3) years. The initial term of the alternate member shall  
9 be two (2) years."

10  
11 Section 7. Section 4-7-225 of Article XI, Chapter 4-7 of the Charlotte County Code is

12 amended as follows (underlined sections are additions and strikethrough sections are  
13 deletions):

14 "Sec. 4-7-225. Certificate by board. Removal from office.  
15 The assessment roll, as amended following the equalization hearing, shall be  
16 certified by the board to the property appraiser who shall include the  
17 assessments thus made in the Charlotte County Tax Roll, and the  
18 assessments shall be collected in the manner and form subject to the same  
19 discounts, commissions, interest, penalties, and remedies for enforcement  
20 and collection as are provided by general law for the collection of county  
21 taxes. The administrator or his designee shall take care that this section is  
22 effectuated in compliance with F.S. section 200-068, relating to units  
23 established after January first of any taxing year, and in compliance with  
24 section 197.363, requiring certain agreements, restrictions, and first class  
25 mail notice to affected property owners. All advisory board members serve  
26 at the pleasure of the board of county commissioners who may remove any  
27 member by majority vote, with or without cause, at any time. Members who  
28 fail to attend three (3) meetings in a twelve-month period without cause and  
29 without prior approval of the chairman shall automatically forfeit appointment  
30 and the board of county commissioners shall promptly fill each vacancy from  
31 a list of qualified petitioners. The filling of any vacancy occurring in any office  
32 shall be for only the remainder of that term."

33  
34 Section 8. Sections 4-7-226, 4-7-227, 4-7-228 and 4-7-229 of Article XI, Chapter 4-7

35 of the Charlotte County Code are hereby created and shall read as follows:

36 "Sec. 4-7-226. Officers.  
37 The board of advisors shall elect a chairman and a vice-chairman, who shall  
38 be voting members, from among its members. Each officer shall serve for  
39 one (1) year and may be reelected for a maximum of three (3) consecutive  
40 terms. These officers shall have such duties as are prescribed by the by-laws  
41 of the board of advisors. The board of advisors shall also have a recording

1 secretary who is a member of county staff. Adopted minutes from each  
2 meeting will be filed with the county. The cost of providing such a secretary  
3 shall be charged to the Buena Vista Area Waterway Unit.  
4

5 Sec. 4-7-227. Procedures.

6 The board of advisors shall have the power to establish by-laws or  
7 other procedural rules necessary to accomplish its goals, subject to the  
8 authority of the board of county commissioners. The presence of three (3) or  
9 more members shall constitute a quorum. The board of advisors may request  
10 technical or administrative support through the county administrator, who  
11 may furnish such assistance as deemed proper.  
12

13 Sec. 4-7-228. Recommendations.

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

- 17 (1) Proposed maintenance work programs;
- 18 (2) Proposed capital projects;
- 19 (3) Proposed assessments to be levied within the particular unit;
- 20 (4) Proposed ordinances or resolutions which may affect the particular unit.  
21

22 Sec. 4-7-229. Sunshine and Public Records Laws.

23 The board of advisors in all its proceedings shall be governed by the  
24 Florida Sunshine Law, Chapter 286, Florida Statutes and the Public Records  
25 Law, Chapter 119, Florida Statutes."  
26

27 Section 9. Inclusion in the Charlotte County Code. It is the intention of the Board of

28 County Commissioners and is hereby ordained that the provisions of this ordinance shall  
29 become and be made a part of Article XI, chapter 4-7, of the Code of Laws and Ordinances  
30 of Charlotte County, Florida, and the sections of this ordinance may be renumbered to  
31 accomplish said intention.

32 Section 10. Severability. In the event any portion of the foregoing conflicts with any  
33 other Charlotte County Code or other applicable law, the more restrictive shall apply. If any  
34 subsection, sentence, clause, phrase, or portion of these sections is for any reason held  
35 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

1 deemed a separate, distinct, and independent provision and such holding shall not affect  
2 the validity of the remainder of the chapter.

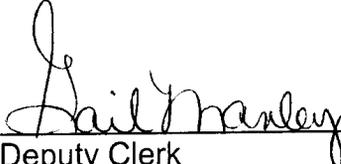
3 Section 11. Effective Date. This ordinance shall take effect upon its filing in the  
4 Office of Secretary of State, State of Florida.

5 PASSED AND DULY ADOPTED this 22nd day of JANUARY, 2008.

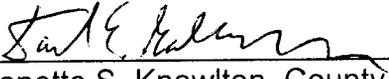
6 BOARD OF COUNTY COMMISSIONERS  
7 OF CHARLOTTE COUNTY, FLORIDA

8  
9  
10  
11 By:   
12 Thomas C. D'Aprile, Chair

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

18  
19  
20 By:   
21 Deputy Clerk

22  
23  
24 APPROVED AS TO FORM  
25 AND LEGAL SUFFICIENCY:

26  
27  
28 By:   
29 Janette S. Knowlton, County Attorney  
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## ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE XI, CHAPTER 4-7 OF THE CHARLOTTE COUNTY CODE; AMENDING THE BUENA VISTA AREA WATERWAY UNIT BY AMENDING SECTIONS 4-7-216, 4-7-220, 4-7-221, 4-7-222, 4-7-223, 4-7-224 AND 4-7-225; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR ASSESSMENTS AND COLLECTIONS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR THE CREATION OF 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 Buena Vista Area 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.

# 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 XI, CHAPTER 4-7 OF THE CHARLOTTE COUNTY CODE; AMENDING THE BUENA VISTA AREA WATERWAY UNIT BY AMENDING SECTIONS 4-7-216, 4-7-220, 4-7-221, 4-7-222, 4-7-223, 4-7-224 AND 4-7-225; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR ASSESSMENTS AND COLLECTIONS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR THE CREATION OF 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 22nd day of January, 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  
 P.O. #: 2008001016-D  
 Published: January 12, 2008  
 163352 2011402

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA

COUNTY OF CHARLOTTE:

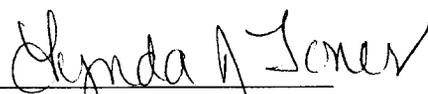
Before the undersigned authority personally appeared Cynthia Acevedo, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

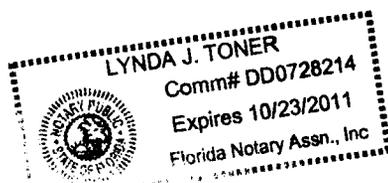
January 12, 2008

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 14th day of January, 2008.

  
 (Signature of Notary Public)



1 x 6.403 x 5.75 = 536.82



**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

January 31, 2008

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

Attn: 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 January 25, 2008 and certified copies of Charlotte County Ordinance Nos. 2008-011 through 2008-013, which were filed in this office on January 29, 2008.

Sincerely,

Liz Cloud  
Program Administrator

LC/jru

RECEIVED AT  
MURDOCK BRANCH  
2008 FEB -4 PM 12:38  
BARBARA T. SCOTT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FL

IMAGED

2-6-08  
AP

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  
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ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282