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FILED WITH THE DEPARTMENT OF STATE December 18, 2006

ORDINANCE
NUMBER 2006-107

AN ORDINANCE AMENDING ARTICLE VI, CHAPTER 4-6, OF THE CHARLOTTE COUNTY CODE; CREATING THE FARABEE ROAD STREET AND DRAINAGE UNIT ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING 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, based on public interest and staff recommendation, that is in the best interest of the property owners and residents in the affected area to create an advisory board for the Farabee Road Street and Drainage Unit.

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

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

Sec. 4-6-102. Establishment.

The Board of County Commissioners hereby establishes a board of advisors for the Farabee Road Street and Drainage Unit.

Sec. 4-6-103. 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 Farabee Road Street and Drainage 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. After the initial term, 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

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
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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 one (1) additional three (3) year term. To provide for continuity of membership, the initial terms of office shall be drawn by lot and be 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.

Sec. 4-6-104. 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.

Sec. 4-6-105. 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 Farabee Road Street and Drainage Unit.

Sec. 4-6-106. 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 (3) 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.

Sec. 4-6-107. 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;
(2) Proposed capital projects;
(3) Proposed assessments to be levied within the particular unit;
(4) Proposed ordinances or resolutions which may affect the particular unit.

Sec. 4-6-108. Sunshine and Public Records Laws.

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

PASSED AND DULY ADOPTED this 12 day of December 2006.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Richard Loftus
Richard Loftus, Chair

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

By: Anne L. Pfaller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney

DG

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ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE VI, CHAPTER 4-6, OF THE CHARLOTTE COUNTY CODE; CREATING THE FARABEE ROAD STREET AND DRAINAGE UNIT ADVISORY BOARD.

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 Farabee Road 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: Market	None.
D. Benefits on Implementation:	Creates an advisory board for the unit.

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SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

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:

December 2, 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 4th day of December, 2006.

(Signature of Notary Public)

SUSAN J. DESMIDT
Comm# DD0332066
Expires 6/26/2008
Bonded thru (800)432-4254
Florida Notary Assn., Inc

1 x 4.681 x 5.75 = $26.92

NOTICE OF INTENTION TO CONSIDER ORDINANCE

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

AN ORDINANCE AMENDING ARTICLE VI, CHAPTER 4-6, OF THE CHARLOTTE COUNTY CODE; CREATING THE FARABEE ROAD STREET AND DRAINAGE UNIT ADVISORY BOARD; PROVIDING FOR SEVERABILITY; 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 12th day of December, 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. #: 2007000864-C
Published: December 2, 2006
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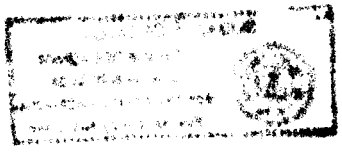

STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

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Governor

SUE M. COBB
Secretary of State

December 19, 2006

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CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

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

Dear Ms. Knowlton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 14, 2006 and certified copies of Charlotte County Ordinance Nos. 2006-103 through 2006-110, which were filed in this office on December 18, 2006.

Sincerely,

Liz Cloud

Liz Cloud
Program Administrator

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LC/cga

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