

June 25, 2007

ORDINANCE
NUMBER 2007- 042

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3180, PGS 2165-2169 5 pg(s)
INSTR # 1682272
Doc Type GOV, Recorded 07/02/2007 at 10:55 AM
Rec. Fee: \$44.00
Cashiered By: MARIANNE Doc. #: 1

CLERK'S OFFICE
COMMISSION MINUTES
MURDOCK ANNEX



AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XXIII; CREATING THE NORTHWEST PORT CHARLOTTE WATERWAY UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING CAPITAL PROJECT AND MAINTENANCE ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; 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 a municipal service benefit unit to provide the funding necessary to perform dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Northwest Port Charlotte waterway system.

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

Section 1. Charlotte County Code, chapter 4-7, is amended by creating a new article, designated as Article XXIII, consisting of sections 4-7-455 through 4-7-468, and by adding the following new language, numbered and designated as follows:

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3179, PGS 156-160 5 pg(s)
INSTR # 1681078
Doc Type GOV, Recorded 06/27/2007 at 04:04 PM
Rec. Fee: \$44.00
Cashiered By: MARIANNE Doc. #: 1

Being re-recorded to reflect the date filed with the Department of State.

IMAGED
7-10-07
AP

5
minutes

“ARTICLE XXIII. NORTHWEST PORT CHARLOTTE WATERWAY UNIT

Sec. 4-7-455. Unit established.

There is hereby created, pursuant to the authority contained in Section 125.01, Florida Statutes, a municipal service benefit unit to be known as the Northwest Port Charlotte Waterway Unit (“unit”).

Sec. 4-7-456. Territory.

The territory included within the unit shall include those portions of the unincorporated area of Charlotte County as depicted on the map attached hereto as Attachment 1, and as more fully described in any assessment roll provided for in this article.

Sec. 4-7-457. Purpose.

The purpose of the unit is to provide for the dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Northwest Port Charlotte waterway system. The purpose of this unit shall not include the maintenance of seawalls.

Sec. 4-7-458. Governing body.

The Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the unit.

Sec. 4-7-459. Powers of the governing body.

The Board of County Commissioners shall have those powers set forth in Chapter 4-6, Article I, Charlotte County Code.

Sec. 4-7-460. Assessments and Collection.

The authority and procedure for imposing and collecting capital project and maintenance assessments shall be as provided in Chapter 4-6, Article I, Charlotte County Code.

Sec. 4-7-461. Issuance of debt obligations.

The authority and procedure regarding the issuance of debt obligations shall be as provided in Chapter 4-6, Article I, Charlotte County Code.

Sec. 4-7-462. Establishment.

The Board of County Commissioners hereby establishes a board of advisors for the Northwest Port Charlotte Waterway Unit.

Sec. 4-7-463. 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 Northwest Port Charlotte Waterway 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 unit 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 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. 4-7-464. 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. 4-7-465. 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 Northwest Port Charlotte Waterway Unit.

Sec. 4-7-466. 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. 4-7-467. 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. 4-7-468. 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.

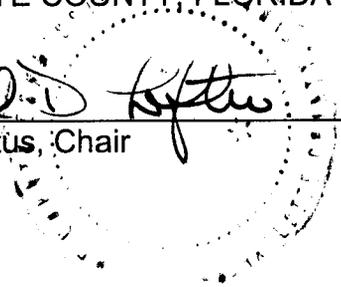
Section 3. Inclusion in the Charlotte County Code. It is the intention of the Board of County Commissioners and is hereby ordained that the provisions of this ordinance shall become and be made a part of Article XXIII, chapter 4-7, of the Code of Laws and Ordinances of Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish said intention.

Section 4. 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 June, 2007.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Richard Loftus
Richard Loftus, Chair

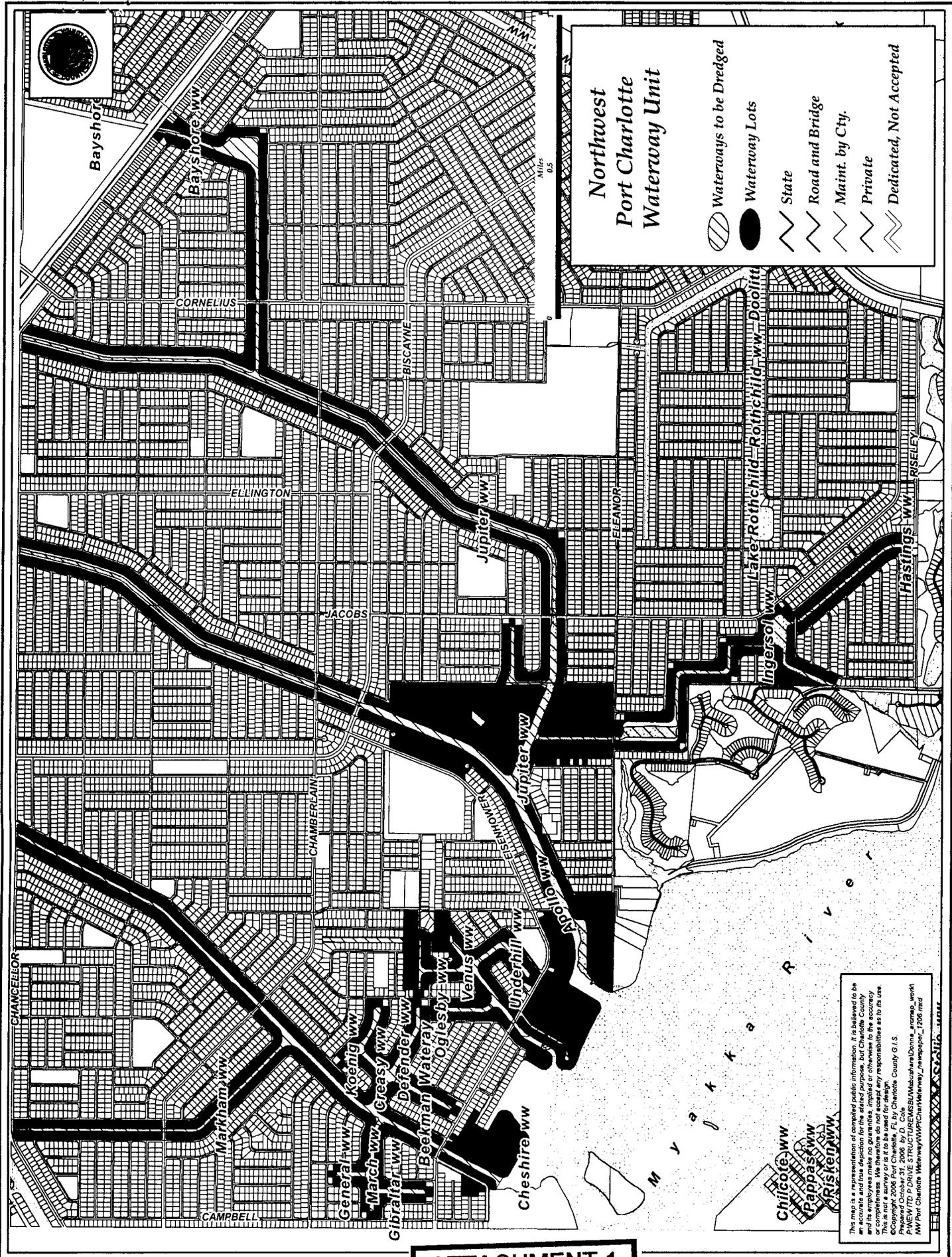


ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: Anne L. Bahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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



Northwest Port Charlotte Waterway Unit

-  Waterways to be Dredged
-  Waterway Lots
-  State
-  Road and Bridge
-  Maint. by Cty.
-  Private
-  Dedicated, Not Accepted

This map is a representation of completed public information. It is believed to be accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantee, implied or otherwise to the accuracy and its not a survey or is it to be used for design. Responsibility as to its use. ©Copyright 2006 Port Charlotte, FL by Charlotte County G.I.S. Printed October 31, 2006 by D. Cole
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 NW Port Charlotte Waterway\PortCharlotteWaterway_2\mapappor_1206.rxd

ATTACHMENT 1

ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XXIII; CREATING THE NORTHWEST PORT CHARLOTTE WATERWAY UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING CAPITAL PROJECT AND MAINTENANCE ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR AN ADVISORY BOARD FOR THE UNIT.

PURPOSE: Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

The ordinance will establish a new waterway unit called the Northwest Port Charlotte Waterway Unit. The purpose of the unit is to provide for the dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Northwest Port Charlotte waterway system.

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.

A. Cost of Implementation: The costs of adopting the ordinance are nominal.

B. Source of Funds/Ultimate Burden of Costs: The properties located within the Northwest Port Charlotte Waterway Unit as described in Attachment 1 to the Ordinance.

C. Effect on Competition and the Employment Market: None

D. Benefits on Implementation: This will provide funding for the dredging, maintenance, clearing, marking for navigational purposes, and providing of safety devices in the Northwest Port Charlotte waterway system.



NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:
 AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING ARTICLE XXIII; CREATING THE NORTHWEST PORT CHARLOTTE WATERWAY UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING CAPITAL PROJECT AND MAINTENANCE ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; 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 June, 2007, 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. #: 2007003143-A
 Published: June 1, 2007
 163352 1891880

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
 COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Peggy Mazzone, 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 was published in said newspaper in the issues of:

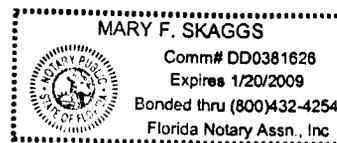
June 1, 2007

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.

Peggy Mazzone
 (Signature of Affiant)

Sworn and subscribed before me this 1st day of June, 2007.

Mary F. Skaggs
 (Signature of Notary Public)



$$1 \times 6.083 \times 5.75 = \$ 34.98$$



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

June 26, 2007

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

Attn: Ann 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 June 21, 2007 and certified corrected copy of Charlotte County Ordinance No. 2007-042, which was filed in this office on June 25, 2007.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh

RECEIVED AT
MURDOCK BRANCH
2007 JUN 28 PM 4:16
BARBARA T. SCOTT,
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

DIRECTOR'S OFFICE

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IMAGED
7-10-07
AP