

February 18, 2010

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ORDINANCE  
NUMBER 2010- 005

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AN ORDINANCE AMENDING ARTICLE XIV, CHAPTER 4-6, CHARLOTTE COUNTY CODE; AMENDING THE PEACE RIVER SHORES STREET AND DRAINAGE UNIT BY PROVIDING FOR THE ESTABLISHMENT 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 (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 June 22, 1982, adopted Ordinance No. 82-25 which created the Peace River Shores Street and Drainage 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 Unit.

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

Section 1. Article XIV, Chapter 4-6 of the Charlotte County Code, is hereby amended by adding the following new sections, designated and numbered as Sections 4-6-299, 4-6-300 and 4-6-301, 4-6-302, 4-6-303, 4-6-304 and 4-6-305:

IMAGED

2-25-10  
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1 **“Sec. 4-6-299. Establishment of board of advisors.**

2 The Board of County Commissioners hereby establishes a board of advisors for the  
3 Peace River Shores Street and Drainage Unit.”

4  
5 **“Sec. 4-6-300. Membership.**

6 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 alternate member shall assume the duties of any absent  
9 member until the conclusion of such absence. All members shall be residents of the  
10 Peace River Shores Street and Drainage Unit. The criteria for selection of members  
11 shall include, among other things, technical knowledge or expertise in matters  
12 related to the work program of the MSBU or demonstrated interest in community  
13 service. After the initial term, members shall serve a term of three (3) years, except  
14 that the term of the alternate member shall be two (2) years, and all members shall  
15 be eligible for reappointment to the board of advisors for two (2) additional terms  
16 only. After a member serves three consecutive terms, the member shall not be  
17 eligible for reappointment to the board of advisors for one (1) year. In the event the  
18 term of a member who is not eligible for reappointment has expired and there are  
19 no eligible candidates to replace the term limited member, the board of county  
20 commissioners may reappoint the term limited member for one (1) additional three  
21 (3) year term. To provide for continuity of membership, the initial terms of office  
22 shall be drawn by lot and be as follows: One (1) member shall be appointed for one  
23 (1) year, two (2) members shall be appointed for two (2) years, and two (2)  
24 members shall be appointed for three (3) years. The initial term of the alternate  
25 member shall be two (2) years.”

26  
27 **“Sec. 4-6-301. Removal from office.**

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

35  
36 **“Sec. 4-6-302. Officers.**

37 The board of advisors shall elect a chairman and a vice-chairman, who shall be  
38 voting members, from among its members. Each officer shall serve for one (1) year  
39 and may be reelected for a maximum of three (3) consecutive terms. These officers  
40 shall have such duties as are prescribed by the by-laws of the board of advisors.  
41 The board of advisors shall also have a recording secretary who is a member of  
42 county staff. Adopted minutes from each meeting will be filed with the county. The  
43 cost of providing such a secretary shall be charged to the Peace River Shores  
44 Street and Drainage Unit.”

1           **“Sec. 4-6-303. Procedures.**

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

8  
9           **“Sec. 4-6-304. Recommendations.**

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

13          (1) Proposed maintenance work programs;

14          (2) Proposed capital projects;

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

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

17  
18          **“Sec. 4-6-305. Sunshine and Public Records Laws.**

19          The board of advisors in all its proceedings shall be governed by the Florida  
20          Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law, Chapter  
21          119, Florida Statutes.”

22  
23          Section 2. Inclusion in the Charlotte County Code. It is the intention of the board of  
24          county commissioners and it is hereby ordained that the provisions of this ordinance shall  
25          become and be made a part of the Code of Laws and Ordinances, Charlotte County,  
26          Florida, and the sections of this ordinance may be renumbered to accomplish such  
27          intention.

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

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

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PASSED AND DULY ADOPTED this 9 day of February, 2010.

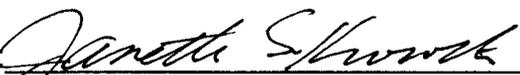
BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Robert J. Starr, Chairman

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

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney

## ECONOMIC IMPACT ESTIMATE

AN ORDINANCE AMENDING ARTICLE XIV, CHAPTER 4-6, CHARLOTTE COUNTY CODE; AMENDING THE PEACE RIVER SHORES STREET AND DRAINAGE UNIT BY PROVIDING FOR THE ESTABLISHMENT 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 ordinance creates an advisory board for the 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: The Peace River Shores Street and Drainage MSBU.
- C. Effect on Competition and the Employment: None  
Market
- D. Benefits on Implementation: Creates an advisory board for the unit.

PH # 2



**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 4-6, CHARLOTTE COUNTY CODE; AMENDING THE PEACE RIVER SHORES STREET AND DRAINAGE UNIT BY PROVIDING FOR THE ESTABLISHMENT 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 9th day of February, 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. #: 201000899-D  
Published: January 29, 2010  
163352 2353642

**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:

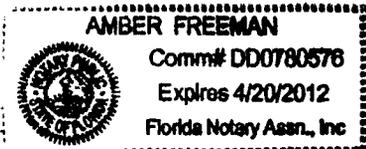
January 29, 2010

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 29th day of January 2010.

*Amber Freeman*  
(Signature of Notary Public)



#58.74



# FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

February 18, 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 February 11, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-004 through 2010-006 which were filed in this office on February 18, 2010.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

RECEIVED AT  
MURDOCK BRANCH  
2010 FEB 22 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  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.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  
2-25-10 AP