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ORDINANCE
NUMBER 2010-012

AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE BY CREATING ARTICLE XLVII; CREATING THE PIRATE HARBOR STREET AND DRAINAGE UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR 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 MEMBERSHIP, REMOVAL FROM OFFICE, OFFICERS, PROCEDURES, RECOMMENDATIONS, AND 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 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 construction, reconstruction, repair, paving, repaving, hard-surfacing, re-hard surfacing, widening, guttering and draining of the platted streets in the unit, including the necessary appurtenances thereto, from funds derived from special assessments within the Pirate Harbor Street and Drainage Unit.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3462, PGS 2123-2128 6 pg(s)
INSTR # 1920050
Doc Type GOV, Recorded 03/10/2010 at 03:39 PM
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6*

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

3 Section 1. Charlotte County Code, chapter 4-6, is amended by creating a new
4 article, designated as Article XLVII, consisting of sections 4-6-958 through 4-6-971, and by
5 adding the following new language, numbered and designated as follows:

6 **“ARTICLE XLVII. PIRATE HARBOR STREET AND DRAINAGE UNIT**

7 **DIVISION 1. GENERALLY**

8
9 **Sec. 4-6-958. Unit established.**

10 There is hereby established, pursuant to the authority contained in Section
11 125.01, Florida Statutes, a municipal service benefit unit to be known as the
12 Pirate Harbor Street and Drainage Unit (“unit”).

13
14 **Sec. 4-6-959. Territory.**

15 The territory included within the unit shall include those portions of the
16 unincorporated area of Charlotte County as depicted on the map attached to
17 Ordinance No. 2010- 012 as Attachment 1, and as more fully described in
18 any assessment roll provided for in this article.

19
20 **Sec. 4-6-960. Purpose.**

21 The purpose of this unit is to provide for the construction, reconstruction,
22 repair, paving, repaving, hard-surfacing, re-hard surfacing, widening,
23 guttering and draining of the platted streets in the unit, including the
24 necessary appurtenances thereto, and beautification projects, from funds
25 derived from special assessments within the unit.

26
27 **Sec. 4-6-961. Governing body.**

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

30
31 **Sec. 4-6-962. Powers of the governing body.**

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

34
35 **Sec. 4-6-963. Assessments and Collection.**

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

1 **Sec. 4-6-964. Issuance of debt obligations.**

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

4
5 **DIVISION 2. ADVISORY BOARD**

6
7 **Sec. 4-6-965. Establishment.**

8 The Board of County Commissioners hereby establishes a board of advisors
9 for the Pirate Harbor Street and Drainage Unit.

10
11 **Sec. 4-6-966. Membership.**

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

33
34 **Sec. 4-6-967. Removal from office.**

35 All advisory board members serve at the pleasure of the Board of County
36 Commissioners who may remove any member by majority vote, with or
37 without cause, at any time. Members who fail to attend three (3) meetings in
38 a twelve-month period without cause and without prior approval of the
39 chairman shall automatically forfeit appointment and the board of county
40 commissioners shall promptly fill each vacancy from a list of qualified
41 petitioners. The filling of any vacancy occurring in any office shall be for only
42 the remainder of that term.

43
44 **Sec. 4-6-968. Officers.**

45 The board of advisors shall elect a chairman and a vice-chairman, who shall
46 be voting members, from among its members. Each officer shall serve for

1 one (1) year and may be reelected for a maximum of three (3) consecutive
2 terms. These officers shall have such duties as are prescribed by the by-laws
3 of the board of advisors. The board of advisors shall also have a recording
4 secretary who is a member of county staff. Adopted minutes from each
5 meeting will be filed with the county. The cost of providing such a secretary
6 shall be charged to the Pirate Harbor Street and Drainage Unit.

7
8 **Sec. 4-6-969. Procedures.**

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

15
16 **Sec. 4-6-970. Recommendations.**

17 The board of advisors shall make recommendations to the Board of County
18 Commissioners and to county staff. Recommendations shall include, but not
19 be limited to, the following issues:

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

24
25 **Sec. 4-6-971. Sunshine and Public Records Laws.**

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

29
30 Section 2. Inclusion in the Charlotte County Code. It is the intention of the board of

31 county commissioners and it is hereby ordained that the provisions of this ordinance shall
32 become and be made a part of the Code of Laws and Ordinances, Charlotte County,
33 Florida, and the sections of this ordinance may be renumbered to accomplish such
34 intention.

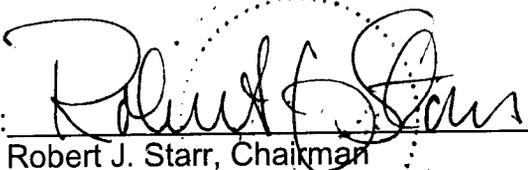
35 Section 3. Severability. If any provision of this ordinance or the application thereof to
36 any person or circumstance is held invalid, the invalidity shall not affect other provisions or
37 applications of this ordinance which can be given effect without the invalid provision or
38 applications.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

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

PASSED AND DULY ADOPTED this 23rd day of February, 2010.

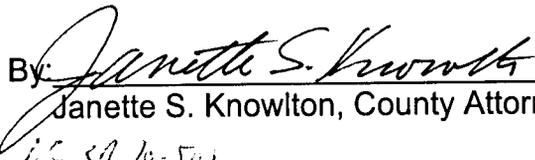
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Robert J. Starr, Chairman

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

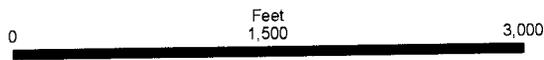
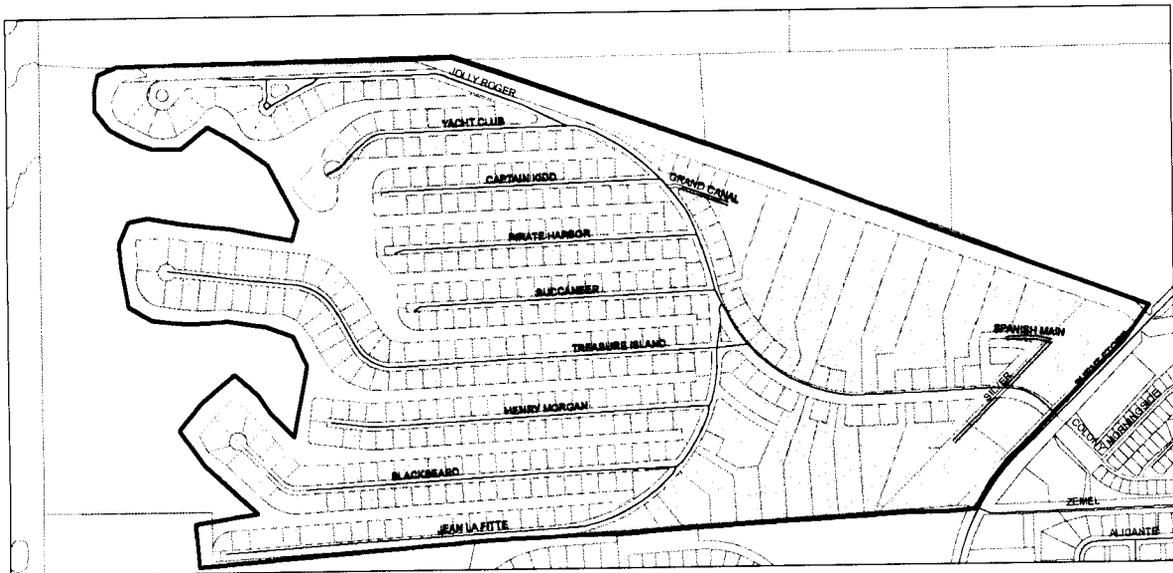
By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
JS 02-10-501



PIRATE HARBOR STREET & DRAINAGE UNIT



Legend

- Pirate Harbor Accounts
- Pirate Harbor Street & Drainage New 2010 Boundary

ATTACHMENT 1

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no warranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

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Prepared 10/08/08 by J. Whoroski

ECONOMIC IMPACT ESTIMATE

AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE BY CREATING ARTICLE XLVII; CREATING THE PIRATE HARBOR STREET AND DRAINAGE UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR 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 MEMBERSHIP, REMOVAL FROM OFFICE, OFFICERS, PROCEDURES, RECOMMENDATIONS, AND 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 will establish a new street and drainage municipal service benefit unit called the Pirate Harbor Street and Drainage Unit. The purpose of the unit is to provide the funding necessary to perform construction, reconstruction, repair, paving, repaving, hard-surfacing, re-hard surfacing, widening, guttering and draining of the platted streets in 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.

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 Pirate Harbor Street and Drainage Unit will provide funding through assessments levied on the properties within the unit.

C. Effect on Competition and the Employment Market: None

D. Benefits on Implementation: This unit will provide funding for the construction, reconstruction, repair, paving, repaving, hard-surfacing, re-hard surfacing, widening, guttering and draining of the platted streets in the Pirate Harbor Street and Drainage 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 CHAPTER 4-6, CHARLOTTE COUNTY CODE BY CREATING ARTICLE XLVII; CREATING THE PIRATE HARBOR STREET AND DRAINAGE UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR 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 MEMBERSHIP, REMOVAL FROM OFFICE, OFFICERS, PROCEDURES, RECOMMENDATIONS, AND FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on this ordinance will be held at 6PM, or as soon thereafter as it may be heard, on the 23rd 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.

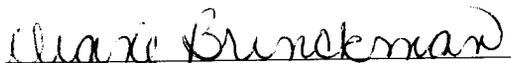
P.O. #: 2010001149-E
Published: February 11, 2010
163352 2360442

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

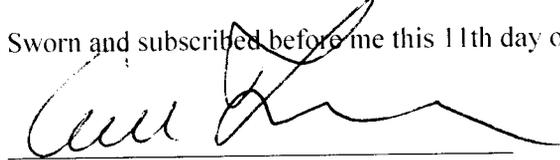
Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

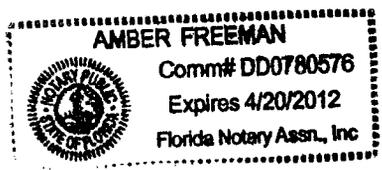
February 11, 2010

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.


(Signature of Affiant)

Sworn and subscribed before me this 11th day of February 2010.


(Signature of Notary Public)



\$ 67.64



FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

March 2, 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 25, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-010 through 2010-012 which were filed in this office on March 1, 2010.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
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BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

DIRECTOR'S OFFICE

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3-16-10 AP