Chg BCC #14 D

FILED WITH THE DEPARTMENT OF STATE May 19, 2008

CLERK'S OFFICE
COMMISSION MINUTES
MURDOCK ANNEX

ORDINANCE
NUMBER 2008-040

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
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AN ORDINANCE AMENDING ARTICLE XXI, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE SOUTH BRIDGE WATERWAY UNIT TO PROVIDE FOR THE ADDITION OF PROPERTY TO THE UNIT; CREATING 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 March 28, 2006, adopted Ordinance No. 2006-022 which created the South Bridge Waterway Municipal Service Benefit Unit (the "Unit"); and

WHEREAS, it is necessary to include additional property in the Unit, as depicted in Attachment 1 hereto, which will benefit from the Unit, but which has not been previously assessed by the Unit; and

WHEREAS, the Board of County Commissioners has also 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 South Bridge Waterway Unit.

IMAGED
6-2-08 AP

5 mins

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

Section 1. Charlotte County Code, Article XXI, Section 4-7-422 is amended as follows (underlined sections are additions, strikethrough sections are deletions):

"Sec. 4-7-422. Territory.

The territory included within the unit shall include those portions of the unincorporated area of Charlotte County as depicted on the map attached to Ordinance No. ~~2006-022~~ 2008-____ as Attachment 1, and as more fully described in any assessment roll provided for in this article."

Section 2. Article XXI of Chapter 4-7, Charlotte County Code is further amended by adding the following new language, numbered and designated as follows:

"Sec. 4-7-428. Establishment.
The Board of County Commissioners hereby establishes a board of advisors for the South Bridge Waterway Unit.

Sec. 4-7-429. 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 South Bridge 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 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 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. 4-7-430. 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. 4-7-431. 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 South Bridge Waterway Unit.

Sec. 4-7-432. 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. 4-7-433. 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. 4-7-434. 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 3. Inclusion in the Charlotte County Code. It is the intention of the board of county commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such

intention.

Section 4. 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 this Ordinance 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 this Ordinance.

Section 5. 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 13 day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Thomas C. D'Aprile, Chair

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

p:\wpdata\dan\msbu\advisoryboard\08253 South Bridge WW territory/advisory board.ord

ATTACHMENT 1

South Bridge Waterway Unit

N

0 215 430 860 Feet

- South Bridge Waterway Boundary
- SBW Existing Properties
- SBW Additional Properties
- Properties within City of Punta Gorda Boundary

Peace River

Cooper Street

Scott Street

Elliott Street

Kilspie Drive

Orchid Drive

Marion Avenue

COMMON

COMMON

P24

P25

P26

P1

P2

P3

P4

P5

P6

P7

P9

P13

P14

P15

P16

P17

P107

L1

L2

L3

L4

L5

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 guaranties, 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 it to be used for design.

© Copyright 2008 Port Charlotte, FL by Charlotte County
Prepared 3/6/08 by N. Stern
P:\NEW ITD P DRIVE STRUCTURE\MSBU\Msbushare\NancyS\ArcMap\SouthBridgeWaterway

ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE XXI, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE SOUTH BRIDGE WATERWAY UNIT TO PROVIDE FOR THE ADDITION OF PROPERTY TO THE UNIT; CREATING 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 would amend the territory of the South Bridge Waterway Unit by adding certain parcels to the unit that have not previously been assessed but which receive a benefit from the unit and also 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:	None.
C. Effect on Competition and the Employment: Market	None.
D. Benefits on Implementation:	Creates an advisory board for the Unit and assesses property that derives a benefit from the unit that had not been previously assessed.

PH #2
ORD 2008-040

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 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,

May 2, 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 2nd day of May, 2008.

(Signature of Notary Public)

1x7.792x5.75=$44.81

AMBER FREEMAN
Comm# DD0780576
Expires 4/20/2012
Florida Notary Assn., Inc

Enhancement Units for the Hearing Impaired are available at the Front Desk. If Sound Enhancement Units are insufficient for you, please contact our office TTY # 941-743-1234.

P.O. #: 20081986-D
Published: May 2, 2008
163352 2068998

NOTICE OF INTENTION TO CONSIDER ORDINANCE

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

AN ORDINANCE AMENDING ARTICLE XXI, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE SOUTH BRIDGE WATERWAY UNIT TO PROVIDE FOR THE ADDITION OF PROPERTY TO THE UNIT; CREATING 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 13th day of May, 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

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. FM Sound

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

May 20, 2008

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 May 15, 2008 and certified copies of Charlotte County Ordinance Nos. 2008-039 through 2008-042, which were filed in this office on May 19, 2008.

Sincerely,

Liz Cloud

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
MURDOCK BRANCH
2008 MAY 23 PM 1:33
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
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IMAGED
6-2-08 AP