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FILED WITH THE DEPARTMENT OF STATE

January 30, 2014

ORDINANCE  
NUMBER 2014 - 003

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XIII, CHAPTER 4-5, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE PURPOSE OF THE WEST CHARLOTTE STORMWATER UTILITY MUNICIPAL SERVICE BENEFIT UNIT; 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 December 17, 1991, adopted Ordinance No. 91-64 which created the West Charlotte Stormwater Utility Unit (the "Unit"); and

WHEREAS, county staff has requested that the Board amend the stated purpose of the Unit to permit funds derived from within the Unit to be used for additional purposes including drainage infrastructure, the financing of the county's National Pollutant Discharge Elimination System's (NPDES) permit, as well as any costs associated with the Total Maximum Daily Loads (TMDLs) Program, and water quality monitoring and native and invasive aquatic plant control, in addition to the purposes now therein provided; and

WHEREAS, the Board finds that the expenditure of funds for the above requested purpose is a valid public purpose and will provide a special benefit to the assessed properties within the MSBU.

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

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Section 1. Section 4-5-285 of Article XIII, Chapter 4-5 of the Code of Laws and Ordinances, Charlotte County, Florida, is hereby amended as follows (underlined sections are additions; strikethrough sections are deletions):

**“Sec. 4-5-285. Purpose.**

The purpose of the unit is to provide for the financing, design, construction, maintenance and operation of a stormwater management system, plan for future infrastructure needs for drainage, accrue or borrow funds for future work, and carry out such work for all primary drainage infrastructure as determined by the County Engineer. ~~It is not the intent of the board of county commissioners in either the adoption of this article or the establishment of the unit, solely by the action of such adoption or establishment, that the unit assume any independent liability or obligation (without regard to whether the liability or obligation arises from provision of contract, statute, administrative code or permit) of any private person or private entity. The board, however, by separate vote, may assume such obligations in specifically identified circumstances, with the vote spread on the minutes of the board of county commissioners.~~ The purpose shall include the financing of the county’s National Pollutant Discharge Elimination System’s (NPDES) permit and its requirements, as well as any costs associated with the Total Maximum Daily Loads (TMDLs) Program. The purpose shall also include water quality monitoring and native and invasive aquatic plant control with the use of chemical, biological and mechanical methods.”

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or applications. To this end, the provisions of this ordinance are declared severable.

Section 3. 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.

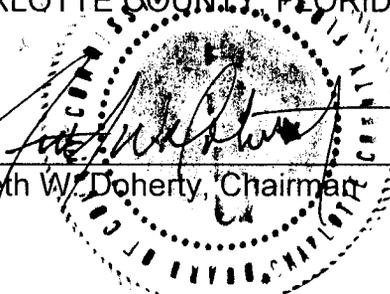
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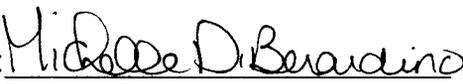
PASSED AND DULY ADOPTED this 28<sup>th</sup> day of January, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

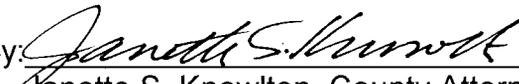
By:   
Kenneth W. Doherty, Chairman



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  
LR 13-2502 *J.S.K.*

## ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XIII, CHAPTER 4-5, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE PURPOSE OF THE WEST CHARLOTTE STORMWATER UTILITY MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

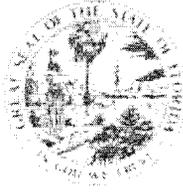
**PURPOSE:** Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

The ordinance will amend the purpose of the Unit to permit funds derived from within the Unit to be used for additional purposes including drainage infrastructure, the financing of the county's National Pollutant Discharge Elimination System's (NPDES) permit, as well as any costs associated with the Total Maximum Daily Loads (TMDLs) Program, and water quality monitoring and native and invasive aquatic plant control, in addition to the purposes now provided.

**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: West Charlotte Stormwater Utility Unit.
- C. Effect on Competition and the Employment: None.  
Market
- D. Benefits on Implementation: The additional benefits to the Unit will now include drainage infrastructure, financing the NPDES permit, costs for the TMDLs Program, water quality monitoring and native and invasive aquatic plant control.



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

January 30, 2014

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

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2014-003, which was filed in this office on January 30, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

# SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

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

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING ARTICLE XIII, CHAPTER 4-5, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING THE PURPOSE OF THE WEST CHARLOTTE STORMWATER UTILITY MUNICIPAL SERVICE BENEFIT UNIT; 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 28th day of January, 2014, 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

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941-764-4191, TDD/TTY 941-743-1234, or by email to [Walt.Black@charlottefl.com](mailto:Walt.Black@charlottefl.com).

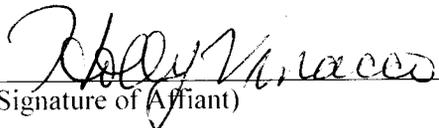
Reference No.: 012814-B  
PUBLISHED: January 17, 2014  
163352 2989825

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

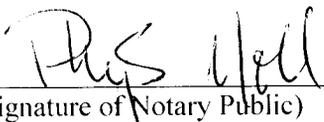
Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun and Englewood Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being an Notice of Hearing, was published in said newspaper in the issues of:

January 17, 2014

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 17<sup>th</sup> day of January, 2014.

  
(Signature of Notary Public)

Phyllis Moll  
(Print Name)

Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

