

ORDINANCE

NUMBER 99-10
(ORD 99-10-00A)

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR THE WEST CHARLOTTE STORMWATER UTILITY UNIT WITHIN THE BOUNDARIES OF CHARLOTTE COUNTY; AMENDING CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-5-297 THROUGH 4-5-303; DESIGNATING SAID NEW SECTIONS AS DIVISION 2. ADVISORY BOARD; DESIGNATING EXISTING SECTIONS 4-5-281 THROUGH 4-5-296 AS DIVISION 1. GENERALLY; PROVIDING FOR MEMBERSHIP, DUTIES, POWERS, APPOINTMENTS AND PROCEDURES; REQUIRING COMPLIANCE WITH THE PROVISIONS OF THE SUNSHINE AND PUBLIC RECORDS LAWS OF FLORIDA. PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS the board of county commissioners, under the provisions of §125.01, Florida Statutes, has the power to establish municipal services benefit units (MSBU) or municipal services taxing units (MSTU); and

WHEREAS Article II, Section 2.2(H) of the Home Rule Charter for Charlotte County, Florida specifies that the board of county commissioners shall, upon the petition of thirty (30) or more electors residing in an MSBU or MSTU, establish by ordinance an appointed board of advisors; and

WHEREAS thirty (30) or more electors residing within the West Charlotte Stormwater Utility Unit have petitioned for an appointed board of advisors.

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

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FILE 634914 OR BOOK 1691 PAGE 1251 RECORDED 04/02/99 @ 09:13 AM
CHARLOTTE COUNTY, BARBARA T. SCOTT, CLERK FEES \$19.50

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PCC

March 22, 1999

Section 1. Chapter 4-5, Article XIII of the Charlotte County Code is amended by adding the following new sections, designated as "Division 2. Advisory Board", as follows:

Division 2. Advisory Board

Section 4-5-297. Establishment. Upon the petition of thirty (30) or more electors residing within the West Charlotte Stormwater Utility Unit, the board of county commissioners, in accordance with the Home Rule Charter, Article II, Section 2.2(H), hereby establishes a board of advisors for the West Charlotte Stormwater Utility Unit.

Section 4-5-298. 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 West Charlotte Stormwater Utility 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. 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 two (2) additional terms. To provide for continuity of membership, the initial terms of office shall be drawn by lot 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.

Section 4-5-299. Removal from Office. 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.

Section 4-5-300. 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 West Charlotte Stormwater Utility Unit.

Section 4-5-301. 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 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.

Section 4-5-302. 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.

Section 4-5-303. Sunshine and Public Records Law. 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. Chapter 4-5 Article XIII of the Charlotte County Code is further amended by designating existing sections 4-5-281 through 4-5-296 as "**Division 1. Generally**"

Section 3. 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 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 16th day of March, 1999.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Mac V. Horton
Mac Horton, Chairman

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

By Agnes Dackik
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
Renee Francis Lee
Renee Francis Lee, County Attorney *fr*

(2) 9:30 AM

Charlotte/Englewood
HERALD-TRIBUNE

Published Daily

Charlotte County FLORIDA

AD NUMBER 32AY06804, PC # 192784-G

STATE OF FLORIDA
COUNTY OF CHARLOTTE

Before the undersigned authority personally appeared Patty Small, who on oath says she is Advertising Manager, Charlotte/Englewood Herald-Tribune, a daily newspaper published in Charlotte County, Florida; that the attached copy of advertisement, being a notice in the matter of:

Notice of Intention To Consider

in the Court, was published in the Charlotte/Englewood edition of said newspaper in the issues of:

March 5th, 1999

Affiant further says that the said Herald-Tribune is a newspaper published in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in Charlotte County, Florida, each day, and has been entered as second-class mail 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 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.

Signed *Patty Small*

Sworn to and subscribed before me this 11 day of March, A.D. 1999, by Patty Small who is personally known to me.

SEAL *Shawn Fasset*
Notary Public

**NOTICE OF INTENTION
TO CONSIDER ORDINANCE**

The Board of County Commissioners of Charlotte County will, in regular session, in Room 118 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, at 9:30 A.M. on the 18th day of March, 1999, consider the enactment of an ordinance bearing the following title:

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR THE WEST CHARLOTTE STORMWATER UTILITY UNIT WITHIN THE BOUNDARIES OF CHARLOTTE COUNTY; AMENDING CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-1-297 THROUGH 4-1-303; DESIGNATING SAID NEW SECTIONS AS DIVISION 2, ADVISORY BOARD; DESIGNATING DIVISION 1, GENERALLY; PROVIDING FOR MEMBERSHIP, DUTIES, POWERS, APPOINTMENTS AND THE PROVISIONS OF THE SUNSHINE AND PUBLIC RECORDS LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance and its Economic Impact Statement are available at 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 proceedings, 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
By /s/ Mac V. Horton, Chairman

P.O.#192784-G
Pub.: March 5, 1999

ORD-99-10

SHAWN L. FASSETT
Notary Public - State of Florida
My Commission Expires Feb 22, 2002
Commission # CC 718643

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
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Division of Corporations
Division of Cultural Affairs
Division of Elections
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Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

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Preservation Board
RINGLEING MUSEUM OF ART

March 23, 1999

Honorable Barbara T. Scott
Clerk of the Circuit Court
Charlotte County Board of County Commissioners
Post Office Box 1687
Punta Gorda, Florida 33951

Attention: Agnes Radzik, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated March 17, 1999 and certified copies of Charlotte County Ordinance Nos. 99-010, 99-011, 99-012, 99-013 and 99-013A, which were filed in this office on March 22, 1999.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/bn

BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FLA

99 MAR 25 AM 11:40

FILED

IMAGED
4/9/99
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BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us