

December 4, 2006

ORDINANCE  
NUMBER 2006-100

CLERK'S OFFICE  
COMMISSION MINUTES  
MURDOCK ANNEX

AN ORDINANCE AMENDING ARTICLE II, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; CREATING THE HARBOR HEIGHTS WATERWAY MAINTENANCE DISTRICT ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Chapter 78-485, Laws of Florida, adopted Ordinance 82-43 creating the Harbor Heights Waterway Maintenance District; 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 an advisory board for the Harbor Heights Waterway Maintenance District.

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

Section 1. Article II of chapter 4-7, Charlotte County Code is amended by adding the following new language, numbered and designated as follows:

Sec. 4-7-34. Establishment.

The Board of County Commissioners hereby establishes a board of advisors for the Harbor Heights Waterway Maintenance District.

Sec. 4-7-35. 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 Harbor Heights Waterway Maintenance District. The criteria for selection of members shall include, among other things, technical knowledge or expertise in matters related to the work program of the district 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

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
OR BOOK 3082, PGS 2041-2043 3 pg(s)  
INSTR # 1620663  
Doc Type GOV, Recorded 12/13/2006 at 03:52 PM  
Rec. Fee: \$27.00  
Cashiered By: MARGEC Doc. #:1

IMAGED  
1-9-07  
AP

3  
minutes

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. 4-7-36. 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. 4-7-37. 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 Harbor Heights Waterway Maintenance District.

**Sec. 4-7-38. 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. 4-7-39. Recommendations.**

The board of advisors shall act solely in an advisory capacity and 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. 4-7-40. 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 2. 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 3. 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 28 day of November, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: 

Richard D. Loftus, 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



Ord 2006-100

# SUN NEWSPAPERS

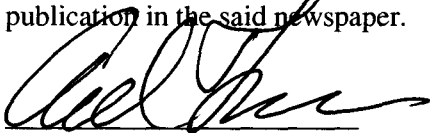
Charlotte • DeSoto • Englewood • North Port • Venice

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

Before the undersigned authority personally appeared Amber Freeman, 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 of Intention to Consider Ordinance was published in said newspaper in the issues of:

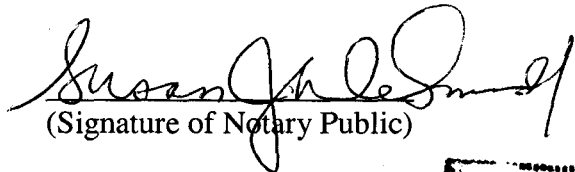
November 18, 2006

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 20th day of November, 2006.



(Signature of Notary Public)



$$1 \times 4.681 \times 5.75 = \$ 26.92$$

**NOTICE OF INTENTION TO CONSIDER ORDINANCE**

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

**AN ORDINANCE AMENDING ARTICLE II, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; CREATING THE HARBOR HEIGHTS WATERWAY MAINTENANCE DISTRICT ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND AMENDING AN EXISTIVE CODE.**

A public hearing on the ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 28th day of November, 2006, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance 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  
P.O. #: 2007000514-J  
Published: November 18, 2006  
163352 1778739



STATE OF FLORIDA  
DEPARTMENT OF STATE  
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

December 6, 2006

Ms. Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948-1094

Dear Ms. Knowlton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 1, 2006 and certified copies of Charlotte County Ordinance Nos. 2006-096 through 2006-102, which were filed in this office on December 4, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/jru

RECEIVED AT  
MURDOCK BRANCH  
2006 DEC - 8 PM 3: 24  
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://dhis.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

1-9-07  
AP