

January 29, 2008



CLERK'S OFFICE  
COMMISSION MINUTES  
MURDOCK ANNEX

ORDINANCE  
NUMBER 2008-012

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AN ORDINANCE AMENDING ARTICLE XIII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE PROVISIONS OF THE MANCHESTER WATERWAY BENEFIT UNIT TO PROVIDE FOR AN ADVISORY BOARD OF FIVE MEMBERS AND ONE ALTERNATE MEMBER; 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 (MSBUs) and levy and collect assessments within such units; and

WHEREAS, the Board, in Ordinance No. 92-100, created the Manchester Waterway Benefit Unit, a municipal services benefit unit, on November 5, 1992, which provided in part that the Board has the power to appoint an advisory committee of seven members for the Unit which it subsequently did; and

WHEREAS, the Board has undertaken to adopt uniform provisions for all MSBU advisory boards regarding membership, removal from office, officers, procedures, recommendations and sunshine and public records laws; and

WHEREAS, the Board now wishes to amend the provisions of Article XIII of Chapter 4-7, of the Charlotte County Code to bring the Manchester Waterway Benefit Unit into

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1 conformance with the above provisions of other MSBU advisory boards within the County.

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

4 Section 1. Section 4-7-266 of Article XIII, Chapter 4-7, Charlotte County Code is  
5 amended as follows (underlined sections are additions, strikethroughs are deletions):

6 "Sec. 4-7-266. Powers of the governing body.

7 The board shall have the following powers within the unit:

8 (1) To improve and maintain designated waterways and appurtenances;

9 (2) To impose and collect maintenance assessments in the manner  
10 provided herein;

11 (3) To make and enter into all contracts and agreements necessary or  
12 incidental to the performance of its duties and the execution of its powers  
13 under this article, and to employ such consulting engineers, attorneys,  
14 accountants, construction and financial experts, superintendents, managers  
15 and other employees, contractors and agents as may, in the judgment of the  
16 board, be deemed necessary or convenient and to fix their compensation;

17 (4) To pay out of any funds that may be available for that purpose such  
18 portion of the maintenance costs or financing costs associated with any  
19 maintenance project as it may deem proper;

20 (5) To impose and collect maintenance assessments in the manner  
21 provided herein;

22 ~~(6) To appoint an advisory committee of seven (7) resident property owners~~  
23 ~~residing within the unit that will offer recommendations to the board as to the~~  
24 ~~timing, nature, and quantity of work to be performed;~~

25 (67) To borrow and accrue funds for future work as defined herein; and

26 (78) To exercise any and all of the powers of the county not enumerated  
27 above necessary or incidental for the purpose of providing the services,  
28 improvements and benefits described herein."  
29

30 Section 2. Article XIII of chapter 4-7, Charlotte County Code is amended by adding

31 the following new sections and language, numbered and designated as follows:

32 "Sec. 4-7-270. Establishment.

33 The Board of County Commissioners hereby establishes a board of advisors  
34 for the Manchester Waterway Benefit Unit.

35  
36 Sec. 4-7-271. Membership.

37 (a) It is recognized that, as of the date of this ordinance, the current  
38 Manchester Waterway Benefit Unit advisory committee is composed of  
39 seven seats, five of which are currently occupied by members previously

1 appointed by the Board of County Commissioners and two vacant seats. It  
2 is the intent of the Board to now provide for specific procedures for this  
3 advisory board and for terms of office for those members now sitting on the  
4 advisory board and to eliminate the seventh vacant seat in order to bring this  
5 advisory board into conformity with other county MSBU advisory boards.  
6 Upon approval of this ordinance by the Board, the current members shall be  
7 reappointed by the Board in accordance with the following provisions of this  
8 ordinance.

9  
10 (b) The board of advisors shall consist of five (5) members and one (1)  
11 alternate member (hereinafter, collectively "members") appointed by the  
12 board of county commissioners. Initially, the Board shall reappoint the five  
13 current members of the advisory committee to the advisory board. To provide  
14 for continuity of membership, the initial terms of office for said current  
15 members shall be drawn by lot and be as follows: One (1) member shall be  
16 appointed for one (1) year, two (2) members shall be appointed for two (2)  
17 years, and two (2) members shall be appointed for three (3) years, and the  
18 alternate member shall be appointed to a term of two (2) years. The alternate  
19 member shall assume the duties of any absent member until the conclusion  
20 of such absence. All members shall be residents of the Manchester  
21 Waterway Benefit Unit. After the expiration of the above initial terms for the  
22 current members, they shall be not be eligible for reappointment by the  
23 Board for one (1) year. In the event the term of a current member who is not  
24 eligible for reappointment has expired and there are no eligible candidates to  
25 replace the term limited member, the board of county commissioners may  
26 reappoint the term limited member for one (1) additional three (3) year term.

27  
28 (c) After the expiration of the terms of the current members, the criteria for  
29 selection of any future members shall include, among other things, technical  
30 knowledge or expertise in matters related to the work program of the MSBU  
31 or demonstrated interest in community service. After the initial term(s) served  
32 by the current members, all future members shall serve a term of three (3)  
33 years, except that the term of the alternate member shall be two (2) years,  
34 and all members shall be eligible for reappointment to the board of advisors  
35 for two (2) additional terms only. After a member serves three consecutive  
36 terms, the member shall not be eligible for reappointment to the board of  
37 advisors for one (1) year. In the event the term of a member who is not  
38 eligible for reappointment has expired and there are no eligible candidates to  
39 replace the term limited member, the board of county commissioners may  
40 reappoint the term limited member for one (1) additional three (3) year term.

41  
42 **Sec. 4-7-272. Removal from office.**

43 All advisory board members serve at the pleasure of the board of county  
44 commissioners who may remove any member by majority vote, with or  
45 without cause, at any time. Members who fail to attend three (3) meetings in  
46 a twelve-month period without cause and without prior approval of the

1 chairman of the board of advisors shall automatically forfeit appointment and  
2 the board of county commissioners shall promptly fill each vacancy from a  
3 list of qualified petitioners. The filling of any vacancy occurring in any office  
4 shall be for only the remainder of that term.  
5

6 **Sec. 4-7-273. Officers.**

7 The board of advisors shall elect a chairman and a vice-chairman, who shall  
8 be voting members, from among its members. Each officer shall serve for  
9 one (1) year and may be reelected for a maximum of three (3) consecutive  
10 terms. These officers shall have such duties as are prescribed by the by-laws  
11 of the board of advisors. The board of advisors shall also have a recording  
12 secretary who is a member of county staff. Adopted minutes from each  
13 meeting will be filed with the county. The cost of providing such a secretary  
14 shall be charged to the Manchester Waterway Benefit Unit.  
15

16 **Sec. 4-7-274. Procedures.**

17 The board of advisors shall have the power to establish by-laws or other  
18 procedural rules necessary to accomplish its goals, subject to the authority of  
19 the board of county commissioners. The presence of three (3) or more  
20 members shall constitute a quorum. The board of advisors may request  
21 technical or administrative support through the county administrator, who  
22 may furnish such assistance as deemed proper.  
23

24 **Sec. 4-7-275. Recommendations.**

25 The board of advisors shall make recommendations to the board of county  
26 commissioners and to county staff. Recommendations shall include, but not  
27 be limited to, the following issues:

- 28 (1) Proposed maintenance work programs;
- 29 (2) Proposed capital projects;
- 30 (3) Proposed assessments to be levied within the particular unit;
- 31 (4) Proposed ordinances or resolutions which may affect the particular unit.  
32

33 **Sec. 4-7-276. Sunshine and Public Records Laws.**

34 The board of advisors in all its proceedings shall be governed by the Florida  
35 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law,  
36 Chapter 119, Florida Statutes."  
37

38 **Section 3. Inclusion in the Charlotte County Code.** It is the intention of the board of

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



## ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING ARTICLE XIII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE PROVISIONS OF THE MANCHESTER WATERWAY BENEFIT UNIT TO PROVIDE FOR AN ADVISORY BOARD OF FIVE MEMBERS AND ONE ALTERNATE MEMBER; 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 above ordinance creates an advisory board for the Manchester Waterway Benefit 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: None.  
Market
- D. Benefits on Implementation: Provides for updated terms and conditions for the advisory board for the 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 ARTICLE XIII, CHAPTER 4-7, OF THE CHARLOTTE COUNTY CODE; AMENDING THE PROVISIONS OF THE MANCHESTER WATERWAY BENEFIT UNIT TO PROVIDE FOR AN ADVISORY BOARD OF FIVE MEMBERS AND ONE ALTERNATE MEMBER; 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 22nd day of January, 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  
 P.O. #: 2008001016-B  
 Published: January 12, 2008  
 163352 2011404

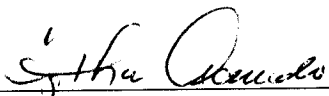
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
 COUNTY OF CHARLOTTE:

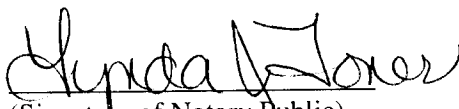
Before the undersigned authority personally appeared Cynthia Acevedo, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

January 12, 2008

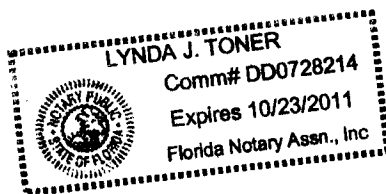
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has 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 14th day of January, 2008.

  
 (Signature of Notary Public)

1 x 5,819 x 5.75 = \$33.46





# FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

January 31, 2008

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

Attn: 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 January 25, 2008 and certified copies of Charlotte County Ordinance Nos. 2008-011 through 2008-013, which were filed in this office on January 29, 2008.

Sincerely,

Liz Cloud  
Program Administrator

LC/jru

RECEIVED AT  
MURDOCK BRANCH  
2008 FEB -4 PM 12: 38  
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://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
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850.245.6270 • FAX: 850.245.6282

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