

**ORDINANCE**

**NUMBER 95- 053**

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR ENGLEWOOD EAST (NON URBAN) STREET AND DRAINAGE UNIT WITHIN THE BOUNDARIES OF CHARLOTTE COUNTY, AMENDING CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-6-600 THROUGH 4-6-606; DESIGNATING SAID NEW SECTIONS AS DIVISION 2, ADVISORY BOARD, DESIGNATING EXISTING SECTIONS 4-6-591 THROUGH 4-6-599 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, PROVIDING FOR INCLUSION IN THE COUNTY CODE AND PROVIDING AN EFFECTIVE DATE.

**RECITALS**

1. 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).
2. 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.
3. Thirty (30) or more electors residing within the Englewood East (Non Urban) Street and Drainage 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:

Section 1. Chapter 4-6 Article XXVII 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 4-6-600. Establishment.** Upon the petition of thirty (30) or more electors residing within the Englewood East (Non Urban) Street and Drainage 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 Englewood East (Non Urban) Street and Drainage Unit.

**Section 4-6-601. 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 Englewood East (Non Urban) Street and Drainage 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 4-6-602. 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 4-6-603. 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 Englewood East (Non Urban) Street and Drainage Unit.

**Section 4-6-604. 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 4-6-605. 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 4-6-606. 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 4-6 Article XXVII of the Charlotte County Code is further amended by designating existing sections 4-6-591 through 4-6-599 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. Intent.** 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 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 5<sup>th</sup> day of November 1995.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

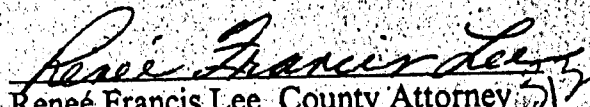
By   
Matthew D. DeBoer, Chairman

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:

  
Renee Francis Lee, County Attorney

SARASOTA HERALD-TRIBUNE  
(Charlotte/Englewood AM Editions)

Published Daily

Charlotte County FLORIDA

AD NUMBER BKAY00100 P.O. 161022-0

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

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

*Notice of Intent To Consider Ordinance*

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

*November 24, 1995*

Affiant further says that the said Sarasota 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 *P. DiGregorio*

Sworn to and subscribed before me this 24 day of November A.D. 1995.

SEAL *W. Anderson*  
Notary Public

NOTICE OF INTENT TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County will, in regular session, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, at 10:00 P.M. on the 8th day of December, 1995, consider the enactment of an ordinance bearing the following title:

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD FOR ENGLEWOOD EAST (NON URBAN) STREET AND DRAINAGE UNIT WITHIN THE BOUNDARIES OF CHARLOTTE COUNTY; AMENDING CHARLOTTE COUNTY CODE BY ADDING SECTIONS 4-6-800 THROUGH 4-6-805; DESIGNATING SAID NEW SECTIONS AS DIVISION 2, ADVISORY BOARD; DESIGNATING EXISTING SECTIONS 4-6-801 THROUGH 4-6-899 AS DIVISION 1; POWERS, APPOINTMENTS AND PROCEDURES; REQUIRING COMPLIANCE WITH THE PROVISIONS OF THE SUNSHINE AND PUBLIC RECORDS LAWS OF FLORIDA; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; 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 said meeting, he will need a record of the proceedings, and for that 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: Matthew D. DeBoer, Chairman

PO #161022-0  
Published: Nov. 24, 1995

*ORD 95-053*



FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham  
Secretary of State

DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
401 South Monroe Street  
Tallahassee, Florida 32399-0250  
(904) 488-8427

December 11, 1995

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

Attention: Karen S. Mitchell, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated December 7, 1995 and certified copy of Charlotte County Ordinance No. 95-53, which was filed in this office on December 11, 1995.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

RECEIVED  
ADJUTANT GENERAL  
NOV 13 1995