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ORDINANCE  
NUMBER 2011-014

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING ARTICLE XIX, CHAPTER 4-6, CHARLOTTE COUNTY CODE; AMENDING THE SUNCOAST BOULEVARD STREET AND DRAINAGE UNIT BY PROVIDING FOR AN IMPROVED AND CORRECTED DESCRIPTION OF THE TERRITORY OF THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR ASSESSMENTS AND COLLECTIONS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE ESTABLISHMENT OF AN ADVISORY BOARD FOR THE UNIT; 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 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, 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 March 8, 1983, adopted Ordinance No. 83-05 which created the Suncoast Boulevard Street and Drainage municipal service benefit unit (the "Unit"); and

WHEREAS, the territory of the Unit for code and administration purposes, is best described by geographical depiction (map) rather than by reference to sections, plats, replats and lots; and

WHEREAS, adopting an improved and corrected description of the Unit will benefit

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1 property owners and provide administrative ease, in that property owners will be better able  
2 to determine whether their property is subject to assessment by reference to the map, and  
3 a more accurate assessment roll can be prepared without tedious reference to the legal  
4 descriptions now contained in Charlotte County Code; and

5 WHEREAS, it is also necessary to further amend the language of Article XIX,  
6 Chapter 4-6, in order to bring its language and procedures into conformity with current  
7 county code provisions and to provide for the creation of an advisory board for the Unit.

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

10 Section 1. Charlotte County Code, Sections 4-6-402 through 4-6-410 are hereby  
11 amended as follows (strikethrough sections are deletions and underlined sections are  
12 additions):

13 "Section 4-6-402. – Area. Territory.  
14 The territory included within the unit shall include ~~the following described real~~  
15 ~~estate located in the county:~~ those portions of the unincorporated area of  
16 Charlotte County as depicted on the map attached to Ordinance No. 2011-  
17 \_\_\_\_\_ as Attachment 1, and as more fully described in any assessment roll  
18 provided for in this article.  
19

- 20 (1) ~~All of Section 17, Township 40 South, Range 23 East, lying west of~~  
21 ~~the westerly right of way line of I-75;~~
- 22 (2) ~~The east one fourth of Section 18, Township 40 South, Range 23~~  
23 ~~East;~~
- 24 (3) ~~The south one half of the northwest one fourth of the southeast~~  
25 ~~one fourth and the southwest one fourth of the southeast one~~  
26 ~~fourth of Section 18, Township 40 South, Range 23 East;~~
- 27 (4) ~~The south one half of the north one half of the southwest one~~  
28 ~~fourth of Section 18, Township 40 South, Range 23 East; and~~
- 29 (5) ~~The north one fourth of the south one half of the southwest one~~  
30 ~~fourth of Section 18, Township 40 South, Range 23 East."~~

31  
32  
33

1           Sec. 4-6-403. – Governing body.

2           The ~~b~~Board of ~~e~~County ~~e~~Commissioners of Charlotte County, Florida, shall  
3 be the governing body of the unit. ~~referred to in this article as the “governing~~  
4 ~~body.”~~

5  
6           Sec.4-6-404. – Purpose. ~~;~~ powers

7           The purpose of the unit is to provide for the ~~design, acquisition of right-of-~~  
8 ~~way, construction, reconstruction, repair, paving, repaving, hard-surfacing,~~  
9 ~~re-hard surfacing, widening, guttering and draining of Suncoast Boulevard,~~  
10 ~~including the necessary appurtenances thereto, from funds derived from~~  
11 ~~service charges, ad-valorem taxes and special assessments levied within the~~  
12 ~~unit. The unit shall have all of the powers granted to the county.~~

13  
14           Sec.4-6-405. – ~~Work plan; budget.~~ Assessments and Collection.

15           ~~On or before the first day of July of each year, the county engineer shall~~  
16 ~~present to the board of county commissioners a work plan and tentative~~  
17 ~~budget for the unit, and the board may proceed to adopt a budget as county~~  
18 ~~budgets are adopted and fund the budget from ad-valorem taxes, service~~  
19 ~~charges or special assessments, or any combination thereof. The authority~~  
20 and procedure for imposing and collecting capital project and maintenance  
21 assessments shall be as provided in Chapter 4-6, Article I, Charlotte County  
22 Code.

23  
24           Sec.4-6-406. – ~~Plans and estimates; resolution by the board.~~ Issuance of  
25 debt obligations.

26           ~~On or before the first day of July of each year, the county engineer shall~~  
27 ~~present to the board of county commissioners plans and estimates of cost for~~  
28 ~~works to be performed during the succeeding fiscal year. Such plans shall be~~  
29 ~~filed with the clerk of the circuit court as ex officio clerk of the board of county~~  
30 ~~commissioners and shall be available for public inspection. Upon~~  
31 ~~examination of such plans and estimates, the board of county~~  
32 ~~commissioners, by resolution, may determine to accomplish all or any part of~~  
33 ~~the proposed work and defray the whole or any part of the expense thereof~~  
34 ~~by special assessments; and the resolution may designate the work to be~~  
35 ~~performed by reference to the plans and estimates as filed and shall state~~  
36 ~~the amount to be paid by special assessments, when said assessments are~~  
37 ~~to be paid, and shall also designate the lands upon which the special~~  
38 ~~assessments shall be levied. In describing said lands, it shall be sufficient to~~  
39 ~~describe them as all lots and lands lying within the Suncoast Boulevard~~  
40 ~~Street and Drainage Unit. The resolution also shall state the total estimated~~  
41 ~~cost of the improvement including the cost of repair, maintenance,~~  
42 ~~construction or reconstruction, the cost of all labor and materials, the cost of~~  
43 ~~all lands, property rights, easements and franchises to be acquired,~~  
44 ~~discounts and cost of collection, cost of plans and specifications, surveys of~~  
45 ~~estimates of cost and of revenues, cost of engineering and legal services~~  
46 ~~and all other expenses necessary or incident to determining the feasibility or~~

1 ~~practicability of such works, administrative expense and such other expense~~  
2 ~~as may be necessary or incident to the completion of the works. The~~  
3 ~~authority and procedure regarding the issuance of debt obligations shall be~~  
4 ~~as provided in Chapter 4-6, Article I, Charlotte County Code.~~

5  
6 Sec.4-6-407. – Assessment roll. Powers of the governing body.

7 ~~Upon the adoption of the resolution, the board of county commissioners shall~~  
8 ~~cause to be made an assessment roll which shall be filed in the office of the~~  
9 ~~board. Said assessment roll shall show the lots and lands assessed and the~~  
10 ~~amount of the benefit to and the assessment against each lot or parcel of~~  
11 ~~land. Said benefits may be determined and prorated according to the area of~~  
12 ~~the respective properties specially benefited or any other such method as the~~  
13 ~~governing body may determine. The Board of County Commissioners shall~~  
14 ~~have those powers set forth in Chapter 4-6, Article I, Charlotte County Code.~~

15  
16 Sec.4-6-408. – Hearing. Establishment of advisory board.

17 ~~(a) Upon completion of the assessment roll, the board of county~~  
18 ~~commissioners, as governing body, shall fix the time and place at which the~~  
19 ~~owners of the property to be assessed or any other persons interested may~~  
20 ~~appear before the governing body and be heard as to the propriety and~~  
21 ~~advisability of the work to be performed, the cost thereof, the manner of~~  
22 ~~payment therefor or the amount thereof to be assessed against each~~  
23 ~~property so benefited. Notice of the time and place of such hearing shall be~~  
24 ~~given by two (2) publications approximately one (1) week apart in a~~  
25 ~~newspaper of general circulation in the county. The first of such notices shall~~  
26 ~~be published not less than ten (10) days before the time set for such hearing.~~  
27 ~~Said notice shall describe the area to be improved and advise all persons~~  
28 ~~interested that the description of each property to be assessed and the~~  
29 ~~amount to be assessed to each piece or parcel of property may be~~  
30 ~~ascertained at the office of the board of county commissioners.~~

31 ~~(b) At the time and place named in the notice, the board of county~~  
32 ~~commissioners shall meet as an equalizing board to hear and consider any~~  
33 ~~and all complaints as to such special assessments and shall adjust and~~  
34 ~~equalize the assessments on the basis of justice and right; and, when so~~  
35 ~~equalized and approved by resolution of the board of county commissioners,~~  
36 ~~such assessment shall stand confirmed and remain legal, valid and binding~~  
37 ~~liens of equal dignity with the lien for county taxes on the property against~~  
38 ~~which such assessments are made until paid. The Board of County~~  
39 ~~Commissioners hereby establishes a board of advisors for the Suncoast~~  
40 ~~Boulevard Street and Drainage Unit.~~

41  
42 Sec.4-6-409. – Collection of assessments. Membership.

43 ~~The assessment roll as amended following the equalization hearing shall be~~  
44 ~~certified to the property appraiser who shall include the assessments thus~~  
45 ~~made in the county tax roll, and said assessments shall be collected in the~~  
46 ~~manner and form subject to the same discounts, commissions, interest,~~

1 ~~penalties and remedies for enforcement and collection as are provided by~~  
2 ~~general law for the collection of county taxes. The board of advisors shall~~  
3 ~~consist of five (5) members and one (1) alternate member (hereinafter,~~  
4 ~~collectively "members") appointed by the board of county commissioners.~~  
5 ~~The alternate member shall assume the duties of any absent member until~~  
6 ~~the conclusion of such absence. All members shall be residents of the~~  
7 ~~Suncoast Boulevard Street and Drainage Unit. The criteria for selection of~~  
8 ~~members shall include, among other things, technical knowledge or expertise~~  
9 ~~in matters related to the work program of the unit or demonstrated interest in~~  
10 ~~community service. To provide for continuity of membership, the initial terms~~  
11 ~~of office shall be drawn by lot and be as follows: One (1) member shall be~~  
12 ~~appointed for one (1) year, two (2) members shall be appointed for two (2)~~  
13 ~~years, and two (2) members shall be appointed for three (3) years. The initial~~  
14 ~~term of the alternate member shall be two (2) years. After the initial term,~~  
15 ~~members shall serve a term of three (3) years, except that the term of the~~  
16 ~~alternate member shall be two (2) years, and all members shall be eligible for~~  
17 ~~reappointment to the board of advisors for two (2) additional terms only. After~~  
18 ~~a member serves three consecutive terms, the member shall not be eligible~~  
19 ~~for reappointment to the board of advisors for one (1) year. In the event the~~  
20 ~~term of a member who is not eligible for reappointment has expired and there~~  
21 ~~are no eligible candidates to replace the term limited member, the board of~~  
22 ~~county commissioners may reappoint the term limited member for one (1)~~  
23 ~~additional three (3) year term.~~

24  
25 Sec.4-6-410. – Receipt of property and funds. Removal from office.  
26 The unit may receive such property as may be acquired by gift or purchase  
27 and receive funds to be held in escrow for the purposes of the unit under the  
28 terms of a resolution of the governing body setting forth their use and  
29 disposition. All advisory board members serve at the pleasure of the Board of  
30 County Commissioners who may remove any member by majority vote, with  
31 or without cause, at any time. Members who fail to attend three (3) meetings  
32 in a twelve-month period without cause and without prior approval of the  
33 chairman shall automatically forfeit appointment and the board of county  
34 commissioners shall promptly fill each vacancy from a list of qualified  
35 petitioners. The filling of any vacancy occurring in any office shall be for only  
36 the remainder of that term.  
37

38 Section 2. Article XIX, Chapter 4-6 of the Charlotte County Code, is further amended  
39 by adding the following new language, numbered and designated as follows:

40 Sec.4-6-411. – Officers.  
41 At the initial meeting of the advisory board, or as soon thereafter as possible,  
42 the members shall elect a chairman and a vice-chairman, who shall be voting  
43 members, from among its members. Said chairman and vice-chairman shall

1 serve until the first meeting of the advisory board occurring after the first day  
2 of December. At the first meeting of the advisory board occurring after the  
3 first day of December, the advisory board shall elect again a chairman and  
4 vice-chairman who shall serve for one (1) year and may be reelected for a  
5 maximum of three (3) consecutive terms. All members shall be eligible to be  
6 elected as chairman and vice-chairman at the December election.  
7 Thereafter, all elections of chairman and vice-chairman shall be conducted at  
8 the first meeting of the advisory board occurring after the first day of  
9 December in all subsequent years. These officers shall have such duties as  
10 are prescribed by the by-laws of the advisory board. The advisory board shall  
11 also have a recording secretary who is a member of county staff. Adopted  
12 minutes from each meeting will be filed with the county. The cost of providing  
13 such a secretary shall be charged to the Suncoast Boulevard Street and  
14 Drainage Unit.

15  
16 Sec.4-6-412. – 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.4-6-413. – 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.4-6-414. – 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. Severability. If any provision of this ordinance or the application thereof to  
39 any person or circumstance is held invalid, the invalidity shall not affect other provisions or  
40 applications of this ordinance which can be given effect without the invalid provision or  
41 applications. To this end, the provisions of this ordinance are declared severable.

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Section 4. 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.

PASSED AND DULY ADOPTED this 26 day of April, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Robert J. Starr, 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  
J.S.

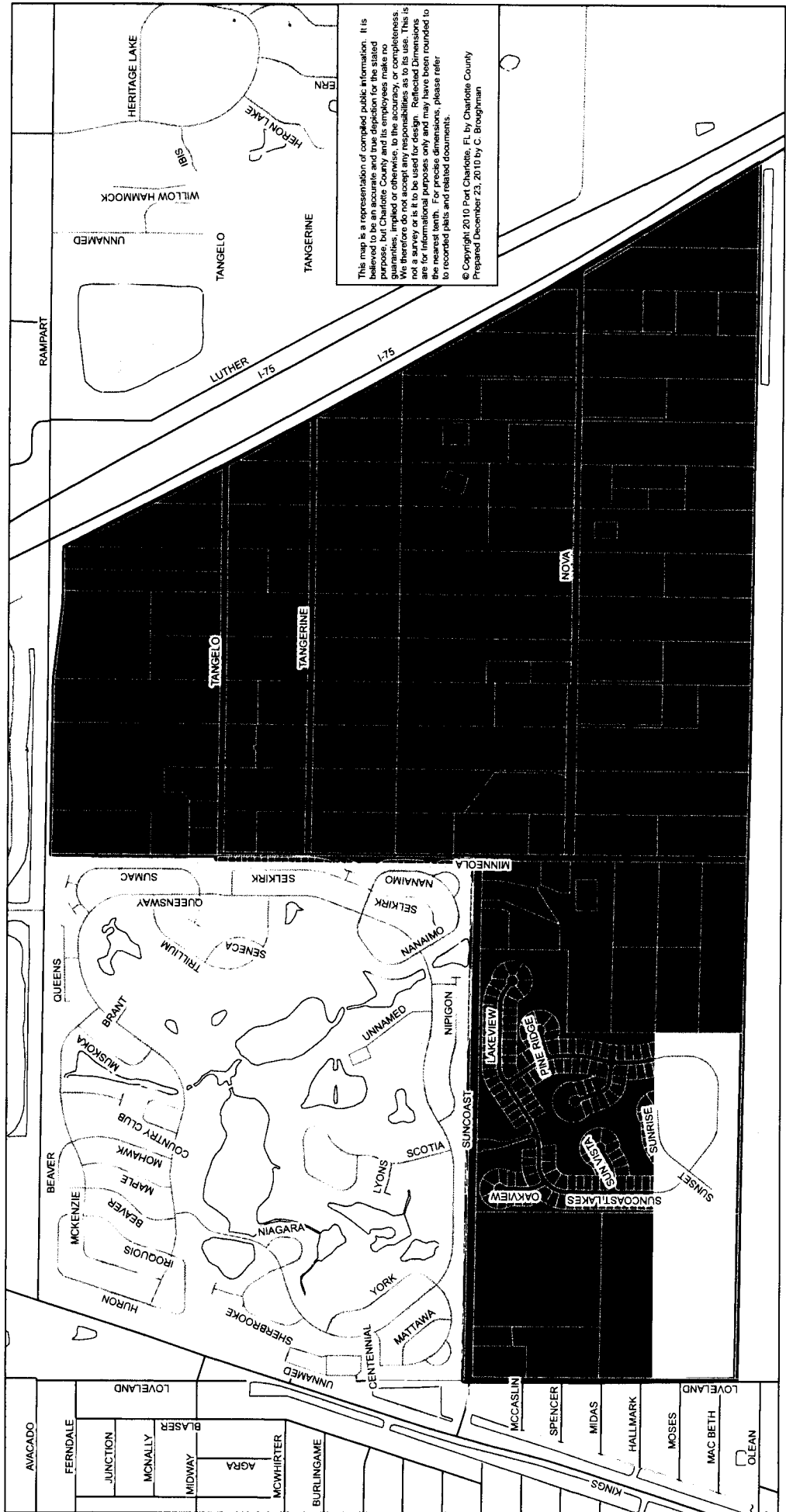


# ATTACHMENT 1

## Suncoast Boulevard Street & Drainage Unit



- Suncoast Blvd Boundary\_Per Ord 83-05
- Suncoast Blvd Boundary Revised 2011





## ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING ARTICLE XIX, CHAPTER 4-6, CHARLOTTE COUNTY CODE; AMENDING THE SUNCOAST BOULEVARD STREET AND DRAINAGE UNIT BY PROVIDING FOR AN IMPROVED AND CORRECTED DESCRIPTION OF THE TERRITORY OF THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR ASSESSMENTS AND COLLECTIONS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE ESTABLISHMENT OF AN ADVISORY BOARD FOR THE UNIT; 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 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 provides for an improved and corrected description of the properties within the MSBU (Unit). The ordinance also amends the Unit by bringing its language and procedures into conformity with current county code provisions and to provide for the creation of an advisory board for the 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: The Suncoast Boulevard Street and Drainage MSBU.
- C. Effect on Competition and the Employment: None  
Market
- D. Benefits on Implementation: Improved and corrected description of the properties within the Unit; revises the language of the ordinance to conform with the county code; and creates an advisory board for the Unit.

RECEIVED  
PURCHASING DEPT.

2011 APR 18 AM 9:50

CHARLOTTE COUNTY  
FLORIDA



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

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, 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, was published in said newspaper in the issues of:

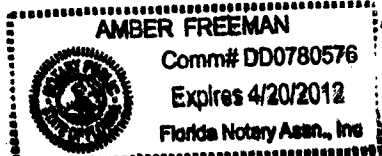
April 15, 2011

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.

Diane Brinckman  
(Signature of Affiant)

Sworn and subscribed before me this 15th day of April 2011.

[Signature]  
(Signature of Notary Public)



Amber Freeman

Personally known  OR Produced Identification

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

**NOTICE OF INTENTION TO  
CONSIDER ORDINANCE**

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 XIX, CHAPTER 4-6, CHARLOTTE COUNTY CODE; AMENDING THE SUNCOAST BOULEVARD STREET AND DRAINAGE UNIT BY PROVIDING FOR AN IMPROVED AND CORRECTED DESCRIPTION OF THE TERRITORY OF THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR ASSESSMENTS AND COLLECTIONS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE ESTABLISHMENT OF AN ADVISORY BOARD FOR THE UNIT; 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 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 26th day of April, 2011, 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

The Charlotte County Commission meeting room is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392 or TTY #941-743-1234. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.

P.O. #: 2011001767-G  
Published: April 15, 2011  
163352 2569184



**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**DIVISION OF LIBRARY AND INFORMATION SERVICES**

**KURT S. BROWNING**  
Secretary of State

May 5, 2011

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

Attention: Ms. Anne L. Pfahler, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 28, 2011 and certified copies of Charlotte County Ordinance Nos. 2011-009 through 2011-014, which were filed in this office on May 4, 2011.

Sincerely,

Liz Cloud  
Program Administrator

LC/vm

RECEIVED AT  
MURDOCK BRANCH  
2011 MAY -9 PM 12:15  
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  
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CAPITOL BRANCH  
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850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282

IMAGED 5-12-11 AP