

**Charlotte County Board Of County Commissioners
Agenda Item Summary**

Item Number: F- 8

1 DEPARTMENT MAKING REQUEST

Budget and Administrative Services

2 MEETING DATE

9/9/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Set a public hearing for September 23, 2014, at 10:00 a.m. or soon thereafter as may be heard, to consider approving an Ordinance creating the East Charlotte Stormwater Municipal Service Taxing Unit (MSTU).

4 AGENDA

5 IS THIS ITEM BUDGETED (IF APPLICABLE) - No

Budget Action

No action needed.

Financial Impact Summary Statement

No impact at this time, Public Hearing only.

Detailed Analysis Attached -

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

To provide for stormwater management services within the East Charlotte Stormwater MSTU.

The purpose of this MSTU is to provide for the financing, design, construction, maintenance and operation of a stormwater management system, plan for future infrastructure needs for drainage, accrue or borrow funds for future work, and carry out such work for all primary drainage infrastructure as determined by the County Engineer.

ATTACHMENTS:

Name:

Description:

Type:

[East Charlotte Stormwater MSTU Ordinance.doc](#) Exhibit

Ordinance

[Economic Impact Estimate.doc](#) Exhibit

Exhibit

**ORDINANCE
NUMBER 2014-**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR A TITLE; PROVIDING FOR THE CREATION OF THE EAST CHARLOTTE STORMWATER MUNICIPAL SERVICES TAXING UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR AUTHORITY; PROVIDING FOR A PURPOSE; PROVIDING FOR THE AUTHORIZATION TO LEVY AND COLLECT AD VALOREM TAXES; PROVIDING FOR THE USE OF REVENUE AND BUDGET; PROVIDING FOR AN ADVISORY BOARD; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA THAT:

SECTION 1. TITLE. This Ordinance may be cited as the East Charlotte Stormwater Municipal Service Taxing Unit.

SECTION 2. CREATION OF EAST CHARLOTTE STORMWATER MUNICIPAL SERVICE TAXING UNIT.

Pursuant to the provisions of section 125.01(1)(q), Florida Statutes, there is hereby created a municipal service taxing unit known as the “East Charlotte Stormwater Municipal Service Taxing Unit” (hereinafter the “MSTU”).

SECTION 3. TERRITORY.

The territory of the MSTU shall include the portions of the unincorporated area of Charlotte County as depicted on the map attached to Ordinance No. 2014-_____ as Attachment 1 which is incorporated herein and made a part of this Ordinance.

1 **SECTION 4. GOVERNING BODY.**

2 The governing body of the MSTU shall be the Charlotte County Board of County
3 Commissioners (hereinafter the “Board”).

4 **SECTION 5. POWERS OF THE GOVERNING BODY.**

5 The governing body shall have all of the powers granted to it by the Florida
6 Constitution, the general laws of the State of Florida, and the Code of Laws and
7 Ordinances, Charlotte County, Florida, as may be necessary or proper to carry out the
8 purpose and intent of this MSTU.

9 **SECTION 6. AUTHORITY.**

10 (A) This Ordinance is enacted under the authority of Article VIII, section 1, Florida
11 Constitution, and sections 125.01 and 125.66, Florida Statutes. Section 125.01(1)(q),
12 Florida Statutes, provides specific legislative authorization for counties to establish a
13 municipal service taxing unit for any part or all of the unincorporated areas within its
14 boundaries, within which may be provided essential facilities and services. The Board of
15 County Commissioners of Charlotte County, Florida, has all powers of local self-
16 government to perform county and municipal functions and to render services in a manner
17 not inconsistent with general law and such power may be exercised by the enactment of
18 county ordinances and resolutions.

19 **SECTION 7. PURPOSE.** The purpose of this MSTU is to provide for the
20 financing, design, construction, maintenance and operation of a stormwater management
21 system, plan for future infrastructure needs for drainage, accrue or borrow funds for future
22 work, and carry out such work for all primary drainage infrastructure as determined by the
23 County Engineer. The purpose shall also include water quality monitoring and native and

1 invasive aquatic plant control with the use of chemical, biological and mechanical methods.

2 **SECTION 8. AUTHORIZATION TO LEVY AND COLLECT AD VALOREM**

3 **TAXES.** The Board is hereby authorized to levy and collect ad valorem taxes upon real
4 and personal property within the MSTU beginning with the County budget for the fiscal year
5 beginning on October 1, 2015. The budget and millage rate for the MSTU shall be
6 approved and levied in the manner provided by general law for the levy of County ad
7 valorem taxes.

8 **SECTION 9. USE OF REVENUE; BUDGET.**

9 (A) Revenues derived from ad valorem taxes levied within the MSTU pursuant to
10 Section 8 shall be used for the following purposes:

11 (1) to provide those stormwater services listed in Section 7 within the MSTU as
12 well as the following stormwater services which include:

13 (a) acquiring, constructing, or improving property, facilities, equipment, and
14 improvements necessary to provide stormwater services;

15 (b) operating, maintaining, and replacing acquired property, facilities, equipment,
16 and improvements necessary to provide stormwater services;

17 (c) compensating or reimbursing the County, and those acting on its behalf, for
18 all costs reasonably related to and incurred in establishing, implementing and administering
19 the MSTU, and offering, funding, providing and delivering stormwater services within the
20 MSTU to persons and lands therein; and

21 (d) providing for or paying for any other costs or expenses reasonably associated
22 with providing for and delivering stormwater services to persons and lands within the
23 MSTU.

1 (B) The Board shall prepare and adopt a budget for the MSTU for the fiscal year
2 beginning October 1, 2015, and each year thereafter, at the same time and in the same
3 manner as the County budget. Such budget shall contain all or such portions of the
4 planned costs of providing the stormwater management system services and facilities
5 authorized herein as the Board deems reasonable and necessary to initiate and thereafter
6 provide for such services, facilities, equipment and programs.

7 **SECTION 10. ADVISORY BOARD.** The Board may establish by Resolution an
8 Advisory Board for the East Charlotte Stormwater Municipal Service Taxing Unit.

9 **SECTION 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES,**
10 **CHARLOTTE COUNTY, FLORIDA.** It is the intention of the Board of County Commissioners
11 and is hereby ordained that the provisions of this Ordinance shall become and be made a
12 part of a new article, Article XI, chapter 4-3.5, of the Code of Laws and Ordinances of
13 Charlotte County, Florida, and the sections of this ordinance may be renumbered to
14 accomplish said intention.

15 **SECTION 12. SEVERABILITY.** If any provision of this ordinance or the
16 application thereof to any person or circumstance is held invalid, the invalidity shall not
17 affect other provisions or applications of this ordinance which can be given effect without
18 the invalid provision or applications. To this end, the provisions of this ordinance are
19 declared severable.

20 **SECTION 13. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed
21 with the Department of State of the State of Florida within 10 days of enactment and shall
22 take effect upon filing with said department.

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PASSED AND DULY ADOPTED this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth W. Doherty, 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
LR14-3003

ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR A TITLE; PROVIDING FOR THE CREATION OF THE EAST CHARLOTTE STORMWATER MUNICIPAL SERVICES TAXING UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR AUTHORITY; PROVIDING FOR A PURPOSE; PROVIDING FOR THE AUTHORIZATION TO LEVY AND COLLECT AD VALOREM TAXES; PROVIDING FOR THE USE OF REVENUE AND BUDGET; PROVIDING FOR AN ADVISORY BOARD; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; 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 creates the East Charlotte Stormwater municipal service taxing unit ("MSTU"). The purpose of the MSTU includes providing for the financing, design, construction, maintenance and operation of a stormwater management system, planning for future infrastructure needs for drainage, accruing or borrowing funds for future work, and carrying out such work for all primary drainage infrastructure as determined by the County Engineer.

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.

- A. Cost of Implementation: The owners of the properties in the MSTU will be obligated to pay the costs of implementation through ad valorem taxes levied on their properties.
- B. Source of Funds/Ultimate Burden of Costs: The owners of the properties in the MSTU will be obligated to pay ad valorem taxes to fund projects within the MSTU.
- C. Effect on Competition and the Employment Market: Creating the MSTU may create private or public employment opportunities.
- D. Benefits on Implementation: Properties within the MSTU will receive stormwater management services.