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RESOLUTION 2008-07

A RESOLUTION OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING AND SUPERCEDING RESOLUTION 2007-03, BY ADOPTION OF A REVISED SET OF RULES FOR THE BOARD OF TRUSTEES HEREIN REFERRED TO AS PART I; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH OTHER PROVISIONS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees had adopted Resolution 2004-01 revising a set of Rules for the Board of Trustees (Part I), and General Rules, Regulations, and Fees for the residents of Barefoot Bay Recreation District in relation to the operation of the Recreational Facilities of Barefoot Bay (Part II); and

WHEREAS, in Resolution 2007-03, the Board of Trustees of Barefoot Bay Recreation District amended Part I Rules for the Board of Trustees; and

WHEREAS, the Board of Trustees desires to further amend Part I Rules for the Board of Trustees; and

WHEREAS, the Board of Trustees does not intend to amend Part II of Resolution 2004-01, and specifically holds that Part II of Resolution 2004-1 shall remain in full force and effect; and

WHEREAS, the Board of Trustees held a Public Hearing seeking public input on this amendment at a public meeting held on October 28, 2008,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AS FOLLOWS:

Section 1. The Revised Part I Rules for the Board of Trustees appearing as Exhibit "A" of this Resolution are hereby adopted to serve as the Rules for the use of the members of the Board of Trustees of Barefoot Bay Recreation District.

Section 2. Severability.

If any portion, clause, phrase, sentence or classification of this Resolution is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the resolution; it is hereby declared to be the expressed opinion of the Trustees of the Barefoot Bay

Recreation District that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this Resolution did not induce its passage, and that without the inclusion of any such portion or portions of this Resolution, the Trustees would have enacted the valid constitutional portions thereof.

Section 3. Conflict with other Provisions.

All resolutions or parts of resolutions in conflict herewith are hereby repealed and all resolutions or parts of resolutions not in conflict herewith are hereby continued in full force and effect.

Section 4. Effective Date.

The said Rules appearing in Exhibit "A" of this Resolution shall take effect immediately upon adoption by the Board of Trustees. This Resolution shall become effective seven (7) days after adoption.

The foregoing resolution was moved for adoption by Trustee Crouse. The motion was seconded by Trustee Mershon and, upon being put to a vote, that vote was as follows:

Chairperson, Wilma Weglein	<u>Yes</u>
1 st Vice Chairperson, Robert Allan	<u>Yes</u>
2 nd Vice Chairperson, Richard Bleau	<u>Yes</u>
Secretary, Louise Crouse	<u>Yes</u>
Treasurer, Tom Guinther	<u>Yes</u>
Trustee, James Farrell	<u>Yes</u>
Trustee, Robert Peet	<u>Yes</u>
Trustee, Joseph Klosky	<u>Yes</u>
Trustee, Charles W. Mershon	<u>Yes</u>

The acting Chairman thereupon declared this resolution duly passed and adopted this 28th day of October, 2008.

BAREFOOT BAY RECREATION DISTRICT

By:


WILMA WEGLEIN, Chairperson


LOUISE CROUSE, Secretary

RULES FOR THE BOARD OF TRUSTEES BAREFOOT BAY RECREATION DISTRICT

ARTICLE I NAME AND ADDRESS OF ORGANIZATION

Section 1

The name of the organization is BAREFOOT BAY RECREATION DISTRICT, hereinafter referred to as THE DISTRICT.

Section 2

The mailing address of the District is Post Office Box 779-233, Barefoot Bay, Florida 32976-9233.

ARTICLE II PURPOSE OF THE RULES

Section 1

The purpose of these Rules is to implement the applicable Florida Statutes and in particular, Chapter 418.30-309, Laws of Florida, and Brevard County Ordinance 84-05, dated 23rd February, 1984, hereinafter referred to as the "Charter"; which said instruments of law and any amendments thereto are incorporated by reference.

Section 2

A further purpose is to inform the residents and property owners of Barefoot Bay as to the operation and management of the District.

ARTICLE III THE GOVERNING BODY

Section 1

The governing body of the District is the Board of ~~nine~~ Trustees, hereinafter referred to as the "Board."

Section 2

The composition, qualifications for membership, election, term of office, method of replacement or removal and compensation, shall be as specified in Article V of the Charter, and other applicable state statutes.

Section 3

A. The term of office of each elected Trustee shall commence on the first Tuesday after the first Monday in November following the general election in November as prescribed in Section 3b, Article V of the Charter. Trustees shall serve for two (2) years, or until their successors have qualified for office. The Board shall organize itself within fourteen (14) days next after each election by electing from its number a Chairperson, two (2) Vice-Chairmen, a Secretary and a Treasurer.

B. Elected Trustees shall be sworn into office at a public ceremony at a convenient time, providing such ceremony shall stipulate the actual date of assumption of office as in subparagraph A above.

C. The officers of the Board shall serve for one (1) year, commencing on the first regular meeting held in November, after the general election, as defined in paragraph A above.

Section 4

An in-term replacement of a Trustee shall be made by remaining members of the Board as provided for by Section 4, Article V of the Charter and such selected member shall be seated at the next regular meeting.

ARTICLE IV **REGULAR AND SPECIAL MEETINGS**

Section 1

The Board shall hold all regular meetings in Barefoot Bay, Florida on the second Friday and the fourth Tuesday of each month at a time and place designated by the Board.

Section 2

Any special or emergency meeting may be called by the Chairperson, or as requested by at least two (2) Trustees, and such meeting shall be conducted in accordance with Article V, Section 1 of these Rules.

Section 3

~~Five (5) Trustees~~ A majority of the entire membership of the Board shall constitute a quorum for the transaction of business.

Section 4

The Chairperson, or Vice-Chairperson in his/her absence, shall conduct all meetings according to these Rules and Regulations and such other rules as are, from time to time, adopted by the Board; but not inconsistent with the laws of Florida or the Charter.

Section 5

Workshop meetings may be conducted by the full Board or by a committee of the Board. Meetings will be chaired by a Trustee on a rotating basis. A committee shall be chaired by a Trustee and shall include other members of the public as deemed necessary. The committee may discuss, or prepare written recommendations for future consideration by the full Board. These meetings shall be conducted in accordance with the requirements of the Sunshine Law and shall be properly noticed for public attendance. No business transactions or decisions binding the full Board are permitted.

Section 6

The following rules pertain to the public's attendance at a public meeting:

1. No attendee shall be allowed the floor until recognized by the Chairperson.
2. No attendee may be allowed more than three (3) minutes on an Agenda Item. The attendee must fill out a card informing the Chairperson on the Number of the Agenda Item they wish to speak about prior to the meeting.
3. No attendee shall be required to register his or her attendance. However, those desiring to be heard must state their name and place of residence.
4. No attendee may be allowed to enter into a debate with members of the Board.
5. All questions shall be directed to the Chairperson, answered by the Chairperson or the Chairperson may refer to other members of the Board.
6. Any attendee shall have the right to use a silent tape recorder, and to make an accurate record of what transpires. A reporter may use this means for the benefit of his readers or listeners.
7. Use of cameras will be allowed, so long as such use is not disruptive or the conduct of the meeting.

ARTICLE V **TRANSACTION OF BUSINESS BY THE BOARD**

Section 1

All meetings of the Board for transaction of business shall be in harmony with the requirements of Chapter 189.417, F.S., in a building accessible to the public. Any meeting other

than a regular meeting or any recessed and reconvened meeting of the Board must be advertised with the day, time, place and purpose of the meeting at least seven (7) days prior to such meeting, except in the case of emergency meetings.

A meeting called to deal with an emergency, may be held as necessary, upon following this procedure: The Community Manager may poll Trustees individually, and upon majority consent to the meeting, the meeting will be held and any action taken will be ratified at the next regular Board meeting. Reasonable notice of such a meeting will be provided.

Section 2

No approval of the annual budget shall be granted at an emergency meeting.

Section 3

All meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, F.S.

Section 4

Minutes shall be taken, recorded and made available for public inspection at all reasonable time.

ARTICLE VI

DUTIES AND RESPONSIBILITIES OF OFFICERS AND TRUSTEES

Section 1

General Duties. The Chairperson or Vice-Chairperson shall preside at all meetings of the Board. The Chairperson shall appoint regular and special committees as necessary. He/she shall also be an ex-officio member of all committees appointed by him/her. In the absence of the Chairperson, the 1st or 2nd Vice-Chairperson shall act in his/her place.

Section 2

Secretary. The Secretary shall be responsible for directing and overseeing that the Community Manager maintains all records of the business of the District and any other records required by the Florida Statutes and any rules or regulations of any state of Florida or federal agency. Further, the Secretary shall be responsible for directing and overseeing that the Community Managers provides notice of all meetings and that minutes of all meetings are appropriately taken as required by the Florida Statutes and any rules or regulations of any state of Florida or federal agency.

Section 3

Treasurer. The Treasurer shall be responsible for directing and overseeing that the Community Manager maintains accurate accountings of receipts and disbursements of monies to

the operation of the District and shall direct the Community Manager to prepare all financial reports required by the Florida Statutes and any rules or regulations of any state of Florida or federal agency.

Notwithstanding the foregoing, a Trustee who does not have the authority to sign any checks for the District shall be appointed by the Board to review the monthly bank statements of the District for accuracy.

ARTICLE VII
CONFLICT OF INTEREST

Section 1

“A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interest shall be prescribed by law.” (Article III, Sec. 18, Fla. Const.)

Section 2

This mandated Code of Ethics is found in Chapter 112 (Part III) of the Florida Statutes. The Florida Commission on Ethics provides each Trustee with a reminder booklet each year.

ARTICLE VIII
ADMINISTRATIVE DUTIES

Section 1

The Board will create and maintain policy pertaining to the governing of the District. They will employ a Community Manager who will oversee daily operations and report to the Board.

Section 2

Trustees should work closely with volunteer groups or individuals within the District as well as with the Barefoot Bay Homeowners Association.

Section 3

Board Representative Liaison

1. **Authority.** The Board, pursuant to the authority vested therein by Florida Law, Brevard County Ordinance, and the Barefoot Bay Recreation District Deed of Restrictions, hereby creates representative positions to be held by designated members of the Board, which shall be referred to as “Board Representative Liaisons.”

2. **Board Representative Liaison Appointment.** The Board's Chairperson may, from time to time, appoint an individual member of the Board to serve as the Board Representative Liaison. . At the time of said appointment, the District Chairperson shall specify the individual Board member to serve as a Board Representative Liaison and the department/section that the Board member shall become a liaison to. The Board Representative Liaison shall serve at the discretion of the Board and shall serve no specific term. Nothing contained herein shall require the Board's Chairperson to appoint said Liaison.
3. **Scope of Authority.** The Chairperson of the Board may appoint a Board Representative Liaison to represent the Board for the sole purpose of interacting with the various departments of the District. A duly appointed Board Representative Liaison shall have authority to interact with the various supervisors, employees, volunteers and other interested parties who may affect or implement policies of the District. The Board Representative Liaison shall have the express authority of the Board to observe and interact with their designated department for the purpose of obtaining and gathering information that will be useful in the department of future policies and procedures to be adopted by the Board.

The Board Representative Liaison shall only have the express authority granted to them by the Board and shall have no authority to direct operational services, adopt policies, or in any way engage in the supervisory function to the department for which the Board Representative Liaison has been appointed.

The Board Representative Liaison shall not have authority to implement policy, issue directives, instructions, orders or any other mandate for the day-to-day operations of the District.

4. **Intent.** The authority to manage the day-to-day administrative operations of the District has previously been and continues to be vested in the District's Community Manager's position. No authority, either expressed or implied, granted to the Board Representative Liaison shall be interpreted by said Liaison to alter the authority previously granted to the District's Community Manager.

It is the express intent of the Board that the Board Representative Liaison shall interact with the District Community Manager to assist the Manager with recommendation of policies that may be considered from time to time by the Board. Further, it is the intent of the Board that the Board Representative Liaison may assist with implementation of any duly adopted policy of the Board and shall, at all time, honor and comply with the authority vested in them.

Section 4 Organizational Chart

An organizational chart of the District specifying the Trustee positions and operations structure of the staff will be maintained and modified as required.

ARTICLE IX
ORDER OF BUSINESS

Section 1

1. Silent Prayer
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Approval of Minutes
5. Treasurer's Report
6. Correspondence
7. Audience comments on Agenda Items
8. Unfinished Business
9. New Business
10. Community Manager's Report
11. Attorney's Report
12. Committee/Liaison Report
13. Questions/Remarks from Observers
14. Adjournment

ARTICLE X
AMENDMENTS

Section 1

Amendments to these Rules and Regulations may be introduced by any Trustee in writing. A copy of the proposed amendment shall be posted by the Secretary on the official bulletin board at least five (5) days prior to the next regular meeting of the Board, after which the Trustees shall vote on the proposed amendment.

Any amendment to these Rules and Regulations adopted in accordance with this article shall become effective no sooner than seven (7) days after the date of the adoption of a resolution setting forth any amendments.

ARTICLE XI
PRECEDENT OF LAW

Section 1

Any portion of the Rules and Regulations in conflict with Florida Laws and the Charter shall be invalid.

Section 2

These Rules shall supersede any and all previous Rules adopted, including but not limited to, Part I of Resolution 2004-1.

Section 3

These Rules are effective upon passage by the Board and adoption of resolution defining said amendments.

DATED: 10-29-08

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