



## **BAREFOOT BAY RECREATION DISTRICT**

Barefoot Bay Recreation District Regular Meeting  
March 28, 2023 at 1:00 PM

### Agenda

Please turn off all cell phones

- 1. Thought of the Day**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Additions or Deletions to the Agenda**
- 5. Approval of the Agenda**
- 6. Approval of Minutes**
  - A. Regular BOT minutes dated March 9, 2023.
- 7. Treasurer's Report**
  - A. Treasurer's Report
- 8. Audience Participation**
- 9. Unfinished Business**
- 10. New Business**
  - A. Acceptance of Donation Request
  - B. FY22 Audit Presentation
  - C. Discussion of Prohibition Against Nepotism (Employee Handbook), Conflict of Interest (Rules of the BOT Article VII section 2), and BOT members serving in a volunteer capacity
  - D. Approval of Contingent Settlement Agreement
- 11. Manager's Report**
  - A. March 28, 2023 Manager's Report
- 12. Attorney's Report**
- 13. Incidental Trustee Remarks**
- 14. Adjournment**

If an individual decides to appeal any decision made by the Recreation District with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim

transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Barefoot Bay Recreation District Regular Meeting



# BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting  
March 9, 2023  
1PM –Building D&E

## Meeting Called to Order

The Barefoot Bay Recreation District Board of Trustees held a Meeting on March 9, 2023, Building D&E 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Amoss called the meeting to order at 1PM.

## Pledge of Allegiance to the Flag

Led by Mr. Klosky.

## Roll Call

Present: Mr. Grunow, Mr. Amoss, Mr. Brinker, Mr. Klosky, Ms. Tummolo. Also, present, Kent Cichon, Community Manager, Stephanie Brown, District Clerk, Garrett Olsen, General Counsel, Rich Armington, Resident Relations/HR Manager, Matt Goetz, Property Services Manager, Kathy and Charles Henley, Finance Manager.

## Additions or Deletions to the Agenda

None.

## Approval of the Agenda

*Mr. Klosky made a motion to approve the agenda as is. Second by Ms. Tummolo. Motion passed unanimously.*

## Presentations and Proclamation

Mr. Amoss presented Cathy Anderson with an employee appreciation certificate for her 5 years of service.

## Approval of Minutes

BOT Regular Meeting minutes dated February 28, 2023, was approved as submitted.

## Treasurer's Report

Mr. Brinker submitted the Treasurer's Report for March 9, 2023, approved as written.



# BAREFOOT BAY RECREATION DISTRICT

## Audience Participation

Nancy Eisele-944 Barefoot Blvd-reminded residents that there will be a celebration of life for Barbara Moore on 3/29/23 from 12-1pm in Building D/E (1225 Barefoot Blvd).

## Unfinished Business

None.

## New Business

## DOR Violations

### DOR Violation 23-000233 551 Marlin Circle

Gina Frangion-551 Marlin Circle-stated that the dog was not violent and does not reside at 555 Marlin Circle but out of state.

Mr. Armington stated that as of 12:30pm today (3/9/23), the dog was still listed on the dangerous dog list. Mr. Amoss recommended that violation #23-000233 555 Marlin Circle be referred to General Counsel Olsen and requested that the case be expedited. Mr. Grunow asked what outcome the BOT is looking for. Mr. Olsen responded that he would investigate and if the dog no longer resides at 555 Marlin Circle he would not move forward with the case. Should the investigation prove the dog is still a danger, he would ask the court for emergency relief.

*Mr. Grunow made a motion to refer case #23-000233 551 Marlin Circle to General Counsel Olsen for legal action, equitable or other appropriate action with failure to comply. If the BOT brings any such action to enforce DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien. Second by Mr. Klosky. Motion passed unanimously.*

## Manager's Report

### Finance

Assessment received – 83.49% collected or \$3,514,986. Balance to collect \$695,055.

### Resident Relations

#### ARCC Meeting 2/14/23

- 1 Old Business - approved
- 16 Consent Permits – 15 approved, one denied due to encroachment in the setback



# BAREFOOT BAY RECREATION DISTRICT

- 17 Other Permits – approved

## **ARCC Meeting 2/28/23**

- 3 Old Business – to be presented
- 16 Consent Permits – to be presented
- 6 Other Permits – to be presented

## **VC Meeting 2/10/23**

- 3 Cases – came into compliance prior to the meeting
- 4 Cases – found to be in violation

## Food & Beverage

- There are a few tickets available for the Franki Valli matinee on March 19<sup>th</sup>. The Fleetwood Mac tribute show is SOLD OUT. The Doo Wop dance show is April 14<sup>th</sup>. This is a table and chair event, versus theater style (all chairs). Call 772-664-3141 x222 for ticket availability.

## Food & Beverage (continued)

- St. Paddy's Day full day in the Bay is March 17<sup>th</sup>. A parade, ceremony, including a Blessing of the Bay, a bagpiper show, and all-day music and food is planned in Building A and lakeside complex. Tickets for the buffet style dinner and corned beef sandwiches are on sale now at the 19<sup>th</sup> Hole, the Lounge and Administration.

Flyers with all the details are posted.

## Property Services

- Bollards installed along Barefoot Blvd. near the pickleball courts
- Initiated replacement of all deteriorated bollards throughout BBRD
- Trimmed trees around BBRD grounds
- Repaired a broken Pool #1 ladder
- Continued to work with Big5 Construction on the Beach Restroom project permit
- Worked with the shopping center electrical vendor to continue changing the electrical panels
- Arranged to recover two of the three billiard tables
- Purchased more umbrellas and stands

## Golf-Pro Shop

- Softball Field irrigation repairs are in progress and awaiting repair availability dates

# BAREFOOT BAY RECREATION DISTRICT



- CVO Golf Tournament is scheduled for March 11<sup>th</sup> with an 8:30am shotgun start and 4-person scramble. Call Pro Shop at 772-664-3174 for assistance.
- BBRD Club Championship is scheduled for March 17<sup>th</sup> & 18<sup>th</sup> with a first tee time at 7:36am. Sign-up with the Pro Shop. Entry deadline is March 14<sup>th</sup>. Call Pro Shop at 772-664-3174 for assistance.
- Member Only Streamlined Check-in Process
  - If you are not required to pay any fee, then you may check in with the starter outside for your golf. Please arrive 20 minutes before your time. If you arrive at the last minute, then you may experience a delay.



# BAREFOOT BAY RECREATION DISTRICT

## Attorney's Report

Mr. Olsen stated no updates at this time.

## Incidental Trustee Remarks

Ms. Tummolo wanted to clarify misinformation that was posted on Facebook. She stated that at the January BOT meeting she suggested a \$1 or \$2 gate fee, not \$5. Also, the \$5 tickets for music in Building A were facilitated by Ms. Mendes, BBRD Food & Beverage Manager.

Mr. Grunow agreed with Ms. Tummolo on the misinformation posted on Facebook.

Mr. Brinker suggested residents be respectful of BBRD Administration and Pool Host staff.

Mr. Klosky expressed his gratitude to BBRD staff and those who worked at the Ethnic Festival.

Mr. Amoss expressed his gratitude to the Ethnic Club for the festival and Property Services staff for installing the bollards.

## Adjournment

The next regular meeting will be on March 28, 2023, at 1pm in Building D/E.

Mr. Amoss adjourned.

Meeting adjourned at 1:27pm.

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Jeff Grunow, Secretary

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Stephanie Brown, District Clerk

# Barefoot Bay Recreation District

## Treasurer's Report

March 28, 2023

### Cash and Investments Balances in General Fund as of 3/16/23

Petty Cash Total Petty Cash: \$ 2,500.00

### Checking Accounts

MB&T Operating Account \$ 501,444.20  
Valley National Bank -

### Interest Bearing Accounts

MB&T Money Market Account \$ 2,270,745.34  
FL Class 204,702.12  
SBA Reserve Account 717,963.96

### Investment Accounts

FL Trust - Short Term Bond Fund \$ 108,017.25

### Total Cash Balances in General Fund:

**\$ 3,805,372.87**

### Total Daily Deposits and Assessments Received for 3/3/23 - 3/16/23

Daily Deposits: \$ 144,264.64  
Assessments Received: 152,203.28

### Total Deposits Received:

**\$ 296,467.92**

### Expenditures for 3/3/23 - 3/16/23

Check Number	Vendor	Description	Check Amount
61076	Carroll Distributing Company	Alcohol	8,542.96
61085	Florida Power & Light Co	Electricity: 2/23	8,994.18
61095	Omega Technology Solutions, LLC	Monthly IT Support: 3/23	5,837.05
61112	Vose Law Firm, LLP	Legal Fees: 2/23	7,500.00
61126	ABM Landscape & Turf Services	Golf Course & Ball Field Maint. - 3/23	41,327.38
61133	Card Service Center	F&B License Renewal, FASD Conference	9,202.81
61148	MSL, P. A.	Audit FY 2022 Billing #4	10,000.00
61159	US Foods	Foodstuff and Supplies	7,215.01
	Florida Department of Revenue	Sales Tax: 2/23	23,700.28
	Paychex	Net Payroll - PPE 3/12/23	76,723.43
	United States Treasury	Payroll Taxes - PPE 3/12/23	21,733.86

### Total Expenditures \$5,000 and above:

**220,776.96**

### Expenditures under \$5,000:

**83,652.64**

### Total Expenditures:

**\$ 304,429.60**



## Board of Trustees Meeting Agenda Memo

Date: Tuesday, March 28, 2023  
Title: **Acceptance of Donation Request**  
Section & Item: 10.A  
Department: Property Services  
Fiscal Impact: \$855.85  
Contact: Kent Cichon, Community Manager, Matt Goetz, Property Services Manager  
Attachments: 02.27.2023 Pam Daley, Pam Daley-Bench Quote  
Reviewed by General Counsel: N/A  
Approved by: Kent Cichon, Community Manager



### Requested Action by BOT

Acceptance of a donation request for a bench near the pickleball courts.

### Background and Summary Information

Per BBRD Policy Manual (since 2015), the party requesting to donate the item must pay BBRD the cost, and staff will procure the donation.

Staff recommends the BOT accept the donation in the amount of \$855.85 from Ms. Pam Daley for a memorial bench near the pickleball courts.



## Memorial/Gift Request Form

Select One: Memorial Bench ☒ Memorial Tree ☐ Gift ☐

In Memory Of: PAM DALEY

Name of Donor or Representative: Pickleball Club (Grace Scarfo)

Address: 727 Barefoot Blvd City: Barefoot Bch State: FL

Phone: 631-796-1224 Email: 5scarfos@gmail.com

Requested Location: Pickleball Courts

Requested Bench Style/Tree species: \_\_\_\_\_

### Description of requested memorial/gift

*If you would like a name placed on the memorial, please include it in the description below.*

**\*\*If you are requesting a bench, please indicate what you would like written on each plaque/plank\*\***

Engraved Plank on Seat Back

Q° PAM Daley Yeah Baby!

With name: PAM DALEY, words "Yeah Baby!" and pickleball paddle + ball if possible

By signing below, the donor acknowledges and agrees to abide by the Barefoot Bay Recreation District Gifts/Memorials Guidelines, which can be found in section 3.5 of the Barefoot Bay Recreation District Policy Manual.

X Grace M Scarfo  
Signature

Please submit this form to the Office of the District Clerk, 625 Barefoot Blvd, Barefoot Bay, FL 32976 or email to Cindy Mihalick at [cindy.mihalick@bbrd.org](mailto:cindy.mihalick@bbrd.org).

[www.bbrd.org](http://www.bbrd.org)  
625 Barefoot Blvd, Barefoot Bay, FL 32976  
Administration Building Phone: 772.664.3141  
Fax: 772.664.1928

Updated June 2022



# American Recycled Plastic

A Family Owned & Operated Business Since 1989

773 N. Union Grove Rd / Friendsville TN 37737

Ph: 865.738.3439



## Customer Quote

<b>Client:</b>	Barefoot Bay Recreation District	<b>Quote #:</b>	0224-030
<b>Contact:</b>	Matt Goetz	<b>Phone:</b>	772-494-9985 / 772-664-2063
<b>From:</b>	Amy	<b>Email:</b>	mattgoetz@bbrd.org
<b>Item:</b>	Recycled Plastic Custom Bench	<b>Date:</b>	2/24/2023

## Products\*

Item #	Description & Size	Color	Qty	Ea Price	Extension
BDP6	Deluxe Park Bench 6', Black Legs	Charcoal	1	\$589.00	\$589.00
Custom	Engraving, 3", per character		17	\$4.75	\$80.75
DELFEE	Ground Freight*				\$186.10

\*Ships in 2 oversized boxes

**Board 1** Pam Daley

**Board 2** Yeah Baby!

Order Subtotal Prior to Sales Tax		\$855.85
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Sales Tax	TN Locations Only 9.75%	\$0.00
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<b>QUOTE TOTAL:</b>		<b>\$855.85</b>
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\*pricing is based on one single order of item(s) quoted.

## Terms & Conditions

**Order Type:** Bench is in-stock, customizations are running 4-5 weeks.

**Freight/ Shipping:** Quote is for ups ground delivery, UPS drivers usually deliver to front door only.

**Delivery:** Items ship boxed, final assembly is required.

**Payment Terms:** We accept Checks, MC/Visa, Amex and Discover for your convenience.

**Notes:**

## Accept Quote / Place Order

Signature required to accept the above terms & place order: \_\_\_\_\_

**Thank you for the opportunity to present this quote; we look forward to working with you!**

**Once an order is placed, you will receive an Order Confirmation within 24-48 hrs.**



American Recycled Plastic, Inc. / 865.738.3439 / [www.itsrecycled.com](http://www.itsrecycled.com)

## Board of Trustees      Meeting Agenda Memo

Date: Tuesday, March 28, 2023  
Title: **FY22 Audit Presentation**  
Section & Item: 10.B  
Department: Administration, Finance  
Fiscal Impact: N/A  
Contact: Charles Henley, Finance Manager, Kent Cichon, Community Manager  
  
Attachments:  
Reviewed by General  
Counsel: N/A  
Approved by: Kent Cichon, Community Manager



### Requested Action by BOT

For the BOT to review and approve the FY22 Audit and Annual Financial Report.

### Background and Summary Information

The FY22 annual audit report was prepared by Barefoot Bay Recreation District's independent auditors, MSL, P.A. A copy of the report will be provided to the BOT as soon as it is received by staff.

The report is required to be submitted to the State of Florida by June 30, 2023.

Staff recommends the BOT approve the presented FY22 Audit Report.

## Board of Trustees

### Meeting Agenda Memo

Date: Tuesday, March 28, 2023

Title: **Discussion of Prohibition Against Nepotism (Employee Handbook), Conflict of Interest (Rules of the BOT Article VII section 2), and BOT members serving in a volunteer capacity**

Section & Item: 10.C

Department: Administration

Fiscal Impact: N/A

Contact: Lynn Tummolo, Kent Cichon, Community Manager

Attachments: Rules for the BOT, Employee Handbook

Reviewed by

General

Counsel: N/A

Approved by: Kent Cichon, Community Manager



#### Requested Action by BOT

Discussion on BBRD Nepotism policy, and the ability for trustees to volunteer while serving on the BOT as requested by Trustee Lynn Tummolo

#### Background and Summary Information

Prohibition Against Nepotism (Employee Handbook) and Conflict of Interest ( Rules of the BOT Article VII section 2) were revised with the following wording on September 24, 2019, Passing with a 4-1 vote.

- Immediate family members of a Trustee shall be prohibited from formal employment or serving in a volunteer capacity (i.e., Golf-Pro Shop Player Assistants, Courtesy Golf Cart Drivers, etc.) with the District during the term(s) of service of said Trustee. This prohibition shall begin upon the post-election or post-appointment formal commencement of the term of the Trustee. Any family members of a sitting Trustee classified as a current employee (whether working or on approved leave) on August 9, 2019, will be exempt from this prohibition until the employee separates employment. Immediate family members falling within this prohibition shall be eligible for reemployment with District upon the expiration of the term(s) of the Trustee to which they are related. For purposes of this prohibition, "immediate family member" is defined as one of the following: spouse or significant other, parent/stepparent, child/stepchild, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son daughter).

## **Section 2**

Immediate family members of a Trustee shall be prohibited from formal employment or serving in a volunteer capacity (i.e. Golf-Pro Shop Player Assistants, Courtesy Golf Cart Drivers, etc.) with the District during the term(s) of service of said Trustee. This prohibition shall begin upon the post-election or post-appointment formal commencement of the term of the Trustee. Any family members of a Trustee classified as a current employee (whether working or on approved leave) as of August 9, 2019 will be exempt from this prohibition until the employee separates employment. Immediate family members falling within this prohibition shall be eligible for reemployment with District upon the expiration of the term(s) of the Trustee to which they are related. For purposes of this prohibition, "immediate family member" is defined as one of the following: spouse or significant other, parent/step parent, child/step child, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son, daughter).

## **ARTICLE VIII**

### **ADMINISTRATIVE DUTIES**

## **Section 1**

The Board of Trustees employs a Community Manager who is the chief appointed officer responsible for the daily operations and management of all BBRD personnel and functions. The Board of Trustees, as a group in public meetings, provides direction to the Community Manager regarding policy and operational activities. The Board of Trustees is responsible for the selection, evaluation and termination of the Community Manager and/or management company (in lieu of directly hiring a Community Manager). Individual Trustees may discuss any specific issue with the Community Manager in private but shall not provide specific direction regarding District administrative operations of BBRD, including the operation of individual departments or and management of employees.

## **Section 2**

Trustees should work closely with volunteer groups or individuals including the District as well as with the Barefoot Bay Civic Volunteer Organization.

## **Section 3**

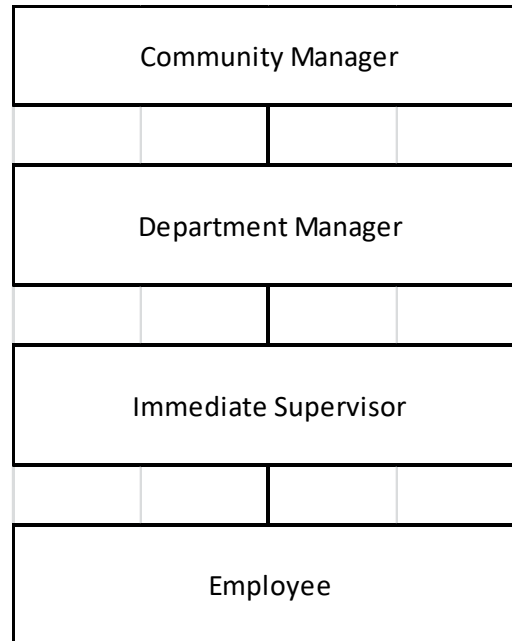
### **Organizational Chart**

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

## CHAIN OF COMMAND

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Every employee, upon receipt of this manual, is presumed to know the applicable chain-of-command that pertains to him or her. Employees are expected to follow the chain of command when dealing with matters that relate to your job responsibilities. Sensitive matters and concerns of a legal nature can be brought to the attention of the HR Department or another member of management.



## PROHIBITION AGAINST NEPOTISM

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It is the policy of the District to avoid hiring relatives into the workplace whenever possible. However, on occasion more than one relative may work for the District. A relative is defined as an individual who is related to the employee as grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. The following guidelines will govern these situations:

- Under no circumstances will an individual be appointed, employed, retained, promoted, or transferred to any position where a relative has direct supervision, jurisdiction or control over that position. If two employees become related while working for the District, they are subject to this policy and must immediately notify HR.
- Related persons will not be involved in evaluation of each other's job performance or in making recommendations for salary adjustments, promotions, or other budget decisions.
- Related employees shall not be employed in the same department.
- Immediate family members of a Trustee shall be prohibited from formal employment or serving in a volunteer capacity (i.e., Golf-Pro Shop Player Assistants, Courtesy Golf Cart Drivers, etc.) with the District during the term(s) of service of said Trustee. This prohibition

shall begin upon the post-election or post-appointment formal commencement of the term of the Trustee. Any family members of a sitting Trustee classified as a current employee (whether working or on approved leave) on August 9, 2019, will be exempt from this prohibition until the employee separates employment. Immediate family members falling within this prohibition shall be eligible for reemployment with District upon the expiration of the term(s) of the Trustee to which they are related. For purposes of this prohibition, "immediate family member" is defined as one of the following: spouse or significant other, parent/stepparent, child/stepchild, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son daughter).

#### Internal Recruitment/Transfers/Promotions

Management may post vacant positions internally only when the department manager, Community Manager and H.R. Coordinator believe two or more current employees are qualified for the position. Employees with more than six months of service may apply for internally posted positions.

Management may transfer employees between departments and facilities to meet specified work requirements and reassign work requirements as needed. When a transfer is required and there are two or more qualified employees, that are in the position to be transferred, the H.R. Coordinator will work with affected Department Managers to identify the most suitable employee.

The Community Manager may directly promote an employee to critical administrative/management position, without advertising the position, when it is in the best interest of the District. To be considered, employees must have held their current position for at least six months and have a satisfactory performance record. The Community Manager retains the discretion to make exceptions to the policy.

#### EQUAL EMPLOYMENT OPPORTUNITY (EEO)

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It is the policy of the District to provide equal employment opportunity to all employees and applicants for employment and not to discriminate on any basis prohibited by law, including race, color, sex, age, religion, national origin, disability, sexual orientation, marital status, or status as a veteran in accordance with applicable state and federal laws. It is our intent and desire that equal employment opportunities will be provided in employment, recruitment, selection, compensation, benefits, promotion, demotion, layoff, termination and all other terms and conditions of employment. The Barefoot Bay Board of Trustees', Community Manager, and all managerial personnel are committed to this policy and its enforcement.

Employees are directed to bring any violation of this EEO policy to the immediate attention of any member of management and the HR Department who will promptly bring the matter to the attention of the Community Manager for investigation and resolution. Any employee who violates this policy or knowingly retaliates against an employee reporting or complaining of a violation of this policy shall be subject to immediate disciplinary action, up to and including discharge. Complaints brought under this policy will be promptly investigated and handled with due regard for the privacy and respect of all involved.



## Board of Trustees

## Meeting Agenda Memo

Date: Tuesday, March 28, 2023  
Title: **Approval of Contingent Settlement Agreement**  
Section & Item: 10.D  
Department: Administration  
Fiscal Impact: Indeterminate  
Contact: Kent Cichon, Community Manager, Garrett Olsen, General Counsel  
Attachments: Contingent Settlement Agreement  
Reviewed by General Counsel: Yes  
Approved by: Kent Cichon, Community Manager



### Requested Action by BOT

Approve the Contingent Settlement Agreement and authorize the Chairman of the Board of Trustees to execute the Contingent Settlement Agreement.

### Background and Summary Information

On March 10, 2023, during a court ordered mediation, the District's insurance counsel, along with General Counsel Olsen, negotiated a Contingent Settlement Agreement with Mr. Robert Nonnemacher in the wrongful death action styled, *Nonnemacher, R. et al. v. Barefoot Bay Recreation District*, bearing Case No: 05-2018-CA-044170. An executed copy of the Contingent Settlement Agreement is provided in the agenda.

The District does not have a deductible that it must meet before the District's insurance company will distribute settlement funds to Mr. Nonnemacher. As such, all settlement funds will be paid by the District's insurance company.

Recommended action: The General Counsel recommends that the Board of Trustees make a motion to approve the Contingent Settlement Agreement with Mr. Robert Nonnemacher in the amount of \$40,000.00 for a full release of claims against the Barefoot Bay Recreation District and authorize the Chairman of the Board of Trustees to execute the Contingent Settlement Agreement today, March 28, 2023.

IN THE CIRCUIT COURT OF THE 18TH  
JUDICIAL CIRCUIT IN AND FOR  
BREVARD COUNTY, FLORIDA

CASE NO.: 05-2018-CA-044170

ROBERT NONNEMACHER, as personal  
Representative of the Estate of  
CATHERINE NONNENMACHER and  
ROBERT NONNENMACHER, individually

Plaintiff

v.

BAREFOOT BAY RECREATION DISTRICT

Defendant

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**CONTINGENT SETTLEMENT AGREEMENT AT MEDIATION**

The parties hereto have reached the following agreements in full and complete resolution of the above styled litigation:

1. The Defendant agrees to pay to the Plaintiff the total sum of \$40,000.00 (Forty Thousand Dollars) as described below to resolve all claims which Plaintiff have against Defendant arising out of the matters which are the subject of this litigation.
2. The Plaintiff shall dismiss their lawsuit with prejudice within three (3) days of receipt of settlement funds.
3. The Plaintiff shall execute full and complete general release(s) of the parties named as Defendant in this action, and all other persons, firms, corporations or other entities in privity with the named releasee(s).

4. The Plaintiff agrees to protect and hold harmless the released parties from any claims and/or liens and to satisfy out of the settlement proceeds any said claims or liens of any nature that may attach to the settlement proceeds before the balance of the settlement proceeds are disbursed.

5. All parties agree to bear their own costs and fees.

6. This agreement is final and binding as of the date and time it is signed by or on behalf of the parties, subject to paragraph 8(c).

7. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument. This agreement may be signed electronically, for example via DocuSign.

8. Other agreements:

a. The Defendant agrees to pay the full cost of the mediation;

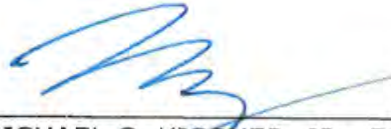
b. The Plaintiff agrees to execute a Medicare Status Form, a copy of which is attached as Exhibit A

c. This agreement is subject to approval by the Defendant's Board of Trustees. The Defendant will put this proposed settlement on the next available meeting agenda, with that meeting expected to be 3/28/23. If approved, payment of the settlement will be delivered to Plaintiff counsel within 20 days of the date of Board of Trustee approval, or of receipt of the executed General Release and Medicare Status Form, whichever is later.

Done and agreed to on this 10<sup>th</sup> day of March, 2023 in Vero Beach,  
Florida and elsewhere.



ROBERT NONNENMACHER, individually  
And as Personal representative of the  
ESTATE OF CATHERINE NONNENMACHER

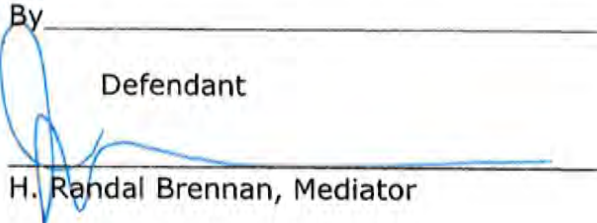


MICHAEL G. KISSNER, JR., ESQUIRE  
Counsel for Plaintiff

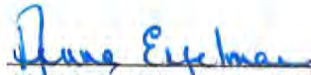
BAREFOOT BAY RECREATION DISTRICT

By \_\_\_\_\_

Defendant



H. Randal Brennan, Mediator



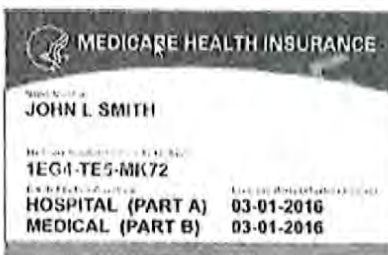
ANNA ENGELMAN, ESQUIRE  
Counsel for Defendant

The Centers for Medicare & Medicaid Services (CMS) is the federal agency that oversees the Medicare program. Many Medicare beneficiaries have other insurance in addition to their Medicare benefits. Sometimes, Medicare is supposed to pay after the other insurance. However, if certain other insurance delays payment, Medicare may make a "conditional payment" so as to not inconvenience the beneficiary, and then recover after the other insurance pays.

Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA), a federal law that became effective January 1, 2009, requires that liability insurers (including self-insurers), no-fault insurers, and workers' compensation plans report specific information about Medicare beneficiaries who have other insurance coverage. This reporting is to assist CMS and other insurance plans to properly coordinate payment of benefits among plans so that your claims are paid promptly and correctly.

We are asking you to answer the questions below so that we may comply with this law.

**Please review this picture of the Medicare card to determine if you have, or have ever had, a similar Medicare card.**



## Section I

<b><i>Are you presently, or have you ever been, enrolled in Medicare Part A or Part B?</i></b>																																																												<input type="checkbox"/> Yes					<input type="checkbox"/> No				
<b><i>If yes, please complete the following. If no, proceed to Section II.</i></b>																																																																					
<b><i>Full Name:</i></b> <i>(Please print the name exactly as it appears on your SSN or Medicare card if available.)</i>																																																																					
<b>Medicare Number:</b>																												<b>Date of Birth (Mo/Day/Year)</b>																																									
<b>**Social Security Number:</b> <i>(If Medicare Number is Unavailable)</i>																																																		<b>Sex</b>																			
																																																		<input type="checkbox"/> Female										<input type="checkbox"/> Male									

**\*\* Note:** If you are uncomfortable with providing your full Social Security Number (SSN), you have the option to provide the last 5 digits of your SSN in the section above.

Ex. A TO  
31/6/23 Settlement,-  
Kaleemah,-

**Section II**

I understand that the information requested is to assist the requesting insurance arrangement to accurately coordinate benefits with Medicare and to meet its mandatory reporting obligations under Medicare law.

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**Claimant Name (Please Print)**

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**Medicare Number**

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**Name of Person Completing This Form If Claimant is Unable (Please Print)**

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**Signature of Person Completing This Form**

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**Date**

*If you have completed Sections I and II above, stop here. If you are refusing to provide the information requested in Sections I and II, proceed to Section III.*

**Section III**

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**Claimant Name (Please Print)**

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**Medicare Number**

For the reason(s) listed below, I have not provided the information requested. I understand that if I am a Medicare beneficiary and I do not provide the requested information, I may be violating obligations as a beneficiary to assist Medicare in coordinating benefits to pay my claims correctly and promptly.

**Reason(s) for Refusal to Provide Requested Information:**

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**Signature of Person Completing This Form**

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**Date**

04/30/2018



## Barefoot Bay Recreation District

625 Barefoot Boulevard  
Administration Building  
Barefoot Bay, FL 32976-9233

Phone 772-664-3141  
[www.bbrd.org](http://www.bbrd.org)

**Memo To:** Board of Trustees

**From:** Kent A. Cichon, Community Manager

**Date:** March 28, 2023

**Subject:** Manager's Report

### Finance

Assessment received – 87.11% collected or \$3,667,189. Balance to collect \$542,852.

### Resident Relations

#### **ARCC Meeting 2/28/23**

- 3 Old Business – approved
- 16 Consent Permits – approved
- 6 Other Permits – approved

#### **ARCC Meeting 3/14/23**

- 25 Consent Permits – approved
- 13 Other Permits – 12 approved, 1 denied

#### **VC Meeting 2/24/23**

- 2 Cases – came into compliance prior to the meeting
- 4 Cases – found to be in violation

#### **VC Meeting 3/10/23**

- 11 Cases – came into compliance prior to the meeting
- 4 Cases – DOR is working with the homeowner
- 3 Cases – found to be in violation

### Food & Beverage

- The Doo Wop show is April 14<sup>th</sup>. This is a table and chair event, versus theater style (all chairs). Call 772-664-3141 x222 for ticket availability. Bar is open and food is available at 6pm.

#### Food & Beverage (continued)

- Celebrate April Fool's Day at Pool #1 with Groove Infusion on the stage from 6-10pm. Dress in your craziest mismatched clothes for a best dressed prize. This is a \$12 (includes tax) appetizer buffet night with a great mix of small bites from 5-6pm. Tickets go on sale Friday, March 17<sup>th</sup> at the Lounge, 19<sup>th</sup> Hole, and Administration.
- Mother's Day brunch buffet will be held lakeside of the Lounge from 11-1pm. The Kore will play from 2-6pm. This is a great day out whether you're a mom or not! Tickets go on sale Friday, March 31<sup>st</sup> at the Lounge, the 19<sup>th</sup> Hole, and Administration.

Flyers with all the details are posted.

#### Property Services

- Pool #2
  - Completed replumbing of the facilities
  - Repaired the pump and sourced a replacement pump
- Repaired lights in front of the Administration Building
- Replaced broken lights at the tennis courts
- Continued the installation of more permanent anchor umbrella stands
- Facilitated various needs for the St. Patrick's day events
- Replaced the head on a utility cart
- Replaced all the flags at the Veterans Meeting Center & Service Office
- Evicted racoons living in a BBRD shed and repaired and repainted the structure

#### Golf-Pro Shop

- 2023 Jr. Golf Camp
  - Grant application is under development
  - Dates TBD
- Harry Wright Memorial Tournament
  - April 22, 2023
  - Shotgun start at high noon
  - Dinner to follow event
  - Contact Pro Shop for sign up and questions 772-664-3174
- RFP for Golf Cart Fleet
  - Documents are under development
  - Current lease ends December 23, 2023