

**Barefoot Bay Recreation District
Regular Meeting of the Board of Trustees**

Tuesday, January 23, 2018

7:00 PM

1225 Barefoot Boulevard, Building D/E



BAREFOOT BAY RECREATION DISTRICT

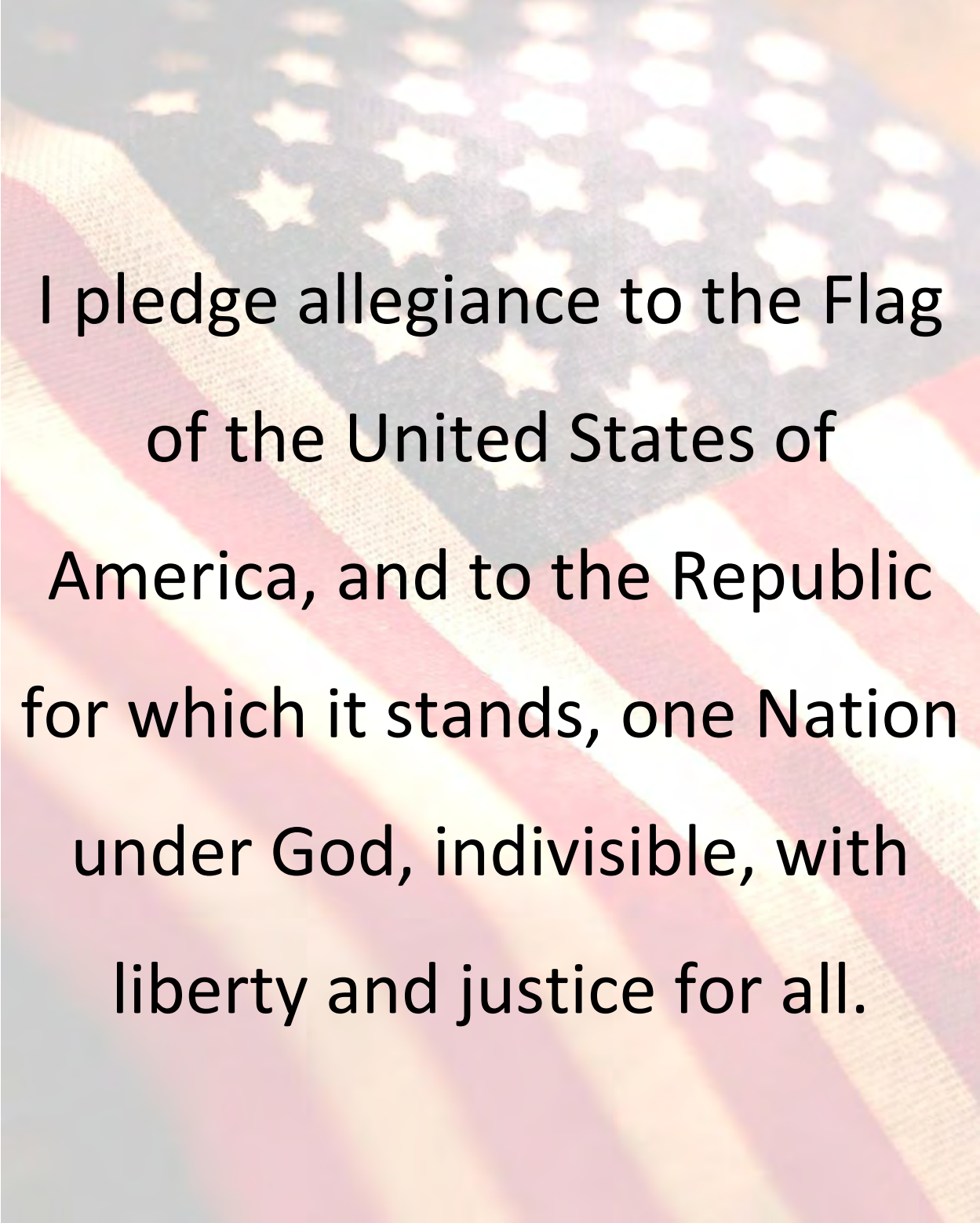
Barefoot Bay Recreation District Regular Meeting
Tuesday, January 23, 2018 at 7 P.M.
Building D&E

AGENDA

Please silence all electronic devices

1. Thought for the Day
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Presentations and Proclamations
5. Approval of Minutes
6. Treasurer's Report
7. Audience Participation
8. Unfinished Business
9. New Business
 - A. 915 Wren Circle
 - B. Little Theater Request for Waiver of Guest Pass Fee Requirement
 - C. Over 60 Softball Association Request for Waiver of Guest Pass Fee Requirement
 - D. Hospice Grief Group Request for Waiver of Guest Pass Fee Requirement
 - E. Violations Committee Appointment
10. Manager's Report
11. Attorney's Report
12. Incidental Trustee Remarks
13. 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.



I pledge allegiance to the Flag
of the United States of
America, and to the Republic
for which it stands, one Nation
under God, indivisible, with
liberty and justice for all.

Roll Call

Trustees

Chairman - Mr. Lavier

1st Vice Chair - Mr. Diana

2nd Vice Chair – Mr. Wheaton

Secretary - Mr. Klosky

Treasurer - Mr. Cavaliere

Also Present

General Counsel- Cliff Repperger, Jr., Esq.

Community Manager - John W. Coffey

District Clerk - Dawn Myers

Approval of Minutes

Treasurer's Report

Audience Participation Agenda items only

Unfinished Business

New Business

Board of Trustees Meeting Agenda Memo

Date: January 23, 2018

Title: 915 Wren Circle

Section & Item: 9A

Department: Resident Relations: Customer Service

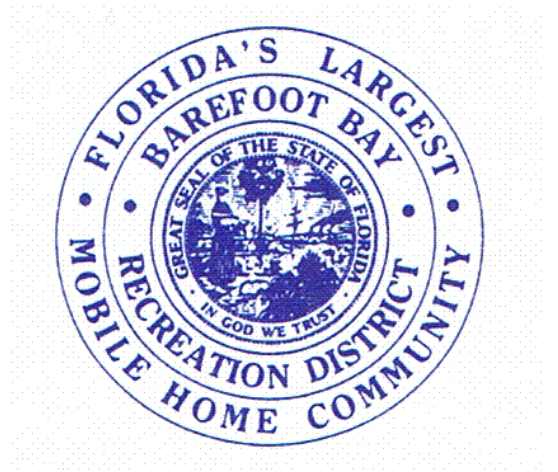
Fiscal Impact: N/A

Contact: Susan Cuddie, Resident Relations
Manager, General Counsel Cliff
Repperger or John W. Coffey,
Community Manager

Attachments: N/A

Reviewed by
General Counsel: Y

Approved by:



Requested Action by BOT

Discussion regarding 915 Wren Circle

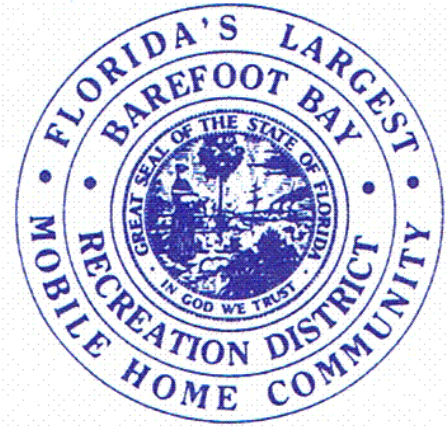
Background and Summary Information

On a Board of Trustees meeting held on January 12, 2018, the Board directed General Counsel Repperger and DOR staff to examine options related to alleged nuisance reports at the above referenced property. General Counsel will provide more information as it becomes available and will update the Board at the meeting.

Staff requests direction regarding this matter.

Board of Trustees Meeting Agenda Memo

Date: January 23, 2018
Title: **Little Theater's Request for Waiver of Guest Pass Policy**
Section & Item: 9B
Department: Resident Relations: Customer Service
Fiscal Impact: N/A
Contact: Susan Cuddie, Resident Relations Manager or John W. Coffey, Community Manager
Attachments: Request from Little Theater and Excerpt from Policy Manual
Reviewed by
General Counsel: N/A
Approved by:



Requested Action by BOT

Review request from Little Theater and provide direction to staff.

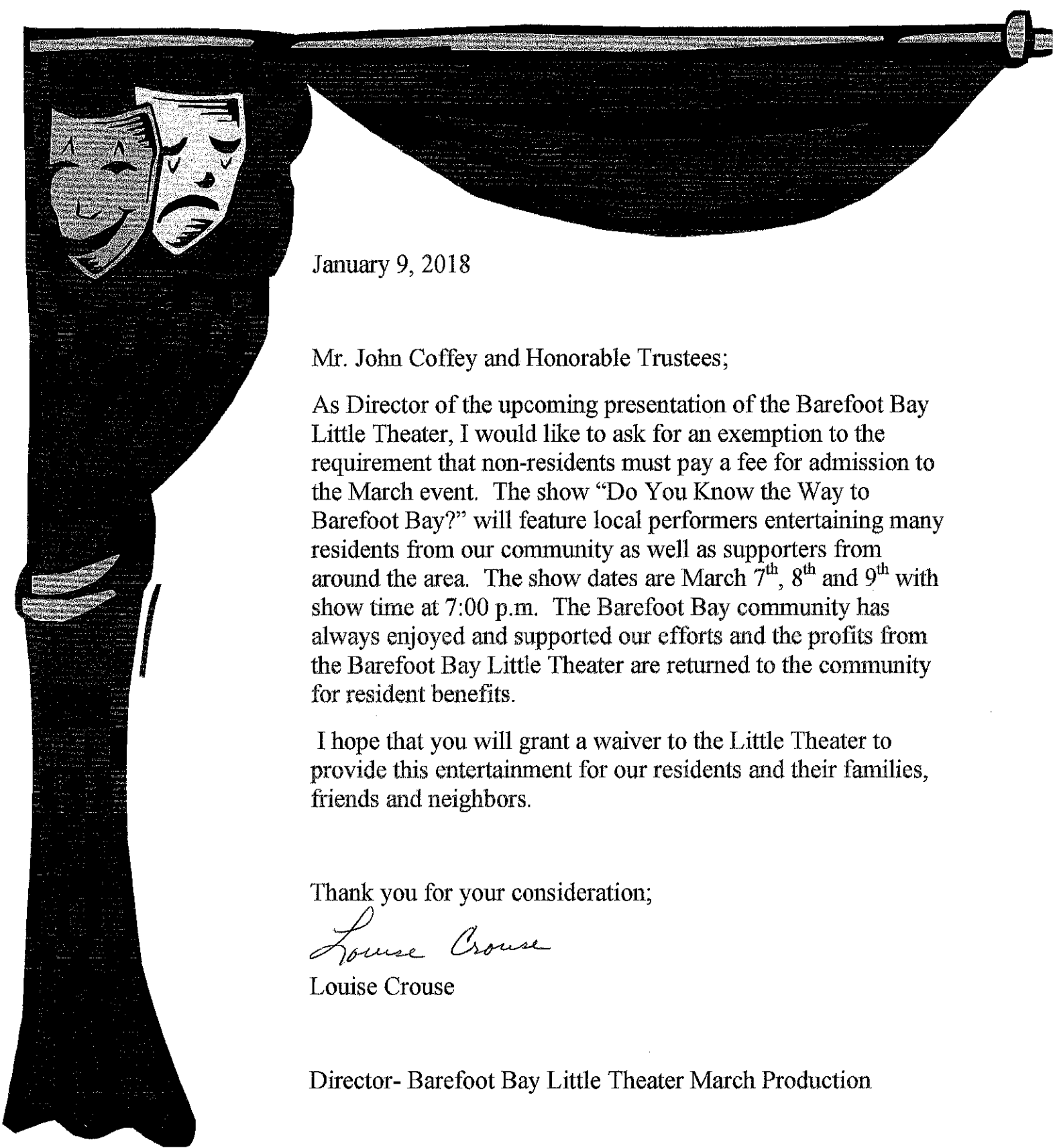
Background and Summary Information

On 08Dec17, the BOT amended the Policy Manual to enact the following language:

22. A guest fee shall be charged in accordance with the fee schedule to any non-resident for use of District facilities. This fee shall not be charged to any non-resident using District facilities under the following circumstances:
- A. When the facility is rented by a non-resident who has paid the appropriate fee per page 3-19.
 - B. Any exemptions to this rule shall only be authorized by the Board of Trustees no less than 30 days before the event.
 - C. This section does not apply to Food & Beverage events.
 - D. Vendors hired by clubs/organization are exempt from guest pass fee.

Little Theater submitted a request dated 09Jan18 requested a waiver from the guest pass policy for their performances on the 7th, 8th & 9th of March 2018.

Staff requests direction regarding this matter.



January 9, 2018

Mr. John Coffey and Honorable Trustees;

As Director of the upcoming presentation of the Barefoot Bay Little Theater, I would like to ask for an exemption to the requirement that non-residents must pay a fee for admission to the March event. The show "Do You Know the Way to Barefoot Bay?" will feature local performers entertaining many residents from our community as well as supporters from around the area. The show dates are March 7th, 8th and 9th with show time at 7:00 p.m. The Barefoot Bay community has always enjoyed and supported our efforts and the profits from the Barefoot Bay Little Theater are returned to the community for resident benefits.

I hope that you will grant a waiver to the Little Theater to provide this entertainment for our residents and their families, friends and neighbors.

Thank you for your consideration;

Louise Crouse

Louise Crouse

Director- Barefoot Bay Little Theater March Production

Barefoot Bay Recreation District Policy Manual
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penalty imposed pursuant to this Section, the Special Magistrate is not obligated to impose the penalty imposed⁵¹ by District Management.

- D. The decision of the Special Magistrate shall constitute final quasi-judicial action of BBRD. Any aggrieved party may appeal the ruling of the Special Magistrate to a court of competent jurisdiction in Brevard County, Florida.
- E. If a hearing is requested and the violator is found to have committed the violation as alleged, the violator shall be responsible for the District's cost in bringing the matter to hearing. ⁵²
- 18. Pets are not allowed in District Recreational facilities, except for service animals.
- 19. Special rules applicable to individual buildings will be conspicuously posted and observed by members and guests.
- 20. Beverage laws and license regulations forbid the bringing in alcoholic beverages of any type for consumption on or in District facilities. Therefore, alcoholic beverages of any type consumed on the premises must be obtained from District facilities.
- 21. The following behaviors may result in the suspension, cancellation or revocation of a person's social membership, family membership, golf membership and/or guest pass:
 - A. Violation of District Policies or Rules applicable to District Facilities.
 - B. Violation of any local, state, or federal law while using District Facilities.
 - C. Fighting and verbal assault.
 - D. Discourteous, threatening, or rude behavior to BBRD employees, residents or patrons of District Facilities.
 - E. Loud and raucous behavior which decreases the enjoyment of other patrons of District Facilities.
 - F. Unintentional or deliberate misuse of the BBRD Facility or property which results in, or has the potential to result in, damage to the Facility or property, or in any way compromises the safety of any Barefoot Bay Recreation District Facility patron or BBRD staff member.
 - G. Misrepresentation of facts which may result in the District's Policies or fee structure improperly administered or collected. ⁵³
- 22. A guest fee shall be charged in accordance with the fee schedule to any non-resident for use of District facilities. This fee shall not be charged to any non-resident using District facilities under the following circumstances:⁵⁴
 - A. When the facility is rented by a non-resident who has paid the appropriate fee per page 3-19.
 - B. Any exemptions to this rule shall only be authorized by the Board of Trustees no less than 30 days before the event.
 - C. This section does not apply to Food & Beverage events.
 - D. Vendors hired by clubs/organization are exempt from guest pass fee.⁵⁵
- 23. Children under age 12, must be accompanied by an adult when using District facilities. Groups of children who are using the facilities with guest passes must have one responsible adult for every five children. ⁵⁶
- 24. Commercial solicitation is prohibited while on District properties. The gathering of signatures for petitioning of elected officials is prohibited within buildings or upon District facilities. Bonafide nonprofit or 501(c) fundraising efforts shall be permitted.
- 25. Any organization or individual desiring to plant trees, shrubbery, flowers, or other vegetation on District property must have prior approval of District management. A landscaping and maintenance plan shall be submitted for review and approval prior to any planting activity. Any vegetation planted on District property shall become the property of the District. No removal of vegetation is permitted without District approval.
- 26. Decorations ⁵⁷
 - A. No items or decorations of any type, which may be viewed as offensive to any patrons, may be affixed, installed or added to any facility by individuals, residents, clubs, or organizations.

Board of Trustees Meeting Agenda Memo

Date: January 23, 2018

Title: **Over 60 Softball Association's**
Request for Waiver of Guest
Pass Policy

Section & Item: 9C

Department: Resident Relations: Customer Service

Fiscal Impact: N/A

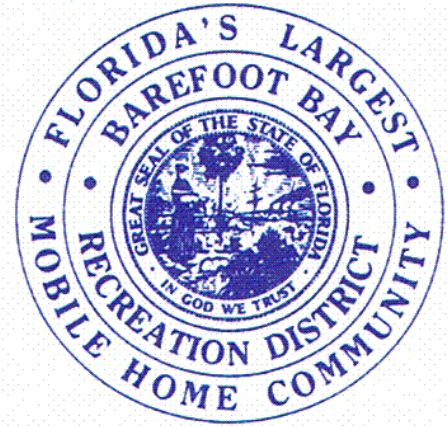
Contact: Susan Cuddie, Resident Relations
Manager or John W. Coffey, Community
Manager

Attachments: Request from O60SA and Excerpt from
Policy Manual

Reviewed by

General Counsel: N/A

Approved by:



Requested Action by BOT

Review request from the O60SA and provide direction to staff.

Background and Summary Information

On 08Dec17, the BOT amended the Policy Manual to enact the following language:

22. A guest fee shall be charged in accordance with the fee schedule to any non-resident for use of District facilities. This fee shall not be charged to any non-resident using District facilities under the following circumstances:
- A. When the facility is rented by a non-resident who has paid the appropriate fee per page 3-19.
 - B. Any exemptions to this rule shall only be authorized by the Board of Trustees no less than 30 days before the event.
 - C. This section does not apply to Food & Beverage events.
 - D. Vendors hired by clubs/organization are exempt from guest pass fee.

The O60SA submitted a request via email on 15Jan18 requested a waiver from the guest pass policy for their practices and games.

Staff requests direction regarding this matter.

John Coffey

From: jlanning1@cfl.rr.com
Sent: Monday, January 15, 2018 10:53 AM
To: jcoffey@bbrd.org
Cc: dawnmyers@bbrd.org; Forrest Banta
Subject: request for wavier of guess fees

Mr. Coffey,

Forrest forwarded your email request to me. Is this email enough for an official request to proceed?

The softball league is requesting that they receive an exemption from collecting guest fees.

We are half way through our season at this point. The players have already paid their league fees for the uniforms and softballs for the season. It doesn't seem fair to go back to the non-residents now and ask for another \$60 or \$90 (I am not sure if fee is \$2 Or \$3) for the games left.

We also feel that it also places a burden on the league because it is an open field.

Anyone can come and watch the games. We have no way to control who comes to the field if we have to collect from visitors coming to watch the games.

Thank you,
Jay C. Lanning League President

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penalty imposed pursuant to this Section, the Special Magistrate is not obligated to impose the penalty imposed⁵¹ by District Management.

- D. The decision of the Special Magistrate shall constitute final quasi-judicial action of BBRD. Any aggrieved party may appeal the ruling of the Special Magistrate to a court of competent jurisdiction in Brevard County, Florida.
- E. If a hearing is requested and the violator is found to have committed the violation as alleged, the violator shall be responsible for the District's cost in bringing the matter to hearing. ⁵²
- 18. Pets are not allowed in District Recreational facilities, except for service animals.
- 19. Special rules applicable to individual buildings will be conspicuously posted and observed by members and guests.
- 20. Beverage laws and license regulations forbid the bringing in alcoholic beverages of any type for consumption on or in District facilities. Therefore, alcoholic beverages of any type consumed on the premises must be obtained from District facilities.
- 21. The following behaviors may result in the suspension, cancellation or revocation of a person's social membership, family membership, golf membership and/or guest pass:
 - A. Violation of District Policies or Rules applicable to District Facilities.
 - B. Violation of any local, state, or federal law while using District Facilities.
 - C. Fighting and verbal assault.
 - D. Discourteous, threatening, or rude behavior to BBRD employees, residents or patrons of District Facilities.
 - E. Loud and raucous behavior which decreases the enjoyment of other patrons of District Facilities.
 - F. Unintentional or deliberate misuse of the BBRD Facility or property which results in, or has the potential to result in, damage to the Facility or property, or in any way compromises the safety of any Barefoot Bay Recreation District Facility patron or BBRD staff member.
 - G. Misrepresentation of facts which may result in the District's Policies or fee structure improperly administered or collected. ⁵³
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 - D. Vendors hired by clubs/organization are exempt from guest pass fee.⁵⁵
- 23. Children under age 12, must be accompanied by an adult when using District facilities. Groups of children who are using the facilities with guest passes must have one responsible adult for every five children. ⁵⁶
- 24. Commercial solicitation is prohibited while on District properties. The gathering of signatures for petitioning of elected officials is prohibited within buildings or upon District facilities. Bonafide nonprofit or 501(c) fundraising efforts shall be permitted.
- 25. Any organization or individual desiring to plant trees, shrubbery, flowers, or other vegetation on District property must have prior approval of District management. A landscaping and maintenance plan shall be submitted for review and approval prior to any planting activity. Any vegetation planted on District property shall become the property of the District. No removal of vegetation is permitted without District approval.
- 26. Decorations ⁵⁷
 - A. No items or decorations of any type, which may be viewed as offensive to any patrons, may be affixed, installed or added to any facility by individuals, residents, clubs, or organizations.

Board of Trustees Meeting Agenda Memo

Date: January 23, 2018

Title: Hospice Grief Group's Request for Waiver of Guest Pass Policy

Section & Item: 9D

Department: Resident Relations: Customer Service

Fiscal Impact: N/A

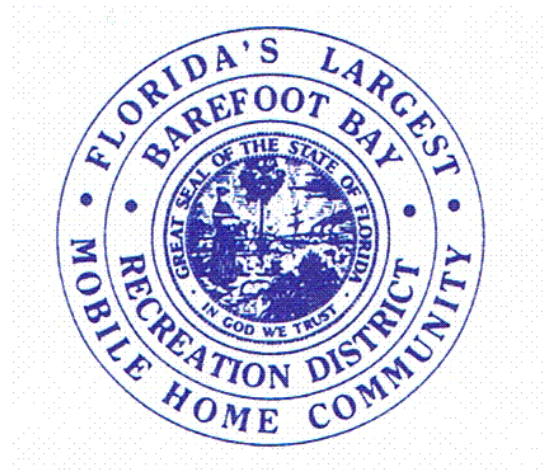
Contact: Susan Cuddie, Resident Relations Manager or John W. Coffey, Community Manager

Attachments: Email referencing request from Hospice Grief Group and Excerpt from Policy Manual

Reviewed by

General Counsel: N/A

Approved by:



Requested Action by BOT

Review request from the Hospice Grief Group and provide direction to staff.

Background and Summary Information

On 08Dec17, the BOT amended the Policy Manual to enact the following language:

22. A guest fee shall be charged in accordance with the fee schedule to any non-resident for use of District facilities. This fee shall not be charged to any non-resident using District facilities under the following circumstances:
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 - D. Vendors hired by clubs/organization are exempt from guest pass fee.

The Hospice Grief Group spoke with staff earlier this month and verbally requested a waiver from the guest pass policy for their practices and games.

Staff requests direction regarding this matter.

John Coffey

From: Calendar Coordinator of Barefoot Bay
Sent: Tuesday, January 16, 2018 2:30 PM
To: John Coffey
Cc: Sue Cuddie
Subject: Guest Passes Questions from Clubs

Hello John,

Dale Kuckenbacker, the head of our "Hospice Grief Group" contacted me after he received the notice of the "Policy Manual" change, regarding all Clubs to pay for their "outside" guests when attending their functions.

I informed him that was what the Board decided, and I was just passing it along to all the Clubs of the Bay, like I was instructed to do by my Supervisor, Sue Cuddie and our Community Manager, Mr. Coffey.

I also pointed out, all Vendors or Speakers are exempt from paying the guest fee.

He thinks that all the "support group" Clubs should be exempt from this. They are not having dinner, dancing, etc.

The other support groups we have active are; AA, MS group, Cancer support group, and of course Hospice Grief Group.

Thank you,

Lori M. Kenney
Calendar & RV Coordinator
Barefoot Bay Recreation District
931 Barefoot Blvd.
772-664-9433 office
772-664-7552 fax
calendarcord@bbrd.org

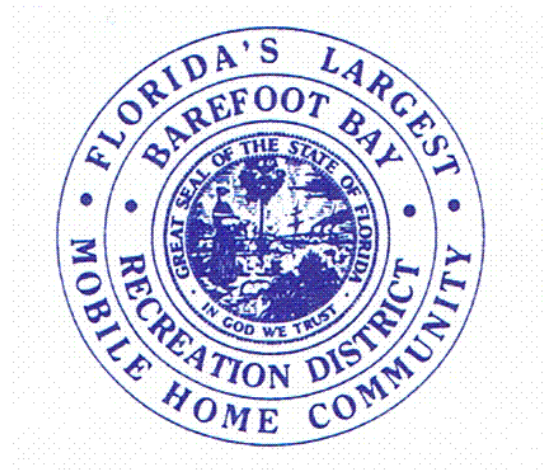
Barefoot Bay Recreation District Policy Manual
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penalty imposed pursuant to this Section, the Special Magistrate is not obligated to impose the penalty imposed⁵¹ by District Management.

- D. The decision of the Special Magistrate shall constitute final quasi-judicial action of BBRD. Any aggrieved party may appeal the ruling of the Special Magistrate to a court of competent jurisdiction in Brevard County, Florida.
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Board of Trustees Meeting Agenda Memo

Date: January 23, 2018
Title: Violation Committee Appointment
Section & Item: 9E
Department: Resident Relations: DOR Enforcement
Fiscal Impact: N/A
Contact: Susan Cuddie, Resident Relations Manager
Attachments: Resolution 2015-16, Current list of Violations Committee members.
Reviewed by
General Counsel: N/A
Approved by:



Requested Action by BOT

To reappoint Violations Committee member, Joy Liddy, whose current term ends on February 8, 2018.

Background and Summary Information

Ms. Liddy has been a member since February 8, 2006. She was reinstated as Committee Chairperson on Jan. 12, 2018.

Resolution 2015-6 - Violations Committee

(d) The Board of Trustees shall appoint the members of the Violations Committee for a term of three years.

(e) A member of the Violations Committee may be reappointed upon approval of the Board of Trustees.

Staff recommends the BOT re-appoint Ms. Joy Liddy to the Violations Committee for a term of 3-years.

RESOLUTION 2008- 01

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; ACKNOWLEDGING AND DELEGATING AUTHORITY TO THE VIOLATIONS COMMITTEE OF THE BAREFOOT BAY RECREATION DISTRICT; PROVIDING FOR THE AUTHORITY FOR, COMPOSITION, METHOD OF APPOINTMENT, MEMBERSHIP REQUIREMENTS, TERM LIMITS, QUORUM, CONFLICT OF INTEREST, REMOVAL OF, AND LAWS GOVERNING THE VIOLATIONS COMMITTEE AND VIOLATIONS COMMITTEE MEMBERS; PROVIDING FOR A DEED OF RESTRICTIONS ENFORCEMENT STAFF; PROVIDING FOR DEED OF RESTRICTIONS ENFORCEMENT PROCEDURES; PROVIDING FOR PROVISIONS OF THE DEED OF RESTRICTIONS SUBJECT TO VIOLATION COMMITTEE FINDINGS OF FACT AND RECOMMENDED ORDERS; PROVIDING FOR AN ADMINISTRATIVE APPEAL PROCESS; PROVIDING FOR LEGAL COUNSEL TO THE VIOLATIONS COMMITTEE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROSPECTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Barefoot Bay Recreation District is a mobile home park recreation district established under Chapter 418, Florida Statutes, and specifically pursuant to Ordinance No. 84-05 of the Brevard County Board of County Commissioners; and

WHEREAS, Article V of Ordinance No. 84-05 of the Brevard County Board of County Commissioners establishes that the Board of Trustees of the Barefoot Bay Recreation District ("Board of Trustees") shall be the governing body of the Barefoot Bay Recreation District; and

WHEREAS, Section 418.304 (12), Florida Statutes, and Article IV, Section 12 of Ordinance No. 84-05 of the Brevard County Board of County Commissioners specifically grants the Board of Trustees the power to adopt rules and regulations not inconsistent with existing deed restrictions and to use district funds in the administration and enforcement of such rules, regulations, and deed restrictions; and

WHEREAS, all property located within Barefoot Bay Recreation District is currently subject to the Amended and Restated Deed of Restrictions for Barefoot Bay ("DOR") dated October 1, 1999, which sets forth various minimum requirements, terms, and conditions with which all property within the Barefoot Bay Recreation District shall be held, sold, or conveyed and must be maintained in compliance; and

WHEREAS, Article III, Section 12 of the Amended and Restated Deed of Restrictions for Barefoot Bay ("DOR") dated October 1, 1999, grants the Board of Trustees the power to determine for itself whether a violation of the DOR exists and the appropriate remedy to correct any such violation; and

WHEREAS, Article III, Section 12 of the DOR authorizes a Violations Committee to assist the Board of Trustees in the enforcement of the provisions of the DOR; and

WHEREAS, the Board of Trustees acknowledges that Resolution 2006-1, *inter alia*, changed the historically used name of the "Code Enforcement Board" to the "Violations Committee" and adopted rules, policies, and procedures related to the jurisdiction and composition of the Violations Committee and the processing of DOR violation cases, including but not limited to, the hearing of administrative appeals; and

WHEREAS, as reflected in Resolution 2006-1, the Violations Committee, has used Chapter 162, Florida Statutes, as a guideline for enforcing the DOR on behalf of the Barefoot Bay Board of Trustees; and

WHEREAS, recent litigation involving the Barefoot Bay Recreation District, specifically the case styled *McCool v. Barefoot Bay Recreation District*, Case No. 05-2007-CA-009833-XXXX-XX, in the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida has called into question the authority of the Board of Trustees to enforce DOR violations in a manner consistent with Chapter 162, Florida Statutes and in accordance with the rules, policies, and procedures adopted in Resolution 2006-1; and

WHEREAS, the Board of Trustees desires to amend its DOR enforcement rules, policies, and procedures, including but not limited to, those related to administrative appeals, to be consistent with Chapter 418, Florida Statutes, Ordinance 84-05 of the Brevard County Board of County Commissioners, and Article III, Section 12 of the DOR; and

WHEREAS, the Board of Trustees acknowledges that it has previously authorized DOR enforcement staff to conduct inspections of properties and to report violations to the Violations Committee and wishes to reaffirm this authorization; and

WHEREAS, the Board of Trustees desires to continue to use the Violations Committee to assist it in the enforcement of violations of the DOR; and

WHEREAS, the Board of Trustees desires to provide an administrative appeal process to allow homeowners to appeal a decisions of the Violations Committee; and

WHEREAS, the Board of Trustees desires to provide for legal counsel to the Violations Committee; and

WHEREAS, the Board of Trustees specifically intends that the rules, policies, and procedures related to the jurisdiction and composition of the Violations Committee and the

processing of DOR violation cases, including but not limited to the hearing of administrative appeals as provided for herein, shall apply to cases currently pending before the Violations Committee and prospectively to all new cases brought before the Violations Committee; however, this resolution shall have no retroactive effect to cases previously found in violation of the DOR or subject to any prior enforcement rules, policies, and procedures adopted by the Board of Trustees, including but not limited to the prior recording of any lien, the prior pursuit of foreclosure of any such lien, and/or the prior pursuit of any other legal or equitable action against any property previously found to be in violation by the Code Enforcement Board, Violations Committee, or Board of Trustees; and

WHEREAS, the Board of Trustees desires to provide for a conflict clause, severability clause, and effective date.

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

Section 1: Intent.

It is the intent of this resolution to promote, protect, and improve the health, safety, and welfare of the citizens of Barefoot Bay Recreation District, by acknowledging authority in the Violations Committee to assist the Board of Trustees in the enforcement of any of the specified provisions of the DOR and to provide an equitable, expeditious, effective, fair, and inexpensive method of enforcing said provisions of the DOR.

Section 2: Authority.

This resolution is enacted pursuant to the authority granted by Ordinance No. 84-05 of the Brevard County Board of County Commissioners, Chapter 418, Florida Statutes, and the DOR.

Section 3: The Violations Committee.

- (a) The Board of Trustees hereby acknowledges the authority granted by the DOR to the Violations Committee of the Barefoot Bay Recreation District and, in doing so, delegates that the Violations Committee, on behalf of the Board of Trustees, shall have the power to determine if violations of specified provisions of the DOR exist in accordance with the procedures as outlined herein.
- (b) The Violations Committee shall be comprised of seven members, and two alternate members to serve on the Violations Committee in the absence of the members.
- (c) Members of the Violations Committee shall be lot owners of the Barefoot Bay Recreation District.

- (d) The Board of Trustees shall appoint the members of the Violations Committee, and the appointments shall be made for a term of three years.
- (e) The Board of Trustees may, at its own discretion, and at any time, reduce the number of members of the Violations Committee from seven to five. In such case, the Board of Trustees shall, in its own discretion, determine which Violations Committee members to remove.
- (f) A member of the Violations Committee may be reappointed upon approval of the Board of Trustees. A member of the Violations Committee may serve a maximum of two consecutive terms.
- (g) An appointment to fill any vacancy on the Violations Committee shall be for the remainder of the unexpired term of the office. If any member fails to attend three successive meetings, the Violations Committee shall immediately declare the member's office vacant, and the Board of Trustees shall promptly fill such vacancy.
- (h) The Violations Committee members may be suspended and/or removed for cause by the Board of Trustees. Cause shall include but is not limited to, poor performance, negligence, inefficiency or inability to perform assigned duties, violations of the provisions of this instrument or of the DOR, misconduct, habitual drug use, or conviction of a crime.
- (i) The Violations Committee members shall elect a Violations Committee Chair, who shall be a voting member, from among the members of the Violations Committee. The presence of four or more members shall constitute a quorum of any seven member Violations Committee, and the presence of three or more members shall constitute a quorum of any five member Violations Committee. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Board of Trustees and Florida Law.
- (j) The provisions of Section 286.011, Florida Statutes, "Florida's Government in the Sunshine Law," and Chapter 119, Florida Statutes, relating to public records, shall apply to the Violation Committee.

Section 4: Powers of the Violations Committee

The Violations Committee shall have the power to:

- Adopt rules for the conduct of its hearings in accordance with the general requirements of due process.
- Request alleged violators and witnesses attend its hearings.
- Request evidence to its hearings.
- Take testimony under oath.

- Issue Findings of Fact and Recommended Orders as provided in Section 7 (e) of this resolution.

Section 5: Conflict of Interest

The following provisions shall apply to the members of the Violations Committee:

- If a member of the Violations Committee has a conflict of interest with regard to an alleged violation, that member of the Violations Committee shall not vote on the violation and must comply with the requirements of Section 112.3143, Florida Statutes, related to voting conflicts. A conflict of interest may be, but is not limited to, any measure that may cause the Violations Committee member, or any family member or business associate of the Violations Committee member, or any corporate entity that the Violations Committee member is associated with, any special private gain or loss.
- No Violations Committee member shall communicate with any owner outside of a hearing concerning a violation on that owners' property. This restriction shall extend to any person appearing or interceding on behalf of an owner, whether or not such person may have a direct personal or financial interest in the property involved in the alleged violation.
- Violation on the part of a member of the Violations Committee of the provisions of this section may result in immediate removal of such member from the Violations Committee by the Board of Trustees.

Section 6: DOR Enforcement Staff.

The DOR Enforcement staff (hereinafter "Staff") shall be determined by the Barefoot Bay Board of Trustees. Staff shall constitute the Board of Trustees' designated representative in accordance with Article III, Section 12 of the DOR.

Section 7: Enforcement Procedure.

- Violations of the DOR shall be processed in accordance with the Enforcement Process Flow Chart, which is specifically attached and incorporated herein as Exhibit "A" to this resolution, and as specifically described in this Section.
- Either Staff or a resident filing a complaint with Staff may initiate enforcement proceedings for alleged violations of the DOR. No member of the Violations Committee may initiate such enforcement proceedings.
- Upon receiving a resident filed complaint, or upon random patrol, Staff shall determine whether a specific DOR violation exists. If Staff determines that a violation of the provisions of the DOR exists, Staff shall notify the owner of the

property and shall provide a reasonable time to correct the violation, not to exceed 180 days.

- (d) Should the violation continue beyond the time specified for correction, Staff shall schedule the case for a hearing before the Violations Committee. Staff shall provide a Statement of Violation Letter and a Notice of Hearing to the owner of the property. Notice may be served by hand delivery to the occupant of the Lot or the record owner of the lot as shown on the Brevard County Tax Rolls; mailed by certified U.S. Mail, return receipt requested, to the occupant of the lot at the address on which the violation exists; or mailed by certified U.S. Mail, return receipt requested, to the address of the owner as shown on the Brevard County Tax Rolls
- (e) The Violations Committee shall hold a hearing to determine whether the violation exists. The hearing shall be quasi-judicial in nature, and the Violations Committee shall consider testimony and evidence presented by both Staff and the owner. Upon the finding of a violation, the Violations Committee shall issue a Findings of Fact and Recommended Order describing the nature of the violation; providing a method and reasonable time to cure the violation; and providing a recommendation to the Board of Trustees as to whether further legal or equitable action should be taken should the violation not be corrected within the reasonable time provided.
- (f) If the violation is not corrected in accordance with the method and reasonable time to cure as provided in the Findings of Fact and Recommended Order, Staff shall schedule the consideration of Findings of Fact and Recommended Order to be heard by the Board of Trustees. Staff shall provide notice of the Board of Trustee meeting at which the violation will be considered to the owner by the same method of notice provided in subsection (d) herein.
- (g) The Board of Trustees may consider the violation at a regularly scheduled meeting of the Board of Trustees. The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Findings of Fact and Recommended Order issued by the Violations Committee. The owner may not present new or additional evidence, but shall be given an opportunity to be heard. If the Board of Trustees concurs with the Violations Committee that a violation has been established, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate legal or equitable relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings any such legal action to enforce the DOR and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to bringing such action.
- (h) If a repeat violation of the DOR is found, Staff shall notify the owner, but is not required to give the owner a reasonable time to correct the violation prior to

providing a Statement of Violation Letter and Notice of Hearing to the owner of the property. A repeat violation shall be a violation of a specific provision of the DOR by the same property owner previously found in violation of the same provision of the DOR by the Violations Committee.

- (i) If Staff has reason to believe a violation of the DOR or the condition causing the violation of the DOR presents a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, Staff shall make a reasonable effort to notify the owner and may immediately proceed to a hearing before the Board of Trustees which shall determine if legal or equitable action is necessary.

Section 8: Provisions of the DOR that are to be enforced by the Violations Committee

The provisions of the DOR over which Violations Committee may make Findings of Facts and Recommended Orders are ARTICLE II, ARCHITECTURAL REVIEW AND CONTROL and ARTICLE III, RESTRICTIONS ON USE OF LOTS. The authority and procedures contained herein are in addition to any legal or equitable remedy provided for in the DOR.

Section 9: Administrative Appeal

- (a) A property owner, who has been found to be in violation of the minimum requirements of the DOR by the Violations Committee, may appeal a Findings of Fact and Recommended Order of the Violations Committee directly to the Board of Trustees.
- (b) A request for a direct appeal shall be filed with Staff at their District Office location within thirty (30) days of the date of the entry of a Findings of Fact and Recommended Order.
- (c) Such an appeal shall be heard in accordance with Section 7 (g) of this resolution.

Section 10: Legal Counsel

The Violations Committee shall appoint an attorney who is a practicing member of the Florida Bar, either residing or practicing in Brevard County, to represent the Violations Committee when required. The attorney shall be compensated as provided by the Board of Trustees. In no case, however, shall the attorney for the Violations Committee be the same attorney as the attorney for the Board of Trustees, or be associated in any way with the attorney for the Board of Trustees.

Section 11: Board of Trustee Initiated Enforcement Action

- (a) The Board of Trustees may, in its discretion, and upon its own initiative, hold a hearing to determine whether a violation of the DOR exists without utilizing the Violations Committee. In such a case, the Board of Trustees shall hold a quasi-judicial hearing and shall consider testimony and evidence presented by Staff, the owner, and any other relevant party.
- (b) Notice of the violation and Board of Trustee hearing to consider the same shall be provided to the owner in accordance with Section 7 (d) herein.
- (c) If the Board of Trustees determines that a violation exists, the Board of Trustees shall have the authority to bring an action for injunctive or other appropriate relief in a court of competent jurisdiction in Brevard County, Florida to remedy the violation. If the Board of Trustees brings such legal action to enforce the DOR and is deemed to be the prevailing party in such action, the Board of Trustees shall be entitled to an award of attorney's fees and court costs incident to such action.

Section 12: Conflicting 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 13: Inclusion in the Code of Resolutions.

It is the intention of the Board of Trustees that the provisions of this resolution shall be made part of the Barefoot Bay Code of Resolutions and the sections may be renumbered to accomplish such intentions.

Section 14: Severability.

If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect the other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 15: Prospective Application.

The rules, policies, and procedures related to the jurisdiction and composition of the Violations Committee and the processing of DOR violation cases, including but not limited to the hearing of administrative appeals as provided for herein, shall apply to cases currently pending before the Violations Committee and prospectively to all new cases brought before the Violations Committee. This resolution shall have no retroactive effect to cases previously found in violation of the DOR or subject to any

prior enforcement rules, policies, and procedures adopted by the Board of Trustees, including but not limited to the prior recording of any lien, the prior pursuit of foreclosure of any such lien, and/or the prior pursuit of any other legal or equitable action against any property previously determined by the Code Enforcement Board, Violations Committee, or Board of Trustees to be in violation.

Section 16: Effective Date

This resolution shall take effect immediately upon adoption.

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

	YES	NO
Chairman Wilma Weglein	<u>X</u>	<u> </u>
Trustees:		
Bill Ferris 1st Vice Chair	<u> </u>	<u>X</u>
Rob Allan 2nd Vice Chair	<u>X</u>	<u> </u>
Tom Guinther	<u>X</u>	<u> </u>
Richard Bleau	<u>X</u>	<u> </u>
Louise Crouse	<u>X</u>	<u> </u>
James E. Farrell	<u>X</u>	<u> </u>
Joe Kloskey	<u> </u>	<u>X</u>
Robert Peet	<u>X</u>	<u> </u>

The Chairperson thereupon declared this resolution duly passed and adopted this
22nd day of January, 2008.

BAREFOOT BAY RECREATION DISTRICT

By: Wilma C. Weglein
Wilma Weglein, Chairman

Barrie K. Jenkins
Attest

Violations Committee, Mailing list and Member Reappointment and Expiration schedules

- **M. Joy Liddy, Chair**
412 Papaya Circle
Barefoot Bay, FL 32976
sunshinerents@gmail.com
633-0809 cell - 664-4411wk
Appoint Date: **2/8/06**
Reappointed retro 2/8/09
2nd term ends 2/8/12
3rd term ends 2/8/15
4th term ends 2/8/18
- **John Atta**
1213 Apache Drive
Barefoot Bay, FL 32976
jjatta84@att.net
664-5021 home
Appoint Date: **9/12/07**
2nd term 9/12/10 ends 9/12/13
3rd term 9/12/13 ends 9/12/16
4th term 9/12/16 to 9/12/19
- **Arlene Maguire, 2nd Vice Chair**
712 Amaryllis Drive
Barefoot Bay, FL 32976
arlenejm@yahoo.com
663-1617 home
828-301-3483
Appoint Date: **10/11/06**
Reappointed retro 10/11/09
2nd term ends 10/11/12
3rd term ends 10/11/15
4th term ends 10/11/18
- **Mary Firlein**
639 Marlin Circle
Barefoot Bay, FL 32976
MaryDFirlein@hotmail.com
663-3326 home
Appoint Date: **4/13/05**
Reappointed retro 4/13/08
1st term ends 4/13/11
Reappointed 4/8/11
2nd term ends 4/8/14
3rd term ends 5/9/17
4th term ends 5/9/20
- **Albert O. Grunow, Vice Chair**
484 Marlin Circle
Barefoot Bay, FL 32976
AlGrunow@aol.com
228-3000 c. 321-544-6061
Appoint Date: Alternate– **6/23/15**
1st term ends 6/23/18
- **Wilma Weglein “Alternate”**
1204 Chipewa Drive
Barefoot Bay, FL 32976
772-664-6233
jweglein@cfl.rr.com
Appoint Date: 6/27/17
1st term ends 6/27/20
- **Jeff Grunow “Alternate”**
1160 Barefoot Circle
Barefoot Bay, FL 32976
jrgrunow54@aol.com
772-202-4926
801-920-6162
Appoint Date: **8/22/17**
1st term ends: 8/22/20
- **Sue Cuddie, Resident Relations Mgr. 664-4839**
SusanCuddie@bbrd.org
- **Rich Armington, Officer 664-4722**
RichArmington@bbrd.org
- **Stefane Facteau, Officer 664-4722**
Stefanefacteau@bbrd.org
- **Thelma Gruseck, Admin. Clerk**
DOR/ARCC Recording Secretary/Notary
ThelmaGruseck@bbrd.org **664-4722**
- **Sally Biondolillo, Temporary Acting ARCC/DOR**
Administrative Assistant.
sallybiondolillo@bbrd.org **664-4722**
- **Matt Goetz, Property Services – Recording**
MattGoetz@bbrd.org **664-2063**

Manager's Report



Barefoot Bay Recreation District

625 Barefoot Boulevard, Building "F"
Barefoot Bay, FL 32976-9233

Phone 772-664-3141
Fax 772-664-1928

Memo To: Board of Trustees

From: John W. Coffey, Community Manager

Date: January 23, 2018

Subject: Manager's Report

Due to the one-day turnaround from the 12Jan18 BOT meeting, information normally provided under this section will be provided at the BOT meeting on 23Jan18.

Additionally, the draft minutes from the 12Jan18 BOT meeting will be available on 2Feb18 as part of the 09Feb18 BOT Meeting agenda.

Attorney's Report

Incidental Remarks from Trustees

Adjournment