

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

Tuesday, March 28, 2016

7:00 PM

1225 BAREFOOT BOULEVARD, BUILDING D/E



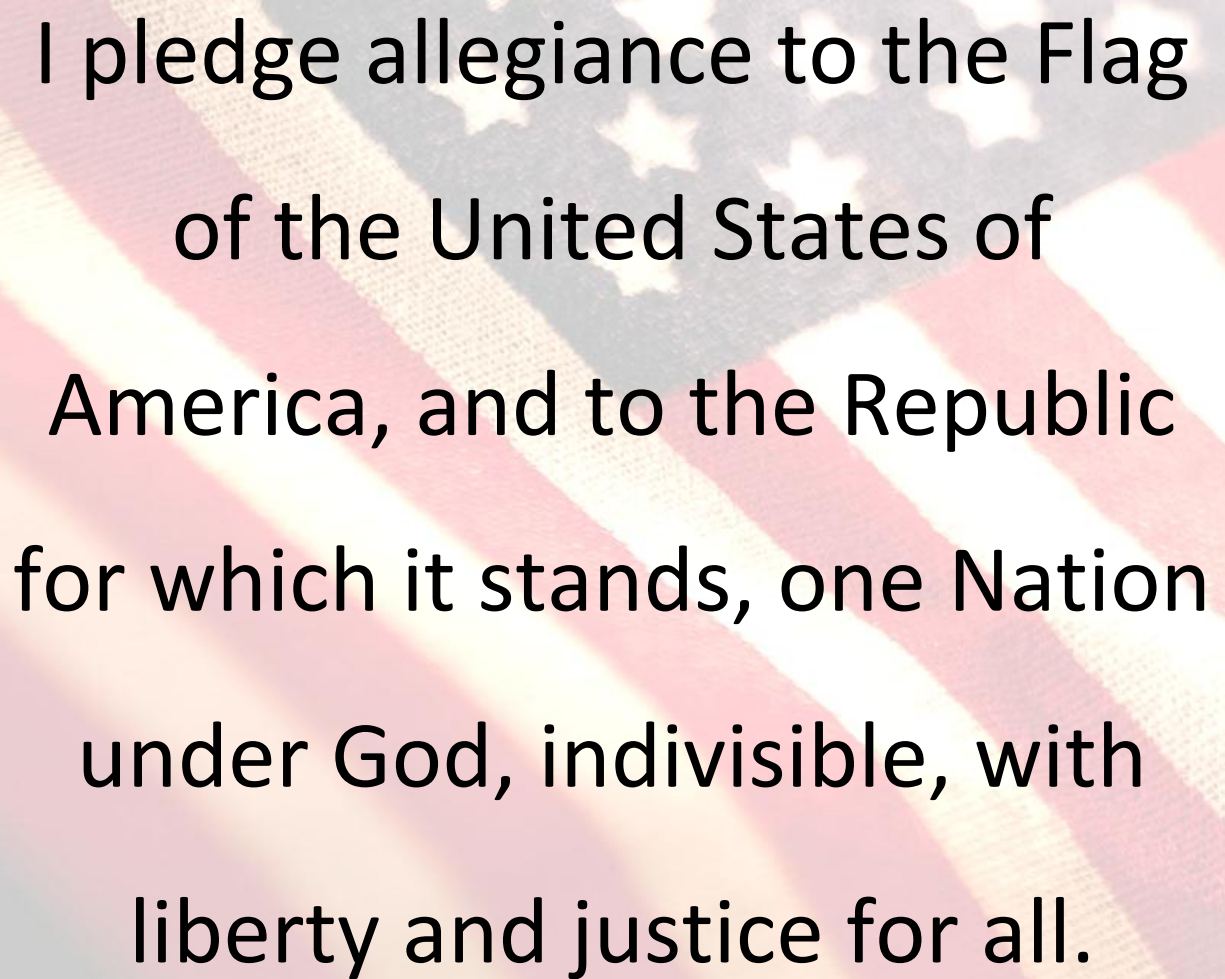
BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting
Tuesday, March 22, 2016
7 P.M. Building D&E

AGENDA

Please turn off all cell phones

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 comment on Agenda Items
8. Unfinished Business
 - A. Appointment to Finance Committee
 - B. Certificate of Deposit Investment Plan Update
9. New Business
 - A. Discussion of Electronic Communications at BOT and/or Advisory Committee Meetings
 - B. Discussion of Bulletin Board Limitations
 - C. Procurement of Stormwater Maintenance Equipment
 - D. Resignation and Appointment to Recreation Committee
 - E. Resignation and Appointment to Facilities Planning Committee
 - F. Discussion of Custom of Waiving Visitor/Guest Passes & Badging for Ethnic Festival at Pool#1
10. Attorney's Report
11. Committee/Liaison Reports
12. Incidental Trustee Remarks
13. Audience Participation
14. Adjournment

The background of the image is a close-up, slightly blurred view of the American flag. The stars and stripes are visible, with the stars appearing as bright white dots on a dark blue field. The stripes are red and white, running diagonally across the frame. The overall tone is patriotic and solemn.

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. Klosky

1st Vice Chair - Ms. Wright

2nd Vice Chair - Mr. Lavier

Secretary - Mr. Diana

Treasurer - Mr. Cavaliere

Also Present

General Counsel- Cliff Repperger, Jr., Esq.

Community Manager - John W. Coffey

District Clerk - Dawn Myers

Approval of Minutes



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Board of Trustees Regular Meeting March 11, 2016 1 PM –Building D/E

The Barefoot Bay Recreation District held a Regular Meeting on March 11, 2016 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Klosky called the meeting to order at 1:00 P.M.

Thought for the Day

Mr. Klosky asked for a moment of silence to honor our service personnel both past and present who have helped protect our country. He also asked that we remember our Barefoot Bay residents.

Ms. Wright led the Pledge of Allegiance to the Flag.

Roll Call

Present: Mr. Klosky, Ms. Wright, Mr. Lavier, Mr. Diana and Mr. Cavaliere. Also present: Jason Pierman, SDS, John W. Coffey, Community Manager, General Counsel Cliff Repperger and Dawn Myers, District Clerk.

Minutes

Mr. Cavaliere made a motion to approve the minutes from February 23, 2016. Second by Ms. Wright. Mr. Diana abstained. Motion carried. 4-1

Mr. Diana made a motion to revise the minutes dated February 23, 2016 to reflect, after further review, that Mr. Lavier's comment was not clearly stated during the motion for Finance committee appointments and was subsequently misinterpreted on the recording as a Second. Second by Mr. Cavaliere. Motion carried unanimously.

Mr. Diana requested the Board take individual voice votes in accordance with Robert's Rules, in an effort to eliminate misunderstandings going forward. Board consensus was to use the voice votes.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for March 11, 2016.

Mr. Diana made a motion to accept the Treasurer's Report with corrections. Second by Mr. Lavier. Motion carried unanimously.

Audience Participation (Agenda items only)

None brought forward

Advisory Committee Member Appointments

Appointment of Ballot Committee Members

Mr. Klosky recommended postponing the Ballot Committee appointments until the time comes when a ballot committee is needed. Ms. Wright suggested scheduling a future date for the appointments. Committee discussed keeping the date open until necessary.

Mr. Diana made a motion to postpone the appointments to the Ballot committee until the ballot committee is necessary Second by Mr. Lavier. Ms. Wright opposed. Motion carried 4-1.



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Appointment of Landscaping Committee Members

Mr. Klosky recommended abolishing this committee as Property Services already maintains the common areas of the community.

Mr. Cavaliere made a motion to abolish the Landscaping Committee. Second by Mr. Diana. Motion carried unanimously.

New Business

Case # 15-003658 453 EGRET CIRCLE

Violation of ARTICLE II, SECT. 3 (A) (15) ADIR (Lamp Post)

Mr. Diana made a motion to forward Case # 15-003658 453 EGRET CIRCLE to the attorney's office for equal and equitable action and lien the property for the fees. Second by Mr. Cavaliere. Motion carried unanimously.

Case # 16-000052 466 EGRET CIRCLE

Violation of ARTICLE II, SECT. (3) (A)(7) ADIR (Skirting)

Mr. Diana made a motion to forward Case # 16-000052 466 EGRET CIRCLE to the attorney's office for equal and equitable action and lien the property for the fees. Second by Mr. Lavier. Motion carried unanimously.

Case # 16-000217 748 CANARY DRIVE

Violation of ARTICLE III, SECT. 3 (A) (B) (C) (D) (E) Parking of Vehicles (Boats/Trailer/RV/Comm. Vehicles)

Mr. Diana made a motion to forward Case # 16-000217 748 CANARY DRIVE to the attorney's office for equal and equitable action and lien the property for the fees. Second by Mr. Lavier. Motion carried unanimously.

Mr. Diana recommended BBRD utilize the County code enforcement officer for assistance with repeated violations. Mr. Coffey stated that staff currently works with the County in serious, repeated violations.

Resignations and Appointments to Finance Committee

Susie White and Wilma Weglein submitted letters of resignation from appointed seats on the Finance committee and requested exchanging their appointed seat assignments.

Mr. Cavaliere made a motion to accept the resignations from Wilma Weglein and Susie White from the Finance Committee. Second by Mr. Diana. Motion carried unanimously.

Mr. Cavaliere stated that he received a resume for the Finance committee after the last meeting from Ed Geier, former, Mayor of Palm Bay. He pointed out that Mr. Geier brings a lot of experience to the table and Mr. Cavaliere was confident he would be a great attribute to the Finance committee.

Mr. Cavaliere made a motion to appoint Ed Geier to the alternate seat on the Finance Committee. Motion died for lack of a second.

Mr. Cavaliere made a motion to move Mr. Bob Peet to a one year term on the Finance committee from the alternate position. Second by Mr. Diana. Motion carried unanimously.

Mr. Klosky asked for a nomination for the remaining open alternate seat on the Finance Committee

Mr. Cavaliere made a motion to nominate Ed Geier for the alternate position. Second for discussion by Mr. Diana. Mr. Diana withdrew the second.

Mr. Diana made a motion to table this item until the next meeting and have Ed Geier's resume forwarded to the trustees for review. Second by Mr. Lavier. Motion carried unanimously.



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Resignations and Appointments to Facilities Planning Committee

Richard Keller submitted a letter of resignation from his appointed seat on the Facilities Planning Committee.

Mr. Diana made a motion to accept Richard Keller's resignation from the Facilities Planning Committee. Second by Mr. Lavier. Motion carried unanimously.

Ms. Wright made a motion to appoint Bob Kahl as alternate for a term of three years to the Facilities Planning Committee. Second by Mr. Cavaliere. Motion carried unanimously.

Resignations and Appointments to the Security Committee

Richard Keller submitted a letter of resignation from his appointed seat on the Security Committee.

Mr. Lavier made a motion to accept Richard Keller's resignation from the Security Committee. Second by Mr. Diana. Motion carried unanimously.

Ms. Wright made a motion to move Greg Deslandes to a one year term on the Security Committee from the alternate position. Second by Mr. Cavaliere. Motion carried unanimously.

Mr. Klosky asked for a nomination for the remaining open alternate seat on the Security Committee.

Ms. Wright made a motion to table the appointment to alternate seat on the Security committee until the subsequent District meeting on April 8, 2016 to give time to receive additional resumes. Second by Mr. Lavier. Motion carried unanimously.

Mr. Klosky asked for a motion to accept the resignation from Forrest Banta on the Recreation Committee. Mr. Diana suggested this item be brought back to the next meeting since it was not on the agenda provided to the Board.

Ms. Wright made a motion to add this item to the next agenda for consideration. Second by Mr. Diana. Motion carried unanimously.

Authorization to hire 1.25 FTE Paid Courtesy Golf Cart Drivers

Mr. Coffey explained that the Board of Trustees approved the procurement of a six-seat courtesy golf cart and directed staff to recruit volunteers for a Courtesy Shuttle Service to and from Building A and the parking lot. BBRD has advertised the volunteer position to include discounted meals at the 19th Hole with lackluster results. Two out of six volunteer applicants have successfully completed the pre-screening process. The service will require additional staff drivers in order to maintain the level of use at peak times. Staff recommends authorization to hire 1.25 FTE (2 part-time) paid Courtesy Golf Cart Drivers with the use of fund balance. Ms. Wright inquired about where and how long the volunteer position has been advertised. Perhaps it can be advertised in the Tattler for a wider audience. Mr. Diana commented on possibly offering more incentive to the volunteers. Mr. Lavier stated that the courtesy rides are necessary and is in agreement that Mr. Coffey should hire part-time drivers.

Mr. Diana made a motion to offer the advertise as a permanent position to include the current volunteers. Second by Mr. Lavier. Motion withdrawn. Mr. Diana clarified that current volunteers should be offered the paid position.



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Ms. Wright made a motion to authorize Staff to hire 1.25 FTE Paid Courtesy Golf Cart Drivers and bring back the budget amendment for use of fund balance. Mr. Cavaliere opposed. Second by Mr. Lavier. Motion carried 4-1

Ernest Loening stated that he would file a claim against the District regarding the decision to continue with the replacement of Building F without a referendum and charge the District for the fees. General Counsel Repperger addressed Mr. Loening's comment stating that it is not encouraged, but he is within his right to file the claim. Regarding the fees, he advised him to consult his attorney about this decision.

Manager's Notes

Due to unforeseen circumstances the meeting to review the Conceptual Building F Replacement Floor Plan and Renderings scheduled for Tuesday, March 15th at Building D/E at 10am has been postponed. The meeting will be rescheduled at the earliest date and time convenient for Trustees and Facilities Planning Committee members. As of the date of this report, \$2,966,568.90 (or 84%) of gross receipts were received by BBRD. Mr. Coffey gave the DOR violations update, 401 new cases were processed in February bringing 2016 YTD violations to 783.

Comparisons to prior years:

- 40.6% of 2015 total violations
- 78.2% of 2014 total violations
- 102.8% of 2013 total violations

The fire alarm installation hardware is complete in the Building D/E and the remaining electrical work is currently scheduled for next week.

Unless Governor Scott vetoes the entire budget or specific funding lines, BBRD is scheduled to be awarded the \$50,000 (no match) Golf Course grant but will not be awarded the \$150,000 (25% match) Community Center grant.

A quote for demolition of the home at 635 Hyacinth Circle was signed this week and work will commence in a few weeks once permitting is secured and adjacent home owners have been notified.

Selected sections (Transmittal Letter and Budget Detail) of the FY17 WDPB will be available to home owners free of charge starting March 21, 2016 in advance of the BOT Budget workshops beginning on April 4, 2016.

Special thanks to Pat Diamond, Acting P.S. Crew Leader and Dawn Myers, District Clerk for volunteering to drive the courtesy golf cart for the Little Theater performances.

District Clerk Myers reports the following research and information to the cell tower research at the BBRD beach requested by Trustee Diana:

Submissions were sent to Sprint, Verizon, T-Mobile and American Tower with the following information:

- Contact name, number, address or email address
- Property address, city, state, county
- Property size acres or square feet

See the disclaimer below from a tower leasing management site:

We are sorry to disappoint, but you only have about a 1 in 1,000 chance of having your site selected by a carrier. However, submitting your property information TO THEM (not us) can improve your chances slightly.

Remember, you need to be patient if you want to get a cell tower on your property, and unfortunately, chances are that the carriers and tower companies don't need your site. BUT... by submitting your



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location you are increasing your chances that your location will be passed along to an RF Engineer, Construction Manager or Real Estate Site Acquisition Manager. It's kind of like buying a lottery ticket.

Attorney's Report

General Counsel updated the Board on the property on 710 Barefoot Blvd. Property owner was served the lawsuit yesterday and will have 20 days to respond. The response will determine subsequent legal action. The violation case at 837 Lychee Drive referred in January is now in compliance. He stated that Amanda Smith will appear at the next District meeting in his place, as he will not be able to attend that meeting. Mr. Klosky inquired about the delay in the filing for the property at 710 Barefoot Blvd. General Counsel Repperger stated that the signed verification page was returned to his office on March 4th, the complaint was filed on March 8th the following Tuesday and the owner was served yesterday, which in legal terms is a very prompt schedule of proceedings. Mr. Harold Wortman inquired about the degree of assistance from the County in this case. He hoped we are working with County code enforcement officer so everyone is on the same page.

Ms. Wright commented on the possibility that anyone can call General Counsel Repperger for legal advice which can become quite costly for the District.

Ms. Wright made a motion that General Counsel Repperger accept calls only from the sitting Trustees, Community Manager, District Clerk for billing purposes and pro bono for the residents. Second by Mr. Diana. Motion carried unanimously.

Ms. Wright discussed the subject of advisory committee members using electronic devices to allow for participation at the meetings in the event of schedule conflicts. She referenced her conversation with County Commissioner, Trudie Infantini, during her last appearance at the HOA meeting who confirmed at that time, that the Commissioners currently use this mode of participation in the event there are schedule conflicts. General Counsel Repperger advised that this is typically not used at Board meetings however, can be used at advisory meeting in extenuating circumstances, such as medical emergencies or other similarly unplanned events.

Ms. Wright made a motion to add to the committee rules, in the presence of a quorum, that we allow committee members who cannot attend advisory meetings to use electronic devices to attend the meetings remotely. Mr. Lavier reminded the Board that this topic should be discussed under incidental remarks. Ms. Carole Kennedy and Ms. Carol Joseph commented on the benefits of this method of participation for members who may be away for a short while but would still like to participate in the meetings. Ms. Kennedy restated that many public entities already utilize this option.

The subject will be discussed under Trustee Liaison reports.

Trustee Liaison Report

Mr. Klosky stated the Violations Meeting scheduled for today was canceled as all cases scheduled for the meeting had been closed, due to compliance or change in property ownership. The ARCC met on Tuesday March 8. There were thirty-one permits approved and one denied. Included in the approved permits was one permit for a new home. There have been four new home permits so far in 2016.

Mr. Lavier announced the Club Championship tournament coming up on March 19th and 20th at \$35 a person. Cutoff for signup is Monday, March 14th. Property Service projects completed include, signs



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installed at the beach, lights at the Bocci ball courts, repair of a vandalized fence at the playground and No Loitering signs were placed in front of Building A.

Mr. Diana announced E.J. Wright as the new Chair of the Facilities Planning Committee and they will be discussing the FY 17 Draft Budget at the next scheduled meeting.

Mr. Cavaliere reported that Bill Sherwood was elected as Chair at the last Finance meeting. Committee discussed the purpose and rules of the advisory board.

Ms. Wright announced a few tickets still left for the upcoming St Patrick's Day buffet. Last Chance barbeque tickets for March 26th are now on sale. The club championship special will be at the 19th Hole all week. The "McGrath Pitcher" and the "Gagnon" will be served all day in honor of last year's club champions.

Trustee's Incident Remarks

Mr. Klosky announced that Steve Diana will be distributing the Community Manager and SDS evaluations this week and will be returned by March 31st. He thanked the volunteers and the property services staff for helping with the Little Theater production.

Harold Wortman suggested the Board implement the evaluation of any vendors with one, two and three year contracts.

General Counsel Repperger read the excerpt from the Florida Sunshine Manual regarding stipulations surrounding the use of electronic devices as only permissible with a quorum and in extraordinary circumstances. Mr. Cavaliere stated that we can't vote on this due to the item not being placed on the agenda. Mr. Jason Pierman stated that, as a matter of practice, the Special Districts do implement this rule as long as a quorum is present, members can call in via electronic devices. Ms. Wright will bring the item back as an agenda item at the next meeting.

Ms. Wright discussed the importance of filing official complaints to the county regarding animal attacks. Please call 321.633.2024 if you have a vicious dog attack to report. She stated that she will work with the Community Manager to install a projection screen in Building D/E so the residents can follow along with the same agenda that the trustees reference to from their seat in the audience. She mentioned Liz Ann Taylor was in the audience selling poppies on behalf of the veteran's for interested residents.

Audience Participation

Jeanne Osborne informed the Board that the water utility company increased their water bill in the middle of the month sixteen days before the new rate was officially implemented. This happened to many BBRD residents and when questioned about it residents were told they cannot be reimbursed. She asked that the Board send a letter to the County Manager, the Chairman of the County Commissioners and the Utilities Manager requesting a reason why they will not reimburse the citizens of Barefoot Bay.

Donna Bond asked about residents advertising rooms for rent on the community bulletin board. Mr. Cavaliere suggested adding the item for discussion to the next agenda.

Kathryn Lesh requested information on mosquito spraying in the community as it seems to have stopped. Mr. Coffey stated that staff will look into this.

On behalf of Ann Manzo, Mary Weller thanked the employees from Property Services and the custodial department that helped with the set up and breakdown of the Little Theater production and to the



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residents who attended for helping with the success of this year's Little Theater. She also thanked the drivers of the courtesy golf cart on the nights of the performance.

Nancy Eisele thanked all those who attended the recent New Homeowner's Orientation.

Ernest Loening questioned the ARCC permit needed to make improvements to his home. Mr. Coffey stated that Mr. Loening can call Ms. Cuddie in Resident Relations as she heads this department.

Harold Wortman stated that tickets to the Women's Style Show are still available. Please call 321.327.9116 to purchase.

The next meeting is scheduled for Tuesday, March 22, 2016 in Building D/E at 7PM.

Meeting adjourned 3:20 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk

Treasurer's Report

Audience Participation Agenda items only

Unfinished Business

Meeting Date
Mar. 22, 2016



Agenda	
Section	8
Item No	A

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Appointment to Finance Committee

Dept/Office: Administration: District Clerk's Office

Requested Action: Appointment to Finance Committee
<p>Summary Explanation and Background:</p> <p>On Mar16, the BOT adopted the resignation of the following members of the Finance Committee:</p> <ul style="list-style-type: none"> • Ms. Susie White (appointed to a one-year term) • Ms. Wilma Weglein (appointed as an Alternate) <p>Subsequently, the BOT appointed Mr. Bob Peet to the unexpired one-year term of Ms. White and deferred the appointment of the "Alternate" position to the next agenda.</p> <p>Staff recommends the <u>BOT appoint a homeowner as an "Alternate" to the Finance Committee for a 3-year term.</u></p>
Exhibits Attached: N/A
Contact: Dawn Myers, District Clerk and John W. Coffey, Community Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

Meeting Date
March 22, 2016



Agenda	
Section	8
Item No	B

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Certificate of Deposit Investment Plan Update

Dept./Office: Administration- Finance Office

Requested Action: Refer issue back to the Finance Committee
<p>Summary Explanation and Background:</p> <p>In calendar year 2015, the Finance Committee recommended using 10% of the reserve account within fund balance to invest in CDs through Edward Jones. On January 8, 2016 the Board of Trustees adopted the Finance Committee's recommendation (to invest 25% of the reserve account in a privately managed CD plan with Edward Jones).</p> <p>Subsequently, according to General Counsel Repperger, Edward Jones is not a designated qualified public depository by the Chief Financial Officer of the state of Florida and, therefore, the managed CD plan recommended by the Finance Committee is non-compliant with Sec. 218.415 (16) (c) and (17) (c), F.S. See attached Legal Memorandum.</p> <p>Staff recommends that <u>the Board of Trustees refer this issue back to the Finance Committee.</u></p>
Exhibits Attached: Active Qualified Public Depository List and legal memorandum from General Counsel Repperger
Contact: Valeria Owens, Acting Finance Manager; John W. Coffey, Community Manager; and General Counsel Repperger
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:



COLLATERAL MANAGEMENT

Florida Department of Financial Services

Collateral Administration

[Introduction](#)

[Cash Deposits](#)

[Certificates of Deposit](#)

[Trust Business](#)

[CFO's Custodians](#)

[Book-Entry Form](#)

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Program Administration

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Active Qualified Public Depository List

The following Qualified Public Depositories (QPDs) are authorized to hold public deposits. The cities and states listed are the home office locations. QPDs marked with an asterisk have limited the amount of public deposits they will administer. QPDs having a date beside their name are in the process of withdrawing from the program and shall not receive or retain public deposits after the date shown. They may, however, have certain obligations to the program after that date with which they must comply before concluding the withdrawal process.

QPD Name	City	State
1st Manatee Bank	Parrish	FL
American Momentum Bank	College Station	TX
American National Bank	Oakland Park	FL
Ameris Bank	Moultrie	GA
Anthem Bank & Trust	Plaquemine	LA
Apollo Bank	Miami	FL
Atlantic Coast Bank	Jacksonville	FL
Axiom Bank	Maitland	FL
BAC Florida Bank	Coral Gables	FL
BMO Harris Bank, N.A.	Chicago	IL
Banco Popular North America	New York	NY
BancorpSouth Bank	Tupelo	MS
Banesto USA	Coral Gables	FL
Bank of America, N.A.	Charlotte	NC
Bank of Belle Glade	Belle Glade	FL
Bank of Central Florida	Lakeland	FL
Bank of Tampa, The	Tampa	FL
Bank of the South	Pensacola	FL
BankUnited, N.A.	Miami Lakes	FL
Branch Banking & Trust Company	Winston-Salem	NC
Brannen Bank	Inverness	FL
Brickell Bank	Miami	FL
Busey Bank	Champaign	IL
C1 Bank	St. Petersburg	FL
CBC National Bank	Fernandina Beach	FL

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321-727-8100

CLIFF.REPPERGER@GRAY-ROBINSON.COM

MEMORANDUM

TO: Joseph Klosky, Chairman and Honorable Board of Trustees
Barefoot Bay Recreation District ("BBRD")

CC: John Coffey, Community Manager, BBRD

FROM: Clifford Repperger, General Counsel, BBRD

DATE: March 22, 2016

SUBJECT: Application of Sec. 218.415, F.S. to Approved Investment Plan

At the Board's meeting held on January 8, 2016, the Board voted to approve the Finance Committee's recommendation of investment of 25% of the SBA Reserve Fund balance in a privately managed CD plan with Edward Jones. Please see the enclosed agenda report and minutes information from January 8, 2016 Board of Trustees meeting.

Upon attempted implementation of the Board's directive, staff was advised by Moore Stephens Lovelace, Audit Manager, Ehab Azer, that the Board would need to amend BBRD's financial policies to allow for the investment since the policy only currently allows for investment in SBA accounts. Upon preparation of revised policy manual language to allow for the investment directive to proceed, it has been determined that the Edward Jones tiered CD investment plan is not an authorized plan into which the marked funds may be allocated.

Section 218.415 (16) (a)-(i), Florida Statutes (attached) provide a complete list of authorized investments which may be utilized by a unit of local government (including BBRD) if written investment policies allow for the same. Where no investment policies exist, Sec. 218.415 (17) (a)-(d), F.S. provide for a list of authorized investments. A tiered CD investment plan appears to fall within both Sections 218.415 (16) (c) and (17) (c), F.S., which similarly authorize investment into "Interest-bearing time deposits or savings accounts in qualified public depositories as defined in s. 280.02."

Sec. 280.02 (26), F.S. defines "Qualified Public Depository" as follows:

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(26) "Qualified public depository" means a bank, savings bank, or savings association that:

- (a) Is organized and exists under the laws of the United States or the laws of this state or any other state or territory of the United States.
- (b) Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.
- (c) Has deposit insurance pursuant to the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss. 1811 et seq.
- (d) Has procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits.
- (e) Meets all the requirements of this chapter.
- (f) **Has been designated by the Chief Financial Officer as a qualified public depository.** (emphasis added).

Pursuant to this requirement, the State of Florida Chief Financial Officer maintains a list of designated Qualified Public Depositories ("QPD's"). Upon staff's investigation, it has recently been determined that the Edward Jones tiered CD plan is not a designated QPD. Edward Jones has been contacted by staff and does not have an explanation as to why they are not an authorized QPD, nor does Edward Jones have any anticipated timeframe within which they will become a QPD. Until Edward Jones receives a QPD designation, staff will be unable to proceed with the investment directive as being inconsistent with the mandates of Sec. 218.415 (16) (c) and (17) (c), F.S .

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Select Year:

The 2015 Florida Statutes

[Title XIV](#)
TAXATION AND
FINANCE

[Chapter 218](#)
FINANCIAL MATTERS PERTAINING TO POLITICAL
SUBDIVISIONS

[View Entire
Chapter](#)

218.415 Local government investment policies.—Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

(1) **SCOPE.**—The investment policy shall apply to funds under the control of the unit of local government in excess of those required to meet current expenses. The investment policy shall not apply to pension funds, including those funds in chapters 175 and 185, or funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds.

(2) **INVESTMENT OBJECTIVES.**—The investment policy shall describe the investment objectives of the unit of local government. Investment objectives shall include safety of capital, liquidity of funds, and investment income, in that order.

(3) **PERFORMANCE MEASUREMENT.**—The investment policy shall specify performance measures as are appropriate for the nature and size of the public funds within the custody of the unit of local government.

(4) **PRUDENCE AND ETHICAL STANDARDS.**—The investment policy shall describe the level of prudence and ethical standards to be followed by the unit of local government in carrying out its investment activities with respect to funds described in this section. The unit of local government shall adopt the Prudent Person Rule, which states that: “Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.”

(5) **LISTING OF AUTHORIZED INVESTMENTS.**—The investment policy shall list investments authorized by the governing body of the unit of local government, subject to the provisions of subsection (16). Investments not listed in the investment policy are prohibited. If the policy authorizes investments in derivative products, the policy must require that the unit of local government’s officials responsible for making investment decisions or chief financial officer have developed sufficient understanding of the derivative products and have the expertise to manage them. For purposes of this subsection, a

“derivative” is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or index or asset values. If the policy authorizes investments in reverse repurchase agreements or other forms of leverage, the policy must limit the investments to transactions in which the proceeds are intended to provide liquidity and for which the unit of local government has sufficient resources and expertise.

(6) **MATURITY AND LIQUIDITY REQUIREMENTS.**—The investment policy shall require that the investment portfolio is structured in such manner as to provide sufficient liquidity to pay obligations as they come due. To that end, the investment policy should direct that, to the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash-flow requirements.

(7) **PORTFOLIO COMPOSITION.**—The investment policy shall establish guidelines for investments and limits on security issues, issuers, and maturities. Such guidelines shall be commensurate with the nature and size of the public funds within the custody of the unit of local government.

(8) **RISK AND DIVERSIFICATION.**—The investment policy shall provide for appropriate diversification of the investment portfolio. Investments held should be diversified to the extent practicable to control the risk of loss resulting from overconcentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which financial instruments are bought and sold. Diversification strategies within the established guidelines shall be reviewed and revised periodically, as deemed necessary by the appropriate management staff.

(9) **AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS.**—The investment policy should specify the authorized securities dealers, issuers, and banks from whom the unit of local government may purchase securities.

(10) **THIRD-PARTY CUSTODIAL AGREEMENTS.**—The investment policy shall provide appropriate arrangements for the holding of assets of the unit of local government. Securities should be held with a third party; and all securities purchased by, and all collateral obtained by, the unit of local government should be properly designated as an asset of the unit of local government. No withdrawal of securities, in whole or in part, shall be made from safekeeping, except by an authorized staff member of the unit of local government. Securities transactions between a broker-dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a “delivery vs. payment” basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction.

(11) **MASTER REPURCHASE AGREEMENT.**—The investment policy shall require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of the Master Repurchase Agreement.

(12) **BID REQUIREMENT.**—The investment policy shall require that the unit of local government’s staff determine the approximate maturity date based on cash-flow needs and market conditions, analyze and select one or more optimal types of investment, and competitively bid the security in question when feasible and appropriate. Except as otherwise required by law, the bid deemed to best meet the investment objectives specified in subsection (2) must be selected.

(13) **INTERNAL CONTROLS.**—The investment policy shall provide for a system of internal controls and operational procedures. The unit of local government’s officials responsible for making investment decisions or chief financial officer shall establish a system of internal controls which shall be in writing and made a part of the governmental entity’s operational procedures. The investment policy shall provide for review of such controls by independent auditors as part of any financial audit periodically

required of the unit of local government. The internal controls should be designed to prevent losses of funds which might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the unit of local government.

(14) CONTINUING EDUCATION.—The investment policy shall provide for the continuing education of the unit of local government's officials responsible for making investment decisions or chief financial officer. Such officials must annually complete 8 hours of continuing education in subjects or courses of study related to investment practices and products.

(15) REPORTING.—The investment policy shall provide for appropriate annual or more frequent reporting of investment activities. To that end, the governmental entity's officials responsible for making investment decisions or chief financial officer shall prepare periodic reports for submission to the legislative and governing body of the unit of local government, which shall include securities in the portfolio by class or type, book value, income earned, and market value as of the report date. Such reports shall be available to the public.

(16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—Those units of local government electing to adopt a written investment policy as provided in subsections (1)-(15) may by resolution invest and reinvest any surplus public funds in their control or possession in:

(a) The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969, as provided in s. 163.01.

(b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

(c) Interest-bearing time deposits or savings accounts in qualified public depositories as defined in s. 280.02.

(d) Direct obligations of the United States Treasury.

(e) Federal agencies and instrumentalities.

(f) Rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel.

(g) Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

(h) Other investments authorized by law or by ordinance for a county or a municipality.

(i) Other investments authorized by law or by resolution for a school district or a special district.

(17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT POLICY.—Those units of local government electing not to adopt a written investment policy in accordance with investment policies developed as provided in subsections (1)-(15) may invest or reinvest any surplus public funds in their control or possession in:

(a) The Local Government Surplus Funds Trust Fund, or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969, as provided in s. 163.01.

(b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

(c) Interest-bearing time deposits or savings accounts in qualified public depositories, as defined in s. 280.02.

(d) Direct obligations of the U.S. Treasury.

The securities listed in paragraphs (c) and (d) shall be invested to provide sufficient liquidity to pay obligations as they come due.

(18) SECURITIES; DISPOSITION.—

(a) Every security purchased under this section on behalf of the governing body of a unit of local government must be properly earmarked and:

1. If registered with the issuer or its agents, must be immediately placed for safekeeping in a location that protects the governing body's interest in the security;
2. If in book entry form, must be held for the credit of the governing body by a depository chartered by the Federal Government, the state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state, and must be kept by the depository in an account separate and apart from the assets of the financial institution; or
3. If physically issued to the holder but not registered with the issuer or its agents, must be immediately placed for safekeeping in a secured vault.

(b) The unit of local government's governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the Federal Government, this state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state.

(19) SALE OF SECURITIES.—When the invested funds are needed in whole or in part for the purposes originally intended or for more optimal investments, the unit of local government's governing body may sell such investments at the then-prevailing market price and place the proceeds into the proper account or fund of the unit of local government.

(20) PREEXISTING CONTRACT.—Any public funds subject to a contract or agreement existing on October 1, 2000, may not be invested contrary to such contract or agreement.

(21) PREEMPTION.—Any provision of any special act, municipal charter, or other law which prohibits or restricts a local governmental entity from complying with this section or any rules adopted under this section is void to the extent of the conflict.

(22) AUDITS.—Certified public accountants conducting audits of units of local government pursuant to s. 218.39 shall report, as part of the audit, whether or not the unit of local government has complied with this section.

(23) AUTHORIZED DEPOSITS.—In addition to the investments authorized for local governments in subsections (16) and (17) and notwithstanding any other provisions of law, a unit of local government may deposit any portion of surplus public funds in its control or possession in accordance with the following conditions:

- (a) The funds are initially deposited in a qualified public depository, as defined in s. 280.02, selected by the unit of local government.

(b) The selected depository arranges for depositing the funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation in one or more federally insured banks or savings and loan associations, wherever located, for the account of the unit of local government.

(c) The full amount of the principal and accrued interest of each financial deposit instrument is insured by the Federal Deposit Insurance Corporation.

(d) The selected depository acts as custodian for the unit of local government with respect to each financial deposit instrument issued for its account.

History.—s. 1, ch. 95-194; s. 2, ch. 97-9; s. 3, ch. 2000-264; ss. 66, 141, ch. 2001-266; s. 2, ch. 2005-126; s. 1, ch. 2007-89; s. 42, ch. 2008-4; s. 2, ch. 2009-140.

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Meeting Date
January 8, 2016



Agenda	
Section	9
Item No	F

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Finance Committee Investment Comparison

Dept/Office: Finance Committee

Requested Action: Discussion Only
<p>Summary Explanation and Background:</p> <p>The Finance Committee has been working since August to bring an educated proposal to the Trustees to respond to questions of investment income and investments. This action was requested by the Board as the responsibility of the Finance Committee to recommend investment options with a focus on moving away from total investment with SBA and looking for increased interest over the SBA plans.</p> <p>The Finance Committee met with 3 separate investment companies who recommended a plan for Barefoot Bay based on the criteria that the investment must be safe, secure and offer liquidity. The summary offers brief information from those investment firms and a recommendation with explanation that the recommendation for investments be with Edward Jones using a tiered CD purchase in smaller increments and shorter maturity terms.</p>
Exhibits Attached: Investment Comparison Chart
Contact: Louise Crouse, Finance Committee Chair
Fiscal Impact: 25% of Committed Reserve Fund Balance
Contract/Agreement Reviewed by Attorney: N/A
Acting Community Manager's Approval: <div style="display: flex; align-items: center; justify-content: flex-end; margin-top: 10px;"> <div style="font-size: 0.8em;"> Digitally signed by Dawn Myers DN: cn=Dawn Myers, o=Barefoot Bay Recreation District, ou=Admin, email=dawnmyers@bbrd.org, c=US Date: 2016.01.04 14:12:17 -05'00' </div> </div>

Finance Committee Recommendation for Investment Options

	Florida Community Bank	Benjamin Edwards	Edward Jones
Investment Plan Using 25% of Reserves approx \$125,000.00	CDs and Money Market investments	CDs Bond Funds	Tiered CD 6mth @ \$25,000 = .5% 30mth CD @ \$25,000 = 1.5% Purchase 1 CD @ 6 mths @ \$25,000, 1@12 mth, 1@18mth, 1@24 mt, 1@30mth
Assets, Safety, Security	Fully insured FDIC	FDIC- Interest added at maturity	maximize interest, minimize risk and fully liquid every 6mths.
Cost of Investment	None- built into plan payout	None- built into plan payout	None-built into plan payout
Non-Revolving Line of Credit Construction Loan	Yes	Not available	Not Available
Other	Some banking options like remote deposit, check processing Full activity reporting	Some banking options Full activity reporting, quarterly	Other product lines for investments Full activity reporting, on line, quarterly yearly and with withdrawals

Members: Hurrol Brinker, Kimi Cheng, Nancy Eisele, Jeanne Osborne, Bob Peet, Bill Sherwood, Wilma Weglein, Louise Crouse (Chairperson)

The committee recommends pursuing investment of 25% of the Reserve fund with Edward Jones Investment plan with a tiered CD purchase plan.

The plan offers the highest interest rate of .5% compared to .27% at SBA and increased with longer term investments to 1.5% or more for 30 mth CD

Local contact at Sebastian Fl. Higher asset backing than banking institutions. Full reporting for Finance Department needs

Fully accessible funds with limited penalty for early withdrawal due to 6 month increments. Good starting plan for investments

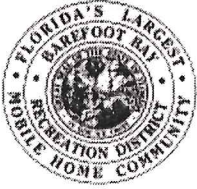
Diversification- current funds in SBA only. Edward Jones did not experience downturn in 2008 which caused the freeze in assets for Barefoot Bay

Edward Jones requires limited need for multiple signatories, monitoring, asset management, reporting and Finance Department involvement in day to day operations

Wells Fargo, Bank of America and Valley National were contacted for investment plans and declined to present any information. Government Funding is generally in much larger investment amounts (several million) compared to \$125,000 for Barefoot Bay Reserve Fund investments.

Summary submitted through input of the Finance Committee- Louise Crouse, Chairperson

27-Dec-15



BAREFOOT BAY RECREATION DISTRICT

to procure a replacement shed if they are so inclined. Bob Kahl commented on the matter by requesting that the Board replace the shed as the current one was given to the HOA in 2011 and is now dented and leaking. Mr. Cavaliere recommended budgeting for two sheds as the second shed could be used for Little Theatre and Christmas decorations.

Mr. Diana made a motion to authorize \$2700 for the procurement of a new shed for the HOA. Second by Ms. Wright.

Mr. Diana amended his motion to include procurement of an additional shed for a total of two sheds. Second by Ms. Wright. Motion carried unanimously.

DOR Violations

Case # 15-003179 837 LYCHEE DRIVE

Violation of ARTICLE II, SECT. 3 (A)(15) ADIR (Lamp Post). The respondent was given until 12/25/2015 to bring the property into compliance

Mr. Cavaliere made a motion to send Case # 15-003179 837 LYCHEE DRIVE to the attorney for equal and equitable action. Second by Mr. Diana. Motion carried unanimously.

Adondia Palm Tree Donation Request

Michelle Carr is requesting approval of her donation of an Adondia Palm (Christmas Palm) at a cost of \$450 for labor and materials. The tree will be planted along the 14th Hole and down the left side in memory of her father Richard Carr. Staff recommends the Board accept Ms. Carr's donation.

Mr. Lavier made a motion to accept the memorial donation request. Second by Mr. Diana. Motion carried unanimously.

Finance Committee Investment Comparison

Ms. Crouse addressed the Board. The Finance Committee has been working since August to bring an educated proposal to the Trustees to respond to questions of investment income and investments. This action was requested by the Board as the responsibility of the Finance Committee to recommend investment options with a focus on moving away from total investment with SBA and looking for increased interest over the SBA plans. The Finance Committee met with three separate investment companies Florida Community Bank, Benjamin Edwards and Edward Jones who recommended a plan for Barefoot Bay based on the criteria that the investment must be safe, secure and offer liquidity. The summary presented offered brief information from those investment firms and a recommendation with explanation that the recommendation for investments be with Edward Jones using a tiered CD purchase in smaller increments and shorter maturity

Mr. Diana made a motion to accept the financial committee recommendations. Second by Mr. Cavaliere. Motion carried unanimously.

Manager's Report

Mr. Coffey announced that the 5 Year Financial Model and Capital Improvement Plan will be delivered to Trustees, Finance Committee members and Facilities Planning Committee members tonight and sent electronically to those individuals with email accounts. Additionally, the Plan will be posted on the Administration Bulletin Board and placed on bbrd.org on Monday. Residents can obtain a free copy by stopping by Building F during regular business hours. The following are the established workshops to review the document:

New Business

Meeting Date
Mar. 22, 2016



Agenda	
Section	9
Item No	A

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Discussion of Electronic Devices at Advisory Committee Meetings

Dept/Office: Administration: District Clerk's Office

Requested Action: Direction from BOT
<p>Summary Explanation and Background:</p> <p>On 11Mar16, Trustee Wright brought up the possibility of using electronic devices during advisory committee meetings for members who are unable to be physically present at the meeting. After some discussion, the BOT decided to place this issue on a future agenda.</p> <p>An excerpt from the Florida Government –in-the-Sunshine Manual, pps 17 & 18 reads as follows:</p> <p><i>“However, if a quorum of a local board is physically present, “the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness[;] . . . [w]hether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board.” AGO 03-41.”</i></p> <p>Staff request direction from the BOT regarding this issue.</p>
Exhibits Attached: Florida Government –in-the-Sunshine Manual Excerpts, pps 17 & 18
Contact: Dawn Myers, District Clerk; and John W. Coffey, Community Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

However, a commissioner may send a written report to other commissioners on a subject that will be discussed at a public meeting without violating the Sunshine Law, if prior to the meeting, there is no interaction related to the report among the commissioners and the report, which must be maintained as a public record, is not being used as a substitute for action at a public meeting. AGO 89-23. *And see* AGO 01-20 (e-mail communication of information from one council member to another is a public record but does not constitute a meeting subject to the Sunshine Law when it does not result in the exchange of council members' comments or responses on subjects involving foreseeable action by the council). *Cf.* Inf. Op. to Kessler, November 14, 2007 (procedural rule requiring county commissioner to make a written request to commission chair to withdraw an item from the consent agenda does not violate the Sunshine Law).

If, on the other hand, the report is circulated among board members for comments with such comments being provided to other members, there is interaction among the board members which is subject to s. 286.011, F.S. AGO 90-03. *See also* AGO 96-35 (school board member may prepare and circulate informational memorandum or position paper to other board members; however, use of a memorandum to solicit comments from other board members or the circulation of responsive memoranda by other board members would violate the Sunshine Law).

In addition, the Attorney General's Office has expressed concern that a process whereby board members distribute their own position papers on the same subject to other members is "problematical" and should be discouraged. *See* AGO 01-21 (city council's discussions and deliberations on matters coming before the council must occur at a duly noticed city council meeting and the circulation of position statements must not be used to circumvent the requirements of the statute). *Accord* AGO 07-35. *And see* AGO 08-07 (city commissioner may post comment regarding city business on blog or message board; however, any subsequent postings by other commissioners on the subject of the initial posting could be construed as a response subject to the Sunshine Law); and Inf. Op. to Jove, January 22, 2009 (posting of anticipated vote on blog).

2. Authorization to conduct public meetings via telephone, video conferencing, computer, or other electronic media

a. State boards

In AGO 98-28, the Attorney General's Office concluded that s. 120.54(5)(b)2., F.S., authorizes state agencies to conduct public meetings via electronic means provided that the board complies with uniform rules of procedure adopted by the state Administration Commission. These rules contain notice requirements and procedures for providing points of access for the public. *See* Rule 28-109, F.A.C.

b. Local boards

(1) Meetings

As to *local* boards, the Attorney General's Office has noted that the authorization in s. 120.54(5)(b)2., to conduct meetings entirely through the use of communications media technology applies only to *state* agencies. AGO 98-28. Thus, since s. 1001.372(2)(b), F.S., requires a district school board to hold its meetings at a "public place in the county," a quorum of the board must be physically present at the meeting of the school board. *Id.* *And see* AGOs 09-56 (where a quorum is required and absent a statute to the contrary, the requisite number of members must be physically present at a meeting in order to constitute a quorum), and 10-34 (city may not adopt an ordinance allowing members of a city board to appear by electronic means to constitute a quorum). *Cf.* s. 163.01(18), F.S., authorizing certain entities created by interlocal agreement to conduct public meetings and workshops by means of communications media technology.

However, if a quorum of a local board is physically present, "the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness[;] . . . [w]hether the absence

of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board.” AGO 03-41.

For example, if a quorum of a local board is physically present at the public meeting site, a board may allow a member with health problems to participate and vote in board meetings through the use of such devices as a speaker telephone that allow the absent member to participate in discussions, to be heard by other board members and the public and to hear discussions taking place during the meeting. AGO 94-55. *And see* AGOs 92-44 (participation and voting by ill county commissioner), and 02-82 (physically-disabled city advisory committee members participating and voting by electronic means).

(2) Workshops

The physical presence of a quorum has not been required where electronic media technology (such as video conferencing and digital audio) is used to allow public access and participation at *workshop* meetings where no formal action will be taken. The use of electronic media technology, however, does not satisfy quorum requirements necessary for official action to be taken. For example, the Attorney General’s Office advised that airport authority members may conduct informal discussions and workshops over the Internet, provided proper notice is given, and interactive access by members of the public is provided. AGO 01-66. Such interactive access must include not only public access via the Internet but also at designated places within the authority boundaries where the airport authority makes computers with Internet access available to members of the public who may not otherwise have Internet access. *Id.* For meetings, however, where a quorum is necessary for action to be taken, the physical presence of the members making up the quorum would be required in the absence of a statute providing otherwise. *Id.* Internet access to such meetings, however may still be offered to provide greater public access. *Id.* *Cf.* AGO 08-65, noting that a city’s plan to provide additional public access to on-line workshop meetings by making computers available at a public library “should ensure that operating-type assistance is available at the library where the computers are located.”

However, the use of an electronic bulletin board to discuss matters over an extended period of days or weeks, which does not permit the public to participate online, violates the Sunshine Law by circumventing the notice and access provisions of that law. AGO 02-32. *And see* Inf. Op. to Ciocchetti, March 23, 2006 (even though the public would be able to participate online, a town commission’s proposed use of an electronic bulletin board to discuss matters that foreseeably may come before the commission over an extended period of time would not comply with the spirit or letter of the Sunshine Law because the burden would be on the public to constantly monitor the site in order to participate meaningfully in the discussion). *Compare* AGO 08-65 (city advisory boards may conduct workshops lasting no more than two hours using an on-line bulletin board if proper notice is given and interactive access to members of the public is provided).

D. DOES THE SUNSHINE LAW APPLY TO A SINGLE INDIVIDUAL OR TO A MEETING BETWEEN A BOARD MEMBER AND A NONBOARD MEMBER?

Section 286.011, F.S., applies to public boards and commissions, *i.e.*, collegial bodies, and has been applied to meetings of “two or more members” of the same board or commission when discussing some matter which foreseeably will come before the board or commission. Therefore, the statute does not ordinarily apply to an *individual* member of a public board or commission or to public officials who are not board or commission members. Inf. Op. to Dillener, January 5, 1990 (Sunshine Law not normally applicable to meeting of town council member with private citizens). *See City of Sunrise v. News and Sun-Sentinel Company*, 542 So. 2d 1354 (Fla. 4th DCA 1989); *Deerfield Beach Publishing, Inc. v. Robb*, 530 So. 2d 510 (Fla. 4th DCA 1988) (requisite to application of the Sunshine Law is a meeting between two or more public officials); and *Mitchell v. School Board of Leon County*, 335 So. 2d 354 (Fla. 1st DCA 1976). *Cf. Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), *review denied*, 598 So. 2d 75 (Fla. 1992), stating that *ex parte* (*i.e.*, from one side only) communications in quasi-judicial proceedings raise a presumption that the contact was prejudicial to the decision-making process; and s. 286.0115, F.S., enacted in response to the *Jennings* case, relating to access to local public officials in quasi-

Meeting Date
Mar. 22, 2016



Agenda	
Section	9
Item No	B

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Discussion of BBRD Bulletin Board Limitations

Dept/Office: Administration: District Clerk's Office

Requested Action: Review of Procedures and Direction from BOT
<p>Summary Explanation and Background:</p> <p>At the 11Mar16 BOT meeting, a discussion arose about the current practice of staff allowing homeowners to place "room for rent" advertisements on the BBRD bulletin board located on the outside of Building C.</p> <p>Specifically a question was posed regarding why such advertisements were allowed when the DOR states (on p. 8 under Article III, Restrictions on use of lots, Section 1. Resident Use) "No structure other than a single story, <u>single-family</u> (emphasis added) residential dwelling shall be erected, altered, placed or permitted to remain on any lot." Staff replied that the term "single-family" is a zoning term and does not automatically refer to the occupants of a structure. Discussion pursued and the BOT eventually requested this issue be placed on the next agenda.</p> <p>For transparency, staff has attached the internal procedures for the use of the bulletin board.</p> <p>Staff request direction from the BOT regarding this issue.</p>
Exhibits Attached: Procedures for the use of the BBRD Bulletin Boards
Contact: Dawn Myers, District Clerk; and John W. Coffey, Community Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

Procedures for the use of the Barefoot Bay Recreation District Bulletin Boards

Advertising Private Business

1. Must be a resident of Barefoot Bay.
2. Must be the owner of the business.
3. Must have necessary license if business requires one.
4. Business card size only allowed.

Advertising Personal Belongings

1. Must be a resident of Barefoot Bay.
2. Sale must take place in Barefoot Bay.
3. Index card size (3 x 5) only allowed.
4. Card can remain on board for two weeks.
5. Only one card per resident is allowed at a time.

Advertising House For Sale / Rentals

1. Must be a resident of Barefoot Bay.
2. Houses must be in Barefoot Bay.
3. Index card size (3 x 5) only allowed.
4. Card can remain on board for four months.

Advertising Club Activities

1. Must be a registered club in Barefoot Bay.
2. Activity must be taking place in Barefoot Bay.
3. Ad cannot be larger than 8 1/2 x 11.
4. Ad will be placed on board no earlier than one month of the event.

Advertising Trips

1. All trips are sponsored by a registered club of Barefoot Bay.
2. Outside travel agents may advertise if sponsored by a BFB club.
3. Ad cannot be larger than 8 1/2 x 11
4. Travel agents are allowed one poster at a time.
5. Ad will be placed on board no earlier than one month of the event.

Advertising Tag/Yard/Estate Sales

1. Sale must take place in Barefoot Bay.
2. Index card size (3 x 5) only allowed.
3. Only two a year per Brevard County.

Staff will post date and account # on all cards.

Meeting Date
Mar. 22, 2016



Agenda	
Section	9
Item No	C

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Procurement of Stormwater Maintenance Equipment

Dept/Office: Stormwater

Requested Action: Direction from BOT

Summary Explanation and Background:

Since FY 2001, BBRD funded the “maintaining, repairing or replacing the District’s stormwater utility system” through the imposition of a \$1 a month assessment to property owners. Since October 2013, these activities have consisted of spraying lakes for vegetation and in the last year removal of nuisance trees and shrubs that grow along the canals blocking the proper flow of water. In FY16, an assessment of the stormwater system was conducted by a civil engineer with an official of St. John’s Water Management District. The results found the system in good shape with two areas (Tamarind Circle and Cherokee Court) not functioning properly. Additionally, a large number of home owners do not mow the canal banks allowing nuisance trees/shurbs to grow up and potentially choke water flow during storm events. In the past year, BBRD has used Stormwater Department budget to have such trees and shrubs removed but without the ability to periodically mow the canal banks such vegetation will grow back requiring them to be cut down in future years.

To improve the aesthetics of BBRD, prevent nuisance trees/shrubs growing up on canal banks and to ensure the maintenance of the stormwater system, staff recommends the procurement of a used skid steer (narrow enough to maneuver behind homes) and a boom mower designed to attached to skid steer. Additionally, an ancillary use of this equipment would be the mowing of lake banks where the turf meets the water, thereby, freeing up labor hours for other tasks that are currently devoted to manually weedeating the area.

Due to the cost of the equipment (used skid steer \$55,000-\$60,000 and new boom arm approximately \$28,000) the BOT will need to address whether the purchases meet the requirement of the referendum clause of Charter. General Counsel Repperger has opined that the procurement of this equipment is for maintenance purposes and therefore does not require a referendum.

Whether a referendum is called, staff recommends using Stormwater Department budgeted funds to finance the purchase of the two items over a three-year period (budget for FY16 and FY17 are currently in the FY17 WDPB).

Hence, staff requests direction from the BOT regarding the following options:

1. Instruct staff to proceed with applying for financing of the equipment (staff will bring quotes back for skid steer and boom arm) and bring the award of contracts for purchase and approval of financing back to the next applicable BOT meeting (would require waiving RFP requirement for skid steer purchase).
2. Instruct General Counsel Repperger to work with staff to develop a referendum question for the November 2016 ballot.
3. Instruct staff to continue current practice of not maintaining canal banks until nuisance vegetation needs to be cut down.

Exhibits Attached: Resolution 2000-04, copies of sample skid steer and boom arm prices

Contact: Matt Goetz, Acting Property Services Manager; and John W. Coffey, Community Manager

Fiscal Impact: approximately \$14,500 in FY16 (if procured without a referendum) and approximately \$29,000 in FY17

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval:

RESOLUTION 2000-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT ESTABLISHING AN ASSESSMENT OF \$474.00 FOR EACH IMPROVED RESIDENTIAL LOT WITHIN THE SAID DISTRICT TO FUND THE 2000-01 OPERATING BUDGET OF THE DISTRICT; PROVIDING THAT THE BOARD OF TRUSTEES OF THE DISTRICT HAS SELECTED THE MONTHLY INSTALLMENT METHOD OF COLLECTION FOR SUCH AN ASSESSMENT AS SET FORTH IN SECTION 418.304 (4) (e) 2, FLORIDA STATUTES; PROVIDING THAT SAID ASSESSMENT SHALL BE COLLECTED IN MONTHLY INSTALLMENTS OF \$39.50 EACH BEGINNING OCTOBER 1, 2000; PROVIDING FOR THE ALLOCATION OF \$1.00 OF THE MONTHLY ASSESSMENT FOR THE EXCLUSIVE USE IN MAINTAINING, REPAIRING OR REPLACING THE DISTRICT'S STORM WATER UTILITY SYSTEMS; PROVIDING FOR THE ESTABLISHMENT OF A FUND ENTITLED "STORM WATER UTILITY ENTERPRISE FUND"; PROVIDING THAT A DELINQUENT FEE OF \$10.00 PER MONTH OR FRACTION THEREOF SHALL BE IMPOSED ON ANY INSTALLMENT WHICH SHALL BE IMPOSED ON ANY INSTALLMENT WHICH IS PAID MORE THAN ONE MONTH AFTER THE DUE DATE THEREOF; PROVIDING THAT SAID ASSESSMENT SHALL BE A VALID LIEN UPON EACH IMPROVED RESIDENTIAL LOT SO ASSESSED UNTIL SUCH ASSESSMENT AND ANY DELINQUENT FEES THEREON HAVE BEEN

**PAID IN FULL; PROVIDING FOR CONFLICTS;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of Trustees of the Barefoot Bay Recreation District (the "District") has, by adoption of its Resolution No. 2000-03, approved an operating budget for the District for fiscal year 2000-01 which requires total revenues in the amount of \$3,661,269.00 for the said fiscal year; and

WHEREAS, The Board of Trustees of the District has reasonably determined that the sum of \$2,337,384.00 must necessarily be obtained through an assessment upon each improved residential lot within the District in order to fund the said operating budget; and

WHEREAS, the said total of \$2,337,384.00 can be attained by an assessment of \$474.00 for each improved residential lot within the District for the fiscal year beginning October 1, 2000 and ending September 30, 2001; and

WHEREAS, The Board of Trustees of the District has determined that it is in the best interests of the District to select the monthly installment method of collection set forth in Section 418.304 (4) (e) 2, Florida Statutes, as the method for collection of the said assessment so that such assessment can be collected in installments of \$39.50 per month; and

WHEREAS, The Board of Trustees of the District has determined that it is necessary to allocate \$1.00 of the monthly assessments for the sole purpose of maintaining, repairing or replacing the Storm Water Utility System; and

WHEREAS, The Board of Trustees of the District has determined it necessary to establish a fund entitled "Storm Water Maintenance Enterprise Fund" for the safekeeping of said monies; and

WHEREAS, The Board of Trustees of the District has also found and determined that it is reasonable and prudent to set forth (i) a delinquent fee of \$10.00 per month as fraction thereof for late payment of such installments; (ii) the lien rights of the District with respect to each improved residential lot so assessed until such assessment has been paid, and (iii) the method of enforcing the said assessment as provided by statute; and

WHEREAS, all affected property owners have been provided written notice of the potential for the charging of a delinquent fee and the potential for foreclosure of the District's lien rights which exist with the use of the said collection method, as well as the time and place of the public hearing on this Resolution.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT, BREVARD COUNTY, FLORIDA, that:

Section 1. An assessment in the amount of \$474.00 is hereby assessed for the fiscal year beginning October 1, 2000 and ending September 30, 2001 upon each improved residential lot within the Barefoot Bay Recreation District. The said assessment shall be for the purpose of funding the 2000-01 operating budget of the District adopted by the District's Resolution No. 2000-03.

Section 2. The Board of Trustees of the Recreation District hereby elects to use the monthly assessment method of the collection set forth in Section 418.304 (4) (e) 2, Florida Statutes, as the method for collecting the assessment levied in Section 1 of this Resolution; and hereby declares that the said assessment shall be due and payable in monthly installments of \$39.50 each beginning October 1, 2000 and continuing on the first day of each month thereafter through and including September 1, 2001.

Section 3. One Dollar (\$1.00) of the \$39.50 monthly assessment shall be used exclusively for the purpose of maintaining, repairing or replacing the District's storm water utility system. The storm water utility system shall include any and all ditches, lakes, ponds, or other water control devices located within the District.

Section 4. The District shall establish a separate fund labeled "Storm Water Maintenance Enterprise Fund. As previously stated, only \$1.00 of the \$39.50 monthly assessment is to be allocated in said fund, and the monies that are collected shall only be used for purpose of repairing, maintaining or replacing the District's storm water utility systems.

Section 5. Any such installment payment shall be delinquent if paid more than one month after its due date. A fee of \$10.00 per month or fraction thereof shall be imposed and collected on any delinquent installment.

Section 6. The assessment levied in Section 1 and 2 of this Resolution and any delinquent fees charged thereon shall be valid lien upon each improved residential lot within the District until it has been paid in full, including any delinquent fees assessed on the property. The District shall have the right to enforce the said lien by recording a claim of lien and by foreclosure of its lien in the manner for such recording and foreclosure set forth in Section 418.304 (4) (e) 2, Florida Statutes. The District shall recover a reasonable attorney's fee and its court costs with respect to recording of any such claim of lien any such foreclosure proceedings.

Section 7. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 8. This Resolution shall become effective October 1, 2000.

PASSED AND ADOPTED AT A MEETING OF THE BOARD OF
TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT HELD
ON THE 19 DAY OF JUNE, 2000.

BOARD OF TRUSTEES OF BAREFOOT
BAY RECREATION DISTRICT



Bruce Bolon

Bruce Bolon, Chairman

ATTEST:

John M. Baker

John Baker, Secretary

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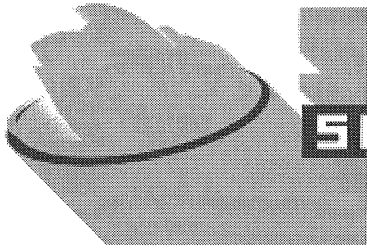
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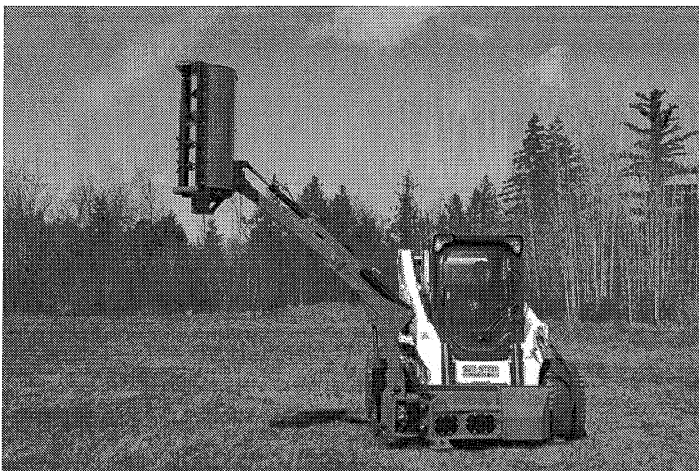
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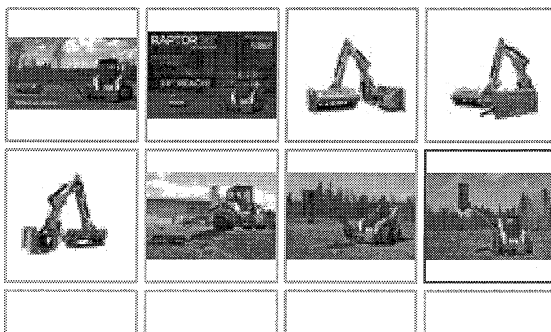
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Meeting Date
Mar. 22, 2016



Agenda	
Section	9
Item No	D

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Resignation and Appointment to Recreation Committee

Dept/Office: Administration: District Clerk's Office

Requested Action: Acceptance of Resignation and Appointment to the Position of Alternate on the Recreation Committee
<p>Summary Explanation and Background:</p> <p>On 26Feb16, Mr. Forrest Banta submitted his resignation from the Recreation Committee to the BOT.</p> <p>Staff recommends the BOT accept Mr. Banta's resignation and appoint a homeowner to the Recreation Committee as an Alternate for a 3-year term.</p>
Exhibits Attached: Mr. Banta's resignation e-mail
Contact: Dawn Myers, District Clerk; and John W. Coffey, Community Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

John Coffey

From: Dawn Myers
Sent: Tuesday, March 15, 2016 4:52 PM
To: John W. Coffey
Subject: FW: Recreation Committee

From: Forrest Banta [<mailto:forrestbanta@gmail.com>]

Sent: Friday, February 26, 2016 11:42 AM

To: Dawn Myers

Subject: Re: Recreation Committee

I want to thank those who asked me to participate on the recreation committee but unfortunately I wish to decline the nomination. Thank you for your confidence in me.

Forrest Banta

Meeting Date
Mar. 22, 2016



Agenda	
Section	9
Item No	E

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Resignation and Appointment to Facilities Planning Committee

Dept/Office: Administration: District Clerk's Office

Requested Action: Acceptance of Resignation and Appointment to the Position of Alternate on the Facilities Planning Committee
<p>Summary Explanation and Background:</p> <p>On 11Mar16, the BOT appointed Mr. Bob Kahl to the Facilities Planning Committee as an Alternate for a 3-year term.</p> <p>On 14Mar16, Mr. Kahl submitted his resignation from the Facilities Planning Committee to the BOT.</p> <p>Staff recommends the BOT accept Mr. Kahl's resignation and appoint a homeowner to the Facilities Planning Committee as an Alternate for a 3-year term.</p>
Exhibits Attached: Mr. Kahl's resignation e-mail
Contact: Dawn Myers, District Clerk; and John W. Coffey, Community Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

Meeting Date
Mar. 22, 2016



Agenda	
Section	9
Item No	F

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Discussion of Custom of Waiving Visitor/Guest Passes and Badges for Ethnic Festival at Pool#1

Dept/Office: Administration: District Clerk's Office

Requested Action: Discussion and Direction to Staff
<p>Summary Explanation and Background:</p> <p>Recently a question was posed of the Community Manager (and copied to the Trustees via e-mail) regarding why the badges and visitor/guest pass requirement was waived at Pool #1 for the recent Ethnic Festival. Three years ago a Trustee and the former Finance Manager informed the current Community Manager of the custom of waiving the badging and visit/guest pass requirement on Ethnic Festival day due to the following reasons:</p> <ul style="list-style-type: none"> • Non-BBRD residents cannot enter Pool #1 without a \$15/day visitor's pass which can only be purchased from Resident Relations during normal business hours. • Seating outside of the Pool area is very limited • Beverage sales inside Bldg A during the Ethnic Festivals are very limited • The Clubs participating in the event do so as a fund raising effort and therefore outside attendance is encouraged (up until last year a large sandwich board used to be displayed a week in advance of the event along US1 in front of the fountain) • The waiving the badging and visitor/guest pass requirement was a custom that everyone supported. • The waiving of the badging and visitor/guest passes was only done one day a year (Ethnic Festival). <p>Based on these factors, Community Manager Coffey continued custom for the last three years.</p> <p>Staff requests direction regarding this issue for future Ethnic Festivals.</p>
Exhibits Attached: N/A
Contact: Matt Goetz, Acting Property Services Manager; and John W. Coffey, Community Manager
Fiscal Impact: Unknown
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

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: March 22, 2016

Subject: Manager's Report

- 1) **No Report** – Due to the short turnaround from the 11Mar16 BOT meeting, there is nothing to report as of the date of the publication of this agenda (15Mar16). Updated information will be provided to the Trustees and reported verbally at the 22Mar16 BOT meeting.

Attorney's Report

Trustees Liaison Reports

Incidental Remarks from Trustees

Audience Participation

Adjournment