

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

Friday, May 13, 2016

1:00 PM

1225 BAREFOOT BOULEVARD, BUILDING D/E



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay Recreation District Regular Meeting
Friday, May 13, 2016 1 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. FPC Recommendation
 - B. Stormwater Maintenance Equipment Procurement
 - C. Attorney General Opinion
9. New Business
 - A. Budget Amendments
 - I. Capital & Reserve Transfer
 - II. General Fund to Debt Service Fund Transfer
 - III. Debt Service Fund to General Fund Transfer
 - IV. Committed Reserves to Operating Account for Projects Transfer
 - V. Contingency to Projects Transfer
 - VI. 1st & 2nd Quarter Capital/Grants Transfer
 - B. Award of Contract: Bunkers Repair, Ph. 1
 - C. American Legion Request: Cabinet in D/E
 - D. Security Committee Recommendations
 - E. General Counsel Evaluation
 - F. DOR Violations
 - I. Case # 16-000959 879 Hawthorn Circle
 - II. Case # 16-000989 879 Hawthorn Circle
 - III. Case # 16-000497 878 Hawthorn Circle
 - IV. Case # 16-001116 580 Marlin Circle
 - V. Case # 16-001244 1015 Thrush Circle
 - G. Finance Committee Recommendations
 - H. Golf Committee Recommendations

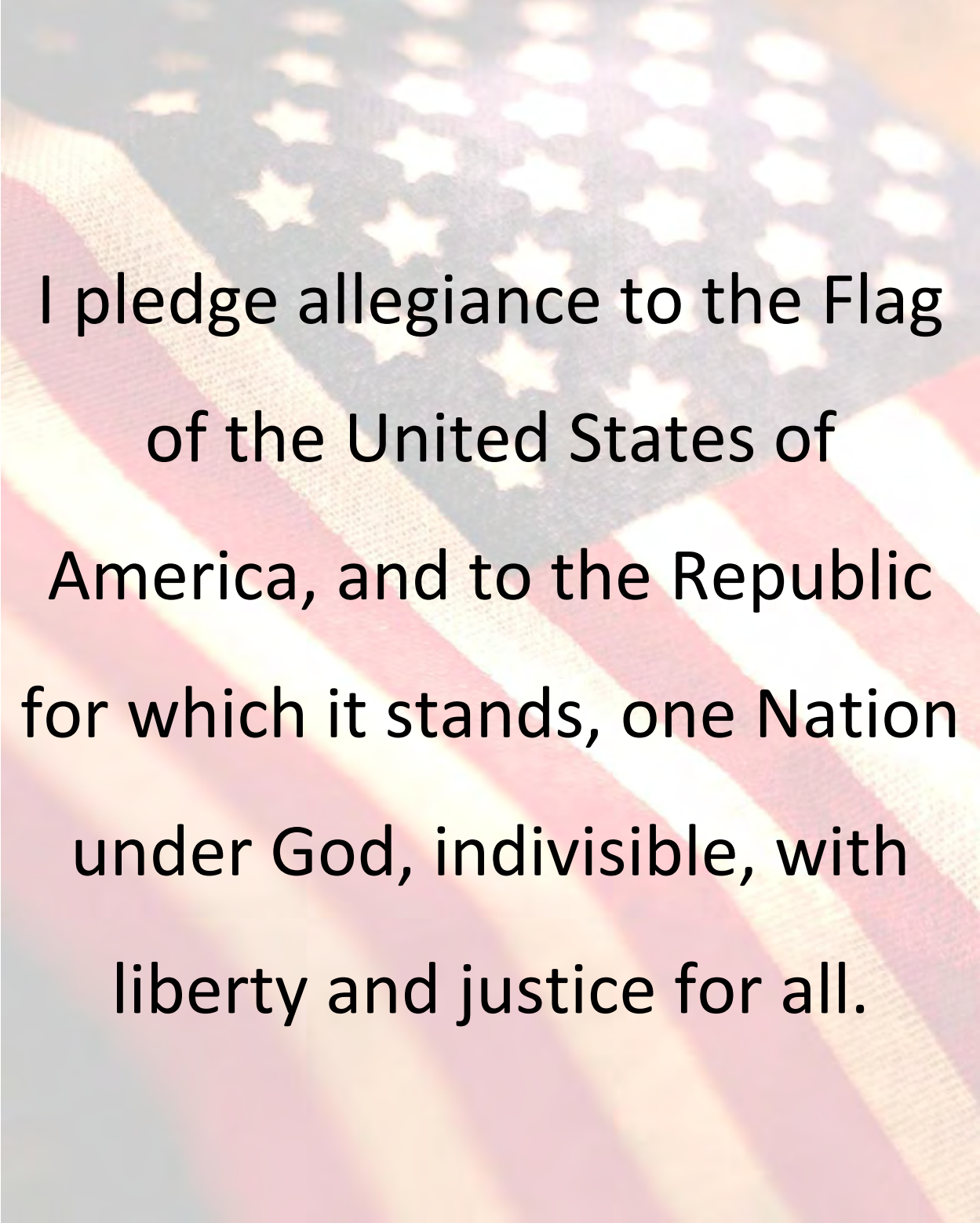
5/6/2016 If an individual decides to appeal any decision made by the Recreation District with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.



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10. Manager's Report
11. Attorney's Report
12. Committee/Liaison Reports
13. Incidental Trustee Remarks
14. Audience Participation
15. Adjournment

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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

Board of Trustees Regular Meeting Tuesday, April 26, 2016 7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on April 26, 2016 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Mr. Klosky called the meeting to order at 7:00 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.

Mr. Lavier led the Pledge of Allegiance to the Flag.

Roll Call

Present: Mr. Klosky, Ms. Wright, Mr. Lavier, Mr. Diana and Mr. Cavaliere. Also present: 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 April 8, 2016. Second by Mr. Diana. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for April 26, 2016.

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

Audience Participation (Agenda items only)

None brought forward

New Business

Review of Trustee Newspaper Articles by General Counsel

Ms. Wright explained her reasoning behind placing this item on the agenda. She based her decision on the recent article in the Barefoot Tattler by Mr. Cavaliere which seemed to present his personal views being represented under the guise of the District Seal. She read an excerpt from the article which in her opinion, incorrectly stated that members of the executive Board of the HOA were vying for control of the District. She read from the Florida Commission of Human Relations, Commission of Relations and Communications Protocol and Guidelines, Chapter 112.311.1 which stated that it is imperative that public officials stay 'independent and impartial'.

Mr. J.R. Lochmandy stated that the Trustee Seal has been in use since February 1990 when the Tattler was granted permission to use it under his father's leadership. He distributed emailed replies to the question he posed to local and state officials (Commissioner Infantini and Councilman Posey) confirming that they do not submit their newspaper articles to council prior to posting. He voiced a concern that this agenda item is a form of controlling the press and will not discontinue use of the seal for trustee articles unless he was court ordered to do so.

Mr. Tom Guinther inquired General Counsel's opinion on the legal use of the BBRD seal in the Tattler. General Counsel stated that the matter at hand is more about editorializing under the banner of the seal. He is not in favor of limiting freedom of speech in any way or regulating article content. He stated he is not 100% comfortable in reviewing the content as it borders on the lines of censorship. General Counsel



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stated his deliberation serves more purpose if focused on whether the seal should be used in the first place.

Mr. James Phillips commented on Mr. Cavaliere's article regarding ownership of the common areas after the bond is paid. He is very confused about this topic and asked for clarification. General Counsel stated that the topic will be discussed later tonight and suggested the discussion remain on the use of the BBRD seal for now.

Mr. Greg Deslandes stated that the use of the seal for trustee articles should not be an issue as the trustees can discuss personal subjects under another column and stick to the facts when writing under the banner of the District seal. He commented on his article that was referenced earlier which was simply informational. He has had heard from many homeowners that are dissatisfied by the system which holds that some homeowners cannot vote due to the fact that they are residents of another state. Mr. Lavier stated that the trustee's word is taken as fact either way and the seal does not make a difference. Ms. Kathy Lesh stated that the opinions of the trustees are misconstrued if under the platform of the Trustee seal.

Mr. Cavaliere reiterated that both Councilman Posey and Commissioner Infantini use the state seal when printing their opinion articles.

Mr. Cavaliere made a motion that Trustees continue to post articles in the Tattler with the use of the District Seal. Second by Mr. Diana for discussion. Mr. Diana amended his second. Ms. Wright opposed. Motion passed 4-1.

Replacement Oven for 19th Hole

The current oven in the 19th Hole is over 10 years old and recently the left hinge on the door broke. Staff coordinated with Property Services personnel to remove the oven on a weekend and attempt to weld the hinge back in place. Due to the current condition, multiple trustees have suggested that we replace the oven. Authorization from the Board is needed to identify and authorize the funding source.

Mr. Phillips questioned why the District is still funding the 19th Hole though it continuously takes a loss. He offered to purchase the 19th Hole for \$20,000 and run as a profit making entity.

Mr. Coffey stated that staff is preparing amendments to the Food and Beverage Principles of Operations which will address the hours of operations for Food and Beverage.

Mr. Diana made a motion to replace the oven and fund the cost through the Building D/E bathroom project fund. Second by Mr. Cavaliere. Motion passed unanimously.

Parliamentary Training for BOT

At a recent BOT meeting a homeowner presented an informational brochure to the BOT advocating the use of said service for parliamentary training. BOT consensus was for staff to research the service and bring the details back to the BOT at a future meeting. Per the attachments from Perfect Rules, Inc., the estimated cost for a three hour minimum seminar at BBRD would be \$1,000.00.

Ms. Mary Weller gave additional details of the training. She stated that per the representatives for this training course, she was told that observers can attend as well for an additional \$4 per person at the trustee training.

Mr. Diana noted that the trustees were given the Robert's Rules of order book which, in his opinion, is sufficient for learning the proper procedure. Ms. Wright and Mr. Lavier stated that they prefer learning new ideas in an interactive group setting.

Mr. Terry Maguire commented on Robert's Rules, stating that at least one or two trustees should know the rules well as it is beneficial for running an organized meeting.



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Ms. Crouse commented on the fact that the current Board chose to run the meetings under Roberts's Rules of Order but now it is becoming cumbersome as this training will have to occur each year for the new trustees entering the Board. She recommended making a motion to remove the system and return to the way the Board was run before.

Ms. Carole Kennedy voiced her dissatisfaction about the hesitation on the Board's part to spend the funds to educate themselves.

Ms. Wright made a motion to approve the Parliamentary training. Second by Mr. Lavier for discussion. Mr. Lavier withdrew his second. Motion died for lack of second.

Resignation and Appointment to Security Committee

On Friday, April 8, 2016 Mr. Firlein submitted his resignation to the Committee Chair and the District Clerk thereby, leaving an open voting seat on the committee. The Security Committee recommends approving Mr. Firlein's resignation and appointing current alternate on the committee, Mr. Peter Divergilio, to Mr. Firlein's remaining unexpired term of three years.

Mr. Diana made a motion to accept Mr. Ted Firlein's resignation from the Security Committee. Second by Mr. Cavaliere. Motion carried unanimously.

Ms. Wright made a motion to approve moving Mr. Divergilio to the voting seat on the Security Committee. Second by Mr. Diana. Motion carried unanimously.

D/E Ceiling Mounted Projector and Retractable Screen

Over the past few years, staff has increased transparency of daily operations and of the meetings/workshops/agenda items by adding the information to BBRD's website, providing paper copies on the bulletin board by Pool #1 and using a portable projector to display items on the wall and/or on a projector in D/E. Recognizing the desire of homeowners for greater understanding of agenda items, Trustee Wright obtained BOT consensus for staff to research the cost and funding options to procure a ceiling mounted projector and retractable screen to be displayed behind the dais. Staff requests direction on whether to proceed with procurement and which funding source to use if system is procured.

Mr. Diana made a motion to approve the purchase from Hoover Electronics and bring back as a budget amendment a later meeting. Second by Ms. Wright. Motion carried unanimously.

Mr. Harold Wortman commented that this was a great purchase and advised the Board to compare the bulb life in the projectors as some bulbs last longer than others.

Mary Weller inquired about whether the projector will be secured to prevent theft. Mr. Coffey stated that it would.

Mr. Ernest Loening suggested purchasing microphones for Building A and in this Building instead of spending funds on this purchase.

Manager's Report

Mr. Coffey updated the Board on the removal of the 635 Hyacinth structure removed in the week of April 11th. Ms. Sue Cuddie, Resident Relations Manager will work with General Counsel Repperger to resolve outstanding liens and taxes before staff lists the property for sale. Staff received the project designs for the Tamarind Circle and Cherokee Stormwater Projects as of the week of April 18, 2016. After verifying site conditions staff will hold a conference call with TLC and the civil engineering sub-contractor to determine the next step. Property Services staff obtained a leasing and purchase quote of the stormwater maintenance equipment (based on state contract pricing) and is seeking clarification of information obtained from Brevard County of mowing services. Specifics will be available at the next three budget workshops. Staff will process checks and paperwork necessary for BSE (TLC civil engineer sub-contractor) to submit site plan and concurrency review paperwork to Brevard County for



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the replacement Building F project. Mr. Coffey asked for the Board's decision on how they would like to see the RFP Audit committee established this year.

Ms. Wright made a motion to have the Board serve as the RFP audit committee. Second by Mr. Diana. Motion carried unanimously.

Board was in agreement with Mr. Coffey's suggestion regarding holding the meeting directly after the May 12th Workshop on Guest passes.

Attorney's Report

General Counsel gave an update on 710 Barefoot Blvd. The hearing is set for June 13, 2016 at 11am in Viera with Judge Maxwell. He has not heard back for the insurance company regarding the entrance wall reimbursement but will contact them and update the Board with an email confirmation. General Counsel discussed the earlier topic regarding what will happen when the District bond is paid or if the District were to dissolve. He stated that the common areas are government owned. He recommended the Trustees hold a discussion regarding where the assets would go and who it would be transferred to as these provisions are not currently covered in the Charter.

Mr. Harold Wortman stated that the anxiety level is high due to General Counsel's statement. He gave his opinion that if the District were to dissolve it would be a detriment. Mr. Wortman suggested that the District work with the HOA as a resolution to any concerns.

General Counsel stated that the anxiety is perplexing as there is a solid management platform in place right now and the District is not in jeopardy. In order for the District to dissolve the residents and the Board would have to make that decision by majority vote.

Ms. Jeanne Osborne commented on the time period when Avatar was looking to sell Barefoot Bay fifteen years ago. They decided to sell to the residents as a way to keep the community in the hands of the people. She asked that the District maintain this mindset and let Barefoot Bay remain as it is with no changes.

Ms. Nancy Eisele agreed with Ms. Osborne, stating that nowhere else can you have a voice to make real changes in your community as here in Barefoot Bay. She stated that she is satisfied with the way the community is run now and recommend keeping the Bay as it is.

General Counsel reiterated that the community is ultimately owned by the government but is very well managed right now. The residents are fortunate to have the management platform in place now and are owners in every sense of the word as they are able to make policy and financial decisions for the community.

Trustee Liaison Report

Mr. Klosky reported on the ARCC meeting held on April 19, 2016, there were 12 applications. All were approved. The next ARCC meeting is scheduled on May 3, 2016 in the Lounge at 9 AM. The Violation committee met on April 22, 2016 18 properties were found in violation. The next Violation meeting is scheduled on May 13, 2016 at 10AM in D/E.

Ms. Wright reported on the Food and Beverage department's upcoming Mother's Day Brunch on Sunday, May 8th starting at 1:30 PM until 6:00 PM. Brunch buffet includes a complementary mimosa for mom. Music by Collins and Company beginning at 2 PM. Purchase tickets for \$10 at Resident Relations, 19th Hole or the Lounge. She thanked Ms. Kathy Mendes for taking time out of her busy schedule to tour the Lounge, Building A and the 19th Hole with her and Facilities Committee Chair, E.J.



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Wright as they discussed how to meet the future needs of the Food and Beverage Department in the most fiscally responsible manner.

Mr. Diana has been working with the District Clerk, Dawn Myers to develop the final report for the Attorney evaluation.

Mr. Lavier had no report at this time.

Mr. Cavaliere had no report at this time.

Mr. Harold Wortman discussed the April 21st Special HOA meeting which, per the HOA by-laws, would allow the homeowners to vote on the Executive Board's request that Ms. Nancy Eisele resign from the Board. Ms. Eisele was given an opportunity to respond to the request to leave the Board and chose to deny the request. The homeowners had an opportunity to respond and voted 84-47 in favor of allowing Ms. Eisele to remain on the Board.

Trustee's Incident Remarks

Mr. Klosky announced the next BOT Budget Workshop on May 3, 2016 at 9AM in Building A.

Ms. Wright addressed recent concerns brought to her attention that she is strictly for the "HOA". She clarified that she surrounds herself with intelligent, dedicated, motivated, people who are interested in improving the community. She maintained that she is here to support all the residents which a majority are homeowners, therefore, are all part of the HOA. She is happy to be on a progressive non-exclusive Board now and reiterated that she is the "People's Trustee" she stated the only one she owes is "You".

Mr. Klosky read a definition of the word "Liasion" as a reminder to Trustees and committees of what is expected of them. He presented this information due to the recent confusion on the true meaning of this term and to avoid the micromanaging of staff.

Audience Participation

Mr. Don Gremillion discussed his concerns about the dilapidated property next door to him which has multiple violations. He inquired if the District would address this issue. General Counsel informed him that we have this case in his office and after the meeting he will update him on the current status.

Mr. E.J. Wright addressed Mr. Cavaliere and asked for clarification regarding his vision for the future of Barefoot Bay. He voiced concern at Mr. Cavaliere's change from the platform he ran on such as repairing the current infrastructure compared to his current stance of replacing buildings and borrowing money. Mr. Cavaliere clarified that his position thus far is merely to provide information about investments and options for the future plans for the buildings. He is not advocating anything but is simply responding to the concerns of the residents. Mr. Cavaliere stated that he has tried to work with the HOA about these issues but in his opinion they are opposed to his position because he did not support the fining authority issue. He stated that we should start working together rather than remain a divisive community.

Ms. Loretta Dorn inquired about the revenue from Pasta Night and asked if this is the only profit making event at the 19th Hole. Mr. Coffey informed Ms. Dorn that there is a document called Principles of Operations that she can stop by the Building F to pick up which will answer all her questions.

Mr. Jack Reddy asked that the trustees focus on getting a reliable security system for the Bay and establish a better rental policy than we currently have. He also stated his disagreement with the way the Building F project was presented to the residents as this should have been on a referendum for vote by the residents.



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Mr. Greg Deslandes thanked the staff and fellow residents for their hard work and dedication. Ms. Cuddie was instrumental in getting FPL to replace the street lights, Ms. Donna Bond is doing a great job establishing the neighborhood watch programs and thanked Ms. Myers for her dedication with the committees.

Ms. Carole Kennedy implored the District to work with the HOA and work together for the betterment of the community.

Ms. Kathy Lesh reiterated that we need to work together as we are all part of the same community we are all the HOA. She voiced the dissatisfaction for four of the five trustees and stated she regretted voting for them.

Ms. Carol Joseph spoke about the small services all over the Bay that make this a great cohesive community. She maintained that these services are presented by the HOA who truly is all of us. The HOA has been reaching out to our neighbors for many years and adding to the richness of our community.

Mr. Harold Wortman discussed the HOA survey which revealed that majority of the residents had deep concerns regarding DOR violations all over the community. As a result he worked with John Coffey to remedy the violations which was a success and with the new employees DOR is doing a much better job. He discussed other issues that the HOA and the District have come together to resolve issues with only one negative which is the District refusal to work with the HOA on the fining issue.

Ms. Nancy Eiesle thanked everyone for the vote of confidence on Thursday night that she remain on the Board. She reminded the residents that the first Thursday in May is National Day of Prayer and invited the resident to join the prayer group at 12PM behind Building F.

The next meeting is scheduled for Friday, May 13, 2016 in Building D/E at 1PM.

Ms. Diana made a motion to adjourn. Second by Ms. Wright.

Meeting adjourned 3:20 p.m.

Steve Diana, Secretary

Dawn Myers, District Clerk

Treasurer's Report

Barefoot Bay Recreation District
Treasurer's Report
May 13, 2016

Cash Balances in General Fund

as of 5/3/2016

Bank of America:

Operating Account	\$ 1,783,086.61
Money Market Account	\$ 105,597.46
Total Cash Balances @BOA in General Fund:	\$ 1,888,684.07

SBA:

as of 5/3/2016

Capital Improvement Account	\$ 83,216.35
Reserve Account	\$ 449,678.36
Total Cash Balances @SBA in General Fund:	\$ 532,894.71

Total Cash Balances in General Fund: \$ 2,421,578.78

Cash Balance in Debt Fund

as of 5/3/2016

SBA:

Debt Account	\$ 692,856.04
Total Cash Balance in Debt Fund:	\$ 692,856.04

* Participant Return for SBA in April 2016 was 0.59%

Total Cash Balances in All Funds: \$ 3,114,434.82

Total Cash receipts from April 16 to April 30, 2016:

Daily deposits:	\$ 62,714.80
Assessments received:	\$ -
	\$ 62,714.80

Expenditures over \$5,000 from 4/19/16 to 4/30/16

<u>Vendor</u>	<u>Description</u>	<u>Check Amount</u>
Employees	Employees Salaries and Wages	\$ 66,055.44
Federal and State Payroll Taxes	Employer Tax Liabilities	\$ 6,095.29
Special District Services	Management Fee Apr 2016	\$ 11,692.09
Gray Robinson	Legal Fee Mar 2016	\$ 15,040.32
ABM Landscape & Turf Services	Service for Apr 2016	\$ 37,556.75
TLC	Service for Bldg. F thru 4/15/16	\$ 5,155.00
Total of Expenditures over \$5,000		\$ 141,594.89

Barefoot Bay Recreation District
Monthly Summary - BOT Monthly Summary Treasurer Report
From 10/1/2015 Through 4/30/2016

	10/1/2015 - 10/31/2015	11/1/2015 - 11/30/2015	12/1/2015 - 12/31/2015	1/1/2016 - 1/31/2016	2/1/2016 - 2/29/2016	3/1/2016 - 3/31/2016	4/1/2016 - 4/30/2016	Total
Revenues								
Daily Revenue/Deposits	372,836.90	182,409.19	216,964.02	193,707.84	212,305.03	249,996.33	189,740.82	1,617,960.13
Assessments	<u>2,103.42</u>	<u>659,485.24</u>	<u>1,764,997.23</u>	<u>213,883.50</u>	<u>165,565.31</u>	<u>163,242.94</u>	<u>280,535.13</u>	<u>3,249,812.77</u>
Total Revenues	<u>374,940.32</u>	<u>841,894.43</u>	<u>1,981,961.25</u>	<u>407,591.34</u>	<u>377,870.34</u>	<u>413,239.27</u>	<u>470,275.95</u>	<u>4,867,772.90</u>
General Fund Expenditures								
Payroll								
Salaries & Wages	76,985.69	123,574.11	188,294.56	131,124.39	131,010.93	133,499.63	132,347.19	916,836.50
Other Pay & Benefit	1,340.27	1,561.52	2,104.43	1,617.52	2,633.40	3,670.30	2,247.77	15,175.21
Payroll Taxes	6,014.14	9,758.19	14,863.99	13,251.47	13,274.32	13,420.10	12,410.40	82,992.61
Payroll Fees	<u>476.90</u>	<u>478.00</u>	<u>1,360.58</u>	<u>1,484.35</u>	<u>1,112.96</u>	<u>1,706.24</u>	<u>963.21</u>	<u>7,582.24</u>
Total Payroll	84,817.00	135,371.82	206,623.56	147,477.73	148,031.61	152,296.27	147,968.57	1,022,586.56
Professional Expenses								
SDS	14,452.04	11,458.78	16,840.64	11,644.63	11,447.65	11,536.41	11,692.09	89,072.24
Gray Robinson	8,593.23	6,979.41	8,975.88	11,717.50	12,082.14	15,040.32	0.00	63,388.48
Other Prof. Fees	<u>21,835.80</u>	<u>19,613.45</u>	<u>23,822.10</u>	<u>9,646.70</u>	<u>3,141.70</u>	<u>4,142.20</u>	<u>6,067.20</u>	<u>88,269.15</u>
Total Professional Expenses	44,881.07	38,051.64	49,638.62	33,008.83	26,671.49	30,718.93	17,759.29	240,729.87
Insurance								
Employees Health, Dental & Life	12,892.00	12,859.80	10,709.68	16,640.63	13,278.69	13,497.73	14,225.56	94,104.09
Liabilities Ins.	17,854.87	11,312.83	11,312.83	11,312.83	11,312.83	11,312.83	11,312.83	85,731.85
Worker Comp. Ins.	<u>16,216.25</u>	<u>5,338.75</u>	<u>5,338.75</u>	<u>5,338.75</u>	<u>9,634.75</u>	<u>5,338.75</u>	<u>5,338.75</u>	<u>52,544.75</u>
Total Insurance	46,963.12	29,511.38	27,361.26	33,292.21	34,226.27	30,149.31	30,877.14	232,380.69
Utilities								
Telephone, Internet & Cable	5,553.27	3,535.49	3,458.55	2,489.30	2,511.20	2,273.74	320.71	20,142.26
Electricity - FPL	5,879.32	7,061.96	6,590.49	5,519.83	6,060.86	6,747.50	0.00	37,859.96
Propane	(1,544.39)	(1,425.95)	(1,795.46)	2,619.51	2,476.40	2,077.93	19.97	2,428.01
Water & Sewer	2,785.46	4,698.78	4,119.71	4,425.75	5,929.47	5,074.61	0.00	27,033.78
Garbage & Recycling	1,616.09	2,388.16	1,525.93	1,750.76	2,275.67	2,059.41	2,241.06	13,857.08
Portable Toilets	<u>604.39</u>	<u>442.39</u>	<u>440.13</u>	<u>437.08</u>	<u>434.25</u>	<u>730.50</u>	<u>0.00</u>	<u>3,088.74</u>
Total Utilities	14,894.14	16,700.83	14,339.35	17,242.23	19,687.85	18,963.69	2,581.74	104,409.83
Operations								
Music and Entertainment	5,675.00	5,630.00	7,230.00	7,245.00	6,860.00	8,035.00	7,135.00	47,810.00
Cost of Sales	<u>31,798.25</u>	<u>33,007.16</u>	<u>45,722.51</u>	<u>45,332.04</u>	<u>43,502.66</u>	<u>63,162.90</u>	<u>2,729.40</u>	<u>265,254.92</u>
Total Operations	37,473.25	38,637.16	52,952.51	52,577.04	50,362.66	71,197.90	9,864.40	313,064.92
Repairs and Maintenance								
Golf Course - ABM	35,871.89	35,871.89	35,871.89	35,871.89	35,871.89	35,871.89	35,871.89	251,103.23
Canal/Lake	4,237.50	1,962.50	2,550.00	0.00	0.00	0.00	0.00	8,750.00
Other R&Ms	<u>38,515.33</u>	<u>42,317.50</u>	<u>23,133.48</u>	<u>17,981.05</u>	<u>20,217.75</u>	<u>16,324.24</u>	<u>5,606.25</u>	<u>164,095.60</u>
Total Repairs and Maintenance	78,624.72	80,151.89	61,555.37	53,852.94	56,089.64	52,196.13	41,478.14	423,948.83
Property Taxes	0.00	28,470.68	0.00	0.00	0.00	0.00	0.00	28,470.68
Bank Fees	1,063.78	3,693.99	2,053.18	2,245.48	2,140.80	2,065.44	0.00	13,262.67
Capital Expenses	49,096.79	23,797.88	18,866.85	650.00	26,638.70	20,756.14	16,530.71	156,337.07
Other Misc. Expenditures	<u>28,382.65</u>	<u>50,688.65</u>	<u>104,159.61</u>	<u>99,972.22</u>	<u>32,364.13</u>	<u>28,725.40</u>	<u>16,658.81</u>	<u>360,951.47</u>
Total General Fund Expenditures	<u>386,196.52</u>	<u>445,075.92</u>	<u>537,550.31</u>	<u>440,318.68</u>	<u>396,213.15</u>	<u>407,069.21</u>	<u>283,718.80</u>	<u>2,896,142.59</u>
Debt Service Fund Expenditures								
Debt Service Principal	0.00	0.00	42,487.90	655,574.00	0.00	0.00	0.00	698,061.90
Debt Service Interest	<u>0.00</u>	<u>0.00</u>	<u>2,073.27</u>	<u>83,958.30</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>86,031.57</u>
Total Debt Service Fund Expenditures	<u>0.00</u>	<u>0.00</u>	<u>44,561.17</u>	<u>739,532.30</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>784,093.47</u>

*PLEASE NOTE THAT BBRD FINANCIAL STATEMENTS ARE REPORTED USING THE MODIFIED ACCRUAL BASIS OF ACCOUNTING.
ALL REVENUES AND EXPENDITURES IN THIS REPORT REPRESENT ENTRIES RECORDED ON OR BEFORE 5/3/2016.

Audience Participation Agenda items only

Unfinished Business

Meeting Date
May 13, 2016



Agenda	
Section	8
Item No	A

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Facilities Planning Committee Recommendation

Dept/Office: Administration: District Clerk's Office

Requested Action: Review and Accept/Decline Recommendation
<p>Summary Explanation and Background: At the 24Mar16 Facilities Planning Committee (FPC) meeting, the following recommendations were approved and forwarded to the BOT for consideration</p> <ul style="list-style-type: none"> A. FPC to investigate implementation of a Capital Improvement Program (not including Replacement Building F) <i>(may require amendment of the BOT adopted Rules of the FPC)</i> B. FPC Vice-Chairman Pellegrino to customize the attached capital improvement documentation to Barefoot Bay standards for submission to the Board C. Appointment of Dawn Myers, E.J. Wright, Tom Nelson & Harold Wortman to a sub-committee to review CCTV video when needed and to report findings to Community Manager. <i>(will require purchase of an additional laptop computer)</i> D. Recommendation to use electronic devices in future FPC meetings (motion approved 6-0 (Osborne abstained)) <p>At the 8Apr16 BOT meeting, items A & C were approved. Item B deferred until Mr. Pellegrino could be present. Item D was not approved (motion to approve died for lack of a second).</p> <p>Staff requests direction from the BOT regarding recommendation B.</p>
Exhibits Attached: Facilities Planning Motion Tracker, Sample CIP documents, Explanation of CIP Documents
Contact: Steve Diana, Trustee and FPC liaison; and John W. Coffey, Community Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

FPC Motion Tracker

Item #	Date	Motion	BOT Recommendation, Staff Suggestion or FPC Member	Status	Final Decision
1	10-Mar-16	Change Bldgs A, Lounge & C to metal roofs in FY17 Budget and FY17-21SyrFM&CIP	BOT	included in agenda packet for 04Apr16 BOT Budget Wksp	
2	10-Mar-16	Refer Full-time Deputy Decision Point in FY17 WDPB to Security Committee	BOT	included in agenda packet for 04Apr16 BOT Budget Wksp	
3	10-Mar-16	Approve all Decision Points	BOT	included in agenda packet for 04Apr16 BOT Budget Wksp	
4	10-Mar-16	Accept Property Services FY17 WDPB as presented	BOT	included in agenda packet for 04Apr16 BOT Budget Wksp	
	10-Mar-16	Pasta Night should only accept reservations for seating D/E	Staff	Referred to Kathy Mendes to discuss with F&B Liaison	
	10-Mar-16	Additional lighting in front of Bldg A	Staff	Referred to Matt Goetz, two bollards installed as a test.	
5	24-Mar-16	Add \$50,000 Golf Granted funded projects to FY17 WDPB	BOT	included in agenda packet for 04Apr16 BOT Budget Wksp	
6	24-Mar-16	Investigate Capital Improvement Program (not including Replacement Building F)	BOT	To be part of FPC recommendations agenda item for 08Apr16 BOT meeting	
	24-Mar-16	Approve customization of the provided capital improvement documentation to Barefoot Bay standards for submission to the Board	Lenny	To be part of FPC recommendations agenda item for 08Apr16 BOT meeting	
7	24-Mar-16	Dawn Myers, E.J. Wright, Tom Nelson & Harold Wortman to be appointed a sub- committee to review CCTV video when needed and report findings to Comm. Mgr.	BOT	To be part of FPC recommendations agenda item for 08Apr16 BOT meeting	
8	24-Mar-16	Staff to develop a motion tracker and staff to populate after each meeting	Staff	Comm. Mgr. drafted said tracker for FPC Chairman review on 28Mar16	
9	24-Mar-16	Staff to include motion tracker in future agendas for FPC review	Staff	Comm. Mgr. drafted said tracker for FPC Chairman review on 28Mar16 and will be included in future agendas	
10	24-Mar-16	Poll of FPC members approved 6-0 (Osborne abstained) to recommend use of electronic devices in future FPC meetings	BOT	To be part of FPC recommendations agenda item for 08Apr16 BOT meeting	

Proposed Capital Improvement Plan

The purpose of the CIP is to compliment the 5-year budgeting effort already implemented by the BBRD Community Manager John Coffey.

A CIP will be the process that will document each project from its introduction through its construction.

By design the CIP process will determine all facets of each project, determine all the possible costs, determine any alternatives and their costs,

The process includes:

- **Brief Description of the project**
 - **Report if this project is part of a larger project**
- **Estimated Costs including**
 - **Reasonable unit costs**
 - **Contractor estimated costs**
 - **Vendor quotes**
 - **Engineers and Architects estimate of project costs**
 - **Costs of additional BBRD employees**
 - **Any other quotes that can be determined by the committee**
- **Operational costs including**
 - **Annual maintenance costs**
 - **Insurance costs**
- **Alternatives**

The handout includes CIP Process Description and Scoping forms used by the small municipal city of Gustavus, Alaska. BBRD would need to create our own, similar forms, to suit our needs.

The “Scoping Form” would follow the project from its Introduction all the way to the completion of Construction or Purchase. It would be saved, updated, along with meeting minutes, as documentation of the entire process.

My thoughts are that the Facilities Planning Committee would assist individuals or groups from BBRD to complete as much of part 1 of the scoping document as possible. Part 2 could be updated by the BBRD Clerk or a member of the FPC. Part 3 (financial & economic worksheet) would be completed by a new Sub-committee to be made up of retired contractors, engineers, or architects working as an independent group to gather the project costs for use in the budgeting process. Once part 3 is completed the FPC would discuss the merits of the project, its costs, etc. in an open forum, and then make a recommendation, up or down, to send the project to the BOT.

Leonard Pellegrino

Vice Chair FPC

March 10, 2016

CITY OF GUSTAVUS PROJECT SCOPING FORM

This form is to be used for project planning and execution as well as for keeping record of public process. The form will be submitted to the city council for approval at various times during project progress.

Answer the questions that pertain to your proposed project or program. Attach additional pages if necessary. This information will help you manage your project from beginning to end. It should also supply much of the information you will need to apply for grants.

Community: Gustavus, Alaska Contact: (Mayor or City Clerk) _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Name of Project: _____

Contact Person: _____

Phone: _____ Fax: _____ Email: _____

PART I: INITIAL PLANNING PHASE:

Description:

1. What is the project? Briefly describe it.

2. Why is this project needed? Identify the problem/need/strategy that the project addresses.
 - What health and safety problems will this project address?
 - What state and/or federal compliance requirements will this project satisfy or correct?
 - How will this project improve or effect the environment?
 - How will this project affect the economy of Gustavus?
 - What type of needed infrastructure does this project provide?

3. Is this project part of a plan? (i.e. The Gustavus Community Strategic Plan or Committee Work Plan) How does it fit in the plan? (what priority is it?)

4. List any potential issues or effects using the socio-environment-effects checklist below.
(this is meant to be an easy cheeklist for the committee to run through and think about possible effects. You should not need to have professional assistance to fill this out)

Will this project :	No	Yes (+ or - effect?)	Maybe
• Affect Streams, beaches			
• Affect Water table			
• Affect Air quality			
• Affect Water quality			
• Affect Fish habitat, populations, or distribution			

• Affect Wildlife habitat, populations, distribution			
• Affect Plant resources (berries, timber, firewood, etc)			
• Contribute to Spread of pest species			
• Create physical hazards for residents & visitors			
• Involve hazardous substances			
• Affect Community Peace & Quiet			
• Cause Public Access issues			
• Affect Natural Beauty			
• Impact City Facilities including disposal of waste materials, damaging roads, etc.			
• Cause cumulative effects or changes to the community			
• Other			

5. Is a project manager or grant administrator needed for the project?
6. List any permits or plans that are needed (feasibility, marketing, engineering, design or other technical studies). Identify whether they have been started or the stage the plan is currently in.

Costs:

7. What is the estimated cost of the project?
8. How will the project be funded? What funds have been secured?
9. What is the annual cost and long-term cost for ^{OTM Cost} operation and maintenance of this project?
How will the City meet these costs? What other local resources are available for operation and maintenance? *BEARD labor, Consultant labor, insurance, parts & supplies.*
10. What is the estimated # of volunteer hours needed for this project (ie: applying for grant, filing a state permit, completing city proposal, implementing of project, managing the contract)? *Waiting to spec, eval quotes,*

PART II: RECORD KEEPING:

11. Document the public process followed as the project progresses:

EVENT Committee meeting, city council report, etc.	DATE	AGENDA POSTED? (y/n, date)	MINUTES OR RECORD ATTACHED (y/n)	OUTCOME (recommendation to City Council, requested action from City Council, etc.)	# of People in Attendance

PART III: FINANCIAL AND ECONOMIC WORKSHEET:

(Use this form as you do more advanced project planning or when the information is available)

Proposed Budget Line Items

Construction Project Budget Estimate		Non-Construction Project Budget Estimate	
Administrative costs	\$	Personnel	\$
Land, structures, ROW, Easements	\$	Fringe Benefits	\$
Relocation & Incidental Costs to Acquisition	\$	Travel	\$
Design, permitting, inspection	\$	Equipment	\$
Site Work	\$	Contractual	\$
Construction and Demolition	\$	Supplies	\$
Equipment	\$	Other	\$
Contingencies	\$	Total Direct Charges	\$
	\$	Indirect Charges	\$
Total Project Cost	\$	Total Project Cost	\$

Jobs & training:

12. What service jobs will be needed in order to operate and maintain this project?

13. How many full-time, permanent jobs will this project create and/or retain?
 _____ create in 1-3 years _____ create in 3-5 years _____ retain/save

14. What training is necessary in order to prepare local residents for jobs on this project?

15. What construction jobs will be necessary to complete this project?

Job Type	Number of jobs	Wage-rate

16. Are other projects related to or dependent on this project _____yes _____no

Is this project dependent on other activities or actions? _____yes _____no

If yes, describe projects, action or activities specifying phases where appropriate.

17. Does this project fit into a regional strategy? _____yes _____no

Does it meet the needs of other communities as well as your own? _____yes _____no

18. How many businesses will be affected by this project and how?

Capital Request

How to request funding for a one-time project or purchase

What is a capital request?

For city of Gustavus budgeting purposes it is

any *one-time* request for funding...

...whether it is a simple single-item purchase or a major multi-year project involving multiple purchases and contracts for construction or services. Note this definition is broader than the one used for the state's capital improvement project (CIP) program; that's so the same process can be used for all funding sources. Examples: A piece of machinery, a contract for a service, or any construction or renovation. A capital request may be used to solicit funding from the state's CIP program, the City of Gustavus Endowment Fund Grant Program, City of Gustavus reserves, or other funding sources.

What is *not* a capital improvement project? Any recurring expenditure is an operational expense, not a capital expenditure. Examples: a new permanent employee, in increase in the annual budget for supplies.

How and when do I submit a capital request?

Capital requests are part of the annual planning procedure; see Getting Started and the Annual Planning Policy and Procedure

1. Submit capital requests for the coming fiscal year to the city clerk by November 30 each year together with your annual work plan.
2. Submit additional requests and revised work plans at other times as needed.
3. Complex projects require additional planning; see the project scoping form.

What is in a capital request and how does it look?

Your capital request must be *no more than two pages long*






and contain the following elements:

Element	Explanation	Example
Title		Communications Tower
Contact(s)	Name, phone number, and e-mail address of the person(s) who can answer questions about the request and who will be responsible for the purchase or project if approved.	Nathan Borson, 907-697-2313, nate@borson.net
Description	A <i>very brief</i> (one sentence or less) description of what is being requested. Include the location if applicable.	40' communications tower located in the Falls Creek Hydro project area will provide community-wide wireless broadband Internet access, improved emergency communications, and other communication services.
Purpose and Need	Justify the request by explaining why it is needed and how it will benefit the community. Include a reference to the Strategic Plan if applicable.	This project would make possible broadband Internet access well known to stimulate economic development and was therefore identified as a high-priority project in the 2005 Gustavus Strategic Plan. The Gustavus Volunteer Fire Department has expressed strong interest in using the tower site for its repeater to improve the range and reliability of its radio network. The facility could also greatly improve cell phone coverage and would be made available for other communication needs.
Business Plan	<p>Explain how the purchase or project will be supported. Be sure to include</p> <ul style="list-style-type: none"> What will be the ongoing cost resulting from approval of this request and who will pay for it? Include any ongoing support the state legislature or City of Gustavus will be asked to provide. Who will own, maintain, and manage any property (equipment or facility) purchased under this request Timeline for the purchase or project 	<p>The facility would be owned by the City of Gustavus and managed by its Gustavus Community Network committee and administrator (GCN). Operational and maintenance costs estimated at \$500/year would be paid for by GCN from subscriber fees and by any other users of the facility. There would be no need or request for ongoing taxpayer support from the city or state.</p> <p>Permitting would be completed by 1/1/09. Bidding and contracting would be complete by 3/1/09. Construction would be completed by 5/1/09.</p>
Budget	How much is being requested? Identify funding sources and status	

	including local sources, matching funds, and in-kind donations.	Construction Project Budget Estimate		Non-Construction Project Budget Estimate	
		Administrative costs	\$500	Personnel	\$
		Land, structures, ROW, Easements	\$	Fringe Benefits	\$
		Relocation & Incidental Costs to Acquisition	\$	Travel	\$
		Design, permitting, inspection	\$1,000	Equipment	\$
		Site Work	\$	Contractual	\$
		Construction and Demolition	\$7,000	Supplies	\$
		Equipment	\$	Insurance	\$
		Contingencies	\$1,500	Other	\$
			\$	Total Direct Charges	\$
				Indirect Charges	\$
		Total Project Cost	\$10,000	Total Project Cost	\$
History	This is the first funding request for this project.				

List any similar prior requests.
Include any relevant resolutions of
support from the City of Gustavus.

Related content

-  Capital Requests
-  Annual Work Plan
-  Project Scoping Form
-  Getting Started
-  4.04.040D Annual Planning Policy

[Log in to add comments](#)

Meeting Date
May 13, 2016



Agenda	
Section	8
Item No	B

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:

At the 22Mar16 BOT meeting the BOT discussed the possible procurement of a skid steer and boom arm mower to maintain the canal system (plus ancillary uses around BBRD common areas). The BOT continued the agenda item so staff could research the cost of leasing a skid steer and inquire with Brevard County about the cost and feasibility of their staff doing the work for a fee. The below text is the original agenda memo information provided to the BOT.

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/shrubs 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.*

Updated information

Lower purchase cost

Staff found a “state contract” price of \$40,535.96 for a new skid steer, which is significantly lower than previously researched units due to the ability to purchase off of state contract and to eliminate features not required for stormwater maintenance (such as tracks, oversized engines, etc.). Staff is in the process of verifying the eligibility of state contract pricing. Such a unit is 11ft.5 in. long and 6 ft, 2 in. wide plus a three feet allowance for the boom arm.

Lease costs

Staff obtained the following lease options:

lease terms/months	12	24	36	48	60
annual cost + tax	16,179	9,612	7,715	6,810	6,236
Buy-out cost	26,348	24,322	21,889	19,457	17,430

County provided service

Unfortunately, staff has not been able to obtain a firm cost for Brevard County to mow the canal banks due to time restraints and Brevard County’s insistence of have specific areas predetermined before providing BBRD an informal quote. Staff was able to determine that the County does not have a similar size skid steer with a boom arm (Massey-Ferguson is 14ft. long and 8 ft. 4 in. wide plus a 3 feet allowance for the boom arm). Consequently, if the BOT wants staff to further explore obtaining a cost from the County, homeowners need to be aware that a wider path (due to longer and wider tractor and larger turning radius) will be required for maintenance thereby requiring some homeowners to remove more vegetation planted in the county right-of-way and/or o their property but within the drainage easement.

Conclusion

The FY16 Budget contains \$14,500 and FY17 Proposed Budget contains \$29,000 for procurement/financing of a skid steer and boom arm. Staff requests direction from the BOT.

Exhibits Attached: copy of state bid price and leasing options.

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

Fiscal Impact: Up to Approximately \$41,000 for new Skid Steer and \$28,000 for boom arm

mower and less if skid steer is only leased and unknown if Brevard County services are pursued.
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:



Product Quotation

Quotation Number: CMS-32754

Date: 2016-04-11 11:56:29

Customer Name/Address:	Bobcat Delivering Dealer	ORDER PLACED WITH: Contract Holder/Manufacturer
BAREFOOT BAY RECREATION DIST Attn: MATT GOETZ 895 FALCOM CR BAREFOOT BAY, FL 32976 Phone: (772) 664-2063	Tom Bunton Bobcat of Orlando ORLANDO FL 32810 Phone: 407-273-7383 Fax: 407-658-1071	Bobcat Company PO Box 6000 West Fargo, ND 58078 Phone: 701-241-8719 Fax: 701-280-7860 Contact: Crystal Stram crystal.stram@doosan.com

Description

S650 T4 Bobcat Skid-Steer Loader

74 HP Tier 4 Turbo Diesel Engine
Auxiliary Hydraulics: Variable Flow
Backup Alarm
Bob-Tach
Bobcat Interlock Control System (BICS)
Controls: Bobcat Standard
Cylinder Cushioning - Lift, Tilt
Engine/Hydraulic Systems Shutdown
Glow Plugs (Automatically Activated)
Horn
Instrumentation: Engine Temp and Fuel Gauges,
Hourmeter, RPM and Warning Lights

Part No	Qty	Price Ea.	Total
M0269	1	\$31,821.30	\$31,821.30

Lift Arm Support
Lift Path: Vertical
Lights, Front & Rear
Operator Cab

- Includes: Adjustable Cushion Seat, Top & Rear Windows, Parking Brake, Seat Bar, Seat Belt
- Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471
- Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts)

Spark Arrestor Exhaust System
Tires: 12-16.5 12 PR Bobcat Heavy Duty
Warranty: 12 Months, Unlimited Hours

Factory Installed	A51 Option Package	M0269-P01-A51	1	\$3,553.20	\$3,553.20
Cab Enclosure with Heat and AC Suspension Seat		Power Bob-Tach Cab Accessories Package			
	Advanced Control System	M0269-R01-C03	1	\$1,186.50	\$1,186.50
	Two Speed	M0269-R04-C02	1	\$1,107.40	\$1,107.40
	12-16.5, 12 PR, Severe Duty-Poly Fill Tires	M0269-R09-C05	1	\$1,654.00	\$1,654.00
Dealer Installed	Bobcat Loader Operator Training Kit	6901726	1	\$161.18	\$161.18
	Bobcat Operator Safety DVD	6904762	1	\$25.88	\$25.88
Attachments	74" Low Profile Bucket	6731421	1	\$809.40	\$809.40
	--- Bolt-On Cutting Edge, 74"	6718007	1	\$217.10	\$217.10

Quote Total - US dollars

\$40,535.96

**Prices per the Florida State Contract #22101000-15-1 (Construction).*

Contract Period thru: 06-30-2018

**Terms Net 30 Days. Credit cards accepted.*

**FOB: Destination within the 48 Contiguous States.*

**Delivery: 60 days from ARO.*

**State Sales Taxes apply.*

**TID# 38-0425350*

****Orders Must be Placed with: Clark Equipment Company, dba Bobcat Company, Govt Sales, PO Box 6000, West Fargo, ND 58078.***

Prices & Specifications are subject to change. Please call before placing an order. Applies to factory ordered units only.

ORDER ACCEPTED BY:

SIGNATURE

DATED

PRINT NAME AND TITLE

PURCHASE ORDER #

SHIP TO ADDRESS:_____

BILL TO ADDRESS (if different than Ship To):_____





PowerQuote For Skid Steer Loaders

Customer Barefoot Bay Recreation District	Quote # JC-2016-0418	Date April 18, 2016
Bobcat Product S650 T4 Bobcat Skid-Steer Loader	Sale Price w/o tax \$40,535.96	Salesperson Tom Bunton

Offer is subject to credit approval by GE Capital. Not all applicants will qualify.

Lease Term / Months	12	24	36	48	60
Lease Factor + tax	0.03326	0.01976	0.01586	0.01400	0.01282
Lease Payment Monthly + tax	\$1,348.23	\$800.99	\$642.90	\$567.50	\$519.67

Purchase Option Not To Exceed	65%	60%	54%	48%	43%
Purchase Option Amount	\$26,348.37	\$24,321.58	\$21,889.42	\$19,457.26	\$17,430.46

This illustration is for comparison purpose only. The actual payments are subject to change.

Lease Rates:	Power Lease payments are in arrears and will be due monthly. Payments do not include any applicable taxes. Power Lease rates and factors are subject to change at any time for any reason.
Sales Tax / Use Tax:	There is no sales tax due at signing. Use tax billed monthly in addition to lease payment or as required by applicable tax authority.
Personal Property Tax:	Lessee will be billed annually for P.P.T. or as required by applicable tax authority or jurisdiction.
Credit Guidelines and Insurance:	Evidence of physical damage insurance required prior to funding. Evidence of \$500,000 in liability coverage naming GE Capital as additional insured is required prior to funding.
Equipment Usage:	Maximum of 2 serialized attachments. All hand held tools are excluded from this program. Attachments requiring specialized residuals include Breakers, Flail Cutters, Forestry Attachments, Planers, Rotary Grinders, Stump Grinders, and Wheel Saws. Attachments requiring separate residual quotes include Chippers and Concrete Pumps.
Non-standard applications:	SIC Code 4953, Recycling (all applications) and Refuse (hauler-based collection, materials recovery and construction and demolition debris processing) and SIC Code 241, Dairy have a separate residual matrix.
Excluded Applications:	Machines used to manage or handle infectious, hazardous, or nuclear applications are not eligible for PowerLease

This calculator is provided as a tool to assist customers of GE Capital. GE Capital does not warrant the accuracy, adequacy or completeness of this information and materials and expressly disclaims liability of errors or omissions in this information. No warranty of any kind, implied, expressed or statutory, including, but not limited to, the warranties of non-infringement of third party rights, title, merchantability, fitness for a particular purpose and freedom from computer virus is given in conjunction with the information and materials.

Meeting Date
May 13, 2016



Agenda	
Section	8
Item No	C

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Attorney General Opinion Building F Replacement Referendum

Dept/Office: Administration/Legal

Requested Action: Reconsider issues related to seeking an opinion for the Attorney General regarding the application of Article IV, Section 13 of the Charter to the Building F Replacement Project.

Summary Explanation and Background:

On 26Jan16, the BOT discussed the above cited topic and by consensus decided to take no action. Below is the language from the previous agenda memo. Trustee Cavaliere requested the issue be placed back on the BOT agenda for reconsideration.

Various Trustees have requested that an agenda item be prepared to consider writing for an opinion from the Attorney General as to the application of Article IV, Section 13 of the Charter to the Building F Replacement Project.

General Counsel Repperger opined on March 13, 2015 that Article IV, Section 13 of the Charter did not require a referendum on the Building F Replacement Project.

Previously, on August 4, 2000, the Attorney General rendered an informal opinion regarding the application of Article IV, Section 13 of the Charter to a golf course irrigation project. The Attorney General has not rendered an opinion on the interpretation of Article IV, Section 13 of the Charter or its application to any project since the Brevard County Circuit Court ruling in Mulhearn v. BBRD, Brevard County Circuit Court Case No.: 05-2001-CA-008554-XXXX-XX.

Staff requests direction on this matter.

Exhibits Attached: 26Jan16 BOT meeting minutes, Repperger Memorandum dated March 13, 2015 and Informal Attorney General Opinion August 4, 2000

Contact: BBRD General Counsel Clifford R. Repperger, Jr., GrayRobinson, P.A.

Fiscal Impact: Cost of preparing Attorney General Request, necessary documents related to the same. Likely range \$2,500 - \$5,000. Lower end expected

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval:



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting Tuesday, January 26, 2016 7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on January 26, 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: 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 January 8, 2016 with one correction. Second by Mr. Diana. Motion carried unanimously.

Treasurer's Report

Mr. Cavaliere presented the Treasurer's Report for January 26, 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

Old Business

None brought forward

New Business

Fiscal Year 2015 Audit Presentation

Mr. Ehab Azer of Moore, Stephens and Lovelace, presented the Draft Audit Report as of September 30, 2015. Mr. Azer briefly reviewed the report. He stated that that he was pleased to announce that for the first year in the several years that he has performed the audit for Barefoot Bay Recreation District, there are no findings and he is presenting a clean report.

Mr. Diana made a motion to accept the FY15 Audit Report as presented. Second by Mr. Cavaliere. Motion carried unanimously.

Contract for Legal Services

Barefoot Bay Recreation District and GrayRobinson, P.A. (Clifford R. Repperger, Jr.) entered into an initial contract for Legal Services in April 2007. The initial Agreement was renewed in 2010 and 2013 via Memoranda of Understanding for an additional three (3) year term and currently expires on April 14, 2016. GrayRobinson, P.A. is proposing renewal of the Contract for an additional three (3) year term beginning April 14, 2016 ending April 13, 2019. All terms, including rates and termination, are proposed to stay the same.

Tom Guinther addressed the Board on behalf of General Counsel Repperger, noting his professionalism, his long term position with Barefoot Bay, and the subsequent benefit to the Bay due to his experience



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here. Mr. Guinther urged the Board to extend the contract with GrayRobinson for three years. He stated that in his personal experience working with General Counsel for the past several years as a Trustee on the Board, he can honestly state that this firm and Counsel Repperger is the best representation the Bay has ever had.

Ernest Loening stated that these are his own opinions and no one else's. He commented on his concern that General Counsel will refer to the Mulhearn case on future issues that question the use of a referendum. He stated his dissatisfaction with General Counsel's opinion on Building F and his recommendation that we seek other counsel or the Attorney General's counsel if not in agreement with his decision.

Jeanne Osborne stated that General Counsel Repperger has represented us well. As former Chairman, she can state that his representation has been exceptional. Barefoot Bay benefits from an association with his firm as they are connected to all the government bodies in the Florida. She stated it is a mistake to even consider letting him go. She urged the Board to renew General Counsel Repperger's contract.

Carol Joseph commented on General Counsel's recommendation during the Lounge renovation. She stated that at the time, he advised staying within the footprint of the building and not expanding walls or floor space. Ms. Joseph stated that he has recently retracted that statement claiming that he never gave that opinion. Ms. Joseph asked that the Board consider this in their deliberation.

Mr. Cavaliere and Mr. Lavier stated that this is not the time to change legal counsel and supports option one to renew the contract. Ms. Wright recommended we go out for an RFP as we could benefit from other opinions besides our current Counsel. Mr. Diana recalled Counsel's representation on sensitive issues in the past and fully supported his firm.

Mr. Cavaliere made a motion to extend the contract with Gray Robinson for three years. Second by Mr. Lavier. Ms. Wright and Mr. Klosky opposed. Motion carried 3-2.

Amended Agreement for Maintenance of Softball Field Recreation Facilities

On October 1, 2014 BBRD, as part of the approved BBRD budget, agreed to compensate the Over 60 Softball League up to six hundred and eighty-eight dollars (\$688.00) toward field maintenance. The Amended Agreement is intended to reflect the current budgeted payment and liability issues. In review of this issue, General Counsel, Repperger has identified various insurance coverage concerns. General Counsel. Repperger is also concerned about the fact that BBRD is "contracting" with a non-legal entity. As such, enforceability of the Agreement is an issue. Forrest Banta asked for clarification on exactly what the Board was requiring as far as insurance coverage. General Counsel confirmed that the coverage currently held by the Over 60 Softball League is sufficient according to the Board. He suggested modifying the terms to reflect the District does not require an additional insured on the agreement. Additional discussion ensued regarding the needs of the softball field's condition of the clay on the infield. Mr. Coffey stated that the core sample revealed the sand level is appropriate and the vendor claims the core sample is erroneous. Board consensus was to move forward with a plan to fix the sand content on the field.

Mr. Diana made a motion to approve the agreement as amended. Second by Mr. Lavier. Motion carried unanimously.

Referendum Regarding Term Limits for BBRD Trustees

At the District meeting held on January 8, 2016, the Trustees directed General Counsel Repperger to draft proposed referendum language related to the imposition of term limits (three consecutive terms of two years) for BBRD Trustees. Although General Counsel Repperger has not found any direct authority



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regarding preemption of term limits as to the specific language used by the Legislature above, there are strong indicators of preemption such that a local bill (or general law amendment) authorizing the use of term limits is advisable prior to attempting to adopt and enforce the same. General Counsel provided three options.

1. Pursue a local bill with the Brevard Legislative Delegation in the 2017 session to allow for the implementation of term limits and then proceed to referendum in November 2017.
2. Proceed to referendum in November 2016 with the understanding that such term limits may be unenforceable with a local bill or general amendment to Sec. 418.302 (3), F.S.
3. Pursue an Attorney General opinion to further examine preemption of term limits by the Legislature.

Richard Schwatlow was not in favor of special legislation to decide term limits. He stated that the residents can vote a trustee out of his seat if they are not satisfied with them.

Mr. Diana made a motion to proceed with Option 1: Pursue a local bill with the Brevard Legislative Delegation in the 2017 session to allow for the implementation of term limits and then proceed to referendum in November 2017. Second by Mr. Cavaliere. Motion passed unanimously.

Attorney General Opinion Building F Replacement Referendum

Various Trustees have requested that an agenda item be prepared to consider writing for an opinion from the Attorney General as to the application of Article IV, Section 13 of the Charter to the Building F Replacement Project. General Counsel Repperger opined on March 13, 2015 that Article IV, Section 13 of the Charter did not require a referendum on the Building F Replacement Project. Previously, on August 4, 2000, the Attorney General rendered an informal opinion regarding the application of Article IV, Section 13 of the Charter to a golf course irrigation project. The Attorney General has not rendered an opinion on the interpretation of Article IV, Section 13 of the Charter or its application to any project since the Brevard County Circuit Court ruling in *Mulhearn v. BBRD*, Brevard County Circuit Court Case No.: 05-2001-CA-008554-XXXX-XX.

Jack Reddy stated that the Board should take the issue of the replacement building to the residents for their vote. He was not opposed to helping disseminate the information. In his opinion, the Board should be able to provide enough information to the residents in order for them to make an informed decision.

Greg Deslandes stated that he supports the replacement of Building F and Building D/E legally. He requested plans for the replacement building and complete costs for the entire project. Mr. Deslandes also requested the subject of replacing the building with a new structure should be brought forward to the Attorney General or a Brevard County court for a definitive ruling. He inquired about the reasoning behind the previous referendum for Building F being placed on the ballot to which General Counsel stated that it was the desire of the Board at that time.

General Counsel stated the Board has every right to pursue another opinion through the Attorney General which is simply another opinion. The only true definitive ruling would be through the court system. Board consensus was to take no action at this time.

Rich Schwatlow inquired about how long the case would take if taken to court. General Counsel stated that this is an unknown.

Jeff Jones stated that he is in support of replacing Building F but he is aware it will take a lot of money. He supports taking the issue to the residents to have them decide if it requires a referendum.



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Jeanne Osborne encouraged the Board to move forward. The public had opportunities to voice their opinion during the planning phases in the past two to three years. The building was voted on and it is time to move forward now.

Board consensus was to take no action at this time.

Appointment to Facilities Planning Committee

Barefoot Bay residents Leonard Pelligrino and Greg Deslandes have applied for seats on the Facilities Planning Committee. Per BBRD policy the seats must be approved by the Board of Trustees.

Mr. Diana supported both appointments.

Mr. Cavaliere made a motion to approve Leonard Pelligrino and Greg Deslandes to the Facilities Planning Committee. Second by Mr. Diana. Motion carried unanimously.

Establishment of a Security Committee

Mr. Diana stated that due to various problems with crime and other misconduct in the Bay the Facilities Planning Committee recommended we move \$25,000 into the FY16 budget for the implementation of security cameras in several common areas. Another 25,000 was moved into FY17 for future additional cameras. In addition to the FCP recommendation, Mr. Diana recommended we establish a Security Committee made up of former law enforcement personnel to discuss and interact with the Brevard Sheriff Office in an effort to resolve current and potential issues in the Bay.

Mr. Schwatlow requested that a dedicated deputy in the community should work with the current C.O.P.S. program. He asked the residents work together for a change in the Bay.

Mr. Diana made a motion to establish a Security Committee made up of former law enforcement officers. Second by Mr. Cavaliere. Motion carried unanimously.

Manager's Report

Per the Board workshop held on January 19, 2016 a revision to the Rules of Trustees will be placed on the February 12, 2016 agenda for adoption. Staff is currently researching the cost of options for sheds suggested by residents and staff. Several factors are currently being researched before the sheds are ordered. Several factors are currently being researched before the sheds are ordered. Staff signed the final paperwork (payment request summary form) and returned it the grant writer. Once the notice of limitations is recorded at the Clerk of the Court's Office, the reimbursement package will be mailed to Tallahassee. Due to some oversights in the design fees in the active project cost calculations, only a maximum of \$198,221.74 will be requested for reimbursement.

Attorney Report

General Counsel Repperger commented on his time working with the Trustees and residents in the Bay. He communicated his respect for the evolution of the Board and this community in the years he has been here. He hopes to continue to assist the Board in the best way he can. He thanked the Board for the opportunity to continue working for Barefoot Bay. He asked for direction from the Board regarding several offers for 406 Raven Drive. The Board gave authorization to move forward with the offers. General Counsel will bring the final proposal back to a subsequent meeting. He discussed his communication with the attorney for the HOA regarding the upcoming HOA/BOT fining authority workshop. He stated that there is a good understanding between himself and the HOA attorney and believes there will be productive dialogue at the upcoming meeting.



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Trustee Liaison Report

Resident Relations/ARCC/Violations/RV Storage/Shopping Center Liaison - Mr. Klosky reported on the recent Violation's Committee Meeting with four cases still remaining in violation out of eighteen. Since January 1, 2016, 207 cases have been opened. At the ARCC committee Mr. Klosky noted twenty-four applications received and twenty-four approvals. Ms. Wright commented on recent resident dissatisfaction regarding District meetings being cancelled without alerting the public. She asked that we remove the meetings from the calendar, which are traditionally cancelled due to the proximity to the holidays in advance, instead of waiting until a few weeks before the meeting. Ms. Wright reported on the upcoming events and promotions at the Lounge and the 19th Hole. Tickets are now available for the Superbowl for Sunday, February 7th and for the "Foods You Love" musical event and buffet lakeside on February 27th. Tickets can be purchased at the 19th Hole, the Lounge and resident relations for \$10 each. She discussed the new program "Barefoot Friends". Provide your email address to receive coupons for anniversaries, birthdays and special events. Registration forms are available at the both Food and Beverage locations. The mystery shopper program begins in February. Kathy Mendes, Food and Beverage manager has teamed up with "Service with Style" in effort to provide the best service possible to our residents. Mystery shoppers will have lunch and drinks in both of our establishments and will report on service, cleanliness and food quality. A written report will be submitted to Ms. Mendes. Welcome back snowbirds. In an effort to ensure resident enjoyment and comfort, local favorite band, Dreamer, will play on Feb 12th and on March 25th in Building A from 7-10:30PM.

Golf/Property Services Liaison - Mr. Lavier announced the Golf Gala scheduled on Feb 13th. This Saturday is the Bayside High School Football Booster Club fundraiser. He reported on the great time had by all at last weekend's 16th annual Veteran's Golf Tournament. Sebastian Skydivers made an appearance and was a spectacular sight as they jumped with the American flag, the POW flag and one jumper even had smoke trailing behind as they landed onto our golf course. Over 172 participants showed up to participate. Mr. Lavier thanked Sandy Lobello and Ernie Cruz for a great job coordinating the successful event and asked for a round of applause for their efforts.

Administration Liaison - Steve Diana as liaison to District Clerk/Administration reported on a job well done. He reported on the recent Special Facilities Committee meetings where committee evaluated and approved the 5yr Plan presented by Mr. Coffey.

HOA Liaison - Mr. Cavaliere reported he will make a more concerted effort to attend all the HOA meetings going forward starting with the Executive Board meeting scheduled on February 2nd. He looks forward to working with them as he sees the collaboration between the Board and the HOA as a valuable source to get information out to the homeowners. He announced the Finance meetings will be held on the first Thursday of the month with next month meeting discussion involving financing options as presented by Special District Services. He assured the residents that the Board's goal is not to raise the assessment but he is committed to fixing our current facilities. He asked that the residents remember prices have gone up and he is investigation the best way to finance these projects.

Trustee's Incident Remarks

Mr. Diana requested Staff investigate installing a cell tower disguised as a tree at the Barefoot Bay beach as a potential source of revenue. He stated the cell service in that area is limited and there is a potential to incur \$8-\$10,000 per month by having the tower situated in that location.



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Audience Participation

Nancy Eisele reminded and invited the residents to the New Homeowners Orientation on the last Sunday in February. Why leave replacement Building F in the same location? Mr. Cavaliere stated that the committee voted to keep the building in the same location and forwarded to the Board who also voted to keep the building where it is.

Carol Joseph discussed the “Free Libraries” program. The County Library provides the equipment to set up a free book exchange and gently used books. It is centrally located in the community that houses one. She asked for approval from the Board to establish the Free Library here in Barefoot Bay. The board was in consensus to proceed with establishing the program.

Harold Wortman discussed the upcoming HOA/BOT Fining Workshop on February 2, 2016 at 2:30PM. He is confident that we are moving in the right direction in working together to improve the operations in the Bay. He announced the HOA General Meeting on February 8, 2016 at 7PM in Building A and the HOA card party scheduled for February 27, 2016 from 7-10PM. Tickets are on sale please call 321.327.9116 or stop by the HOA office from 1-3PM on Monday and Wednesday.

The next meeting is scheduled for Friday, February 12, 2016 in Building D/E at 1PM.

Mr. Diana made a motion to adjourn. Second by Mr. Cavaliere. Meeting adjourned at 9:17PM.

Steve Diana, Secretary

Dawn Myers, District Clerk


321-727-8100

CLIFF.REPPERGER@GRAY-ROBINSON.COM

MEMORANDUM

TO: Chairman Klosky and Honorable Trustees

CC: John Coffey, Community Manger

FROM: Clifford R. Repperger, Jr. 

DATE: March 13, 2015

SUBJECT: Barefoot Bay Recreation District Spending Authority/Westside Recreation Complex Restroom Project and Replacement of Building "F"

QUESTION 1: Can Barefoot Bay Recreation District ("BBRD") expend in excess of \$25,000 on a planned Westside Recreation Complex Restroom project without submitting the question to the qualified electors of BBRD by referendum as required by Section 418.304(13), Florida Statutes and Article IV, Section 13 of BBRD's Charter?

QUESTION 2: Can BBRD expend in excess of \$25,000 on a replacement of Building F without submitting the question to the qualified electors of BBRD by referendum as required by Section 418.304(13), Florida Statutes and Article IV, Section 13 of BBRD's Charter?

SHORT ANSWER TO QUESTION 1: While it may be possible to argue that such a project falls within the maintenance or operational exception as defined in the case of *Mulhern v. Barefoot Bay Recreation District*, I cannot determine that the proposed project falls squarely within the project parameters at issue in the case. As such, and in an abundance of caution, I recommend that the Board submit the question to the qualified electors of BBRD by referendum.

SHORT ANSWER TO QUESTION 2: A proposed project to maintain, improve, or otherwise replace Building F falls squarely within the maintenance or operational exception at issue in the case of *Mulhern v. Barefoot Bay Recreation District* and does not require the Board to submit the question to the qualified electors of BBRD by referendum.

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DISCUSSION AS TO QUESTIONS 1 AND 2:

This memorandum is offered in response to the Board's request for an opinion as to whether BBRD's spending authority cap limitation applies to two separate projects planned by BBRD. The first project is a planned Westside Recreation Complex Restroom project. The second project is the replacement of Building F (administration building). Both projects are described below:

Westside Recreation Complex Restrooms

On February 13, 2015, the Board considered the Facilities Committee's recommendation of January 29, 2015 to proceed with obtaining bids for water and sewer line installation and construction of a pre-fabricated restroom building. The restroom facility is planned to be located several hundred yards away (to the south) from existing port-o-let style restroom units which are immediately adjacent to the tennis courts at the main recreation facility complex. The current port-o-lets were placed in their current location in or about 2012/2013 and replaced a prior mobile restroom unit which was placed on the site in or about 2006. The prior mobile restroom unit was purchased for about \$4,000.00. The prior mobile restroom unit did not have sewer lines and was connected to a pump-out style receptacle. Both the port-o-lets and the prior mobile restroom unit serve(d) primary needs of the tennis court area. I have been provided no information as to whether any restroom facility preceded the mobile restroom unit at this location.

The plan for the pre-fabricated restroom building calls for locating a new pre-fabricated free-standing restroom structure in a central location within the main recreation complex. The function of the new restroom facility is planned to serve the needs of the users of numerous recreational amenities on site, including, but not limited to, the tennis courts. The plans for the project call for the extension of existing sewer and water lines. The total project costs are anticipated to exceed \$60,000.00, which includes planning, design, and permitting; infrastructure work; and building purchase and construction costs. According to Community Manager, John Coffey, the costs of the building and construction alone are anticipated to exceed \$25,000.00.

Building F

Building F is a free-standing manufactured building which sits on the east side of the main recreation complex. Building F serves as the main administration building for BBRD. According to Mr. Coffey and BBRD records, Building F has been in its current location for 30 years and has always served the purpose of housing BBRD administrative staff. Due to a number of variable factors, including, but not limited to, increased staff needs and deterioration of the existing structure, BBRD has begun planning for the replacement of Building F. The planned replacement is anticipated to cost greater than \$25,000.00. In the BBRD five-year capital improvement plan, a total project cost estimate of \$200,000.00 covers all aspects of the

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project, including planning, design, and permitting; site preparation and construction costs; and tangible fixtures and property items such as office furniture.

Spending Authority and Exceptions

Section 418.304 (13), F.S. and Article IV, Section 13 of BBRD's Charter (Brevard County Ordinance 84-05) govern BBRD's spending authority and are essentially identical provisions. The provisions have equal effect on BBRD's spending authority and for the purpose of this discussion are considered together. Sec. 418.304 (13), F.S. provides that BBRD shall have the power as follows,

"To enter into contracts involving the purchase, lease, conveyance, or other manner of acquisition of common real or tangible personal property; however, in any instance when the cost, price, or consideration therefor exceeds \$25,000, including all obligations proposed to be assumed in connection with such acquisition, then only if:

(a) The trustees by a two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

(b) Within not less than 30 days nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections for the county for a referendum election; and

(c) The resolution is approved by a majority vote of the qualified electors voting in a referendum called for the purpose of considering the resolution."

Through my research, I have discovered only one case in the State of Florida interpreting the language above. In *Thomas Mulhearn v. BBRD*, Brevard County Circuit Court Case No.: 05-2001-CA-008554-XXXX-XX (attached), the Plaintiff sued BBRD for declaratory judgment and injunction challenging the District's spending in excess of \$25,000.00 for repair of the golf course's sprinkler system without referendum. The true value of the contract at issue in the case was in excess of \$300,000.00. Upon investigation into the scope of the irrigation system repair project at issue in the case, it appears that the scope of such repairs was limited to the existing irrigation system and did not include the installation of a completely new system or expansion of the then-existing system into new areas not covered by the then-existing system.¹

¹ Although I have not reviewed actual plans or as-built surveys, I have reviewed available RFP documentation and reports of former Golf Manager, Jim Kormandy.

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In analyzing the Plaintiff's challenge to the expenditure, the Court restated BBRD's powers and obligations pursuant to Sec. 418.304(3) and Sec. 418.304(6), F.S. The Court specifically noted that those sections provide BBRD with the authority:

"to acquire, purchase, construct, improve, equip, and maintain streets and lights, recreational facilities, and other common areas of all types, including real property and personal property, within the boundaries of the existing platted mobile home park...."² Sec. 418.304 (3), F.S., and

"To operate and maintain recreational facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease, or otherwise."³ Sec. 418.304(6), F.S.

In analyzing the above referenced sections along with Sec. 418.304(13), F.S., the Court specifically found that "the Florida Legislature did not specify in section 418.304(13) that a voter referendum was needed when the District sought to spend more than \$25,000 to '**maintain**' property"(emphasis added).⁴ The Court went on to state that "[i]f the Legislature had intended for a voter referendum to be held when the District proposed maintenance in excess of \$25,000 it could have so specified"⁵ and that "[t]o interpret section 418.304(13) to require a voter referendum be held when the Board desires to purchase tangible personal property costing more than \$25,000.00 for maintenance of the district's recreational facilities is unreasonable and would run afoul of the Board's duty to operate and maintain recreational facilities."⁶

In making its analysis the Court even provided a hypothetical situation of BBRD needing to replace the roof of a building damaged from a hurricane, which it concluded would be outside the need for voter referendum as maintenance of a District facility.

The Court concluded by specifically stating that the "purpose of section 418.304(13) is not to require the electorate to vote on whether already acquired facilities, such as the golf course, should be maintained"⁷ and held that the section "does not require...[BBRD] to submit for a referendum vote...the decision of whether or not to spend more than \$25,000 on **maintaining or operating recreational facilities and common areas that it has already acquired**" (emphasis added)^{8 9}

² at p. 2

³ Id.

⁴ at p. 3

⁵ Id.

⁶ at p.4

⁷Id.

⁸Id.

⁹ It should be noted that prior to *Mulhearn v. BBRD*, an informal Attorney General Opinion dated August 4, 2000 (enclosed) opined that the irrigation repair expenditure was subject to referendum pursuant to Sec. 418.304(13), F.S. In light of the ruling in the case, it appears that this informal opinion has little or no persuasive value. However, the opinion does conclude that, "[t]he purpose of [Sec. 418.304(13), F.S.], which seeks to ensure that the electorate of the district has a voice in major acquisitions of common real property or tangible personal property, should not be frustrated."

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While neither Section 418.304 (13), F.S. and Article IV, Section 13 of BBRD's Charter define "tangible person property," Section 192.001(11)(d), F.S. defines the term for purposes of taxation as:

all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in s. 1(b), Art. VII of the State Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself. "Construction work in progress" consists of those items of tangible personal property commonly known as fixtures, machinery, and equipment when in the process of being installed in new or expanded improvements to real property and whose value is materially enhanced upon connection or use with a preexisting, taxable, operational system or facility. Construction work in progress shall be deemed substantially completed when connected with the preexisting, taxable, operational system or facility. Inventory and household goods are expressly excluded from this definition.

Based on this definition, it seems clear that construction items and infrastructure improvement item costs should be interpreted to be "tangible personal property."

Application

Given the above authority, I believe that a maintenance/operational exception applies to the repair, replacement, or general maintenance of existing facilities in BBRD such that referendum approval of the qualified electors of the District is not required where such expenditures exceed \$25,000.00.

As to the Westside Recreation Complex Restroom Project, the project serves to create an entirely new recreational amenity to the existing main recreation complex. While it may be argued that the project is "replacing" the existing port-o-let and former mobile restroom facilities, the project appears to be substantially greater in scope than those facilities such that the project should not be classified as "replacement." The project is also planned to be located a substantial distance away from the current port-o-let facility and is planned to serve an expanded use purpose by meeting the restroom needs for the entire main recreation complex versus those of only the tennis court area. Finally, and most importantly, the extension of substantial infrastructure (sewer and water lines) to the planned restroom facility location is evidence that the project exceeds the scope of the irrigation repair project at issue in *Mulhearn v. BBRD*, and as such, it is highly questionable whether the rationale of the case applies. Accordingly, I cannot determine that the proposed project falls squarely within the project parameters at issue in the case. Therefore, and in an abundance of caution, I recommend that the Board submit the question of expenditure for the Westside Recreation Complex Restroom Project to the qualified electors of BBRD by referendum.

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As to the replacement of Building F, I believe that the planned project is in line with the rationale of the maintenance exception in *Mulhearn v. BBRD*. The project plans to serve to replace an existing administration building which has served the same purpose, in the same location for approximately 30 years. BBRD has a duty and an obligation to maintain an existing administrative office for its administrative staff. Following the rationale of the case, the Board may do so without triggering the spending authority limitation and referendum requirement. It is additionally important to note that there is no requirement for the Building F replacement project to stay within the existing footprint of the current location of Building F. So long as the purpose and function of the project serves the same relative purpose and function in approximately the same general vicinity, I do not believe that the Board is required to submit the question to the qualified electors of BBRD by referendum.

The above being said, it should be noted that I have not reviewed specific plans for the project as they have not yet been finalized. To the extent that any proposed project's function or purpose would substantially alter the current function and purpose of facilities in the area, such a factor could require that a referendum be submitted to the qualified electors of BBRD. Those factors should be examined in greater detail as the planning process for the replacement project continues to move forward.

If you have any additional questions or concerns, please don't hesitate to contact me.

Enclosures

2001 JUN 21 P 12:45

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

CASE NO.: 05-2001-CA-008554-XXXX-XX

SCOTT ELLIS
THOMAS MULHEARN,

Plaintiff,

v.

BAREFOOT BAY RECREATION DISTRICT,

Defendant.

ORDER

THIS CAUSE came to be heard on June 9, 2001, upon the Plaintiff's Motion for Temporary Injunction. Plaintiff appeared pro se. The Defendant was represented by Richard E. Torpy, Esq. The parties agreed that the temporary hearing would serve as the final hearing in this cause. The parties further stipulated to the following facts:

- a. The Defendant, Barefoot Bay Recreation District ("District") is governed by Chapter 418, Florida Statutes.
- b. A contract in excess of \$300,000 was entered into for repairs to the sprinkler system on the golf course owned and operated by the District.
- c. The Board of Trustees of the District approved the repairs, but no referendum vote of the electorate was held.

d. Materials used for the repair of the sprinkler system would cost in excess of \$25,000.

DISCUSSION

The Plaintiff has filed a two count Complaint, seeking a declaratory judgment and injunctive relief. The Plaintiff contends that section 418.304, Florida Statutes (2000) and Brevard County Ordinance No. 84-05¹ require a referendum vote on the issue of whether money in excess of \$25,000 should be expended by the District to repair the golf course's sprinkler system. The Defendant asserts that it has the right, power and arguably the obligation to repair, replace, or maintain a recreational facility without submitting the matter to a referendum vote.

Brevard County Ordinance No. 84-05 mirrors the relevant sections of Chapter 418 at issue. Section 418.304(3), Florida Statutes (2000) provides the District with the authority "[t]o acquire, purchase, construct, improve, equip, and maintain streets and lights, recreational facilities, and other common areas of all types, including real property and personal property, within the boundaries of the existing platted mobile home park,..."

Section 418.304(6) also provides the District with the authority "[t]o operate and maintain recreational facilities or to enter into arrangements with

¹ Codified at Article III, §§ 98-71 – 98-80, Brevard County Code.

others for such operation and maintenance pursuant to contract, lease, or otherwise."

Section 418.304(13) specifies that:

To enter into contracts involving the purchase, lease, conveyance, or other matter of acquisition of common real or tangible personal property; however, in any instance when the cost, price, or consideration therefor exceeds \$25,000, including all obligations proposed to be assumed in connection with such acquisition, then only if:

- (a) The trustees by a two-thirds vote have approved the terms and conditions of such acquisition by written resolution;
- (b) Within not less than 30 days nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections for the county for a referendum election; and
- (c) The resolution is approved by a majority vote of the qualified electors voting in a referendum called for the purpose of considering the resolution.

Chapter 418 and Ordinance 84-05 fail to define "maintain," "acquire," "operate," or "acquisition."

Pursuant to section 418.304(13), a referendum vote of the citizens is required for contracts involving the purchase, lease, conveyance, or other matter of acquisition of common real or tangible property which exceed \$25,000. The Florida Legislature did not specify in section 418.304(13) that a voter referendum was needed when the District sought to spend more than \$25,000 to "maintain" property. If the Legislature had intended for a voter referendum to be held when the District proposed maintenance in excess of

\$25,000, it could have so specified. To interpret section 418.304(13) to require a voter referendum be held when the Board desires to purchase tangible personal property costing more than \$25,000 for maintenance of the district's recreational facilities is unreasonable and would run afoul of the Board's duty to operate and maintain recreational facilities. § 418.304(6), Fla. Stat. (2000). For example, if during a hurricane, the recreational building's roof was severely damaged, the Board would have a duty to take prompt action to replace the roof. If the Board was to await voter approval for the expenditure over \$25,000 for roof shingle materials, it would run the risk of the entire building being destroyed. The purpose of section 418.304(13) is to ensure that the citizens of the district have an opportunity to voice their opinions regarding major acquisitions of common real property or tangible personal property. The purpose of section 418.314(13) is not to require the electorate to vote on whether already acquired facilities, such as the subject golf course, should be maintained.

Accordingly, it is **ORDERED AND ADJUDGED:**

1. Section 418.304, Florida Statutes (2000) does not require the Defendant, Barefoot Bay Recreation District to submit for a referendum vote of the citizens the decision of whether or not to spend more than \$25,000 on maintaining or operating recreational facilities and common areas that it has already acquired.


2. The Plaintiff's request for an injunction is **DENIED**.

DONE AND ORDERED at the Moore Justice Center, Viera, Brevard
County, Florida, this 21st day of June,
2001.


KERRY I. EVANDER
CIRCUIT COURT JUDGE

CERTIFICATE OF SERVICE

I do certify that copies hereof have been furnished to **Thomas Mulhern**, 908 South Egret Circle, Barefoot Bay, Florida 32976-7433 and **Richard E. Torpy, Esq.**, Amundson, Moore, & Torpy, Attorney for Defendant, 202 North Harbor City Boulevard, Suite 300, Melbourne, Florida 32935 by U.S. Mail this 21 day of June, 2001.


Christine Derwitsch
Moore Justice Center
Judicial Assistant
2825 Judge Fran Jamieson Way
Viera, Florida 32940

Select Year: 2014

The 2014 Florida Statutes

Title XIV

TAXATION AND FINANCE

Chapter 192

TAXATION: GENERAL PROVISIONS

[View Entire Chapter](#)

192.001 Definitions.—All definitions set out in chapters 1 and 200 that are applicable to this chapter are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

- (1) “Ad valorem tax” means a tax based upon the assessed value of property. The term “property tax” may be used interchangeably with the term “ad valorem tax.”
- (2) “Assessed value of property” means an annual determination of:
 - (a) The just or fair market value of an item or property;
 - (b) The value of property as limited by Art. VII of the State Constitution; or
 - (c) The value of property in a classified use or at a fractional value if the property is assessed solely on the basis of character or use or at a specified percentage of its value under Art. VII of the State Constitution.
- (3) “County property appraiser” means the county officer charged with determining the value of all property within the county, with maintaining certain records connected therewith, and with determining the tax on taxable property after taxes have been levied. He or she shall also be referred to in these statutes as the “property appraiser” or “appraiser.”
- (4) “County tax collector” means the county officer charged with the collection of ad valorem taxes levied by the county, the school board, any special taxing districts within the county, and all municipalities within the county.
- (5) “Department,” unless otherwise designated, means the Department of Revenue.
- (6) “Extend on the tax roll” means the arithmetic computation whereby the millage is converted to a decimal number representing one one-thousandth of a dollar and then multiplied by the taxable value of the property to determine the tax on such property.
- (7) “Governing body” means any board, commission, council, or individual acting as the executive head of a unit of local government.
- (8) “Homestead” means that property described in s. 6(a), Art. VII of the State Constitution.
- (9) “Levy” means the imposition of a tax, stated in terms of “millage,” against all appropriately located property by a governmental body authorized by law to impose ad valorem taxes.
- (10) “Mill” means one one-thousandth of a United States dollar. “Millage” may apply to a single levy of taxes or to the cumulative of all levies.
- (11) “Personal property,” for the purposes of ad valorem taxation, shall be divided into four categories as follows:
 - (a) “Household goods” means wearing apparel, furniture, appliances, and other items ordinarily found in the home and used for the comfort of the owner and his or her family. Household goods are not held for commercial purposes or resale.

(b) "Intangible personal property" means money, all evidences of debt owed to the taxpayer, all evidences of ownership in a corporation or other business organization having multiple owners, and all other forms of property where value is based upon that which the property represents rather than its own intrinsic value.

(c) "Inventory" means only those chattels consisting of items commonly referred to as goods, wares, and merchandise (as well as inventory) which are held for sale or lease to customers in the ordinary course of business. Supplies and raw materials shall be considered to be inventory only to the extent that they are acquired for sale or lease to customers in the ordinary course of business or will physically become a part of merchandise intended for sale or lease to customers in the ordinary course of business. Partially finished products which when completed will be held for sale or lease to customers in the ordinary course of business shall be deemed items of inventory. All livestock shall be considered inventory. Items of inventory held for lease to customers in the ordinary course of business, rather than for sale, shall be deemed inventory only prior to the initial lease of such items. For the purposes of this section, fuels used in the production of electricity shall be considered inventory.

(d) "Tangible personal property" means all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in s. 1(b), Art. VII of the State Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.

"Construction work in progress" consists of those items of tangible personal property commonly known as fixtures, machinery, and equipment when in the process of being installed in new or expanded improvements to real property and whose value is materially enhanced upon connection or use with a preexisting, taxable, operational system or facility. Construction work in progress shall be deemed substantially completed when connected with the preexisting, taxable, operational system or facility. Inventory and household goods are expressly excluded from this definition.

(12) "Real property" means land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably.

(13) "Taxpayer" means the person or other legal entity in whose name property is assessed, including an agent of a timeshare period titleholder.

(14) "Fee timeshare real property" means the land and buildings and other improvements to land that are subject to timeshare interests which are sold as a fee interest in real property.

(15) "Timeshare period titleholder" means the purchaser of a timeshare period sold as a fee interest in real property, whether organized under chapter 718 or chapter 721.

(16) "Taxable value" means the assessed value of property minus the amount of any applicable exemption provided under s. 3 or s. 6, Art. VII of the State Constitution and chapter 196.

(17) "Floating structure" means a floating barge-like entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term "floating structure" includes, but is not limited to, each entity used as a residence, place of business, office, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in s. 327.02. Incidental movement upon water shall not, in and of itself, preclude an entity from classification as a floating structure. A floating structure is expressly included as a type of tangible personal property.

(18) "Complete submission of the rolls" includes, but is not limited to, accurate tabular summaries of valuations as prescribed by department rule; an electronic copy of the real property assessment roll including for each parcel total value of improvements, land value, the recorded selling prices, other

ownership transfer data required for an assessment roll under s. 193.114, the value of any improvement made to the parcel in the 12 months preceding the valuation date, the type and amount of any exemption granted, and such other information as may be required by department rule; an accurate tabular summary by property class of any adjustments made to recorded selling prices or fair market value in arriving at assessed value, as prescribed by department rule; an electronic copy of the tangible personal property assessment roll, including for each entry a unique account number and such other information as may be required by department rule; and an accurate tabular summary of per-acre land valuations used for each class of agricultural property in preparing the assessment roll, as prescribed by department rule.

(19) "Computer software" means any information, program, or routine, or any set of one or more programs, routines, or collections of information used or intended for use to convey information or to cause one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks. Without limiting the generality of the definition provided in this subsection, the term includes operating and applications programs and all related documentation. Computer software does not include embedded software that resides permanently in the internal memory of a computer or computer-related peripheral equipment and that is not removable without terminating the operation of the computer or equipment. Computer software constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted, and, after installation or mounting by any person, computer software does not increase the value of the computer or computer-related peripheral equipment, or any combination thereof. Notwithstanding any other provision of law, this subsection applies to the 1997 and subsequent tax rolls and to any assessment in an administrative or judicial action pending on June 1, 1997.

History.—s. 1, ch. 70-243; s. 1, ch. 77-102; s. 4, ch. 79-334; s. 56, ch. 80-274; s. 2, ch. 81-308; ss. 53, 63, 73, ch. 82-226; s. 1, ch. 82-388; s. 12, ch. 83-204; s. 52, ch. 83-217; s. 1, ch. 84-371; s. 9, ch. 94-241; s. 61, ch. 94-353; s. 1461, ch. 95-147; s. 1, ch. 97-294; s. 2, ch. 98-342; s. 31, ch. 2001-60; s. 20, ch. 2010-5; s. 1, ch. 2012-193.

Note.—Consolidation of provisions of former ss. 192.031, 192.041, 192.052, 192.064.

**State of Florida
Office of the Attorney General**

Informal Legal Opinion

Number: INFORMAL

Date: August 4, 2000

Subject: Mobile Home Recreation District, purchases

Mr. Bruce Bolon
Chairman, Barefoot Bay Recreation District
625 Barefoot Boulevard, Building F
Barefoot Bay, Florida 32976

Dear Mr. Bolon:

On behalf of the Board of Trustees of the Barefoot Bay Recreation District (district), you ask whether the replacement of a sprinkler system for the golf course owned and operated by the district may be classified as maintenance of the recreational facilities. According to your letter, the existing sprinkler system has in recent years been slowly deteriorating, and the district has now been advised that a new system, which will cost in excess of \$300,000, must be purchased in order to adequately maintain the golf course grounds. Attorney General Butterworth has asked me to respond to your letter.

You state that the district was created pursuant to Part II, Chapter 418, Florida Statutes.[1] Section 418.304(3), Florida Statutes, authorizes the board of trustees of the district:

"To acquire, purchase, construct, improve, equip, and maintain streets and lights, recreational facilities, and other common areas of all types, including real property and personal property, within the boundaries of the existing platted mobile home park to be acquired by the district; such acquisition may be by purchase, lease, or gift."

The district may operate and maintain recreational facilities or enter into agreements with others for such operation and maintenance.[2] In addition, the district may "issue bonds or notes to finance, in whole or in part, the cost of construction, acquisition, or improvement of common real property and personal property of the district." [3]

Subsection (13) of section 418.304, Florida Statutes, however, provides that the board of trustees is authorized:

"To enter into contracts involving the purchase, lease, conveyance, or other manner of acquisition of common real or tangible personal property; however, in any instance when the cost, price, or consideration therefor exceeds \$25,000, including all obligations proposed to be assumed in connection with such acquisition, then only if:

(a) The trustees by a two-thirds vote have approved the terms and conditions

of such acquisition by written resolution;

(b) Within not less than 30 days nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections for the county for a referendum election; and

(c) The resolution is approved by a majority vote of the qualified electors voting in a referendum called for the purpose of considering the resolution."

Thus, while the board of trustees of the district is authorized to construct, improve, equip and maintain recreational facilities, it is also required to hold a referendum when such actions involve the purchase of common real property or tangible personal property in excess of \$25,000. Classifying the replacement of a sprinkler system as "maintenance"[4] does not remove the board's actions from the requirement of section 418.304(13), Florida Statutes. If the board is purchasing tangible personal property which costs more than \$25,000, regardless of whether for maintenance, improvement or construction of the district's recreational facilities, the provisions of section 418.304(13), Florida Statutes, must be complied with by the board.[5] The purpose of this subsection, which seeks to ensure that the electorate of the district has a voice in major acquisitions of common real property or tangible personal property, should not be frustrated.

I trust that the above informal advisory comments may be of assistance to the board of trustees in resolving this issue.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tgk

[1] See s. 418.30, Fla. Stat., authorizing any municipality or county in the state to create one or more mobile home park recreation districts by ordinance approved by a vote of the electors residing in the proposed district. And see Brevard County Ordinance 84-05, which you have advised this office establishes the Barefoot Bay Recreation District.

[2] Section 418.304(6), Fla. Stat.

[3] Section 418.304(5), Fla. Stat.

[4] See, e.g., Black's Law Dictionary *Maintain* p. 1105 (rev. 4th ed. 1968) (maintain has been variously defined as acts of repairs and other acts to prevent a decline, lapse, or cessation from existing state or condition).

[5] Cf. s. 192.001(11)(d), Fla. Stat., defining "Tangible personal property" for purposes of the state tax code to mean:

"all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in s. 1(b), Art. VII of the State Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself[.]"

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Joslyn Wilson
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[5] Cf. s. 192.001(11)(d), Fla. Stat., defining "Tangible personal property" for purposes of the state tax code to mean:

"all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in s. 1(b), Art. VII of the State Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself[.]"

New Business

Meeting Date
May 13, 2016



Agenda
Section 9
Item No A-1

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Resolution for Committed Fund Balance – Capital and Committed Fund Balance - Reserve

Dept/Office: Administration- Finance Office

Requested Action: Approval of Resolution

Summary Explanation and Background:

On May 8, 2015, the Board adopted Resolution 2015-09 and 2015-10 for establishing Committed Fund Balance – Capital and Committed Fund Balance – Reserve.

On June 23, 2015, the Board adopted Resolution 2015-12 to adopt fiscal year 2016 Budget, which included the amount of \$190,000 for Capital Improvement Projects and \$100,000 for Reserve Purpose. The following is the list for FY16 Adopted Budget CIP and Reserve:

Capital Contingency	\$50,000
Removal of undesirable homes	\$8,200
Replacement lawnmower	\$30,000
Replace damaged concrete	\$25,000
Upgrade elec. Infrast. In Bldg A	\$30,000
Replace Shed for garden club	\$4,000
Lawn Bowling Gutters	\$4,000
Restoration of bunkers Ph. 1	\$30,000
Expansion of #11 Tee Box	\$8,800
<i>TOTAL CIP</i>	<i>\$190,000</i>
Repay Reserves (Parking Lot Repave)	\$50,000
Transfer to Reserve	\$50,000
<i>TOTAL RESERVE</i>	<i>\$100,000</i>

Since formal approval of a resolution is required to establish, modify or rescind committed fund balance. Staff recommends the BOT approve the accompanying Resolution to commit \$190,000 of General Fund Unassigned Fund Balance for the purpose of FY16 Capital Improvement Projects and to commit \$100,000 of General Fund Unassigned Fund Balance for the Reserve purpose.

After the approval of the accompanying Resolution, staff will prepare check requests to transfer \$190,000 from BBRD BOA operating account to SBA Capital Account and to transfer \$100,000 from BBRD BOA operating account to SBA Reserve Account.

Exhibits Attached: Resolution and FY16 Administration and Capital Departments Adopted Budget
Contact: Kimi Cheng, Finance Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

RESOLUTION 2016 - 03

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; APPROVING AND AMENDING COMMITTED FUND BALANCES FOR CAPITAL IMPROVEMENT PROJECTS AND RESERVE IN FISCAL YEAR 2015-2016; AND AUTHORIZING THE TRASFER OF ONE HUNDRED NINETY THOUSAND DOLLARS FROM THE DISTRICT'S OPERATING ACCOUNT TO SBA CAPITAL IMPROVEMENT ACCOUNT AND THE TRANSFER OF ONE HUNDRED THOUSAND DOLLARS FROM THE DISTRICT'S OPERATING ACCOUNT TO SBA RESERVE ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Barefoot Bay Recreation District has determined to commit additional \$190,000.00 of General Fund Unassigned Fund Balance for the purpose of Capital Improvement Projects as listed below in fiscal year 2015-2016; and

Capital Contingency \$50,000
Removal of undesirable homes \$8,200
Replacement lawnmower \$30,000
Replace damaged concrete \$25,000
Upgrade elec. Infrast. In Bldg A \$30,000
Replace Shed for garden club \$4,000
Lawn Bowling Gutters \$4,000
Restoration of bunkers Ph. 1 \$30,000
Expansion of #11 Tee Box \$8,800

WHEREAS, The Barefoot Bay Recreation District has determined to commit additional \$100,000.00 of General Fund Unassigned Fund Balance for the purpose of unanticipated emergencies or other unplanned financial obligations or stabilizing the delivery of the District services during the period of operational budget deficits in fiscal year 2015-2016; and

WHEREAS, The Barefoot Bay Recreation District has recognized a need to transfer funds in the amount of One hundred Ninety Thousand Dollars (\$190,000.00) from the District's Operating Account to SBA Capital Improvement Account for the benefit of District operations; and

WHEREAS, The Barefoot Bay Recreation District has recognized a need to transfer funds in the amount of One hundred Thousand Dollars (\$100,000.00) from the District's Operating Account to SBA Reserve Account for the benefit of District operations; and

WHEREAS, The Barefoot Bay Recreation District maintains the District's Operating Account which has a current balance of \$1,786,932.44 as of April 30, 2016; and

WHEREAS, on May 13, 2016 the Board of Trustees considered the above referenced transfer and directed that such transfer be approved by Resolution.

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

Section 1. The Barefoot Bay Recreation District hereby allocates additional \$190,000 to Committed Fund Balance for CIP and allocates additional \$100,000 to Committed Fund Balance for Reserve in General Fund for fiscal year 2015-16.

Section 2. A transfer of funds in the amount of \$190,000 is authorized from the District's Operating Account to be allocated to SBA Capital Improvement Account and a transfer of funds in the amount of \$100,000 is authorized from the District's Operating Account to be allocated to SBA Reserve Account.

Section 3. This Resolution shall become effective immediately upon its adoption.

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

Chairman, Joseph Klosky
Trustee, Lee Wright
Trustee, Steve Diana
Trustee, Brian Lavier
Trustee, Frank Cavaliere

The Chairman thereupon declared this resolution Done, Ordered, and Adopted this 13th Day of May, 2016.

BAREFOOT BAY RECREATION DISTRICT

By: _____
JOSEPH KLOSKY
CHAIRMAN

STEVE DIANA
SECRETARY

FY16 Budget

Dept.	Sub-Department	Category	Description	FY 14 Actual	FY 15 Current Budget	FY 15 Est. Year-end	FY 16 Base Budget	FY 16 Decision Points	FY 16 Approved Budget
Revenues									
Administration									
Assessments									
			District Assessment Fee	3,349,239	3,344,076	3,360,000	3,343,392	175,968	3,519,360
			Sub-Total:	3,349,239	3,344,076	3,360,000	3,343,392	175,968	3,519,360
Interest									
			Interest Income	2,150	3,000	3,000	3,000	-	3,000
			Sub-Total:	2,150	3,000	3,000	3,000	-	3,000
Other Income									
			Transfer to Other Departments	322,885	-	-	-	-	-
			Prior Year Carry-Over Balances	-	13,611	-	-	-	-
			NSF Fees	80	-	80	-	-	-
			Sales Tax Discounts	150	-	360	360	-	360
			Delinquent Fee Collections	14,124	15,000	13,200	12,000	-	12,000
			Lien Fee Reimbursement	1,718	2,000	2,160	2,000	-	2,000
			Legal Fee Recovery	1,883	2,000	5,000	2,500	-	2,500
			Postage Revenue	245	300	300	300	-	300
			Insurance Proceeds	6,935	-	19,371	-	-	-
			Miscellaneous Income General	40,802	2,000	5,935	1,535	-	1,535
			Sub-Total:	388,820	34,911	46,406	18,695	-	18,695
			Total Revenues:	3,740,209	3,381,987	3,409,406	3,365,087	175,968	3,541,055
Expenditures									
Administration									
Personnel Expenses									
			Regular Salaries	165,886	-	-	-	-	-
			F/T Salaries	-	188,886	183,124	183,124	-	183,124
			P/T Wages	-	21,626	18,502	21,866	-	21,866
			Overtime	2,380	375	300	757	-	757
			Special Pay	-	-	750	1,000	-	1,000
			Vacation/Sick Pay	17,569	-	-	-	-	-
			Payroll Taxes	13,606	18,951	18,241	18,619	-	18,619
			401 A Benefit	46	-	1,022	1,700	-	1,700
			Medical/Dental/Life Insurance	27,051	36,699	35,354	38,800	-	38,800
			Sub-Total:	226,538	266,537	257,293	265,866	-	265,866
Professional Expenses									
			Payroll Fees	14,575	8,300	8,020	8,320	12,500	20,820
			Professional Fees	80,984	42,360	40,900	55,700	42,480	98,180
			Legal Fees	147,959	130,000	120,000	130,000	-	130,000
			Management Fees	121,362	151,000	144,097	150,800	-	150,800
			Management Fees/Tax Roll	5,000	5,000	5,000	5,000	-	5,000
			Accounting & Auditing Fees	23,500	25,000	31,500	30,500	-	30,500
			Software Renewal/Support Fees	4,656	4,700	4,856	5,000	-	5,000
			Sub-Total:	398,035	366,360	354,373	385,320	54,980	440,300
Supplies									
			Operating Supplies	8,451	11,000	10,800	11,800	-	11,800
			Fuel	48	1,300	440	550	-	550
			Sub-Total:	8,499	12,300	11,240	12,350	-	12,350
Other Gen. & Admin. Expenses									
			Collection Fees	64,588	65,000	64,338	66,500	-	66,500
			Collection Discounts	103,025	105,000	105,818	107,000	-	107,000

FY16 Budget

Dept.

Sub-Department		FY 15	FY 15	FY 16	FY 16	FY 16
Category	FY 14	Current	Est.	Base	Decision	Approved
Description	Actual	Budget	Year-end	Budget	Points	Budget
Property Taxes	12,703	14,100	14,088	15,500	-	15,500
ICMA Retirement	1,000	1,000	1,000	1,000	-	1,000
Employee Incentive	3,299	4,574	4,574	50,305	8,666	58,971
Employee Recruitment	1,200	500	214	300	-	300
Lien & Recording Fees	2,504	2,000	3,400	3,800	-	3,800
Travel and Training	3,097	3,235	4,862	7,210	-	7,210
Telephone, Internet, Cable	6,505	8,000	6,798	5,415	-	5,415
Postage	3,692	11,500	10,840	11,700	-	11,700
Utilities/Electricity	4,622	4,927	4,750	4,660	-	4,660
Utilities/Solid Waste - Gar/Rec.	291	-	-	-	-	-
Equipment Leasing	7,723	7,104	6,975	7,075	-	7,075
Insurance	134,520	138,611	138,611	142,076	-	142,076
Workers Compensation Insurance	1,800	1,186	2,839	2,761	-	2,761
Printing	8	3,500	4,380	4,650	-	4,650
Advertising	2,606	5,000	4,115	4,200	-	4,200
Licenses, permits, lien fees	-	200	-	-	-	-
Bank Charges	19,294	18,000	21,800	23,000	-	23,000
Bad Debt	(26)	-	-	-	-	-
Dues and Subscriptions	807	230	330	330	-	330
Election Expenses	8,379	8,500	2,158	8,300	-	8,300
Sub-Total:	381,637	402,167	401,890	465,782	8,666	474,448
Maintenance & Repairs						
R & M - Misc	107	300	200	300	-	300
R & M Buildings	1,921	1,900	3,029	3,490	-	3,490
R & M Equipment	1,360	5,486	5,060	5,050	-	5,050
Sub-Total:	3,387	7,686	8,289	8,840	-	8,840
Contingency						
Contingency	-	3,962	-	16,462	6,900	23,362
Sub-Total:	-	3,962	-	16,462	6,900	23,362
Miscellaneous						
Transfer to Other Depts.	1,741,162	-	-	-	-	-
Miscellaneous Expenditures	6,969	-	-	-	-	-
Sub-Total:	1,748,131	-	-	-	-	-
Transfers						
Transfer to Debt Service Fund	800,000	800,000	800,000	570,000	-	570,000
Transfer to Reserve	-	50,000	-	50,000	-	50,000
Sub-Total:	800,000	850,000	800,000	620,000	-	620,000
Total Expenditures:	3,566,227	1,909,012	1,833,085	1,774,620	70,546	1,845,166
Total Revenues over Expenditures:	173,981	1,472,975	1,576,321	1,590,467	105,422	1,695,889

FY16 Budget

Dept.	Sub-Department		FY 14	FY 15	FY 15	FY 16	FY 16	FY 16
	Category		Actual	Current	Est.	Base	Decision	Approved
	Description			Budget	Year-end	Budget	Points	Budget
Revenues								
Capital	Other Income							
	Prior Year Carry-Over Balances	-	-	86,541	-	-	-	-
	Transfer From Other Departments	193,500	193,500	-	-	-	-	-
	Sub-Total:		193,500	86,541	-	-	-	-
	Total Revenues:		193,500	86,541	-	-	-	-
Expenditures								
Capital	Contingency							
	Contingency	-	-	2,251	-	-	50,000	50,000
	FY16 D.P.: For emergency, unplanned and/or projects that require additional funding.							
	Sub-Total:			2,251	-	-	50,000	50,000
	Capital Outlay							
	FY 14 Other Completed Projects	129,436	129,436	-	-	-	-	-
	Sound Boards Bld. A	-	-	14,000	11,374	-	-	-
	Repair Pool #1 Pit & Leak Abate.	8,823	8,823	33,936	44,515	-	-	-
	Pool 2 Bottom Repair	2,943	2,943	5,058	5,058	-	-	-
	P.S. Roof & Gutter Replacement	-	-	12,000	12,000	-	-	-
	Shed Replacement - Custodial	-	-	3,000	3,000	-	-	-
	Golf Cart Path Replace. Ph. 2	-	-	15,000	15,000	-	-	-
	Sand Pro (Used) Replacement	-	-	6,500	5,159	-	-	-
	Bld. A Microphone Replacement	-	-	2,000	2,000	-	-	-
	Truck Replacement - DOR	-	-	18,000	16,552	-	-	-
	Beach Project - Ph. 1	-	-	20,000	4,458	-	-	-
	Entrance Wall Replacement	-	-	-	11,410	-	-	-
	Beach Crossover	35,538	35,538	2,792	2,792	-	-	-
	Signs at Entrances/Micco Rd.	-	-	2,000	-	-	-	-
	Pool 2 Resurface Deck (pavers)	-	-	24,500	42,843	-	-	-
	New Doors & Shutters - Blds. A&C	13,505	13,505	14,505	27,010	-	-	-
	Building F Replacement	-	-	56,673	10,000	-	-	-
	Repay Reserves (Parking Lot Repave)	-	-	-	-	50,000	-	50,000
	Removal of undesirable homes (2 x yr.)	-	-	-	-	8,200	-	8,200
	Replacement lawnmower	-	-	-	-	30,000	-	30,000
	Replace damaged concrete	-	-	-	-	25,000	-	25,000
	Upgrade elec. Infrast. in Bld. A	-	-	-	-	30,000	-	30,000
	Replace shed for garden club	-	-	-	-	4,000	-	4,000
	Lawn Bowling Gutters	-	-	-	-	4,000	-	4,000
	Restoration of bunkers Ph. 1	-	-	-	-	30,000	-	30,000
	Expansion of #11 Tee Box	-	-	-	-	8,800	-	8,800
	Sub-Total:		190,245	229,963	213,171	190,000	-	190,000
	Total Expenditures:		190,245	232,214	213,171	190,000	50,000	240,000
	Total Revenues over Expenditures:		3,255	(145,673)	(213,171)	(190,000)	(50,000)	(240,000)

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	A-2

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: FY 2016 Transfer from General Fund to SBA Debt Service Fund and Resolution

Dept/Office: Administration- Finance Office

Requested Action: Approval of Resolution
<p>Summary Explanation and Background:</p> <p>On June 23, 2015, the Board adopted Resolution 2015-12 to adopt fiscal year 2016 Budget, which included the amount of \$570,000 for FY16 debt payments.</p> <p>For transparency, staff prepares this agenda memo to notify the Board of upcoming check request to transfer \$570,000 from the District's General Fund (Operating Account) to the Debt Service Fund (SBA Debt Account).</p> <p>Staff recommends the BOT <u>approve the accompanying Resolution to authorize the transfer of \$570,000 from BOA Operating Account to SBA Debt Account.</u></p>
Exhibits Attached: Resolution and FY16 Administration Department Adopted Budget
Contact: Kimi Cheng, Finance Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

FY16 Budget

Dept.						
Sub-Department		FY 15	FY 15	FY 16	FY 16	FY 16
Category		Current	Est.	Base	Decision	Approved
Description	FY 14	Budget	Year-end	Budget	Points	Budget
	Actual					
Revenues						
Administration						
Assessments						
District Assessment Fee	3,349,239	3,344,076	3,360,000	3,343,392	175,968	3,519,360
Sub-Total:	3,349,239	3,344,076	3,360,000	3,343,392	175,968	3,519,360
Interest						
Interest Income	2,150	3,000	3,000	3,000	-	3,000
Sub-Total:	2,150	3,000	3,000	3,000	-	3,000
Other Income						
Transfer to Other Departments	322,885	-	-	-	-	-
Prior Year Carry-Over Balances	-	13,611	-	-	-	-
NSF Fees	80	-	80	-	-	-
Sales Tax Discounts	150	-	360	360	-	360
Delinquent Fee Collections	14,124	15,000	13,200	12,000	-	12,000
Lien Fee Reimbursement	1,718	2,000	2,160	2,000	-	2,000
Legal Fee Recovery	1,883	2,000	5,000	2,500	-	2,500
Postage Revenue	245	300	300	300	-	300
Insurance Proceeds	6,935	-	19,371	-	-	-
Miscellaneous Income General	40,802	2,000	5,935	1,535	-	1,535
Sub-Total:	388,820	34,911	46,406	18,695	-	18,695
Total Revenues:	3,740,209	3,381,987	3,409,406	3,365,087	175,968	3,541,055
Expenditures						
Administration						
Personnel Expenses						
Regular Salaries	165,886	-	-	-	-	-
F/T Salaries	-	188,886	183,124	183,124	-	183,124
P/T Wages	-	21,626	18,502	21,866	-	21,866
Overtime	2,380	375	300	757	-	757
Special Pay	-	-	750	1,000	-	1,000
Vacation/Sick Pay	17,569	-	-	-	-	-
Payroll Taxes	13,606	18,951	18,241	18,619	-	18,619
401 A Benefit	46	-	1,022	1,700	-	1,700
Medical/Dental/Life Insurance	27,051	36,699	35,354	38,800	-	38,800
Sub-Total:	226,538	266,537	257,293	265,866	-	265,866
Professional Expenses						
Payroll Fees	14,575	8,300	8,020	8,320	12,500	20,820
Professional Fees	80,984	42,360	40,900	55,700	42,480	98,180
Legal Fees	147,959	130,000	120,000	130,000	-	130,000
Management Fees	121,362	151,000	144,097	150,800	-	150,800
Management Fees/Tax Roll	5,000	5,000	5,000	5,000	-	5,000
Accounting & Auditing Fees	23,500	25,000	31,500	30,500	-	30,500
Software Renewal/Support Fees	4,656	4,700	4,856	5,000	-	5,000
Sub-Total:	398,035	366,360	354,373	385,320	54,980	440,300
Supplies						
Operating Supplies	8,451	11,000	10,800	11,800	-	11,800
Fuel	48	1,300	440	550	-	550
Sub-Total:	8,499	12,300	11,240	12,350	-	12,350
Other Gen. & Admin. Expenses						
Collection Fees	64,588	65,000	64,338	66,500	-	66,500
Collection Discounts	103,025	105,000	105,818	107,000	-	107,000

FY16 Budget

Dept.

Sub-Department

Category

Description

FY 14

Actual

FY 15

Current

Budget

FY 15

Est.

Year-end

FY 16

Base

Budget

FY 16

Decision

Points

FY 16

Approved

Budget

Property Taxes	12,703	14,100	14,088	15,500	-	15,500
ICMA Retirement	1,000	1,000	1,000	1,000	-	1,000
Employee Incentive	3,299	4,574	4,574	50,305	8,666	58,971
Employee Recruitment	1,200	500	214	300	-	300
Lien & Recording Fees	2,504	2,000	3,400	3,800	-	3,800
Travel and Training	3,097	3,235	4,862	7,210	-	7,210
Telephone, Internet, Cable	6,505	8,000	6,798	5,415	-	5,415
Postage	3,692	11,500	10,840	11,700	-	11,700
Utilities/Electricity	4,622	4,927	4,750	4,660	-	4,660
Utilities/Solid Waste - Gar/Rec.	291	-	-	-	-	-
Equipment Leasing	7,723	7,104	6,975	7,075	-	7,075
Insurance	134,520	138,611	138,611	142,076	-	142,076
Workers Compensation Insurance	1,800	1,186	2,839	2,761	-	2,761
Printing	8	3,500	4,380	4,650	-	4,650
Advertising	2,606	5,000	4,115	4,200	-	4,200
Licenses, permits, lien fees	-	200	-	-	-	-
Bank Charges	19,294	18,000	21,800	23,000	-	23,000
Bad Debt	(26)	-	-	-	-	-
Dues and Subscriptions	807	230	330	330	-	330
Election Expenses	8,379	8,500	2,158	8,300	-	8,300
Sub-Total:	381,637	402,167	401,890	465,782	8,666	474,448

Maintenance & Repairs

R & M - Misc	107	300	200	300	-	300
R & M Buildings	1,921	1,900	3,029	3,490	-	3,490
R & M Equipment	1,360	5,486	5,060	5,050	-	5,050
Sub-Total:	3,387	7,686	8,289	8,840	-	8,840

Contingency

Contingency	-	3,962	-	16,462	6,900	23,362
Sub-Total:	-	3,962	-	16,462	6,900	23,362

Miscellaneous

Transfer to Other Depts.	1,741,162	-	-	-	-	-
Miscellaneous Expenditures	6,969	-	-	-	-	-
Sub-Total:	1,748,131	-	-	-	-	-

Transfers

Transfer to Debt Service Fund	800,000	800,000	800,000	570,000	-	570,000
Transfer to Reserve	-	50,000	-	50,000	-	50,000
Sub-Total:	800,000	850,000	800,000	620,000	-	620,000

Total Expenditures: 3,566,227 1,909,012 1,833,085 1,774,620 70,546 1,845,166

Total Revenues over Expenditures: 173,981 1,472,975 1,576,321 1,590,467 105,422 1,695,889

RESOLUTION 2016 - 04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$570,000.00) FROM THE DISTRICT'S GENERAL FUND OPERATING ACCOUNT TO THE DISTRICT'S DEBT SERVICE FUND STATE BOARD OF ADMINISTRATION DEBT ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Barefoot Bay Recreation District Board of Trustees has adopted fiscal year 2016 budget, which approved \$570,000 to be transferred to the District's Debt Service Fund State Board of Administration Debt Account for the Benefit of District operations; and

WHEREAS, The Barefoot Bay Recreation District maintains the District's General Fund Operating Account which has a current balance of \$1,786,932.44 as of April 30, 2016; and

WHEREAS, on May 13, 2016 the Board of Trustees considered the above referenced transfer and directed that such transfer be approved by Resolution.

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

Section 1. A transfer in the amount of Five Hundred Seventy Thousand Dollars (\$570,000.00) from the District's General Fund Bank of America Operating Account to the District's Debt Service Fund SBA Debt Account.

Section 2. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed

Section 3. This Resolution shall become effective immediately upon its adoption.

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

Chairman, Joseph Klosky
Trustee, Lee Wright
Trustee, Steve Diana
Trustee, Brian Lavier
Trustee, Frank Cavaliere

The Chairman thereupon declared this resolution Done, Ordered, and Adopted this 13th Day of May, 2016.

BAREFOOT BAY RECREATION DISTRICT

By: _____
JOESPH KLOSKY
CHAIRMAN

STEVE DIANA
SECRETARY

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	A-3

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: FY 2016 Transfer from Debt Service Fund SBA Debt Account to the General Fund BOA Operating Account and Resolution

Dept/Office: Administration- Finance Office

Requested Action: Approval of Resolution

Summary Explanation and Background:

The following debt payments were made in December 2015 and January 2016 from General Fund's Bank of America Operating Account:

<u>FY 2016 Debt Payments</u>	
<i>Obligation #265</i>	\$ 683,524.88
<i>Obligation #18</i>	\$ 44,561.17
<i>Fixed/Float SWAP</i>	\$ 56,007.42
<i>TOTAL Debt Payments:</i>	<i>\$ 784,093.47</i>

Staff recommends the BOT approve the accompanying Resolution to authorize the transfer of \$784,093.47 from the Debt Service Fund SBA Debt Account to the General Fund BOA Operating Account.

Exhibits Attached: Resolution and invoices

Contact: Kimi Cheng, Finance Manager

Fiscal Impact: N/A

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval:

SUMMARY

Customer No.	
Invoice No.	1610002355
Obligation(s)	0000000018
Statement Date	01/11/16
Due Date	01/31/16

Due	Past Due	This Period	Total Due
Principal	0.00	655,574.00	655,574.00
Interest	0.00	27,950.88	27,950.88
Total	0.00	683,524.88	683,524.88

Amount Enclosed

BAREFOOT BAY RECREATION
DISTRICT
ATTN KIMI CHENG FINANCE MGR
625 BAREFOOT BLVD
BAREFOOT BAY FL 32976

|||||
BANK OF AMERICA NA
P O BOX 660576
DALLAS TX 75266-0576

Please detach and return top portion with payment by JANUARY 31, 2016.

IMPORTANT INFORMATION

Access your eligible loan information online, at no charge.
Qualified Small Business Online Banking users, click on the loan link from your Overview page.
For information on qualification through CashPro Online, contact your bank representative.
A late fee will be assessed in accordance with the terms of your note if full payment is not made promptly.
Excess payment amounts will be applied to your principal balance.

ACTIVITY SINCE YOUR LAST STATEMENT

BAREFOOT BAY RECREATION		Invoice No. 1610002355	Due Date 01/31/16	Total Due 683,524.88
OBLIGATION NO. 18	RATE 2.189	NOTE DATE 12/30/96	ORIG/RENEWAL AMOUNT 8,370,500.00	MATURITY 01/31/17
Date	Transaction Description	Activity	Balance	
	Starting Balance		1,969,059.89	
	Previous Principal Due	617,593.00		
	Previous Interest Due	40,683.04		
12/16/08	Rate Chg - 2.03287500			
11/26/15	Principal Payment	617,593.00-	1,351,466.89	
11/26/15	Interest Payment	40,683.04-		
ADJUST	Prior Principal Activity	174.37-		
	Int 319 days @ 2.0328	24,344.69		
12/16/15	Rate Chg - 2.18925000			
	Int 016 days @ 2.1892	1,314.98		
	Int 030 days @ 2.1892	2,465.58		
11/31/16	Principal Due	655,574.00		
PRINCIPAL	PAST DUE	THIS PERIOD	TOTAL DUE	
	0.00	655,574.00	655,574.00	
INTEREST	0.00	27,950.88	27,950.88	
TOTAL	0.00	683,524.88	683,524.88	

obligation #18

1300 510710 -06 \$655,574

1300 510720 -06 \$27,950.88

\$683,524.88

12/30/16

[Signature]

BANK OF AMERICA NA
P O BOX 660576
DALLAS TX 75266-0576



Commercial
Loan Invoice

Please check if your address is
incorrect and complete reverse side ☐

SUMMARY

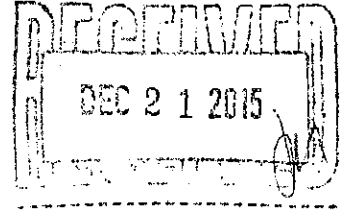
Customer No.	
Invoice No.	1510136352
Obligation(s)	0000000265
Statement Date:	12/15/15
Due Date:	12/30/15

Due	Past Due	This Period	Total Due
Principal	0.00	42,487.90	42,487.90
Interest	0.00	2,073.27	2,073.27
Total	0.00	44,561.17	44,561.17

Amount
Enclosed

|||||
BAREFOOT BAY RECREATION
DISTRICT
ATTN KIMI CHENG FINANCE MGR
625 BAREFOOT BLVD
Barefoot Bay, FL 32976-7305

|||||
BANK OF AMERICA NA
P O BOX 660576
DALLAS TX 75266-0576



Please detach and return top portion with payment by DECEMBER 30, 2015.

IMPORTANT INFORMATION

- Access your eligible loan information online, at no charge. Qualified Small Business Online Banking users, click on the loan link from your Overview page. For information on qualification through CashPro Online, contact your bank representative.
- A late fee will be assessed in accordance with the terms of your note if full payment is not made promptly.
- Excess payment amounts will be applied to your principal balance.

ACTIVITY SINCE YOUR LAST STATEMENT

BAREFOOT BAY RECREATION				Invoice No. 1510136352	Due Date 12/30/15	Total Due 44,561.17
OBLIGATION NO.	RATE	NOTE DATE	ORIG/RENEWAL AMOUNT	MATURITY		
265	2.032	09/07/01	500,000.00	12/30/16		
Date	Transaction Description		Activity	Balance		
	Starting Balance			141,828.97		
	Previous Principal Due		40,572.21			
	Previous Interest Due		2,956.06			
12/24/14	Principal Payment		40,572.21	101,256.76		
12/24/14	Interest Payment		2,956.06			
ADJUST	Prior Principal Actvty		13.74			
	Int 002 days @ 2.0328		11.43			
	Int 363 days @ 2.0328		2,075.58			
12/30/15	Principal Due		42,487.90			
	PAST DUE	THIS PERIOD	TOTAL DUE			
PRINCIPAL	0.00	42,487.90	42,487.90			
INTEREST	0.00	2,073.27	2,073.27			
TOTAL	0.00	44,561.17	44,561.17			

1300 510710-06 \$42487.90

1300 510720-06 \$2073.27

44561.17

obligation 265/ small bond
payment 2015.

12/21/15

23 Dec 15

obligation 265/small bank
payment 2015.

12/21/15

1300 510710-06 \$42,487.90
1300 510720-06 \$2,073.27
44,561.17

BANK OF AMERICA NA
P O BOX 660576
DALLAS TX 75266-0576

12/21/15

Bank of America, N.A.

DERIVATIVES TRADE SUPPORT
 200 N College St
 Charlotte NC, 28255

28JAN16 15:28:39 GMT

TO: Barefoot Bay Recreation District
 625 Barefoot Bay Boulevard
 Barefoot Bay
 FL
 329769233
 United States

ATTN: Kimi Cheng
 TEL: 772 664 3141
 FAX: 772 664 1928

Type of Transaction - **FIXED/FLOAT SWAP**
 Trade Date - 31OCT96
 Effective Date - 31JAN97
 Maturity Date - 31JAN17

Please be advised of the following interest rate swap payment, all rates are inclusive of Spread where applicable, period interest may also reflect notional adjustment amounts:

Start Date	End Date	Day Count	Rate Index	Interest Rate	Effective Notional	Period Interest
30JAN15	29JAN16	364/360	USD-FIXED	6.15000	USD1,351,467.00	84,038.72
30JAN15	29JAN16	364/360	USD-Prime-H.15	2.05135	USD1,351,467.00	(28,031.30)

Barefoot Bay Recreation District will pay USD 56,007.42 value 29JAN16 to

We will debit your account.

Bank : **BANK OF AMERICA, N.A., FL**

Account Name : **BAREFOOT BAY RECREATION DISTRICT, BAREFOOT BAY, FL**

Best Regards,
 Global FX and Derivative Operations
 Bank of America, N.A.

RESOLUTION 2016 - 05

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF SEVEN HUNDRED EIGHTY FOUR THOUSAND NINETY THREE DOLLARS AND 47/100 CENTS (\$784,093.47) FROM THE DISTRICT'S DEBT SERVICE FUND STATE BOARD OF ADMINISTRATION DEBT ACCOUNT TO THE DISTRICT'S GENERAL FUND OPERATING ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Barefoot Bay Recreation District Board of Trustees has recognized a need to transfer funds in the amount of Seven Hundred Eighty Four Thousand, Ninety Three Dollars and 47/100 cents (\$784,093.47) to be transferred to the District's General Fund Operating Account for the Benefit of District operations; and

WHEREAS, the amount to be transferred is for the following Bank of America debt payments made in FY 2016:

Obligation 265 for \$683,524.88
Obligation 18 for \$44,561.17
Fixed/Float SWAP for \$56,007.42; and

WHEREAS, The Barefoot Bay Recreation District maintains State Board of Administration (SBA) Debt Account, which has a balance of Six Hundred Ninety Two Thousand, Eight Hundred Fifty Six Dollars and 04/100 cents (\$692,856.04) as of April 30, 2016; and

WHEREAS, After the Board approval of Resolution 2016-04, which authorizes the transfer of \$570,000 to the District's Debt Service Fund SBA Debt Account, thus the account will have an available balance of One Million, Two Hundred Sixty Two Thousand, Eight Hundred Fifty Six Dollars and 04/100 cents (\$1,262,856.04); and

WHEREAS, on May 13, 2016 the Board of Trustees considered the above referenced transfer and directed that such transfer be approved by Resolution.

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

Section 1. A transfer in the amount of Seven Hundred Eighty Four Thousand, Ninety Three Dollars and 47/100 cents (\$784,093.47) from Debt Service Fund SBA Debt Account to the District's General Fund Bank of America Operating Account.

Section 2. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed

Section 3. This Resolution shall become effective immediately upon its adoption.

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

Chairman, Joseph Klosky
Trustee, Lee Wright
Trustee, Steve Diana
Trustee, Brian Lavier
Trustee, Frank Cavaliere

The Chairman thereupon declared this resolution Done, Ordered, and Adopted this 13th Day of May, 2016.

BAREFOOT BAY RECREATION DISTRICT

By: _____
JOESPH KLOSKY
CHAIRMAN

STEVE DIANA
SECRETARY

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	A-4

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Various projects Budget Amendments (CFB-Reserve) and Resolution

Dept/Office: Administration- Finance Office

Requested Action: Approval of Resolution

Summary Explanation and Background:

In FY15, Board has approved various projects that require Budget Amendments to FY16 Adopted Budget. The projects require funding from Committed Fund Balance – Reserve are: Scoreboard at Softball Field project, Pool 3 Pit Replacement project and Softball Field Repair project. The details for these projects are as following:

Scoreboard at Softball Field Project:

On 9/11/2015 BOT meeting, Board approved to allow staff to proceed with the best quote suited to meet the needs of the scoreboard sign installation requirements with \$10,000 price cap. On 10/7/2015, Community Manager awarded the contract to Complete Electric, Inc. in the amount of \$8,900. The full amount of \$8,900 is required to be funded by Committed Fund Balance – Reserve.

Pool 3 Pit Replacement Project:

On 4/28/2015 BOT meeting, Board awarded Pool 3 Pit Replacement contract to Family Pools in the amount of \$29,790. On 5/8/2015 BOT meeting, Board awarded an additional amount of \$3,710 to Family Pools' contract, totaling of \$33,500. On 11/13/2015, the Board approved a budget amendment in the amount of \$26,800 to fund the project expenditure in FY15 from CFB-Reserve. In FY16, the project has expended \$10,023.88, which is required to be funded by Committed Fund Balance – Reserve. (\$466 for limestone, \$572.25 for breaker and junction boxes for lights, \$298.21 for flow meters, \$487.42 for light fixture, \$1,500 for acid wash pool and remaining contract balance of \$6,700)

Softball Field Repair Project:

On 8/14/2015 BOT meeting, Board awarded Softball Field Infield renovations contract to ABM in the amount of \$16,139. The full amount of \$16,139 is required to be funded by Committed Fund Balance – Reserve.

Thus, total necessary funding from Committed Fund Balance – Reserve is \$35,062.88

		FY16 FB - Reserve
Capital	Scoreboard at Softball Field	\$ 8,900
Capital	Pool 3 Pit Replacement	\$ 10,023.88
Capital	Softball Field Repair	\$ 16,139.00
		\$ 35,062.88

Staff recommends the BOT approve the accompanying resolution authorizing the budget amendment funding from CFB-Reserve for the above three projects and the transfer of fund.

Exhibits Attached: Resolution, 4/28/15, 8/14/15 & 9/11/15 Agenda and Minutes.

Contact: Kimi Cheng, Finance Manager

Fiscal Impact: \$35,062.88 from Committed Fund Balance - Reserve

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval:

Meeting Date
Sep. 11, 2015



Agenda
Section 8
Item No B

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Softball Field Scoreboard Installation Contract
Dept./Office: Property Services

Requested Actions: Discussion and Direction to Proceed
<p>On 10Apr15, the BOT accepted a donation of \$2,450.00 from the representatives of the Over 60 Softball League for a VSBX-31LED scoreboard with handiscope wireless remote control.</p> <p>Staff acquired the engineered design from TLC (BBRD Engineering firm of record) at a cost of \$3,200.00.</p> <p>On 28Jul15, the BOT awarded a contract to SignAccess, Inc. for \$9,206.90. Subsequent to the award of contract a deposit was paid to SignAccess, Inc. per terms of the quote and the scoreboard was purchased and delivered to the vendor.</p> <p>On 12Aug15, the vendor e-mailed BBRD declaring his intentions to not follow the TLC design and do the work their way. Community Manager Coffey responded stating the "intentions were unacceptable." Subsequent conversations with Property Services John Morris determined the vendor prefers to construct the project "his way" but is willing to follow TLC design standards for a "significant increase in price." On 19Aug15, the vendor notified BBRD of their intent to void the contract and subsequently returned the deposit and scoreboard.</p> <p>Property Services staff continues to seek new quotes for the project. At the time of the drafting of this memo, staff had not yet received any new quotes. Any quotes received before 11Sep15 will be forwarded to the Trustees for their consideration at the BOT meeting.</p>
Exhibits Attached: N/A
Contact: John W. Coffey, Community Manager or John Morris, Property Services Manager
Fiscal Impact: TBD
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval: Yes



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting

Friday, September 11, 2015

1 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on Friday, September 11, 2015 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 the victims of the attack on the United States on September 11, 2001 and our Barefoot Bay residents.

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

Roll Call

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

Special Presentation – Patriot Day Proclamation

Mr. Klosky read the Patriot Day Proclamation in remembrance of the attack on United States on September 11, 2001.

Ms. Crouse made a motion to approve the Patriot Day Proclamation. Second by Mr. Cavaliere. Motion carried unanimously.

Minutes

Mr. Lavier made a motion to approve the minutes from August 25, 2015 with corrections. Second by Mr. Cavaliere. Motion carried unanimously.

Treasurer's Report

Ms. Crouse presented the Treasurer's Report for September 11, 2015.

Mr. Lavier made a motion to accept the Treasurer's Report as read. Second by Mr. Guinther. Motion carried unanimously.

Audience Participation (Agenda items only)

None brought forward

Old Business

Award of Contract for Entrance Wall Replacement

Mr. Coffey updated the Board on the current status of vendor quotes to rebuild the entrance wall. Though a revised quote to rebuild according to new county requirements was received from the contracted vendor, Hamilton Masonry, staff was dissatisfied with the minimally adjusted price when compared to the significant reduction in the scope of the project. Staff has continued to seek out additional quotes but to date has not acquired any further bids. Staff seeks direction from the Board on how to proceed. Mr. Guinther recommended continuing with the wall rebuild as originally approved by the Board. Ms. Crouse advised removing the cost for demolition from the quote as this was completed by Barefoot Bay staff. She advised beautification of the area with appropriate landscaping and foliage in lieu of rebuilding the wall. Mr. Lavier and Mr. Cavaliere are not in favor of the wall being rebuilt stating



BAREFOOT BAY RECREATION DISTRICT

the majority of feedback from residents since the wall has been removed is in favor of keeping the area as it is and free of obstruction. Mr. Guinther made a motion to approve the revised quote from Hamilton Masonry and continue with the rebuild of the entrance wall. Second by Ms. Crouse for discussion. Motion failed.

Mr. Cavaliere made a motion to cease any further plans to rebuild the entrance wall and recommended landscaping of the area with appropriate foliage. Second by Mr. Lavier. Mr. Guinther opposed. Motion passed 4-1.

Softball Field Scoreboard Installation Contract

Mr. Coffey updated the Board on the status of vendor bids for the installation of the sign. As of this meeting date staff has been unable to secure any other quotes to install the softball scoreboard. Mr. Guinther addressed Property Services Manager, John Morris, regarding why the quotes seemed difficult to acquire. Mr. Morris explained, many vendors are unwilling to wait for the sometimes lengthy competitive bidding process adhered to per BBRD Policy and as required by law. He is currently in a dialogue with two potential vendors who may provide quotes within the next two weeks.

Ms. Crouse made a motion to allow staff to proceed with the best quote suited to meet the needs of the sign installation requirements and price cap. Second by Mr. Lavier. Motion carried unanimously.

New Business

DOR Violations

Case # 15-000934 912 PECAN CIRCLE - Violation of ARTICLE III, SECT. 11 Exterior Maintenance. This case came into compliance by the date of the meeting.

Consideration of Renewing Current Auditing Service Agreement

Mr. Coffey explained BBRD's current contract with auditing firm Moore, Stephens and Lovelace (MSL) will expire after September 30, 2015. MSL is seeking to extend their contract with BBRD for an additional five years. Staff requests direction in this matter. Ms. Crouse made a motion to approve a 5-year extension for the Moore, Stephens and Lovelace contract. Second by Mr. Cavaliere. Special District Services (SDS) Manager, Mr. Jason Pierman, explained the Auditor General dictates an entity must submit an RFP and proceed with the auditor selection process via committee selection after a 3-5 year contract is up. He recommended review of this guideline and the MSL agreement before proceeding with this item. General Counsel Repperger recommended tabling the discussion until he reviews the agreement with MSL. Ms. Crouse withdrew her motion and Mr. Cavaliere withdrew his second.

Mr. Cavaliere made a motion to table the discussion until the contract is thoroughly reviewed. Second by Mr. Lavier. Motion carried unanimously.

FY17 Budget Preparation Schedule

Mr. Coffey presented the FY17 budget preparation schedule to the Board. He plans to have the working draft prepared by March 1, 2016, thereby, allowing the advisory committees at least one month to review before start of the budget workshops in April.

Ms. Guinther made a motion to approve the schedule as presented. Second by Mr. Cavaliere. Motion carried unanimously.

Facilities Planning Committee's Recommendation for Architectural Services for Building D/E Complex

Per the recommendation of the Facilities Committee, BBRD's engineer of choice TLC, supplied BBRD with architectural services to design a plan for the D/E complex. Mr. Coffey presented two options from the architect.



BAREFOOT BAY RECREATION DISTRICT

Option 1: \$7,680 was to develop architectural floor plans showing proposed renovations of the existing buildings with design narrative and rough order magnitude cost estimate

Option 2: \$10,920 to develop architectural floor plans and elevations for a brand new building to replace the existing buildings.

Mr. Guinther stated that fiscally, the time is not right for this type of expenditure. He is in favor of the renovation but does not advise going forward with this kind of expenditure now. Mr. Cavaliere does not want to prolong the much needed Building D/E complex renovations and stated the development of a conceptual design is part of good planning. Mr. Lavier agreed that the issues need to be addressed now. Ms. Crouse indicated the repairs needed in these buildings are not crucial and can be completed without making this type of expenditure.

Ms. Jeanne Osborne is in agreement with proceeding with the conceptual plan for the D/E complex.

Mr. Rich Schwatlow commented on the importance of starting and adhering to a plan.

Ms. Wilma Wegelin responded to and denied an earlier comment made by Mr. Guinther in which he stated he read in the recent minutes in the HOA newsletter that they plan to file a claim against the District. Ms. Weglein clarified this was simply a comment made in a meeting and not the collective intention of the HOA.

Mr. Cavaliere made a motion to move forward with both options as presented. Second by Mr. Lavier. Mr. Guinther and Mr. Klosky opposed. Motion carried 3-2.

Facilities Planning Committee's Recommendation: Building Replacement

Building F with Concrete Block Stucco Construction

Mr. Coffey discussed the Facilities Planning Committee recommendation regarding the proposal to change the current plan to replace Building F from a modular building to a concrete block building. Mr. Guinther stated he is against building a concrete building as it is the fiscally responsible option to remain with the approved plan to bring in a modular building. Ms. Crouse reiterated the planned project in place was actually moved to the current fiscal year in an attempt to use the grant award as funding for the modular replacement. The current building is in dire need of replacement and the replacement should happen quickly as there are employees that have to work there. Mr. Cavaliere reminded the Board that the modular building will be over budget and we should use the money wisely by investing in the concrete structure which is stronger and will readily withstand natural disasters in comparison to the modular building.

Ms. Jeanne Osborne stated she is against changing the plan. She advocated for continuation with the original plans to bring in a modular building. She is not in agreement with altering the plan which was approved many months ago.

Mr. Lavier commented on the displacement of the employees in Building F if the building were to be built in the current location. A concrete building in the resident relation office area is a better plan as the employees in Building F can continue to work without interruption and transition easily to the concrete building after completion.

Mr. Harold Wortman added the building is a turnkey operation. It is furnished, including lights and ready to move in and start operations.

Ms. Lee Wright stated the modular building will be over budget the concrete building will be structurally sound and will fit in with the other buildings.

Mr. Brian Belanger asked about the parameters for a referendum.

Mr. Guinther suggested the District send out a referendum with an agreed amount.

Wilma Weglein suggested she could add this question to her HOA questionnaire soon to be distributed.



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Mr. Cavaliere made a motion to proceed with pursuit of a concrete block construction at the current location of the existing Building F. Second by Mr. Lavier. Mr. Guinther and Ms. Crouse opposed. Motion carried 3-2.

Discussion ensued regarding the finances and plans needed to in order to pursue the design and construction of a concrete block building. Board consensus was to schedule a workshop where this topic can be further discussed.

Brevard County Water and Sewer Lease Renewal

The lease for Brevard County Water and Sewer has will expire on September 30, 2015. This lease has an option to renew for one year. The county has expressed a desire to exercise their right to extend the lease for the year per the current lease. In consideration of the Board direction to bring the leases into a standard square footage amount for rent, staff is proposing reducing their square footage rent from the current \$11.81 per square foot, to a proposed new standard of \$9.50. This would reduce their monthly rental amount from the current \$1,084.14 to \$872.42. The annual fiscal impact of this reduction is \$3,105.55. The CAM rate is reduced to bring into line with current CAM rates for the shopping center.

Mr. Cavaliere made a motion to accept a one-year renewal and establish a new base rent amount of \$10 per square foot. Second by Ms. Crouse. Motion carried unanimously.

Indian River Memorial Hospital New Lease

Ms. Cuddie discussed the lease for the Indian River Memorial Hospital which will expire on September 30, 2015. The tenant has requested a new lease for one year, with a one year renewal. In consideration of the Board direction to bring the leases into a standard square footage amount for rent, staff is proposing increasing their square footage rent from the current \$9.41 per square foot, to a proposed new standard of \$9.50. The annual fiscal impact of this increase is \$103.34.

Mr. Guinther made a motion to accept a one-year lease with a one-year renewal term and establish a new base rent amount of \$10 per square foot. Second by Ms. Crouse. Motion carried unanimously

Consideration of New Payroll System Dept/Office: Administration: Finance

Ms. Kimi Cheng presented four payroll quotes for a new payroll system. Staff anticipates implementation of the new payroll system in November 16, 2015. Staff recommends the BOT award the contract for a new payroll system to PayChex for \$15,762.28 (FY16 costs).

Mr. Guinther made a motion to approve PayChex as the new payroll system. Second by Mr. Cavaliere. Motion carried unanimously.

Liability & Workers' Compensation Insurance Renewal

Staff is in receipt of the current quote from Public Risk Insurance Agency (PRIA) and was informed that BBRD is eligible to renew the insurance premiums for two years at the current rates. The quote contains a reduction of \$6,674 from the FY15 premiums and \$4,436 less than the FY16 Approved Budget line-items.

Mr. Cavaliere made a motion to accept two year locked in rate as presented by Public Risk insurance company. Second by Mr. Lavier. Motion carried unanimously.

Manager's Report

We are currently awaiting the vendor's return to the playground site to complete the contracted clean-up of the sod after install of the new swing set in the last week of August. Egret bridge safety rails install is in progress. Mr. Coffey requested approval from the Board to authorize the Chairman sign the official award agreement for the FRDAP \$50,000 no match grant. He also presented the opportunity to apply for the 2016 Coastal Partnership Initiative Grant for a maximum award of \$60,000.



BAREFOOT BAY RECREATION DISTRICT

Ms. Crouse approved authorizing the Chairman to sign for the \$50,000 LWCF grant check. Second by Mr. Cavaliere. Motion carried unanimously.

Ms. Crouse made a motion we move forward with the application for the 2016 Coastal Partnership grant for \$60,000. Second by Mr. Guinther. Motion carried unanimously.

The golf course pump house controller system was damaged in a lightning strike. Mr. Coffey reported to the Board that he has waived the 2nd quote to repair the controller via the Exception to Competition clause. The maximum amount is estimated at \$11,045. We will file with our insurance if costs exceed the \$5000 deductible. Mr. Coffey received the proposal from TLC to upgrade the electrical infrastructure in Building A for \$4900. Work commences in October 2015. Mr. Coffey presented the statistical updates for the DOR violations processed year to date and thanked staff for their efforts in collecting outstanding receivables. Ms. Cheng and Ms. Cuddie were instrumental in the collection of a \$10,219.29 payment for outstanding fees owed to BBRD.

Attorney Report

General Counsel reviewed the existing audit firm agreement during the course of the meeting and determined that MSL, the District's auditing firm, can indeed be renewed for the 5-year term as originally requested.

Ms. Crouse made a motion to approve a 5-year extension for the Moore, Stephens and Lovelace contract. Second by Mr. Cavaliere. Motion carried unanimously.

General Counsel reviewed the title work on the property on 635 Hyacinth. His firm found no significant findings and recommended staff move forward with action on remedying the current violation. He hopes to have the written contract and deed back to the Board by the next meeting.

Trustee Liaison Report

Mr. Klosky read the property services report. The HOA candidate forum will take place from 3-5PM on October 4, 2015 in Building A. Trunk or Treat sign up will occur at the HOA office Monday and Wednesday between 1-3PM beginning October 5th. The HOA Halloween Dance will take place on October 31st with a pumpkin carving contest at Building A from 6-10PM. HOA Executive meeting will take place on October 6th and Regular meeting on October 13th both in Building A at 7PM. The Board of Trustees will discuss the common areas for golf carts at a workshop on September 16th in Building C. Ms. Crouse announced the Recreation Committee will meet on September 17th at 2PM in Building E. The Finance Committee will also meet on September 17th at 10AM in Building C. Two speakers will be on hand to discuss financial investment planning for a portion of the reserve fund. All interested residents are welcome to attend. Mr. Guinther announced 16 applications, 15 approvals with 1 on hold and 1 being a new home coming into the community and 11 inspection reports at the latest ARCC meeting. The next meeting is on September 15th at 9AM in Resident Relations office. Violations committee met on August 28th and heard 21 cases and recommended 21 violations. Violations committee met this morning heard 17 cases, 3 on hold, 3 in compliance and 11 in violation. The next Violations meeting is on September 25th in Building D/E. He discussed his tour of the shopping center where it came to his attention that the convenient store had several issues with leaks in the ceiling. He has forwarded on the information to Mr. Coffey for resolution. On his tour of the RV storage lots he noted new lot numbering in the West lot and removal of a dilapidated RV in the Micco lot. Mr. Lavier announced the new netting along the 18th hole. Workers are repairing broken cart paths with concrete. Mr. Cavaliere announced the End of Summer party at Pool 1 on September 20th. No tickets necessary to enjoy games, prizes, food and music. September 26th the HOA will host a fundraiser to support the sheriff's office at Pool 1 with free hot dogs from 5-7PM. Mr. Cavaliere announced a joint meeting



BAREFOOT BAY RECREATION DISTRICT

between the Recreation Committee, HOA, Kathy Mendes, and John Morris to discuss expansion of the Lounge and community complex area. Finance committee will be requested for input after the plans have been made to discuss funding opportunities.

Trustee's Incidental Remarks

Ms. Crouse made a motion to post a notice on the pier informing residents that effective immediately, all boats left at the pier will need to be removed by September 30th. After September 30th the remaining boats will be removed by the District. Second Mr. Cavaliere. Mr. Guinther opposed.

Motion carried 4-1.

Regarding dangerous dogs Ms. Crouse noted a resident was recently attacked by a dog in her own yard. She discussed the policy for dangerous dogs in Barefoot Bay and the problems with enforcement. Ms. Crouse stressed responsibility for your pets and advocated resident reporting of any violations of policy.

Mr. Cavaliere stated his point regarding his position on the Board. He by no means passes judgment on past trustees and hopes he is not misunderstood. His position is based on his observations and the feedback he receives from residents and staff. He asked that residents make the decision on which trustee to vote for by addressing the trustees themselves with their questions and concerns.

Audience Participation

Mr. Harold Wortman clarified the Food and Beverage report for the support of the sheriff office rally on September 26th. HOA is working with the Ms. Kathy Mendes and the Food and Beverage department to host 2 live bands and the HOA will provide over 200 hot dogs between 5-7PM. Donations are requested as all proceeds will go the Brevard Public Safety Charity in support of our public service men and women. He asked that the Board waive the pass for public service officers on that day.

Mr. Lavier made a motion to approve the resolution. Second by Ms. Crouse. Motion passed unanimously.

Mr. Wortman also encouraged residents to come out to the Meet the Candidates Forum on October 4th.

Ms. Nancy Eisele reminded the residents of the New Homeowners Orientation on the last Sunday of the month at 1PM in Building E.

The next meeting will be held on Tuesday, September 22, 2015 at 7PM in Building D/E.

Mr. Lavier made a motion to adjourn. Second by Mr. Cavaliere. Meeting adjourned at 4:06 p.m.

Thomas Guinther, Secretary

Dawn Myers, District Clerk

Meeting Date

Apr. 28, 2015



Agenda

Section	9
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Item No	B
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Agenda Report

Barefoot Bay Recreation District Board of Trustees

Subject: Pool #3 Pit Replacement Award of Contract

Dept./Office: Property Services
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Requested Actions: Award of Contract for Pool #3 Pit Replacement

On 26Nov15, Pool #3 pit experienced a failure (collapse of one side allowing soil to enter and clog the filtration system). The pool was re-opened on 9Dec15 after Property Services personnel successfully applied a temporary patch. Due to the temporary nature of the patch, staff attempted to obtain the 3 required bids. The following bids were received:

- Paradise Pools \$36,376
- Family Pools, Inc. \$29,790.

19 other attempts were made (see attached) to obtain the required 3rd bid. However, per BBRD Policy Manual page 2-9 "Use of Purchase Orders – Competitive Pricing" the Community Manager is invoking the "reasonable time" clause lifting the requirement for the 3rd bid.

Of note, Paradise Pools recently completed the emergency leak abatement project and pool pit upgrade project at Pool #1 while Family Pools, Inc. is scheduled to commence resurfacing and installation of pavers at Pool #2 next month.

Staff recommends the BOT award the contract to Family Pools, Inc. for \$29,790 and direct staff to bring a budget amendment back to the BOT to recognize the use of fund balance (reserve account).

Commencement of the Pool #3 pit replacement project will not start until the Pool #2 project is complete as the Pool is required to be drained for the project.

Exhibits Attached: Contact: John W. Coffey, Community Manager or John Morris, Property Services Manager
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Fiscal Impact: \$29,790 in fund balance (reserve account)
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Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval: Yes
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Barefoot Bay Recreation District
 Standard General Ledger
 7300 - Capital
 572121 - Pool 3 Pit Replacement
 9999 - Not Used
 From 10/1/2015 Through 9/30/2016

Account Code	Effective Date	Session ID	Transaction Description	Debit	Credit	ID
001			Opening Balance	0.00		
	10/29/2015	300426	Limestone for pool 3 pit replacement (CAPITAL)	466.00		soddepot
	11/11/2015	300427	Install breaker, jboxes for lights pool 3 project (CAPITAL)	572.25		compelectric
	11/12/2015	300429	Flowmeters for pool 3 project (CAPITAL)	298.21		usabluebook
	11/18/2015	300427	Light fixture for pool 3 project (CAPITAL)	487.42		familypools
	11/19/2015	300427	Final payment for pool 3 pit replacement (CAPITAL)	8,200.00		familypools
			Transaction Total	10,023.88	0.00	
Report Opening/Current Balance				0.00	0.00	
Report Transaction Totals				10,023.88	0.00	
Report Current Balances				10,023.88	0.00	
Report Difference				10,023.88		



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting

Tuesday, April 28, 2015

7 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on Tuesday, April 28, 2015 in Building D&E, 1225 Barefoot Boulevard, Barefoot Bay, Florida. Chairman Klosky called the meeting to order at 7:00 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 all of our Barefoot Bay residents.

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

Roll Call

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

Minutes

Mr. Ernest Loening requested that his response to Mr. Lavier's request to refrain from using vulgar language when addressing the Board at the April 10, 2015 meeting, be inserted into the minutes. Mr. Loening wanted it to be noted that in response to Mr. Lavier's request, he replied that his phrase was not vulgar. Ms. Crouse informed Mr. Loening that the minutes are not verbatim, rather they are simply an overview of the meeting. Mr. Loening's request was not accepted.

Mr. Cavaliere made a motion to approve the minutes from April 10, 2015 as presented. Second by Ms. Crouse. Motion carried unanimously.

Treasurer's Report

Ms. Crouse presented the Treasurer's Report for April 28, 2015.

Mr. Cavaliere made a motion to accept the Treasurer's Report as read. Second by Mr. Guinther. Motion carried unanimously.

Old Business

Swing Set Safety Mulch Procurement

Mr. Coffey presented the Board with the diagram of the proposed swing set location and parameters of the safety surface as requested by the Board at the previous meeting. Due to liability exposure, park and recreation best practices include the placement of a safety surface underneath and around all children's playground equipment. Barefoot Bay previously purchased a rubber pour-in-place safety surface for the playground equipment. Mr. Coffey clarified a statement from the previous meeting as a staff person incorrectly stated "federal regulations" require safety mulch but should have stated these are "national safety standards." The Board is not required to place mulch under the swing set but deviations from established safety standards increases potential liability to BBRD.

Ms. Crouse made a motion to accept the quote from Advanced Recreational Concepts for \$11,136 for pour in place mulch. Second by Mr. Guinther. Motion passed unanimously.

Mr. Richard Bleau supported Ms. Crouse's motion and encouraged the Board to move forward with the pour in place mulch as opposed to the loose cypress chips. Mr. Cavaliere requested information on where the extra money for this project will come from. Mr. Coffey stated fund balance will cover the expense and this is also a reimbursable project from the anticipated grant award later this year.



BAREFOOT BAY RECREATION DISTRICT

Over 60 Softball League Donation Design and Installation Costs

Mr. Coffey explained the design and installation costs were unknown at the previous meeting when the Board accepted a check from the Over 60 Softball League for donation of a VSBX-31LED scoreboard with handiscope wireless remote control for \$2,540. Board requested staff research costs for installation and design and bring back at a subsequent meeting for consideration. Due to a misunderstanding on the direction from the Board, Mr. Coffey authorized a proposal from District engineering company, TLC, to move forward with the design of the scoreboard and attachments for \$3200. Mr. Coffey asked for direction from the Board to either cancel the proposal or move forward with the design.

Ms. Crouse made a motion to move forward with the costs for design and installation from TLC Engineering. Second by Mr. Guinther. Mr. Cavaliere opposed. Motion carried 4-1.

Mr. Tony Marks, Secretary of the Over 60 Softball League, corrected the amount stated on the donated check as it was written for \$2600 not \$2450 as quoted earlier by the Board.

New Business

SDS /Community Manager Evaluations

Mr. Klosky read the results from the Special District Services and Community Manager Evaluations recently completed by the Board. The Community Manager was commended for continuing to improve operations and raise standards in Barefoot Bay. SDS received perfect scores for their management services and primarily for supplying the District with an innovative and progressive Community Manager. Ms. Crouse and Mr. Guinther thanked Mr. Coffey for being a strong leader and leading the community where it needs to be. Mr. Klosky thanked SDS and the Community Manager for a great job in the community.

Pool #3 Pit Replacement Award of Contract

Mr. Coffey presented two quotes for repairs to the pool pit at Pool 3. A third quote was unobtainable. Last November the pool pit experienced a collapse of one side of the pit allowing soil to enter the pit. Staff temporarily patched the pit but strongly recommends a professional repair. Staff recommends waiving the third quote requirement and award the contract to Family Pools, Inc. for \$29,790.

Ms. Guinther made a motion to accept Staff's recommendation and approve the quote from Family Pools for \$29,790. Second by Ms. Crouse. Motion passed unanimously.

Egret Bridge Rail Replacement Award of Contract

Due to an unfortunate fall over the railing and into the shallow water and mud by a resident last year, staff has researched costs for reinforced railings on the Egret Bridge in an effort to prevent any other possible accidents in the future. Mr. Coffey presented quotes for the replacement of faulty railings on the Egret bridge from 3-D Fencing for \$14,100 plus permitting costs and Palm Bay Fencing for \$15,000. Staff recommends award of contract to 3-D Fencing for \$14,100 plus permitting costs.

Mr. Cavaliere made a motion to approve the quote from 3-D Fencing for \$14,100 plus permitting costs. Second by Ms. Crouse. Motion carried unanimously

19th Hole Walk-in Cooler Lease Purchase Award of Contract

Ms. Kathy Mendes explained the 19th Hole lacks sufficient storage for beverages typically stored in refrigerated environments. The addition of a walk-in cooler outside the 19th Hole would ease this overcrowding and decrease the risk of retrieving items stacked too high and/or closely together. Staff obtained two quotes for the walk-in coolers: 9'x 9'x7'7" from Jimmy's A/C & Refrigeration for \$12,723 and 8'2.75" x 10'1.75" x 7'6" from Complete Restaurant for \$16,636.75. Both have options for leasing terms to be calculated from a subsequent financing company.



BAREFOOT BAY RECREATION DISTRICT

Mr. Steve Diana voiced his opinion regarding support of replacement equipment for Food and Beverage and encouraged replacing and leasing the three ice machines at the 19th Hole, the Lounge and Building D/E.

Mr. Richard Bleau commented on the expenses for the cooler and asked when the District will stop spending on the 19th Hole as it is only a bar. He recommended utilizing our engineering company and research with the county regarding direction on where the cooler should be placed in the desired location prior to purchasing.

Mr. Guinther made a motion to accept the quote from Jimmy's AC & Refrigeration for \$12,723. Second by Ms. Crouse. Motion carried unanimously.

Mr. Cavaliere made a motion to have staff bring financing terms back to the Board for consideration. Second by Mr. Guinther. Motion carried unanimously.

Approval Recreation Committee Members Lineup

Ms. Crouse presented the official list for the Recreation committee members approval from the Board.

Mr. Cavaliere made a motion to accept the Recreation Committee list of members as presented. Second by Mr. Guinther. Motion carried unanimously.

Manager's Report

Mr. Coffey reported the intermodal connector path project has begun. Work commenced on the path on April 21, 2015 in the location near the Lounge. He presented the results after a full investigation of the floor and there were no compromises in the Building A floor as reported by the vendor. He will have an official report to submit to the trustees when he receives it. The final Golf Operations Manager interview will be held on April 30, 2015. We anticipate the new manager will be selected and begin work by mid to late May. Mr. Coffey congratulated the finance department for their outstanding efforts in collecting late fees. He thanked the trustees for their recognition on his evaluation and assured them that he will continue to work hard for the Board and the District.

Attorney's Report

General Counsel Repperger discussed the requirement from the County regarding additional curbing for the entrance wall which increases costs for replacing the wall significantly. He is currently working on making contact with representatives from the county to discuss a modification of the request.

Trustee Report

Mr. Klosky read the Property Services report including painting of the entrance walls facing US-1, the start of the intermodal paths in vicinity of the Lounge, and replacement lights at the pier and gates at the playground due to vandalism. HOA will have a speaker at their next general meeting Tuesday, May 12th and an ice cream social scheduled in the near future. Ms. Crouse announced the creation of a program during the summer which would involve the participation of clubs such as tennis, pickleball, basketball, etc., similar to the Jr. Golf program, which would offer a designated time for kids between ages 8-17 to play under the supervision and guidance of adult volunteers. She asked for consensus from the Board to send out letters to various clubs requesting feedback and potential interest in the program. Board was in consensus. Ms. Crouse discussed the question/answer segment from the Peek of the Week. She was asked what the name of the newly planted flora was at the entrance to the Pro Shop and Building D/E. She stated this plant is called Red Bud Ginger. She will continue this segment in the Peek of the Week and stated the submissions need to be signed and will not include information about employees. Mr. Guinther reported on the reviewed and approved ARCC applications and inspection reports. The ARCC



BAREFOOT BAY RECREATION DISTRICT

committee will be researching opportunities on how to reconcile County rules and the District DOR. He announced the Violations Committee is still in search of an alternate for that committee if anyone is interested. Mr. Lavier discussed the three recent charity tournaments the District has sponsored for underprivileged children, breast cancer and the wounded warriors. In the past weekend \$3275 was raised for the Bayside High School Booster Club. He thanked the community, the community manager and the trustees that participated in supporting the function. Mr. Cavaliere announced the upcoming Mother's Day Brunch and Memorial Day Street Dance. The next Facilities Planning Meeting will take place on May 21st with discussion to take place regarding the upgrades to Building D/E, ProShop and 19th Hole. Mr. Cavaliere welcomed input from any retired engineers or architects in the community who may be interested in lending advice on improving our facilities.

Trustee's Report

Mr. Cavaliere congratulated Mr. and Mrs. Lavier on all their work with the tournament last weekend. He would like to see about holding a workshop to discuss ideas for activities specifically geared for kids in our community.

Audience Participation

Mr. Ernest Loening made a formal apology to the Board and audience for shouting out his displeasure the way the Board was handling certain topics at the last meeting. He stated he would go up to the podium to speak next time and this would not happen again. He asked for an apology from Mr. Lavier as well, since his words are not considered vulgar as he found out while researching on the internet.

James Ling stated his displeasure for a violation received for his light being an unauthorized color. He stated the blue light was placed in his lamppost for autism awareness. He also commented on the rule regarding the lamppost being left off while away. Ms. Crouse explained this rule is for safety purposes and strongly encourages leaving the light on when residents are planning on going back north.

Mr. Steve Diana stated his disapproval regarding open criticism of employees by members of the Board of Trustees. He was disappointed at the request to postpone the Pool 3 pool pit repairs here tonight as this has been a trend to put things off at the expense of higher costs in the long run. He encouraged more DOR enforcement staff to deal with the rental problems in Barefoot Bay. He also commented on the recent altercations between elderly gentleman, he is discouraged at this display and asked that the community join together to improve conditions in the Bay.

Mr. Bob Kahl announced the HOA will be taking some residents to the Bushnell Cemetery if anyone is interested please contact him at 772 202-4139.

Ms. Nancy Eisele announced the National Day of Prayer on May 7th by Building A under the trees, anyone is welcome to join.

Ms. Audrey Deslandes inquired about the code enforcement officer is allowed on private property without permission. She inquired about restrooms at the beach. Mr. Coffey stated there is no budget for the beach currently.

Adjournment

Mr. Klosky announced the next District meeting on Friday, May 8, 2015 at 1PM in Building D/E.

Mr. Cavaliere made a motion to adjourn. Second by Ms. Crouse. Meeting adjourned 8:45 p.m.

Thomas Guinther, Secretary

Dawn Myers, District Clerk

Meeting Date

Aug. 14, 2015



Agenda

Section	9
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Item No	E
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Agenda Report

Barefoot Bay Recreation District Board of Trustees

Subject: Softball Field Infield Renovations Award of Contract
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Dept./Office: Property Services
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Requested Actions: Award of Contract

On 02 Jun 15, BBRD received a soil analysis of the softball infield which listed soil deficiencies and recommended professional installation of amendments. Staff requested a quote from ABM to perform this work and said quote for \$16,139.00 is attached.

The quote covers

- Professional application of 90 tons of "Fieldsaver"
- Rototilling
- Laser leveling as performed a sub-contractor experienced in the application of the amendment.

Staff provided the soil sampling report to the Over 60 Softball Association leadership and they have agreed to abide by ABM routine maintenance recommendations going forward.

Although the amount of this quote requires a second quote per BBRD policy, staff recommends waiving this requirement since ABM has a vested interest in the field as they are contracted for the majority of the routine maintenance of the field.

Staff recommends the BOT waive the second quote requirement and award contract for softball infield renovations to ABM. for \$16,139.00.

If approved, staff will bring back a budget amendment agenda item after the project is completed to fund the project from the reserve account within the General Fund.

Exhibits Attached: ABM quote, email from Paul Zwaska of Beacon Athletics and supporting attachments.

Contact: John W. Coffey, Community Manager or John Morris, Property Services Manager

Fiscal Impact: \$16,139.00

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval: Yes
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BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting

Friday, August 14, 2015

1 P.M. –Building D&E

The Barefoot Bay Recreation District held a Regular Meeting on Friday, August 14, 2015 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.

Mr. Cavaliere led the Pledge of Allegiance to the Flag.

Roll Call

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

Minutes

Mr. Cavaliere made a motion to approve the minutes from August 14, 2015. Second by Mr. Lavier. Motion carried unanimously.

Treasurer's Report

Ms. Crouse presented the Treasurer's Report for August 14, 2015

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

Audience Participation (Agenda items only)

None brought forward

Old Business

Reconsideration of Award of Contract for Entrance Wall Replacement

At the March 24, 2015 meeting staff awarded the contract for the reconstruction of the damaged entrance wall to Hamilton Masonry for \$10,210.00 plus permitting costs. Soon after, BBRD received notification from the county stating additional requirements necessary which increased the initial estimated cost to approximately \$25,000. Mr. Coffey and General Counsel Repperger subsequently met with county officials to discuss waiving the requirement for 200 ft. of additional f-curbings. Mr. Coffey and General Counsel Repperger were successful in getting the requirement waived, however the engineered design would have to be modified to ensure the wall was moved 10 ft. to the east, no more than 4 ft. tall and side wings eliminated. Board directed staff to request a revised quote from Hamilton Masonry for construction of the modified wall design. Mr. Coffey explained that Property Services has not been successful in retrieving the revised quote as Hamilton Masonry has not responded to multiple attempts to discuss the modified design and submit a revised quote. He discussed the options available, including instructing staff to continue soliciting additional quotes with authorization for Mr. Coffey to select the most qualified and responsive vendor and proceed with the project. Staff demolished the damaged wall on August 7, 2015 which will further reduce the cost of the project. Mr. Coffey ensured staff would provide the revised quote to the Trustees and place it on the website (www.bbrd.org) when received.



BAREFOOT BAY RECREATION DISTRICT

Mr. Guinther made a motion for staff to pursue additional quotes for the rebuild of the entrance wall and proceed with the project per the options provided in the email from Mr. Coffey to the Trustees dated August 13, 2015. Second Ms. Crouse. Motion carried unanimously.

New Business

DOR Violations

Case # 15-000685 - 1001 ORIOLE CIRCLE

Case # 15-001002 - 1055 WREN CIRCLE

Case # 15-000823 - 931 FRANGI PANI DRIVE

Violation of ARTICLE III, SECT. 2 (B) Condition of Property - Power Wash

Ms. Crouse made a motion to powerwash Case # 15-000685 - 1001 ORIOLE CIRCLE, Case #15-001002 - 1055 WREN CIRCLE, Case # 15-000823 - 931 FRANGI PANI DRIVE and lien the property for the costs. Second by Mr. Cavaliere. Motion carried unanimously.

Case # 15-000712 - 1329 BAREFOOT CIRCLE came into compliance by the date of this meeting.

FY 2015 3rd Quarter Capital & Grants Transfer and Resolution

Staff requested Board approval of the transfer of funds expended in the 3rd quarter of FY 2015 from the SBA Capital Improvement Account to the BBRD Operating Account and SBA Reserve Account and Approval of the Resolution. General Counsel Repperger read the resolution:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; AUTHORIZING THE TRANSFER OF ONE HUNDRED THREE THOUSAND SEVEN HUNDRED SEVENTY ONE DOLLARS AND 37/100 CENTS (\$103,771.37) FROM THE DISTRICT'S STATE BOARD OF ADMINISTRATION CAPITAL IMPROVEMENT ACCOUNT TO THE DISTRICT'S OPERATING ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mr. Guinther made a motion to approve the resolution to transfer \$103,771.37 from the SBA Capital Improvement Account to the DOA account. Second by Mr. Cavaliere. Motion carried unanimously.

Landscaping Committee Confirmation

The Landscaping Committee provides advice and recommendations regarding proposed landscaping projects in Barefoot Bay then brought to the Board of Trustees for action. Landscaping committee consists of Chair, Louise Crouse and members: Richard Bleau, Louise Kovac, Tony Pitrule and Richard Schwatlow. Ms. Crouse requested approval of the committee and members.

Mr. Cavaliere made a motion to approve the Landscaping Committee. Second by Mr. Guinther. Motion carried unanimously.

Landscaping Committee Recommendation Regarding New Entrance Wall

Ms. Crouse held the Landscaping Committee meeting on July 30, 2015 at 2 P.M. to discuss options to fill in the entrance wall area with attractive foliage. She presented suggestions from the meeting noting that only one member, Louise Kovac, was present. Committee suggested installing plants that were low growing and sunlight, drought and freeze tolerant such as Liriope, Croton and Schefflera. Additional suggestions included replacing the boat with a golf cart as representative of the golf cart community, placing minimal decorations during the holidays and possibly displaying informational banners.



BAREFOOT BAY RECREATION DISTRICT

Mr. Guinther made a motion to approve the Landscaping Committee recommendations. Second by Mr. Cavaliere. Motion carried unanimously.

Softball Field Infield Renovations Award of Contract

Mr. Coffey discussed the soil sample report from June 2nd stating the softball infield's soil deficiencies and professional recommendations. He presented a quote from ABM for professional maintenance and remedy of the deficiencies.

Mr. Harold Wortman spoke on behalf of the Over 60 Softball League. He discussed the current application and gave suggestions on getting the soil up to par. He stated the softball players would greatly appreciate moving forward with this contract.

Mr. Cavaliere voiced his concern regarding the softball league's consistent need for funding from the District in the recent months. He recommends the league come up with a budget and plan to address all their future needs. Mr. Guinther supported Mr. Cavalier's position regarding the league coming up with a budget. He suggested perhaps the league should consider BBRD take over preservation of the softball field to ensure the field is properly maintained.

Ms. Crouse made a motion to approve the professional application of 90 tons of "Fieldsaver", rototilling and laser leveling and to continue maintenance by ABM. Second by Mr. Cavaliere. Motion carried unanimously.

Certification of DOR Amendment Ballot Results and Certification and Approval of Amended and Restated Deed of Restrictions

On July 14, 2015 the Ballot Canvassing Committee met to count the returned votes from the three proposed DOR amendments mailed out to residents on March 25, 2015. All three proposed amendments received the majority of votes in favor of each proposed amendment.

Ms. Crouse made a motion to approve the certification of the amended and restated Deed of Restrictions for Barefoot Bay Recreation District. Second by Mr. Lavier. Motion carried unanimously.

Manager's Report

Mr. Coffey reported DOR enforcement had 115 violations processed with 939 processed to date this year. This brings the total violations processed so far to 98% of the total violations in 2014. Tamarind Circle stormwater drainage project is now complete. Staff will monitor for any issues. The tennis courts fence and lights were damaged in recent high winds. Property Services is currently working to secure vendors to replace the structure that hold the lights. The FY15 replacement shed has arrived. F&B items will be moved to the new shed after some minor repairs. New budgeted positions in F&B will be posted internally and the part time DOR officer and full time Property Services positions will be advertised in October. Per the BBRD Policy, Mr. Coffey announced he waived the second quote for the tractor repair as only one qualified local vendor was available. Details can be found in the District Clerk's office in Building F. Mr. Klosky closed on the sale of BBRD property, 709 Lark Drive, on August 3, 2015. We received an offer for BBRD property, 406 Raven Drive, which will be placed on the August 25th agenda for Board approval to proceed with the sale. Pool 1 abatement project has saved us \$34,000 to date which covers 87% of the cost of the project.



BAREFOOT BAY RECREATION DISTRICT

Attorney Report

General Counsel Repperger reported receipt of the title report from the property accepted at the last Board meeting. He will present any new concerns based on the report at the next meeting.

Trustee Liaison Report

Mr. Klosky read the property services report. Ms. Crouse announced the Recreation Committee will not meet on August 20th as several members were away. She was pleased to report the comedy-hypnotist event last weekend was well-attended and well received. She thanked F&B for meeting the challenge of inclement weather by turning the outdoor food event into an indoor picnic due to rain. She recommended the District consider this show again in the future. Finance Committee meeting will meet on August 20th at 10 A.M. in Building F. She thanked Louise Kovacs for her assistance and expertise on the recent Landscaping Committee recommendations to the Board. Mr. Guinther had 7 applications and 7 approvals and 6 inspection reports at the recent ARCC meeting. The next meeting will take place on August 18th at 9 A.M. in the Resident Relations office. The Violations Committee met this morning and processed 17 cases, 5 in compliance and 12 in violation. Mr. Guinther made a presentation regarding the recent changes in the DOR. The committee will start meeting twice a week. Next meeting will be held on August 28th at 10 A.M. in Building D/E. Mr. Peter Dodge submitted a letter of resignation from the Violations Committee. Mr. Guinther thanked him for his service and announced an opening on this committee for any interested parties. Mr. Lavier commented on the renovation in progress at the Pro Shop. He commended Golf Manager Ernie Cruz, on doing a fabulous job. Mr. Cavaliere announced the upcoming events at the Lounge and Pool 1. He stated the upcoming Facilities Committee meeting will be scheduled soon.

Trustee's Incidental Remarks

Mr. Klosky announced the BOT workshop on August 26, 2015 in Building D/E 1-3 P.M. to discuss and determine common areas for the golf carts.

Audience Participation

Ernest Loening voiced his opinion regarding hiring another DOR officer. He stated hiring a new officer is a better solution rather than having the community manager go out on a weekly basis to assess the community for violations as he belongs in the office. He is frustrated at the home based businesses throughout Barefoot Bay and requested the trustees follow up on this. He also asked if the residents knew of an organization that accepts used medical equipment as he has some items he would like to donate. Ms. Crouse suggested Mr. Loening contact the staff at St. Luke's as a start.

Ms. Carol Joseph commented on the importance of upholding the BBRD public record policy as this is the right of every resident in Barefoot Bay. To interrupt this process is illegal. She also stressed using good judgement when distributing information to our residents. Inappropriate remarks, even when delivered in the form of jokes, is still unacceptable.

Ms. Lee Wright discussed an inappropriate remark made by Mr. Guinther to an employee. Whether in a joke or not, she stated this is unacceptable from a trustee. Ms. Wright asked Chairman Klosky to poll the



BAREFOOT BAY RECREATION DISTRICT

trustees to ask Mr. Guinther to resign. Mr. Cavaliere did not feel it was appropriate to pass judgement on Mr. Guinther based on comments or writings in the newspaper. He maintained Mr. Guinther was elected by the residents and only they have the right to take his position away from him. Mr. Lavier was in agreement with Mr. Cavliere. This is a decision for the residents. He would not ask for his resignation. Ms. Crouse stated there are many avenues for dealing with malfeasance and this public forum is not the place to make this kind of decision. Ms. Wright stated since it is election year, it is up to the residents to make the right decision. Mr. Guinther stated that he was supported by many residents in the recent weeks surrounding his article in the Tattler. He went on to comment on the report regarding his remark to a staff member which he stated was resolved satisfactorily. He announced he would run again this election year as the community needs strong representation against residents that look to criticize the trustees. Ms. Wright stated her point is that everyone deserves respect.

Ms. Crouse made it clear she has not officially announced if she is running in the election this year.

John Atta stated the entrance wall area looks good without the wall. He suggested we place the boat on one of the existing walls and a golf cart on the other.

Mr. Klosky stated his opinion on the topics brought up in the meeting today. He advised trustees take caution in the words they use as he does not want to see anyone have regrets.

The next meeting will be held on Tuesday, August 25, 2015 at 7 P.M. in Building D/E.

Mr. Cavaliere made a motion to adjourn. Second by Mr. Lavier. Meeting adjourned 8:13 P.M.

Thomas Guinther, Secretary

Dawn Myers, District Clerk

RESOLUTION 2016 - 06

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF THE BAREFOOT BAY RECREATION
DISTRICT AMENDING RESOLUTION 2015-12;
AMENDING THE BUDGETS; AND
AUTHORIZING THE TRANSFER OF THIRTY
FIVE THOUSAND SIXTY TWO DOLLARS AND
88/100 CENTS (\$35,062.88) FROM THE
DISTRICT'S SBA RESERVE ACCOUNT TO THE
DISTRICT'S BOA OPERATING ACCOUNT;
PROVIDING FOR CONFLICTS; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Barefoot Bay Recreation District Board of Trustees adopted Resolution 2015-12, an operating Budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016; and

WHEREAS, the Board of Trustees has approved three projects, totaling of \$35,062.88 is required from Committed Fund Balance – Reserve; and

WHEREAS, the Board of Trustees has ascertained that the following amendments are necessary to provide for the operation of the District for the fiscal year 2015/16:

1. An Amendment in the amount of \$8,900 to be allocated from SBA Reserve Account (Committed Fund Balance - Reserve) to Scoreboard at Softball Field line item in FY16 Capital Department Budget.
2. An Amendment in the amount of \$10,023.88 to be allocated from SBA Reserve Account (Committed Fund Balance - Reserve) to Pool 3 Pit Replacement line item in FY16 Capital Department Budget.
3. An Amendment in the amount of \$16,139 to be allocated from SBA Reserve Account (Committed Fund Balance - Reserve) to Softball Field Repair line item in FY16 Capital Department Budget; and

WHEREAS, The Barefoot Bay Recreation District Board of Trustees has recognized a need to transfer funds in the amount of THIRTY FIVE THOUSAND SIXTY TWO DOLLARS AND 88/100 CENTS (\$35,062.88) from the District's State Board of Administration Reserve Account to the District's Bank of America Operating Account for the Benefit of District operations; and

WHEREAS, on May 13, 2016 the Board of Trustees considered the above referenced transfer and directed that such transfer be approved by Resolution.

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

THAT the listed amendments, item 1 through item 3, shall be made to the operating Budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016.

THAT Community Manager and Finance Manager are directed to adjust the line items listed in FY16 Budget.

THAT a transfer of funds in the amount of THIRTY FIVE THOUSAND SIXTY TWO DOLLARS AND 88/100 CENTS (\$35,062.88) is authorized from the District's SBA Reserve Account to the District's Operating Account.

THAT this resolution shall become effective immediately upon adoption.

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

Chairman, Joseph Klosky
Trustee, Lee Wright
Trustee, Steve Diana
Trustee, Brian Lavier
Trustee, Frank Cavaliere

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted on this 13th day of May, 2016.

BAREFOOT BAY RECREATION DISTRICT

By: _____
JOSEPH KLOSKY,
CHAIRMAN

STEVE DIANA,
SECRETARY

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	A5

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Administration and Capital Departments Contingency line item Budget Amendment and Resolution

Dept/Office: Administration- Finance Office

Requested Action: Review and Approve Budget Amendment and Resolution

Summary Explanation and Background:

On 10/9/15, the Board approved the purchase of Food and Beverage POS System and to be funded by Contingency line item in Administration Finance Sub-Department Budget. The actual cost was \$9,100 for the POS system. The following budget amendment to FY16 Adopted Budget is required to be approved:

A budget amendment to allocate \$9,100.94 from Contingency line item in Administration Finance Sub-Department to F&B POS System line item in Capital Department.

Staff recommends the BOT approve the accompanying resolution for F&B POS System project in FY16 Adopted Budget.

Per BBRD Policy Manual, "Budget transfers that do not either increase or decrease the amount of a fund or department within the General Fund will be recommended by the Finance Manager and approved by the Community Manager."

Although the Community Manager has the authority to approve the following budget transfers, these budget transfers are presented to the Board for transparency purpose.

1. Transfer of \$23,400 from Contingency line item in Capital Department to Building D&E Design line item in Capital Department.
2. Transfer of \$10,951.14 from Contingency line item in Capital Department to Building D/E Fire Alarm line item in Capital Department.
3. Transfer of \$9,653.70 from Contingency line item in Capital Department to Courtesy Golf Cart line item in Capital Department.
4. Transfer of \$2,900 from Contingency line item in Capital Department to Building A Shed line item in Capital Department.
5. Transfer of \$2,700 from Contingency line item in Capital Department to Building A Shed #2 line item in Capital Department.

Total transfer of \$49,604.84 from Contingency line item in Capital Department to various line items in Capital Department. Thus, the remaining available balance in Capital Contingency line item would be \$395.16.

Exhibits Attached: Resolution and 10/9/15 Agenda and Minutes.
Contact: Kimi Cheng, Finance Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

Meeting Date
October 9, 2015



Agenda	
Section	8
Item No	B

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: **Equipment Leasing- Financing terms**

Dept/Office: **Food & Beverage**

Requested Action: Review leasing terms for equipment lease to purchase items
Summary Explanation and Background
On 15 Apr 15, the BOT awarded a contract for the procurement of a Walk-in Cooler at the 19 th Hole for \$12,723 via a lease-purchase.
On 23 June 15 the BOT approved a 60 month lease-purchase option to Oak Capital Funding for the procurement of walk-in cooler at the 19 th Hole
On 25 Sep 15, the BOT approved staff to pursue the lease-purchase option for a refrigeration unit and other equipment in lieu of the walk-in cooler due to issues with the installation of the walk-in cooler.
Staff brings the term sheet from Oak Capital for BOT review. Oak Capital will generate Lease Documents and will send to us for execution upon acceptance.

Exhibits Attached: Term Sheet from Oak Capital
Contact : John W. Coffey, Community Manager or Kathy Mendes, Food & Beverage Manager
Fiscal Impact: \$7,173.42 1st year FY 16 Budget (1st & final payment + \$175 doc fee)
\$6,460.08 annually FY 17-FY19 (12 months payments)
\$5,921.74 FY 20 (11 months payments-last payment paid upfront)
Contract/Agreement Reviewed by Attorney : N/A
Community Manager's Approval : Yes



BAREFOOT BAY RECREATION DISTRICT

Board of Trustees Regular Meeting

Friday, October 9, 2015

1P.M. –Building D/E

The Barefoot Bay Recreation District held a Regular Meeting on Tuesday, October 9, 2015 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.

Mr. Cavaliere led the Pledge of Allegiance to the Flag.

Roll Call

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

Employee Milestones

The Board of Trustees recognized four employees who achieved five and ten-year milestones. Chairman Klosky presented the award for the five-year milestone to Ms. Joanne Diana, Property Services - Pools. Employees reaching milestones not present to receive their award:

Jason McGhee, Property Services – 10 Years

Dottie Cole, Property Services – 10 Years

Ron Haworth, Food & Beverage – 5 Years

Minutes

Mr. Cavaliere made a motion to approve the minutes from September 22, 2015. Second by Mr. Lavier. Motion carried unanimously.

Treasurer's Report

Ms. Crouse presented the Treasurer's Report for October 9, 2015.

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

Audience Participation (Agenda items only)

None brought forward

Trustee Workshop Recommendations: Common Area Usage

Mr. Klosky requested the Board move agenda item 9B to the beginning of the agenda due to resident interest in this topic. The Board of Trustees met in a workshop on August 14, 2015 to discuss the topic of common area usage for golf carts. The trustees brought five recommendations from the workshop for discussion and action at today's meeting:

1. Petition the County Commissioners to install cart crosswalks at the Micco, Bird and Ron Beatty intersections and the Fleming Grant and Kiwi intersection and install a crosswalk from Midway to Micco.



BAREFOOT BAY RECREATION DISTRICT

2. Research implementation of registration procedures and licensing.
3. Implement provision of golf cart rules to the residents.
4. Remove the boulders and trees at the Hemlock cul-de-sac.
5. Close off the Egret Bridge to golf carts.

Staff requested direction from the Board on this matter. Mr. Klosky suggested installing speed bumps on the bridge to slow down the cart drivers that are speeding or driving recklessly on the bridge. He asked that residents please report any violations to the rules of Barefoot Bay. Mr. Guinther is not in favor of closing off the bridge. He suggested marking off the bridge or applying other speed restrictions instead of closing the bridge. He was open to other alternatives and safety measures to help with the issue of reckless driving on the bridge and the path leading up to the bridge. Mr. Lavier acknowledged the number of people using the bridge daily and stated he does not support closing this bridge. He was not confident that BBRD could enforce any imposed rules on the golf cart owners. Ms. Crouse voiced her concern about a lack of consistent information and rules for golf carts in Barefoot Bay. She maintained that the usage of golf carts on the roads is a privilege, and as such, education regarding the rules should be provided to all cart owners. These rules regarding golf cart usage of common areas should be implemented in the Policy Manual. Additionally, she recommended implementing registration for golf carts. She cautioned that installation of safety measures, such as speed bumps on a bridge that residents also use as a walking bridge, is a potential tripping hazard. Mr. Cavaliere sees the closure of the Hemlock cul-de-sac as the beginning of the problem with golf carts, as this action resulted in golf carts driving on private property to get around the closures. He stated that we need to get the non-compliant rule breakers to be accountable and not penalize the whole community for the few that believe the rules do not apply to them.

Audience Participation

Mr. Mark Washburne commented on the proposed closure of the Egret Bridge. He requested justification and explanation from the Board regarding the \$5000 expense for a golf cart path leading to the Egret Bridge which was recently approved by the Board. He presented a petition he collected from 168 residents that currently use the Egret Bridge to travel back and forth to the Community Complex. He voiced his dissatisfaction and strongly urged the trustees to reconsider their decision to close Egret Bridge. He recommended the Board increase the width of the sidewalk going from the bridge to the Egret Circle area.

Mr. Jeff Jones requested clarification on the required ADA compliance measures pertaining to the narrow sidewalk. As far as existing structures, Mr. Coffey stated that Barefoot Bay is ADA compliant.

Ms. Dawn Pfol stated she had not noticed many pedestrians using the Egret Bridge and has only seen a couple of young people that are not following the rules. She suggested installing signs on Micco Road prohibiting driving on the sidewalk.

Ms. Jan Hannify commented on her almost daily use of the bridge from the fish section. She was not satisfied with the implication of having to use the much longer route around East Drive and Barefoot



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Blvd to get to the Community Complex. She has noticed only a few younger drivers not complying with the rules for golf carts in this area.

Mr. Ernest Loening inquired about the bridge being tested for weight restrictions. Mr. Loening stated his belief that if the people want this it should be allowed. John Coffey stated it has not been tested while he has been here.

Ms. Wilma Weglein informed residents that a HOA questionnaire, soon to be distributed, will give residents the opportunity to voice their opinion on this topic. The questionnaire will feature two questions for resident feedback. 1.) Do you think golf carts should be allowed to drive on the green areas of the District? 2.) Where should the new Building F be placed, current location or in the Shopping Center area?

Mr. John Atta agreed with Ms. Crouse's ideas. He suggested imposing required insurance for the golf carts.

Mr. Bob Kahl wanted to let the residents know that he has petitioned the county to put a crosswalk up on Fleming Grant Road. The item will be on the agenda for discussion at the county commissioners legislative meeting either in November or December.

Mr. Guinther made a motion to accept the recommendations to petition the County Commissioners to install a golf cart crosswalk at Fleming Grant and Kiwi, research implementation of registration procedures and licensing, provision of golf cart rules to the residents, removal of the boulders at the Hemlock cul-de-sac, and research safety measures for the Egret Bridge. Second by Mr. Cavaliere. Mr. Klosky opposed. Motion passed 4-1.

Old Business

Softball Field Scoreboard Installation Contract

Mr. Coffey requested the Board confirm receipt of a contract from Complete Electric to install the softball field scoreboard to our engineer's specifications. After permits are acquired they will have a better idea of a completion date.

Ms. Crouse made a motion to accept the contract from Complete Electric for \$8900. Second by Mr. Lavier. Motion carried unanimously.

Food and Beverage Equipment Leasing - Financing Terms

Ms. Kathy Mendes presented the lease-purchase sheet from Oak Capital to the Board for review for the POS system, (2) ice machines, walk-in cooler evaporator replacement coil and portable refrigeration unit which was approved for financing at the previous meeting. Oak Capital generated a 60-month term lease document for \$538.34 a month, totaling \$24,270.99. General Counsel recommended setting up a dialogue with Oak Capital regarding misleading language which designates the agreement as a lease. He clarified that this agreement is simply a financing contract and not a "lease", as Oak Capital does not own any of the equipment. The Board had various questions regarding the pricing, interest for the 60 months and requested a breakdown of the items by price. Ms. Crouse inquired about our payment alternatives rather than leasing for this length of time. She recommended borrowing from Contingency to pay for the items rather than incurring the exorbitant interest rates over the leasing period. Discussion regarding available funds in the Food and Beverage budget and in contingency ensued.



BAREFOOT BAY RECREATION DISTRICT

Ms. Crouse made a motion to purchase the items with the budgeted funds for Food and Beverage and purchase the remaining items at the cost of \$11,459 from Contingency/Administrative Department. Second by Mr. Guinther. Motion passed unanimously.

New Business

DOR Violations

Case # 15-001409 1135 NAVAJO DRIVE

The Violations Committee met on 08/28/2015 and found a violation of ARTICLE II, SECT. (3) (A)(7) ADIR (Skirting) repair required.

Ms. Twanya Young represented the property and on behalf of the bank. She requested a 30-day extension to resolve the violations.

Ms. Crouse made a motion to grant a 30-day extension for Case # 15-001409 1135 NAVAJO DRIVE so the bank may have time to bring the violations into compliance. Second by Mr. Lavier. Motion carried unanimously.

The Board requested this case be brought back for review in 30 days.

Case # 15-002198 537 LONGAN DRIVE

The Violations Committee met on 08/28/2015 and found a violation of ARTICLE II, SECT. (3) (A)(7) ADIR (Skirting) Skirting repair required.

Ms. Crouse made a motion to forward Case # 15-002198 537 LONGAN DRIVE to the attorney's office for legal and equitable action. Second by Mr. Cavaliere. Motion carried unanimously.

Case # 15-001221 869 CASHEW CIRCLE

The Violations Committee met on 08/28/2015 and found ARTICLE III, SECT. 2 ARCC No Bldg. Permit, for paver driveway.

Property has come into compliance by the date of this meeting.

Confirmation of Award of Stormwater Project for Removal of Failing Seawall

Mr. Coffey explained the current situation at 1109 Barefoot Circle where a seawall built into the surrounding canal has become unstable and requires immediate action to remove. Mr. Coffey utilized the BBRD policy which allows for emergency purchasing in the event the health and welfare of residents are at stake. He requested confirmation of the accepted contract for \$8,475 to have the wall removed.

Mr. Cavaliere made a motion to move forward on this project. Second by Mr. Lavier. Motion carried unanimously.

Golf Course Fairway Over-Seed

Mr. Coffey presented the Golf Committee's recommendation to use \$9,440 of budgeted R&M funds to proceed with the over-seeding of the fairways in an effort to provide continuity of playing conditions and better aesthetics during the winter season. Staff believes it is in BBRD's best interest to have ABM perform the over-seeding as they are responsible for the daily maintenance. If another vendor is used to over-seed the fairways and poor germination results, BBRD would be caught between two vendors blaming each other for the problem. Golf Operations Manager, Ernie Cruz, gave his opinion regarding the state of the golf course and why it is important to move forward with the over-seeding. Mr. Cruz will include this proposed action in future budgets. Staff recommends the Board award the contract of



BAREFOOT BAY RECREATION DISTRICT

\$9,440.00 to ABM for fairway over-seeding and waive the purchasing policy requirement for a second bid.

Mr. Cavaliere made a motion to move forward with the project. Second by Mr. Lavier. Motion carried unanimously.

Violations Committee Member Re-Appointments

Ms. Arlene Maguire's seat on the BBRD Violations Committee will expire at the end of October 2015.

Mr. Guinther made a motion to accept the reappointment of Ms. Arlene Maguire on the Golf Committee. Second by Mr. Cavaliere. Motion carried unanimously.

Resident Relations and District Clerk Personnel Budget Amendment

General Counsel read the resolution.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT AMENDING RESOLUTION 2015-12; AMENDING THE BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

The following budget transfers to the FY2016 Adopted Budget are required to be approved.

Budget Transfers from District Clerk Sub-Dept. Amount Description:

\$3,529.24 F/T Salaries

\$352.92 Payroll Taxes

\$188.01 401A Benefit

\$7,464.93 Medical/Dental/Life & AD&D Insurance

\$11,535.10 Total Transfer

Budget Transfers to Resident Relations-Customer Service Sub-Dept. Amount Description:

\$3,529.24 F/T Salaries

\$352.92 Payroll Taxes

\$188.01 401A Benefit

\$7,464.93 Medical/Dental/Life & AD&D Insurance

\$11,535.10 Total Transfer

Although the Community Manager is authorized to approve this personnel action without Board approval, the Board effectively has quasi-approval authority since they have to approve the Budget Amendment needed to move the full-time benefits between departments. This action completes the FY16 portion of the personnel swap approval during FY15.

Ms. Crouse made a motion to accept the resolution amending resolution 2015-12; amending the budget. Second Mr. Cavaliere. Motion carried unanimously.

Replacement for Pool 3 Heater

Since this procurement is under \$7,500.00 (Policy Manual cap for Community Manager's approval), the quote from Family Pools was signed by the Community Manager on October 6, 2015 due to the following reasons:

- Family Pools is currently replacing the pool pit and use of the same vendor will eliminate any conflicts between vendors if a warranty issue arises.
- The 3 year comprehensive warranty from Family Pools is viewed by staff as better protection due to the short life span of heaters (a result of maintaining winter water temperatures at 86 degrees Fahrenheit or 30 degrees Celsius)



BAREFOOT BAY RECREATION DISTRICT

•Heat exchange is one of many items that can break, therefore the extended “heater exchange” coverage offered by The Gas Man is not as desirable as it may appear.

Although no action is required by the Board at this time, this agenda item was maintained on the agenda for transparency purposes.

Manager’s Report

Unauthorized storage of watercrafts at the BBRD pier was removed this week per Board authorization. Any watercrafts which were removed by BBRD after the final date are being stored temporarily at the maintenance building on Falcon Drive. The Lawn Bowling Gutter Project will be completed early next week. The softball infield rehab project is completed as of this week. ABM superintendent Matt Floyd, will provide the Over 60 Softball League with information regarding upkeep of the new soil composition. The Freshwater Observation Deck Grant Project was completed last week. Lighting will be installed subsequent to receipt of the final invoice. Mr. Guinther shared his concern for the way the removal of the watercrafts at the pier was handled as the residents did not have the opportunity to voice their opinion. He would like to see if alternate accommodations can be provided for those residents that wish to keep their canoes and kayaks at the pier. Mr. Cavaliere stated that there is a safety issue at hand with the manner in which the watercrafts were stored but agrees the direction may have been done in haste. Ms. Crouse maintained that the storage of watercrafts at the pier is a violation of the Deed of Restrictions per Article III Restrictions On Use of Lots; Section 3 Parking of Vehicles.

Mr. Jeff Jones asked that the topic be reconsidered as he is not satisfied with the removal of the watercrafts. He recommended installing racks to store the kayaks and canoes.

Mr. Guinther made a motion to revisit the topic to remove watercrafts from the Barefoot Bay pier at a subsequent meeting. Second by Mr. Cavaliere. Ms. Crouse and Mr. Klosky opposed. Motion carried 3-2.

Attorney Report

General Counsel Repperger reported that the owner from 635 Hyacinth has still not responded to his correspondence. He hopes to have additional information by the next meeting.

Trustee Liaison Report

Mr. Klosky read the property services report. The speakers at next Tuesday’s HOA general meeting will be Resident Relations Manager, Sue Cuddie and DOR Enforcement Officer, Tom O’Donnell. The HOA has the DVDs from the recent candidate forum available for purchase. Mr. Klosky read the following HOA upcoming events: Trunk or Treat at Building A on October 31st at 4PM, Halloween Dance at Building A 6-10PM and Thanksgiving Dinner on November 26th 2-4PM. Tickets are \$12, please call Cathy Wortman to purchase. Ms. Crouse announced the Finance Committee meeting on October 15th and stated that speakers from Benjamin Edwards will be available to answer questions. She is working on a proposal sheet for committee to rate investment opportunities for submission to the Board for approval. Recreation Committee meets on October 15th at 2PM in Building D. Mr. Guinther reported on the recent ARCC committee. Committee received seventeen applications, sixteen approvals and reviewed seven inspection reports. He announced four new homes were approved for placement into



BAREFOOT BAY RECREATION DISTRICT

Barefoot Bay. The Violations Committee will meet on Friday, October 23rd at 10AM in Building D/E. Mr. Guinther announced the numbers on the DOR report showed a positive eighty-nine percent compliance. He shared the notification from Resident Relations regarding the RV lot on Micco Road filling fast as snowbirds arrive. Please act fast if you need storage. Mr. Cavaliere announced the loss of a key employee in Food and Beverage. Ms. Mendes is wrapping up interviews for F/T Cook and Bartender positions. The Facilities Committee meeting will be recurring on the first Thursday in November in Building D at 2PM. Mr. Lavier thanked Golf Operations Manager, Ernie Cruz for his hard work and for his continuing help with ABM.

Trustee Incidental Remarks

None brought forward

Audience Participation

Ms. Nancy Eisele announced the New Homeowner's Orientation next month on the fourth Sunday in Building E from 1-3PM

Mr. Ernest Loening voiced his disappointment with the cancelation of the entrance wall rebuild. He would like to revisit this topic. He stated that he will petition to reopen this subject as he believes the residents want the wall rebuilt. He also voiced his dissatisfaction with the Board moving forward with the replacement of Building F without issuing a referendum. Mr. Loening stated that he will file a complaint with the Attorney General if the project continues without a referendum to the residents. He stated he will petition to abolish the Board of Trustees and recommend the HOA manage Barefoot Bay when the bond is paid in 2017.

Mr. Steve Diana stated his opinion that the Board violated the regulations of the State of Florida in the manner which the removal of the boats from the pier was handled. He suggested that the Board follow Robert's Rules of Conduct for Public Meetings going forward. Ms. Crouse stated the topic regarding the watercrafts was discussed at an open public meeting before a decision was made, as are all changes to the DOR. She thanked the HOA for organizing the recent candidate forum and thanked the District for paying for recording the event.

Ms. Wilma Weglein announced the organization of a new Fining Committee consisting of, Chairman Greg Landis, Robert Peet, Donna Bond, Carol Joseph, and David Nye.

The next Board of Trustees meeting is scheduled for Tuesday, October 27, 2015 at 7PM Building D/E.

Mr. Cavaliere made a motion to adjourn. Second by Mr. Lavier. Meeting adjourned 3:20 p.m.

Thomas Guinther, Secretary

Dawn Myers, District Clerk

RESOLUTION 2016 - 07

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF THE BAREFOOT BAY RECREATION
DISTRICT AMENDING RESOLUTION 2015-12;
AMENDING THE BUDGETS; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Barefoot Bay Recreation District Board of Trustees adopted Resolution 2015-12, an operating Budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016; and

WHEREAS, the Board of Trustees has ascertained that the following amendment is necessary to provide for the operation of the District for the fiscal year 2015/16:

An Amendment in the amount of \$9,100.94 to be allocated from Contingency line item in Administration Finance Sub-Department to F&B POS System line item in Capital Department; and

WHEREAS, the Board of Trustees has acknowledge that the following transfers are necessary to provide for the operation of the District for the fiscal year 2015/16:

A Transfer of \$23,400 from Contingency line item in Capital Department to Building D&E Design line item in Capital Department.

A Transfer of \$10,951.14 from Contingency line item in Capital Department to Building D/E Fire Alarm line item in Capital Department.

A Transfer of \$9,653.70 from Contingency line item in Capital Department to Courtesy Golf Cart line item in Capital Department.

A Transfer of \$2,900 from Contingency line item in Capital Department to Building A Shed line item in Capital Department.

A Transfer of \$2,700 from Contingency line item in Capital Department to Building A Shed #2 line item in Capital Department.

Total transfer out from Capital Contingency line item is \$49,604.84; and

WHEREAS, on May 13, 2016 the Board of Trustees considered the above referenced budget amendment and transfers and directed that such budget amendment be approved by Resolution.

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

THAT the amendment and transfers shall be made to the operating Budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016.

THAT the Community Manager and Finance Manager are directed to adjust the line items listed in FY16 Budget.

THAT this resolution shall become effective immediately upon adoption.

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

Chairman, Joseph Klosky
Trustee, Lee Wright
Trustee, Steve Diana
Trustee, Brian Lavier
Trustee, Frank Cavaliere

The Chairman thereupon declared this Resolution Done, Ordered, and Adopted on this 13th day of May, 2016.

BAREFOOT BAY RECREATION DISTRICT

By: _____
JOSEPH KLOSKY,
CHAIRMAN

STEVE DIANA,
SECRETARY

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	A-6

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: FY 2016 1st and 2nd quarter Capital & Grants Transfer and Resolution

Dept/Office: Administration- Finance Office

Requested Action: Approval of Transfer of Funds Expended in 1st and 2nd quarter of FY16 from SBA Capital Improvement Account to BBRD Operating Account and Approval of the Resolution

Summary Explanation and Background:

The following is a list of Remaining Balances for Capital and Grants Projects after FY16 1st and 2nd Qtr.:

Repairs and Maintenance Prior Year Funding	5,101.42
Contingency	395.16
Property Services Roof & Gutter Replacement	3,690.00
Removal of Undesirable Homes	7,550.00
Replacement Lawnmower	30,000.00
Replace Damaged Concrete	25,000.00
Upgrade Elec. Infrast. in Bldg A	25,100.00
Replace Shed for Garden Club	1,340.00
Lawn Bowling Gutters	1,446.38
Restoration of Bunkers Phase 1	30,000.00
Expansion of #11 Tee Box	8,800.00
Signs at Entrances/Micco Road	2,000.00
Building F Replacement	43,318.06
Freshwater Observation Deck	978.65

Total Remaining Balance for Capital and Grants Projects **\$184,719.67**

As of 4/30/2016, the SBA Capital Improvement Account has a balance of \$83,216.35. Upon approval of Resolution 2016-03, \$190,000 will be transferred to SBA Capital Improvement Account, which will have an available balance of \$273,216.35.

THUS, FY16 1st and 2nd QUARTER SBA CAPITAL ACCOUNT TRANSFER is \$88,496.68.

Staff recommends the BOT approve the accompanying resolution and the transfer of \$88,496.68 from SBA Capital Improvement Account to BOA Operating Account.

Exhibits Attached: Resolution and Oct 2015-Mar 2016 P.S., Capital & Grants Departments' Statement of Revenues and Expenditures report

Contact: Kimi Cheng, Finance Manager

Fiscal Impact: N/A

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval:

Barefoot Bay Recreation District
Statement of Revenues and Expenditures
From 10/1/2015 Through 3/31/2016

Property Services

	Current Period Actual	Current Year Actual	Total Budget - Original	TTL Budget Revised	Balance Remaining	Fund needed in SBA Capital
Repairs and Maintenance Prior Year Funding	0.00	0.00	0.00	5,101.42	5,101.42	5,101.42

Capital

	Current Period Actual	Current Year Actual	Total Budget - Original	TTL Budget Revised	Balance Remaining	Fund needed in SBA Capital
Contingency	0.00	0.00	50,000.00	395.16	395.16	395.16
Property Services Roof & Gutter Replacement	3,480.00	3,480.00	0.00	7,170.00	3,690.00	3,690.00
Egret Bridge Rail Replacement	2,767.50	2,767.50	0.00	2,767.50	0.00	0.00
Scoreboard at Softball Field	8,900.00	8,900.00	0.00	8,900.00	0.00	0.00
Pool 3 Pit Replacement	10,023.88	10,023.88	0.00	10,023.88	0.00	0.00
Lawn Bowling Renovation	1,379.63	1,379.63	0.00	1,379.63	0.00	0.00
Softball Field Repair	16,139.00	16,139.00	0.00	16,139.00	0.00	0.00
Removal of Undesirable Homes	650.00	650.00	8,200.00	8,200.00	7,550.00	7,550.00
Replacement Lawnmower	0.00	0.00	30,000.00	30,000.00	30,000.00	30,000.00
Replace Damaged Concrete	0.00	0.00	25,000.00	25,000.00	25,000.00	25,000.00
Upgrade Elec. Infrast. in Bldg A	4,900.00	4,900.00	30,000.00	30,000.00	25,100.00	25,100.00
Replace Shed for Garden Club	2,660.00	2,660.00	4,000.00	4,000.00	1,340.00	1,340.00
Lawn Bowling Gutters	2,553.62	2,553.62	4,000.00	4,000.00	1,446.38	1,446.38
Restoration of Bunkers Phase 1	0.00	0.00	30,000.00	30,000.00	30,000.00	30,000.00
Expansion of #11 Tee Box	0.00	0.00	8,800.00	8,800.00	8,800.00	8,800.00
F&B POS System	9,100.94	9,100.94	0.00	9,100.94	0.00	0.00
R.R. Golf Cart Replacement	3,200.00	3,200.00	0.00	3,300.00	100.00	0.00
Building D&E Design	23,400.00	23,400.00	0.00	23,400.00	0.00	0.00
Courtesy Golf Cart	9,653.70	9,653.70	0.00	9,653.70	0.00	0.00
Building A Shed	2,900.00	2,900.00	0.00	2,900.00	0.00	0.00
Building A Shed #2	2,700.00	2,700.00	0.00	2,700.00	0.00	0.00
Building D/E Fire Alarm System	10,951.14	10,951.14	0.00	10,951.14	0.00	0.00
Signs at Entrances/Micco Road	0.00	0.00	0.00	2,000.00	2,000.00	2,000.00
Building F Replacement	10,310.00	10,310.00	0.00	53,628.06	43,318.06	43,318.06
Total Expenditures	125,669.41	125,669.41	190,000.00	258,865.56	133,196.15	178,639.60

Grants

	Current Period Actual	Current Year Actual	Total Budget - Original	TTL Budget Revised	Balance Remaining	Fund needed in SBA Capital
Professional Fees	1,500.00	1,500.00	0.00	0.00	(1,500.00)	0.00
Freshwater Observation Deck	14,136.95	14,136.95	0.00	15,115.60	978.65	978.65
Total Expenditures	15,636.95	15,636.95	0.00	15,115.60	(521.35)	978.65

TOTAL: \$184,719.67

FY15 CFB-CIP Ending Balance: \$83,015.08

Interest Earned from Nov 15 to Apr 16: \$201.27

SBA Capital Improvement Account Balance as of April 30, 2016: \$83,216.35

FY16 Adopted Budget: \$190,000.00

Fund needed in SBA Capital Improvement Account: \$184,719.67

FY16 1st & 2nd Quarter SBA Capital Account Transfer to Operating Account: \$88,496.68

RESOLUTION 2016 - 08

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
THE BAREFOOT BAY RECREATION DISTRICT;
AUTHORIZING THE TRANSFER OF EIGHTY EIGHT
THOUSAND FOUR HUNDRED NINETY SIX DOLLARS
AND 68/100 CENTS (\$88,496.68) FROM THE DISTRICT'S
STATE BOARD OF ADMINISTRATION CAPITAL
IMPROVEMENT ACCOUNT TO THE DISTRICT'S
OPERATING ACCOUNT; PROVIDING FOR CONFLICTS;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, The Barefoot Bay Recreation District Board of Trustees has recognized a need to transfer funds in the amount of Eighty Eight Thousand, Four Hundred Ninety Six Dollars and 68/100 cents (\$88,496.68) from SBA Capital Account to the District's Operating Account for the Benefit of District operations; and

WHEREAS, The Barefoot Bay Recreation District maintains State Board of Administration (SBA) Capital Improvement Account which has a current balance of \$83,216.35 as of April 30, 2016 and \$190,000.00 in transit, which will have an available balance of \$273,216.35; and

WHEREAS, the total remaining balance for Capital and Grants Projects is \$184,719.67. The total remaining balance is for the following Capital and Grants project approved by the District; and

Repairs and Maintenance Prior Year Funding	5,101.42
Contingency	395.16
Property Services Roof & Gutter Replacement	3,690.00
Removal of Undesirable Homes	7,550.00
Replacement Lawnmower	30,000.00
Replace Damaged Concrete	25,000.00
Upgrade Elec. Infrast. in Bldg A	25,100.00
Replace Shed for Garden Club	1,340.00
Lawn Bowling Gutters	1,446.38
Restoration of Bunkers Phase 1	30,000.00
Expansion of #11 Tee Box	8,800.00
Signs at Entrances/Micco Road	2,000.00
Building F Replacement	43,318.06
Freshwater Observation Deck	978.65

WHEREAS, the first quarter projects expenditures was \$46,480.57 and the second quarter projects expenditures was \$41,814.84, total of \$88,295.41 would be funded by Committed Fund Balance – CIP in General Fund; and

WHEREAS, on May 13, 2016 the Board of Trustees considered the above referenced transfer and directed that such transfer be approved by Resolution.

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

Section 1. A transfer of funds in the amount of Eighty Eight Thousand, Four Hundred Ninety Six Dollars and 68/100 cents (\$88,496.68) is authorized from SBA Capital Improvement Account to be allocated to the District's Operating Account.

Section 2. The Barefoot Bay Recreation District authorizes the usage of Eighty Eight Thousand, Two Hundred Ninety Five Dollars and 41/100 cents (\$88,295.41) from Committed Fund Balance for CIP in General Fund for fiscal year 2015-16.

Section 3. This Resolution shall become effective immediately upon its adoption.

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

Chairman, Joseph Klosky
Trustee, Lee Wright
Trustee, Steve Diana
Trustee, Brian Lavier
Trustee, Frank Cavaliere

The Chairman thereupon declared this resolution Done, Ordered, and Adopted this 13th Day of May, 2016.

BAREFOOT BAY RECREATION DISTRICT

By: _____
JOSEPH KLOSKY
CHAIRMAN

STEVE DIANA
SECRETARY

Meeting Date
May 13, 2015



Agenda	
Section	9
Item No	B

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Award of Contract: Restoration of Bunkers, Phase 1

Dept/Office: Golf-Pro Shop

Requested Action: Consideration award of contract to Double Eagle Golf Works to perform Phase 1 of the golf course restoration bunker project

Barefoot Bay Golf Course Committee request repair of bunkers on the course. This project was scheduled to begin with Phase 1 in FY16.

Per Golf Operations Manager Ernie Cruz, PGA professional opinion:

- Bunkers have collapsed over the years and the drainage system is inoperative
- Just adding sand to the bunkers would provide unplayable conditions with more sand
- Bunkers require removal of old sand (which can be used to top dress other course affected areas such as tees and fairways), add drainage and spacing at proper grade for positive flow out of bunker, install a liner to prevent erosion, then add 4 inches of USGA approved sand

This project is planned to continue until all bunkers are restored (estimated to be completed in FY20 if funded each year).

Two quotes were solicited as listed below:

\$24,336.16 Double Eagle Golf Works

\$29,271.36 ABM

Staff recommends the BOT award contract of \$24,336.16 to Double Eagle Golf Works for Phase 1 completion of bunker restoration.

Exhibits Attached: Quote ABM and Quote Double Eagle Golf Works

Contact: Ernie Cruz, PGA; Golf Operations Manager

Fiscal Impact: \$24,336.16 (FY16 Budget of \$30,000 in Capital Department)

Contract/Agreement Reviewed by Attorney: N/A

Community Manager's Approval:

Proposal



6255 Lake Lizzie Dr.

PHONE: 407-808-7026

St. Cloud, FL 34771

FAX: 407-891-1588

PROPOSAL SUBMITTED TO Ernie Cruz	Email ecruz@bbrd.org	DATE 05/04/2016
STREET 1225 Barefoot Blvd.	JOB NAME Barefoot Bay Golf Course Bunker Repair	
CITY, STATE, AND ZIP CODE Barefoot Bay, FL 32976	JOB LOCATION Barefoot Bay Golf Course	

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR: Bunker repair in the following areas...

1. Practice Putting Green	450 Sq. Ft	Sod Strip 95 Ln. Ft.
2. Hole #4 Greenside Left	918 Sq. Ft.	Sod Strip 154 Ln. Ft.
3. Hole #4 Greenside Right	1,222 Sq. Ft.	Sod Strip 160 Ln. Ft.
4. Hole #11 Greenside Right	840 Sq. Ft.	Sod Strip 144 Ln. Ft.
5. Hole #11 Fairway Center	660 Sq. Ft.	Sod Strip 110 Ln. Ft.
6. Hole #14 Left Center Bunker	1,608 Sq. Ft.	Sod Strip 163 Ln. Ft.
7. Hole #18 Greenside Back Left	350 Sq. Ft.	Sod Strip 80 Ln. Ft.

A) Mobilization - \$2,500.00 LS

B) Remove old sand (dispose on site).

6,048 Sq. Ft. @ \$.63=\$3,810.24

C) Add proper drainage with spacing for positive flow 4" perforated ADS pipe

610 Ln. Ft. @ \$4.40=\$2,684.00

D) 4" solid ADS pipe

120 Ln. Ft. @ \$4.20 =\$504.00

E) Sod strip around bunker-\$2,500.00 LS

***F) Replace bunker sand to 4" depth using an approved USGA bunker sand
6,048 Sq. Ft. @ \$1.06 =\$6,410.88
G) Liner – Sand Trapper
6,048 Sq. Ft. @ \$.98 =\$5,927.04***

WE PROPOSE HEREBY TO FURNISH MATERIAL AND LABOR COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS FOR THE SUM OF:

DOLLARS ***\$24,336.16***

Payment to be made as follows:

Payment to be made upon completion.

Acceptance of Contract-The prices and specifications are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

SIGNATURE _____ ***DATE*** _____



EXTRA WORK PROPOSAL

Date: 04/28/16 Job # 52360062
Cust # 6470114
Work Order # _____

912 Avenida Central
The Villages, FL 32159
352-259-7717 Phone
352-259-7722 Fax

Proposal submitted to: Barefoot Bay
Mailing Address: _____
1225 Barefoot Blvd

Attn: Ernie Cruz
Job Location Golf Course Bunkers

City Barefoot Bay FL Zip Code 32976

Phone No. (407) 321-5264 Cell / Fax No. (407) 791-0469

Scope/Description of Work:

** Below is a breakdown to renovate bunkers on holes 4(2),11(2), 14,18, PG . The price below will be per square foot of bunker area. This price includes removing existing bunker sand and disposing on site. A popular option is to topdress tees and fairways. The next step is to add drainage at proper spacing and grade to create positive drainage out of bunker, then the liner is installed and tucked under new sod and pinned to prevent erosion.

** The bunker is completed by adding 4" of approved USGA bunker sand.

** _____

Furnish & Install/Repair/Demolition:

QUANTITY	ITEM DESCRIPTION	SIZE	UNIT PRICE	
<u>6,048</u>	<u>Bunkers per Customer request</u>	<u>sq ft</u>	<u>\$ 4.00</u>	<u>\$ 24,192.00</u>
<u>6,048</u>	<u>Bunker Liner</u>	<u>sq ft</u>	<u>\$ 0.72</u>	<u>\$ 4,354.56</u>
<u>906</u>	<u>Sod strip around Bunkers</u>	<u>lin feet</u>	<u>\$ 0.80</u>	<u>\$ 724.80</u>
				<u>\$ -</u>
TOTAL:				<u>\$ 29,271.36</u>

We propose hereby to furnish material, labor and insurances - complete in accordance with above specifications, for the sum of:

Twenty nine thousand two hundred seventy one and 36/100 dollars.

Terms of this proposal are valid for 30 days from date of proposal. All material is guaranteed to be as specified. All work to be completed in a workman-like manner according to standard practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimates. Any verbal authorizations given by the customer will be treated the same as a written order even if authorization is not written. ABM Landscape & Turf Services workers are fully covered by worker's compensation insurance. Payment is due upon completion of job.

Matt Nieder
Proposal submitted by: Matt Nieder, Golf Course Superintendent

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to proceed with the new work specified. Payment will be made as outlined above.

Customer Authorized Signature

Date of Acceptance

For Office Use Only:	Date work completed _____	Reviewed by _____	Yes _____
Branch Manager Approval _____		Date Billed _____	No _____

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	C

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: American Legion Request for Cabinet in D/E

Dept/Office: Property Services: Buildings

Requested Action: Review and Accept/Decline Request
<p>Summary Explanation and Background: Staff received a letter from Commander Bourgault on 23Apr16 requesting BBRD to procure and provide the American Legion exclusive use of a cabinet in Building D/E tall enough to store flags and banners without having to disassemble them. Currently, members share a closet with other groups and items have disappeared.</p> <p>Property Services personnel discussed the specific need with Commander Bourgault last week and believe a suitable unit can be procured for a reasonable price. Staff believes the unit can be stored along the wall between the bar and doors without excessive inconvenience of staff and homeowners attending club events. Staff will obtain pricing and dimensions of the proposed unit along with a proposed storage location in D/E prior to the meeting.</p> <p>The cost should be able to be absorbed within the FY16 Property Services Department, Buildings Sub-department R&M Buildings line-item</p> <p>Staff requests direction from the BOT regarding this request.</p>
Exhibits Attached: Letter from Ray Bourgault, Commander of the American Legion, Barefoot Bay Post #366
Contact: Matt Goetz, Acting Property Services Manager; and John W. Coffey, Community Manager
Fiscal Impact: TBD
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:



**The American Legion
Barefoot Bay Post # 366
Post Office Box 467
Roseland, Fl. 32957**

23 April 2016


Mr. John Coffey, Manager
Barefoot Bay Community

I am writing to you as per our conversation on the evening of April 19th at the American Legion membership meeting. As you requested, I am repeating my request to you in regards to having a secure locker for our equipment. This locker is to be located in Building "D" where we have our membership meetings on the third Tuesday of each month..

This request is generated because of our having to share a closet with other clubs and as I explained at the meeting, our equipment disappears and thus having to purchase more.

This locker should be something where we can store our flags and banners without having to remove them off their staff. I picture a 1/3rd section from top to bottom to accommodate our flags and banners. The rest of the shelves can be of various sizes. I realize that there are limitations on sizes and styles and any locker to be acquired will be utilized to it's fullest extent.

Should you need to contact me:
I am at 629 Amber Jack Court
Tel: 772 6636367


Cordially,
Ray Bourgaault, Commander
American Legion Post #366
Barefoot Bay, Fl.

**BAREFOOT BAY VETERANS COUNCIL
BUILDING "C"
BAREFOOT BAY, FLORIDA**

APRIL 23, 2016

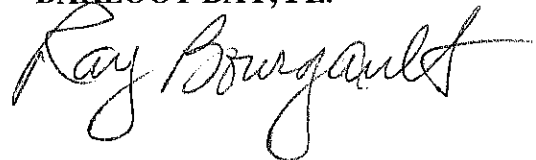
AS THE CHAIRMAN OF THE BAREFOOT BAY VETERANS COUNCIL, I AM REQUESTING THAT SOME SORT OF SIGN BE ERECTED AT BUILDINGS D&E ENTRANCE. IT IS A LONG STANDING FACT THAT BUILDINGS D&E HAVE BEEN THE PLACE WHERE THE VETERANS CLUBS OF BAREFOOT BAY HAVE ASSEMBLED ACCORDING TO THEIR SCHEDULES AND TIMES.

VERY OFTEN NEW VETERANS HAVE ASKED OF WHERE WE HOLD OUR MEETINGS. IT HAS TO BE EXPLAINED THAT IT IS HELD IN THE BUILDINGS NEXT TO THE GOLF COURSE. IT WOULD BE MORE CONVENIENT TO HAVE A MARQUEE OUT IN FRONT OF THE BUILDINGS ADVERTISING THE FACT. THE MARQUEE SHOULD HAVE ENOUGH SPACE TO ADVERTISE ALL OF THE VETERANS CLUBS AND THE DATES AND TIMES OF THEIR MEETINGS.

ON ANOTHER MATTER, AT THE PRESENT TIME WE DO NOT HAVE A VETERANS CENTER WHEREAS VETERANS CAN GATHER FOR CONVERSATION AND COMERARDERIE. I HOPE THAT SOMETIME IN THE FUTURE THAT A BUILDING OR STRUCTURE CAN BE SET ASIDE FOR SUCH PURPOSE.

IF YOU RECALL, WHEN YOU WERE INVITED TO SPEAK BEFORE THE POST LAST YEAR, I'M THE ONE THAT ASKED ABOUT A POSSIBLE VETERANS CENTER AND YOU SAID THAT THERE IS A POSSIBILITY OF HAVING THE SPACE NEXT TO THE WATER COMPANY ONCE THAT SPACE HAS BEEN VACATED.

**CORDIALLY,
RAY BOURGAULT, CHAIRMAN
VETERANS COUNCIL
BAREOOT BAY, FL.**

A handwritten signature in cursive script, reading "Ray Bourgaault". The signature is written in dark ink and is positioned below the typed name and title.

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	D

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Security Committee Recommendation

Dept/Office: Administration: District Clerk's Office

Requested Action: Review and Accept/Decline Recommendation
<p>Summary Explanation and Background: At recent Security Committee meetings, the following recommendations were approved and forwarded to the BOT for consideration</p> <ul style="list-style-type: none"> A. Recommendation to use electronic devices in future FPC meetings B. Amend DOR to require all homes have an operational lamp post C. Forward "vehicles on the green areas" to the DOR Committee <p>Staff requests direction from the BOT regarding these items</p>
Exhibits Attached: Security Committee Meeting Minutes
Contact: Joe Klosky, Trustee and Security Committee liaison; and Dawn Myers, District Clerk
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:



BAREFOOT BAY RECREATION DISTRICT

Security Committee
Thursday, April 7, 2016
9AM Lounge

Greg Deslandes called the meeting to order at 9AM

Pledge of Allegiance to the Flag.

Roll Call

Committee Members Present: Joe Klosky, Greg Deslandes, E.J. Wright, Tom Nelson, Peter Divergilio, Rich Schwatlow, Jeffrey Grant, Wilma Weglein. Also present: John W. Coffey Lee Wright, Matt Goetz and Jack Dunham.

CCTV Follow Up On New Steps

Adam Gaffney of ADS presented information on the type of cameras and equipment that he will be quoting to BBRD. He discussed reducing the number of 180 degree cameras down to just (2) as requested and installing additional cameras in the previously discussed locations. He will present an itemized list for review which will then be distributed (without pricing) to the other vendors for comparative quotes.

Tom Nelson made a motion to recommend a centralized system with fiber optics where needed for the camera system. Second by Hurrol Brinker. Motion carried unanimously.

Lighting Update for Veteran's Circle

Matt Goetz reported two new light bollards were installed in the center island in front of Building A and two more are on order. The wiring pole and conduit is installed so lights are operational. He will ensure the lights are added around the planters and Building F as needed.

Develop Custodian/Pool Host Security Checks of Various District Properties

Mr. Deslandes met with Mr. Goetz regarding development of a security checklist to be utilized by staff. He expanded on a list that was previously used, which included provision of escorts for the Food and Beverage staff to their cars on late evenings. He distributed the check list with added locations at the pier, beach and RV lots. Custodial staff will check gates, lighting, benches, electrical, etc. upon lock up. He clarified that this is not in the same vein as the service provided by the off duty deputies as this will be a part of their lock up duties at the end of their shift. If a defect is found staff can report back to Property Services for resolution. This list also includes staff names and times that were escorted to their cars.

Motion to recommend adoption of the security checklist and have staff implement in their daily routine and seconded. Motion passed unanimously.

Develop New Employee Policy Regarding Camera System

Mr. Deslandes presented his suggested addition to the employee manual as follows:

The Barefoot Bay Recreation District reserves the right to discipline and/or terminate any employee who tampers with, obscures, or attempts to alter any part of the Video Security System located and installed on the grounds contained within or owned by the Barefoot Bay Recreation District.

Motion to recommend adding the new security policy to the employee manual and seconded. Motion passed unanimously.



BAREFOOT BAY RECREATION DISTRICT

Additional Business

Mr. Deslandes discussed the off duty deputy patrol detail sheets provided to him by Ms. Myers. He stated that he observed some discrepancies with the times listed by the deputies at successive locations. Ms. Myers contacted the supervisor of the program, Lt. Bert Gamin, and was informed that some deputies do a visual sweep of the pier and move on if they do not see anyone there. She then reiterated that the detail sheet clearly lists the pier as 'foot patrol to end of pier' and we would like them to adhere to the detail. Lt. Gamin ensured her that he would inform the deputies to adhere to the instructions on the patrol detail sheet. Mr. Deslandes suggested the deputies patrol the RV Lots and enforce the golf cart rules on the roads particularly at the crosswalks.

Discussion ensued regarding vehicles on the green area. Committee consensus to recommend forwarding this item to the DOR and Charter Committee for review.

Rich Schwatlow made a motion to add patrol of the RV lots, enforcement of golf cart rules and mileage used to the deputy checklist. Second by Wilma Weglein. Motion carried unanimously.

Mr. Deslandes discussed the lighting issue Mr. Schwatlow raised at the previous meeting.

Motion to recommend amending the current DOR rule to state that all houses occupied or unoccupied should have an operational light in their yard and seconded. Motion passed unanimously.

Mr. Deslandes suggested a stipulation for matters more serious than a blown light bulb such as an electrical problem for those homeowners that are out of town.

New homeowners to Barefoot Bay spoke and wanted the committee to be aware that their credit card was compromised since being here in Barefoot Bay and the credit cards of their friends as well. Mr. Deslandes urged him to report the crime to the sheriff department so they can begin investigating it.

Ms. Wright inquired about the electronic device usage for absent members and if the committee wanted to address using them.

Motion to recommend the Security Committee utilize electronic devices to include absent committee members in the meetings and seconded. Motion passed unanimously.

Next meeting will be on Monday, May 2, 2016 9AM

Meeting adjourned at 10:05AM



BAREFOOT BAY RECREATION DISTRICT

Security Committee
Thursday, March 3, 2016
9AM Lounge

Mr. Klosky called the meeting to order at 9AM

Pledge of Allegiance to the Flag.

Roll Call

Committee Members Present: Joe Klosky, Greg Deslandes, E.J. Wright, Tom Nelson, Peter Divergilio, Rich Schwatlow, Jeffrey Grant, Wilma Weglein. Also present: Lee Wright, Matt Goetz, and Dawn Myers

Elect Chair and Vice Chair

Rich Schwatlow nominated Greg Deslandes as Chairman. Second by E.J. Wright. Motion carried unanimously.

Greg Deslandes nominated E.J. Wright as Vice Chairman. Second by Wilma Weglein. Motion carried unanimously.

New Business

Committee introduced themselves and gave some background information on past experience which was primarily in the law enforcement and/or private investigative, security industry.

Mr. Wright gave information regarding the current project to install additional CCTV cameras in the community complex and the Building D/E complex. Mr. Deslandes recommended that Tom Nelson work with E.J. for future camera installation needs. He recommended that a policy change should be enforced declaring that any employees caught tampering with the camera be subject to immediate termination. Committee discussed the plans for future installation at the other two pools which will require new internet service and wifi installation.

Mr. Schwatlow suggested we hold off on the proposed full time deputy for one year and use this funding to complete the full scope of the CCTV project in the Bay. Mr. Deslandes stated his opinion that the full time deputy will have a greater impact on curbing the problems now than the cameras will. He strongly recommended we support the full time deputy presence to help us immediately. The majority of the nuisance behavior will be interrupted with the help of a trained dedicated officer and hopefully redirected elsewhere outside of the Bay.

Lighting in Veteran's Circle

Mr. Deslandes brought up the question posed by some residents about poor lighting in the Veteran's Circle area outside of Building A. Matt Goetz discussed his plans to install additional lights in the vicinity of the amenities, (bocce ball, horseshoe area, lawn bowling and in front of building A) He plans to use 4 foot tall led lights for energy efficiency and luminosity rather than the mercury based lights currently in use. Mr. Klosky inquired about lights at the playground. Mr. Goetz stated that this location is on the list. Mr. Schwatlow suggested we place signs at the playground stating that the playground is closed at dusk. Mr. Goetz stated that Property Services have placed signs in this vicinity many times before and they are either vandalized or removed.



BAREFOOT BAY RECREATION DISTRICT

Open Discussion

Jeff Grant introduced himself due to arriving after the start of the meeting and noted he had been a part of the former security committee in years past.

Mr. Divergilio inquired about the dedicated deputy presence. Mr. Deslandes stated that this is currently in the hands of the Board. He discussed security in the community and the rising popularity of the neighborhood watch programs. He encouraged members please take the time to make notes of anything unusual in order to help the block captains with any suspicious behavior that may in turn, help the deputies in their investigations. Ms. Myers confirmed she would forward the monthly BCSO reports and the off-duty deputy patrol detail sheets to Mr. Deslandes for discussion at the meetings.

Mr. Klosky reminded the committee of the Florida Sunshine Law requirements which prohibits the members from discussing potential agenda items outside of the committee. Violations of this law are subject to fines and legal overturning of their member appointment.

Mr. Schwatlow voiced a concern regarding the lack of communication between the C.O.P.S. program and the sheriff's office and discussed ways to improve this relationship. He also brought up the safety concern about lampposts being left off and recommended a change to the DOR enforcing the lamppost light requirement rule. Mr. Deslandes was opposed to this amendment since, though he leaves his lamppost on when he is up north, snowbirds like himself have no control over electrical problems while they are away and will be subject to a DOR violation. Discussion ensued regarding a resolution to the problem of the lamppost lights going out while the homeowner is away. Wilma Weglein commented that this is a situation the HOA is aware of as well as the problem of new homes being brought into Barefoot Bay without numbers on them. She is addressing this problem as the new homes should not be approved without numbers. Lee Wright suggested Sue Cuddie communicate this issue to the HOA who in turn can call the resident alerting them that the lights are off instead of sending out a violation letter.

Mr. Schwatlow voiced his concern about the drug houses in the community. Drug dealers settle in once they realize no one wants to get involved. Discussion ensued about awareness of drug dealers in the community. Tom Nelson asked for permission to review the current CCTV locations in the Bay with Mr. Wright. Mr. Klosky stated that as long as there is no discussion about possible outcomes concerning agenda items there is no problem with it. Mr. Klosky clarified that committee members are advisory to the Board only and staff should be pursuing quotes for projects going forward in order to minimize confusion.

Next meeting will be on Thursday, April 7, 2016 9AM

Meeting adjourned at 10:00AM

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	E

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: General Counsel Evaluation

Dept/Office: Administration – Board of Trustees

Requested Action: Review Trustee Evaluation Results
Summary Explanation and Background: Per Chairman Klosky's request, the Board has prepared a review of the District General Counsel Repperger of Gray/Robinson Law Firm.
Exhibits Attached: P IC
Contact: Steve Diana, Trustee and Evaluation Liaison; and dawn Myers, District Clerk
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

Meeting Date
05/13/2016



Agenda	
Section	9
Item No.	F a.

Agenda Report
Barefoot Bay Recreation District Board of Trustees

#0269

Subject: Case # 16-000959 879 HAWTHORN CIRCLE
Dept/Office: Resident Relations/DOR Enforcement

Requested Action: To consider the Violations Committee's finding and recommendation to bring an action for legal, equitable or other appropriate action with failure to comply.
 If the Board of Trustees brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien.

Summary Explanation and Background: The Violations Committee met on 04/08/2016 and found ARTICLE III, SECT. 11 Exterior Maintenance. The respondent has been given until 04/22/2016 to bring the property into compliance. The side of the home needs to be painted.

Staff has signed Affidavit of Notices, First Class and Certified mailing of Order of Finding and Recommended Order and Notice of Hearing and Affidavit of Non-Compliance.

This property is occupied. There are two years of delinquent taxes on the property.
 Pursuant to the Violations Committee Order, the property was inspected and found to be still in violation.

Exhibits Attached: *Findings of Fact of Recommended Order Issued by the Violations Committee * Notice of Board Hearing * Photographs

Contact: Susan Cuddie, Paul Ingardia, Thelma Gruseck, Thomas O'Donnell, Rich Armington

Fiscal Impact: Attorney's fees

Contract/Agreement Reviewed by Attorney ___ YES ___ NO ___ N/A **Community Manager approval:** _____



879 Hawthorn Circle
 Apr 15, 2016

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 16-000959

#0269

ERIC FISHER & KATHLEEN RAMSEY,
879 HAWTHORN CIR
BAREFOOT BAY, FL 32976

Respondent(s),

VIOLATIONS COMMITTEE FINDINGS OF FACT AND RECOMMENDED ORDER

AND

NOTICE OF DISTRICT HEARING

THIS CAUSE having come on for the public hearing before the Violations Committee on 04/08/2016 after due notice to the Respondent and the Violation Committee having heard testimony under oath and receiving evidence, thereupon issues this Finding of Fact and Recommended Order as follows:

- A. The Respondent(s) ERIC FISHER & KATHLEEN RAMSEY, et. al. is/are the owner(s) of that certain parcel of real property located at 879 HAWTHORN CIRCLE , Barefoot Bay, FL 32976 (the "Property")
- B. Based upon the testimony heard and the evidence presented, the Violation Committee concluded that there is a violation of ARTICLE III, SECT. 11, Exterior Maintenance, The side of house needs to be painted.

ORDER

Based upon the foregoing finding of fact and recommended order, it is

ORDERED AND ADJUDGED THAT:

1. Respondent(s) shall by April 22, 2016 come into compliance with the violation cited herein by painting the exterior of the home.
2. Should the Respondent(s) fail to comply with this Recommended Order by April 22, 2016 the Respondent(s) is advised that the matter will be forwarded to the Board of Trustees with the Violation Committee's findings and recommendations along with a status report from DOR Enforcement Staff for the Board of Trustees to make a determination as to whether to proceed with legal action. Based on the nature of the violation found to exist in this matter, should the violation not be corrected within the time provided herein, the Violations Committee does recommend legal or equitable action, or other appropriate action, be taken by the Board of Trustees.
3. The Respondent is further advised that he/she shall contact the DOR staff and schedule an inspection to confirm the compliance with this Order has been achieved. Upon compliance, an Order of Compliance shall be issued by the Violations Committee and the Respondent shall be deemed in compliance with the violation(s) cited herein.
4. The Respondent(s) are further advised that should a repeat violation occur, the Respondent(s) will not be given notice to cure and will be brought before the Violations Committee.

DONE AND ORDERED this 04/08/2016 at Barefoot Bay Recreation District Brevard County, Florida.

Violations Committee of the Barefoot Bay
Recreation District Brevard County, Florida


M. Joy Liddy, Chair

- Al Grunow, Vice Chair

**E EFOOT BAY RECREATION DISTR
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
OF
FINDINGS OF FACT AND RECOMMENDED ORDER ISSUED BY THE VIOLATIONS
COMMITTEE**

Pursuant to Resolution 2008-1 of the Board of Trustees of The Barefoot Bay Recreation District adopted the 22nd day of January, 2008;
Section 7: Enforcement Procedure.

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 P.M.** on **May 13, 2016** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding 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 Violation 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 Deed of Restrictions 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.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.

April 07, 2016
Deed of Restrictions STAFF



Thomas O'Donnell
Apr 02, 2016

Meeting Date
May 3, 2016



Agenda

Section 9
Item No. F. b.

Agenda Report

Barefoot Bay Recreation District Board of Trustees

#0269

Subject: Case # 16-000989 879 HAWTHORN CIRCLE

Dept/Office: Resident Relations/DOR Enforcement

Requested Action: To consider the Violations Committee's finding and recommendation to bring an action for legal, equitable or other appropriate action with failure to comply.

If the Board of Trustees brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien.

Summary Explanation and Background: The Violations Committee met on 4/8/2016 and found ARTICLE II, SECT. (3) (A)(7) ADIR (Skirting) The respondent has been given until April 22, 2016 to bring the property into compliance.

Staff has signed Affidavit of Notices, First Class and Certified mailing of Order of Finding and Recommended Order and Notice of Hearing and Affidavit of Non-Compliance.

The property is occupied. There are two years of delinquent taxes on the property.

Pursuant to the Violations Committee Order, the property was inspected and found to be still in violation.

Exhibits Attached: *Findings of Fact of Recommended Order Issued by the Violations Committee * Notice of Board Hearing * Photographs

Contact: Susan Cuddie, Paul Ingardia, Thelma Gruseck, Thomas O'Donnell, Rich Armington

Fiscal Impact:

Contract/Agreement Reviewed by Attorney ___ YES ___ NO ___ N/A **Community Manager approval:** _____



879 Hawthorn Cir
Apr 22, 2016

**BA FOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 16-000989

#0269

ERIC FISHER & KATHLEEN RAMSEY,
879 HAWTHORN CIR
BAREFOOT BAY, FL 32976

Respondent(s),

VIOLATIONS COMMITTEE FINDINGS OF FACT AND RECOMMENDED ORDER

AND

NOTICE OF DISTRICT HEARING

THIS CAUSE having come on for the public hearing before the Violations Committee on 04/08/2016 after due notice to the Respondent and the Violation Committee having heard testimony under oath and receiving evidence, thereupon issues this Finding of Fact and Recommended Order as follows:

- A. The Respondent(s) ERIC FISHER & KATHLEEN RAMSEY, et. al. is/are the owner(s) of that certain parcel of real property located at **879 HAWTHORN CIRCLE**, Barefoot Bay, FL 32976 (the "Property")
- B. Based upon the testimony heard and the evidence presented, the Violation Committee concluded that there is a violation of ARTICLE II, SECT. (3) (A)(7), ADIR (Skirting), Skirting in rear of home needs to be repaired.

ORDER

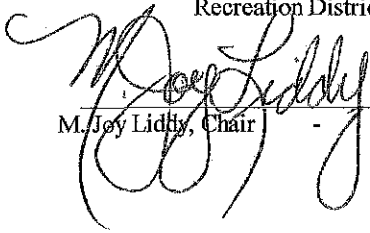
Based upon the foregoing finding of fact and recommended order, it is

ORDERED AND ADJUDGED THAT:

1. Respondent(s) shall by April 22, 2016 come into compliance with the violation cited herein by repairing the Skirting in rear and side of home.
2. Should the Respondent(s) fail to comply with this Recommended Order by April 22, 2016 the Respondent(s) is advised that the matter will be forwarded to the Board of Trustees with the Violation Committee's findings and recommendations along with a status report from DOR Enforcement Staff for the Board of Trustees to make a determination as to whether to proceed with legal action. Based on the nature of the violation found to exist in this matter, should the violation not be corrected within the time provided herein, the Violations Committee does recommend legal or equitable action, or other appropriate action, be taken by the Board of Trustees.
3. The Respondent is further advised that he/she shall contact the DOR staff and schedule an inspection to confirm the compliance with this Order has been achieved. Upon compliance, an Order of Compliance shall be issued by the Violations Committee and the Respondent shall be deemed in compliance with the violation(s) cited herein.
4. The Respondent(s) are further advised that should a repeat violation occur, the Respondent(s) will not be given notice to cure and will be brought before the Violations Committee.

DONE AND ORDERED this 04/08/2016 at Barefoot Bay Recreation District Brevard County, Florida.

Violations Committee of the Barefoot Bay
Recreation District Brevard County, Florida


M. Joy Liddy, Chair

- Al Grunow, Vice Chair



879 Hawthorn Cir
Apr 02, 2016



879 Hawthorn Cir
Mar 03, 2016

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
OF
FINDINGS OF FACT AND RECOMMENDED ORDER ISSUED BY THE VIOLATIONS
COMMITTEE**

Pursuant to Resolution 2008-1 of the Board of Trustees of The Barefoot Bay Recreation District adopted the 22nd day of January, 2008;
Section 7: Enforcement Procedure.

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 P.M.** on **May 13, 2016** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

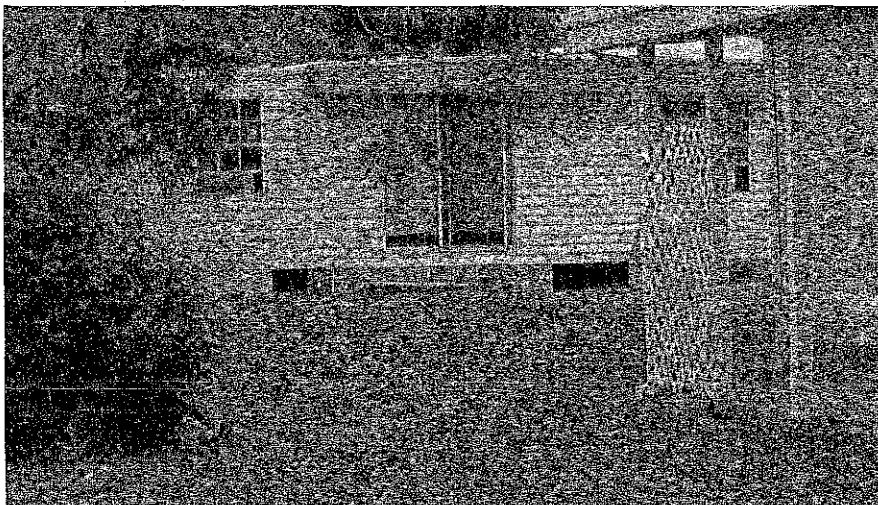
The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding 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 Violation 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 Deed of Restrictions 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.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.

April 06, 2016
Deed of Restrictions STAFF



Thomas O'Donnell
Apr 02, 2016

Meeting Date: April 28, 2016



Agenda

Section 9

Item No. F.c

Agenda Report

Barefoot Bay Recreation District Board of Trustees

#0269

Subject: Case # 16-000497 879 HAWTHORN CIRCLE

Dept/Office: Resident Relations/DOR Enforcement

Requested Action: To consider the Violations Committee's finding and recommendation to bring an action for legal, equitable or other appropriate action with failure to comply.

If the Board of Trustees brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien.

Summary Explanation and Background: The Violations Committee met on 4/8/2016 and found ARTICLE II, SECT. 3 (A)(15) ADIR (Lamp Post) The respondent has been given until April 22, 2016 to bring the property into compliance.

Staff has signed Affidavit of Notices, First Class and Certified mailing of Order of Finding and Recommended Order and Notice of Hearing and Affidavit of Non-Compliance.

There are two years delinquent taxes on the property.

Pursuant to the Violations Committee Order, the property was inspected and found to be still in violation.

Exhibits Attached: *Findings of Fact of Recommended Order Issued by the Violations Committee * Notice of Board Hearing * Photographs

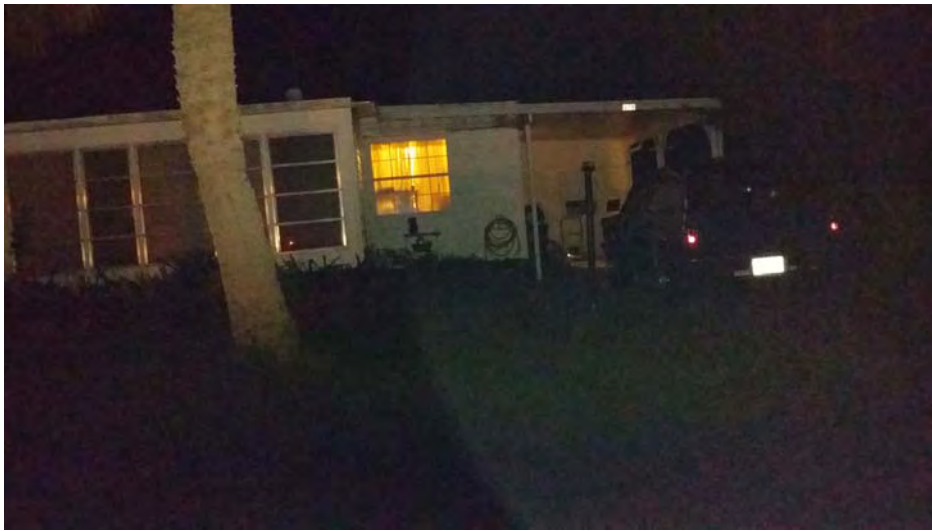
Contact: Susan Cuddie, Paul Ingardia, Thelma Gruseck, Thomas O'Donnell, Rich Armington

Fiscal Impact: Attorney's fees

Contract/Agreement Reviewed by Attorney ___ YES ☒ NO ___ N/A **Community Manager approval:** _____



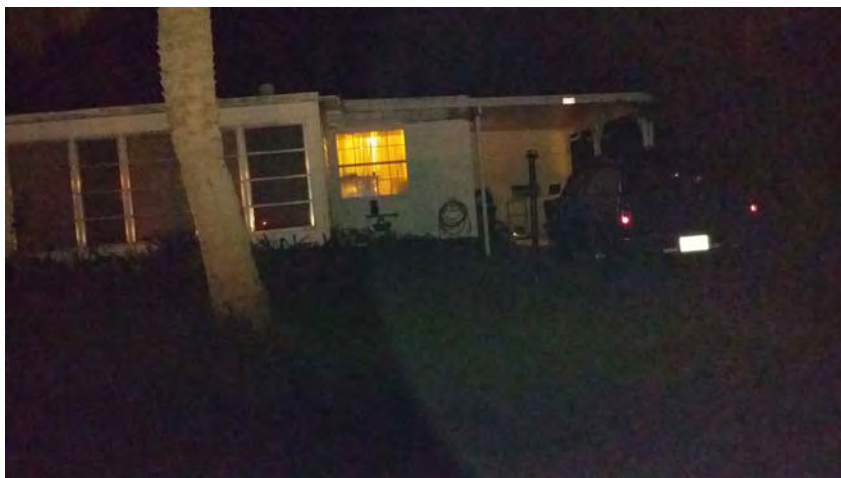
879 Hawthorne Circle
Apr 23, 2016



Feb 27, 2016



879 Hawthorne Circle
Apr 23, 2016



Feb 27, 2016

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 16-000497

#0269

FISHER, ERIC, RAMSEY, KATHLEEN
879 HAWTHORN CIR
BAREFOOT BAY, FL 32976

Respondent(s),

VIOLATIONS COMMITTEE FINDINGS OF FACT AND RECOMMENDED ORDER
AND
NOTICE OF DISTRICT HEARING

THIS CAUSE having come on for the public hearing before the Violations Committee on 04/08/2016 after due notice to the Respondent and the Violation Committee having heard testimony under oath and receiving evidence, thereupon issues this Finding of Fact and Recommended Order as follows:

- A. The Respondent(s) FISHER, ERIC, et. al. is/are the owner(s) of that certain parcel of real property located at 879 HAWTHORN CIRCLE, Barefoot Bay, FL 32976 (the "Property")
- B. Based upon the testimony heard and the evidence presented, the Violation Committee concluded that there is a violation of ARTICLE II, SECT. 3 (A)(15), ADIR (Lamp Post), Lamppost must be operational from dusk to dawn

ORDER

Based upon the foregoing finding of fact and recommended order, it is

ORDERED AND ADJUDGED THAT:

1. Respondent(s) shall by April 22, 2016 come into compliance with the violation cited herein by maintaining an operational Lamppost from dusk to dawn.
2. Should the Respondent(s) fail to comply with this Recommended Order by April 22, 2016 the Respondent(s) is advised that the matter will be forwarded to the Board of Trustees with the Violation Committee's findings and recommendations along with a status report from DOR Enforcement Staff for the Board of Trustees to make a determination as to whether to proceed with legal action. Based on the nature of the violation found to exist in this matter, should the violation not be corrected within the time provided herein, the Violations Committee does recommend legal or equitable action, or other appropriate action, be taken by the Board of Trustees.
3. The Respondent is further advised that he/she shall contact the DOR staff and schedule an inspection to confirm the compliance with this Order has been achieved. Upon compliance, an Order of Compliance shall be issued by the Violations Committee and the Respondent shall be deemed in compliance with the violation(s) cited herein.
4. The Respondent(s) are further advised that should a repeat violation occur, the Respondent(s) will not be given notice to cure and will be brought before the Violations Committee.

DONE AND ORDERED this 04/08/2016 at Barefoot Bay Recreation District Brevard County, Florida.

Violations Committee of the Barefoot Bay
Recreation District Brevard County, Florida


M. Joy Liddy, Chair

Al Grunow, Vice Chair

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
OF
FINDINGS OF FACT AND RECOMMENDED ORDER ISSUED BY THE VIOLATIONS
COMMITTEE**

Pursuant to Resolution 2008-1 of the Board of Trustees of The Barefoot Bay Recreation District adopted the 22nd day of January, 2008;
Section 7: Enforcement Procedure.

Notice is hereby given that a Hearing will be conducted before the Barefoot Bay Board of Trustees at 1:00 P.M. on May 13, 2016 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.

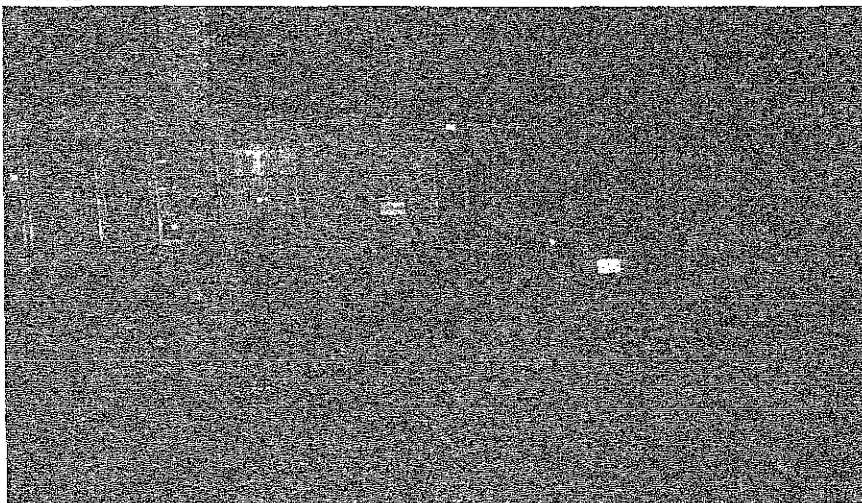
The purpose of this Hearing will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding 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 Violation 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 Deed of Restrictions 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.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (*FS 286.0105*).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.

April 06, 2016
Deed of Restrictions STAFF



Richard Armington
Apr 03, 2016

Meeting Date May 13, 2016



Agenda

Section 9

Item No. F. d

Agenda Report

Barefoot Bay Recreation District Board of Trustees

#4486

Subject: Case # 16-001116 580 MARLIN CIRCLE

Dept/Office: Resident Relations/DOR Enforcement

Requested Action: To consider the Violations Committee's finding and recommendation to bring an action for legal, equitable or other appropriate action with failure to comply.

If the Board of Trustees brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien.

Summary Explanation and Background: The Violations Committee met on 04/8/2016 and found ARTICLE III, SECT. 2 (C) Condition of Prop. (C) Unauthorized items The respondent has been given until April 15, 2016 to bring the property into compliance.

Staff has signed Affidavit of Notices, First Class and Certified mailing of Order of Finding and Recommended Order and Notice of Hearing and Affidavit of Non-Compliance.

Taxes are delinquent on the property.

Pursuant to the Violations Committee Order, the property was inspected and found to be still in violation.

Exhibits Attached: *Findings of Fact of Recommended Order Issued by the Violations Committee * Notice of Board Hearing * Photographs

Contact: Susan Cuddie, Paul Ingardia, Thelma Gruseck, Thomas O'Donnell, Rich Armington

Fiscal Impact: Attorneys Fees

Contract/Agreement Reviewed by Attorney ___ YES _X_ NO ___ N/A **Community Manager approval:**_____



580 marlin
Apr 17, 2016



Mar 20, 2016

**BARFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
OF
FINDINGS OF FACT AND RECOMMENDED ORDER ISSUED BY THE VIOLATIONS
COMMITTEE**

Pursuant to Resolution 2008-1 of the Board of Trustees of The Barefoot Bay Recreation District adopted the 22nd day of January, 2008;
Section 7: Enforcement Procedure.

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 P.M.** on **May 13, 2016** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.**

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding 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 Violation 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 Deed of Restrictions 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.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (FS 286.0105).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.

April 07, 2016
Deed of Restrictions STAFF



Richard Armington
Apr 03, 2016

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 16-001116

#4486

LONG, BONNIE JEAN,

580 MARLIN CIR

BAREFOOT BAY, FL 32976

Respondent(s),

VIOLATIONS COMMITTEE FINDINGS OF FACT AND RECOMMENDED ORDER
AND
NOTICE OF DISTRICT HEARING

THIS CAUSE having come on for the public hearing before the Violations Committee on 04/08/2016 after due notice to the Respondent and the Violation Committee having heard testimony under oath and receiving evidence, thereupon issues this Finding of Fact and Recommended Order as follows:

- A. The Respondent(s) LONG, BONNIE JEAN, et. al. is/are the owner(s) of that certain parcel of real property located at **580 MARLIN CIRCLE**, Barefoot Bay, FL 32976 (the "Property")
- B. Notice of Violation was provided to the Respondent(s) by certified U.S. Mail, Return Receipt Requested/Hand Delivery/Posting, and the Respondent(s) were/were not present for the hearing.
- C. Based upon the testimony heard and the evidence presented, the Violation Committee concluded that there is a violation of Article III, Section 2(C) of the Deed of Restrictions of Barefoot Bay Recreation District in that the Respondents have debris on the Property. Specifically, there are unapproved items on the property.

ORDER

Based upon the foregoing finding of fact and recommended order, it is

ORDERED AND ADJUDGED THAT:

1. Respondent(s) shall by April 15, 2016 come into compliance with the violation cited herein by removing clothing, plastic bags for sale sign.
- 2.

Should the Respondent(s) fail to comply with this Recommended Order by April 15, 2016 the Respondent(s) is advised that Barefoot Bay Recreation District shall cause the home and lot to come into compliance with the requirements of the above articles and shall bill the expense of such action to the respondent.

3. The Respondent is further advised that he/she shall contact the DOR staff and schedule an inspection to confirm the compliance with this Order has been achieved. Upon compliance, an Order of Compliance shall be issued and the Respondent shall be deemed in compliance with the violation(s) cited herein.
4. The Respondent(s) are further advised that should a repeat violation occur, the Respondent(s) will not be given notice to cure and will be brought before the Violations Committee.

DONE AND ORDERED this 04/08/2016 at Barefoot Bay Recreation District Brevard County, Florida.

Violations Committee of the Barefoot Bay
Recreation District Brevard County, Florida


Mr. Joy Liddy, Chair

Al Grunow, Vice Chair

Meeting Date May 13, 2016



Agenda

Section 9

Item No. F. e

Agenda Report

Barefoot Bay Recreation District Board of Trustees

#1386

Subject: Case # 16-001244 1015 THRUSH CIRCLE

Dept/Office: Resident Relations/DOR Enforcement

Requested Action: To consider the Violations Committee's finding and recommendation to bring an action for legal, equitable or other appropriate action with failure to comply.

If the Board of Trustees brings any such action to enforce the DOR, the charge for such action shall be charged to the Respondents account and shall constitute as a lien.

Summary Explanation and Background: The Violations Committee met on 04/8/2016 and found ARTICLE III, SECT. 2 (C) Condition of Prop. (C) Unauthorized items The respondent has been given until April 15, 2016 to bring the property into compliance.

Staff has signed Affidavit of Notices, First Class and Certified mailing of Order of Finding and Recommended Order and Notice of Hearing and Affidavit of Non-Compliance.

There are two years delinquent taxes on the property.

Pursuant to the Violations Committee Order, the property was inspected and found to be still in violation.

Exhibits Attached: *Findings of Fact of Recommended Order Issued by the Violations Committee * Notice of Board Hearing * Photographs

Contact: Susan Cuddie, Paul Ingardia, Thelma Gruseck, Thomas O'Donnell, Rich Armington

Fiscal Impact: Attorneys Fees

Contract/Agreement Reviewed by Attorney ___ YES X NO ___ N/A **Community Manager approval:** _____



1015 Thrush Cir
May 03, 2016



Apr 29, 2016



Apr 01, 2016

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 16-001244

#1386

GARCIA JOEL,
715 BAYFRONT TER
SEBASTIAN, FL 32958

Respondent(s),

VIOLATIONS COMMITTEE FINDINGS OF FACT AND RECOMMENDED ORDER

AND

NOTICE OF DISTRICT HEARING

THIS CAUSE having come on for the public hearing before the Violations Committee on 04/22/2016 after due notice to the Respondent and the Violation Committee having heard testimony under oath and receiving evidence, thereupon issues this Finding of Fact and Recommended Order as follows:

- A. The Respondent(s) GARCIA JOEL, et. al. is/are the owner(s) of that certain parcel of real property located at **1015 THRUSH CIRCLE**, Barefoot Bay, FL 32976 (the "Property")
- B. Notice of Violation was provided to the Respondent(s) by certified U.S. Mail, Return Receipt Requested/Hand Delivery/Posting, and the Respondent(s) were/were not present for the hearing.
- C. Based upon the testimony heard and the evidence presented, the Violation Committee concluded that there is a violation of Article III, Section 2(C) of the Deed of Restrictions of Barefoot Bay Recreation District in that the Respondents have debris on the Property. Specifically, there are unapproved items on the property.

ORDER

Based upon the foregoing finding of fact and recommended order, it is

ORDERED AND ADJUDGED THAT:

1. Respondent(s) shall by April 29, 2016 come into compliance with the violation cited herein by removing the unapproved items front and back of property.

2.

Should the Respondent(s) fail to comply with this Recommended Order by April 29, 2016 the Respondent(s) is advised that Barefoot Bay Recreation District shall cause the home and lot to come into compliance with the requirements of the above articles and shall bill the expense of such action to the respondent.

3. The Respondent is further advised that he/she shall contact the DOR staff and schedule an inspection to confirm the compliance with this Order has been achieved. Upon compliance, an Order of Compliance shall be issued and the Respondent shall be deemed in compliance with the violation(s) cited herein.
4. The Respondent(s) are further advised that should a repeat violation occur, the Respondent(s) will not be given notice to cure and will be brought before the Violations Committee.

DONE AND ORDERED this 04/22/2016 at Barefoot Bay Recreation District Brevard County, Florida.

Violations Committee of the Barefoot Bay
Recreation District Brevard County, Florida


M. Joy Liddy, Chair

Al Grunow, Vice Chair

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
OF
FINDINGS OF FACT AND RECOMMENDED ORDER ISSUED BY THE VIOLATIONS
COMMITTEE**

Pursuant to Resolution 2008-1 of the Board of Trustees of The Barefoot Bay Recreation District adopted the 22nd day of January, 2008; Section 7: Enforcement Procedure.

Notice is hereby given that a **Hearing** will be conducted before the Barefoot Bay Board of Trustees at **1:00 P.M.** on **May 13, 2016** at **1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida**.

The purpose of this **Hearing** will be to consider the Recommended Order of the Violations Committee to the Board of Trustees for your Case.

The Board shall not conduct a full de novo quasi-judicial hearing on the violation, but shall consider the Finding 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 Violation 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 Deed of Restrictions 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.

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD (*FS 286.0105*).

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 771-664-4722.

April 20, 2016
Deed of Restrictions STAFF

Barefoot Bay Recreation District

Violations Committee

"Recommended Curative Action Plan"

Resolution 2013-05

Case no: 16-001244

Address: 1015 THRUSH CIRCLE

Acct# 1386

Debris

A. Occupation Status of Property: <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied
B. Recommended proposed secured relocation/storage area <u>on</u> property: _____
C. Recommended proposed secured relocation/storage area <u>off</u> property: <input checked="" type="checkbox"/> _____
D. Recommended abatement agent: District Management
E. Estimate of Expense: <u>280.00</u>

Project Milestone	Date Estimate
Project Start Date	TBD
Project End Date	TBD

Property Services	Debris Removal - Case # 16-001244	Customer # 1386	
Qty	Description	Unit Price	Line Total
(2) hrs	(1) Dump Truck and Driver	\$75.00	<u>150.00</u>
(2) hrs	(2) Laborers	\$20.00	<u>80.00</u>
	Disposal of Debris		\$50.00
	Disposal of Tires		
		Total	\$ <u>280.00</u>

This is a quotation on the goods or services named, subject to the conditions. Such conditions may include but not limited to whether the property is occupied.

Quote by


Matthew Goetz, Property Services Manager

Approved by

M. Joy Liddy, Violations Committee Chair

I certify that the above mentioned property was abated by property services on _____, (Initials) _____

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	G

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Finance Committee Recommendation

Dept/Office: Administration: Finance Office

Requested Action: Review and Accept/Decline Recommendation
<p>Summary Explanation and Background: At the 5May16 Finance Committee meeting, a recommendation was approved and forwarded to the BOT for direction on whether the Finance Committee should undertake the following responsibilities/activities/oversight:</p> <ul style="list-style-type: none"> A. Budgeting and Financial Planning B. Annual Audit, Internal Controls C. Financial Reporting to include Revenues, Expense and Balance Sheet D. Capital Spending E. Investments: Banking and Funding Options F. BOT-Community and the Finance Committee Identify and Report any Fiduciary Concerns <p>The Community Manager recommends <u>the BOT decline items number A – D</u> as these are currently the responsibility of staff (The Finance Committee currently does have a limited role in item A in so far as they can provide input into the development of the Five Year Financial Model and Capital Improvement Plan plus reviewing said document and the annual Working Draft Proposed Budget.).</p> <p>Items E and F are predominately policy issues (although staff has grave concerns of switching to a bank that is not within daily deposit driving range) and within the scope of the Finance Committee Rules. Hence, the Community Manager recommends <u>the BOT accept items E and F and refer them back to the Finance Committee .</u></p>
Exhibits Attached: Finance Committee Meeting Handout and current Finance Committee Rules
Contact: Frank Cavaliere, Trustee and Finance Committee Liaison; and Kimi Cheng, Finance Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

The Finance Committee

Budgeting and Financial Planning

Annual Audit, Internal Controls

Financial Reporting to Include Revenues, Expense and Balance Sheet

Capital Spending

Investments – Banking – Funding Options

BOT - Community Manager and the Finance Committee

Identify and Report any Fiduciary concerns

Plus – Or - ?

Plus – Or - ?

Plus – Or - ?

Finance Committee Rules

Purpose:

The Finance Committee reviews and provides recommendations to the Board of Trustees (BOT) regarding use of finances throughout Barefoot Bay Recreation District (BBRD).

Duties & Responsibilities:

- Be knowledgeable of the nature of finance terms and basic accounting. A resume may be provided to the BOT before being appointed.
- Review the financial reports provided by staff on a quarterly basis.
- Review and recommend to BOT any decisions needed to be made concerning BBRD finances.
- Upon initial meeting, committee must elect a Chair and Vice-Chair.
- Re-organize the Committee each January by electing a new Chair and Vice-Chair.
- Chair & Vice-Chair must have good understanding of Roberts Rules of Order.

Number of Members:

Five (5) voting members.

Two alternate members may be chosen for voting purposes in the event that a member(s) is/are not in attendance.

Quorum and Conduct of Meetings:

1. Three (3) members shall constitute a quorum for the purposes of holding a meeting.
2. All meetings shall be run by Robert's Rules of Order and any other rules preferred by the BOT and/or the majority of the committee.

Terms of Appointment

1. After the adoption of the revised BOT Rules on February 12, 2016, as soon as possible, the BOT shall appoint members accordingly:

5 member committee

- 2 members for 3 year terms
 - 2 members for 2 year terms
 - 1 members for 1 year terms
 - 2 alternate members for 3 year terms
2. Upon the expiration of the initial term, the BOT shall make all subsequent appointments for a term of 3 years.
 3. If a member resigns before the expiration of his/her term, the BOT shall appoint a resident to serve the balance of the unexpired term.

Staff Support

1. The Community Manager shall assign a BBRD employee to serve as support staff.
2. The District Clerk shall retain original copies of all minutes and handouts from the meetings.

Meeting Date
May 13, 2016



Agenda	
Section	9
Item No	H

Agenda Report
Barefoot Bay Recreation District Board of Trustees

Subject: Golf Committee Recommendation

Dept/Office: Golf-Pro Shop

Requested Action: Review and Accept/Decline Recommendations
<p>Summary Explanation and Background: At the 6May16 Golf Committee meetings, a recommendation was approved and forwarded to the BOT for consideration of revising the Golf Committee rules as follows:</p> <ul style="list-style-type: none"> • Change number of members from 7 to 5 • Change number required for a quorum from 5 to 3. • Change election of members from Golf leagues/associations to golf members. <p>Staff recommends the <u>BOT accept the recommended changes to the Golf Committee Rules.</u></p>
Exhibits Attached: Proposed Revised Golf Committee Rules
Contact: Brian Lavier, Trustee and Golf Committee Liaison; and Ernie Cruz, Golf Operations Manager
Fiscal Impact: N/A
Contract/Agreement Reviewed by Attorney: N/A
Community Manager's Approval:

Rules of the Barefoot Bay Golf Committee

Purpose

The Barefoot Bay Golf Committee serves as an advisory group to the Golf Operations Manager and the BOT regarding the golf course.

Duties/Responsibilities

- Act as a liaison between members and Golf Operations Manager/Head Professional
- Meet with the Golf Professional in the fall of each year and make recommendations regarding improvements to the Golf Course. The scope of the recommendation will determine if it must be presented to the BOT for consideration. This will be done on an annual basis.
- Work with all golf groups
- Help enforce golf etiquette is observed: (a) Courtesy (b) Rules (c) Proper Attire
- Assist Golf Pro to maintain golf etiquette standard: (a) Courtesy (b) Rules (c) Proper Attire

Number of Members

- ~~Seven regular voting members~~
- Reference Existing By Laws: Article II; Membership
 - Be comprised of five (5) full time Golf Members: Two (2) Ladies, Two (2) Men , Fifth member may be of either sex.

Quorum and Conduct of Meetings

- ~~1. Four members shall constitute a quorum for the purposes of holding a meeting.~~
1. Three members shall constitute a quorum for the purposes of holding a meeting.
2. All meetings shall be run by Robert's Rules of Order and any other rules proffered by the BOT and/or the majority of the committee.

Terms of Appointment

- ~~The BOT delegates the appointment of committee members to the respective leagues/associations active within the BBRD Golfing Community.~~
- Members elected by the Golf membership of Barefoot Bay Golf Course and will begin their two (2) year term of office at the first January meeting.
- Only members in good standing may serve as a committee member.
- Seasonal golf members must physically reside in Barefoot Bay for 8 months of the year to serve as a committee member.

Staff Support

1. The Community Manager shall assign a BBRD employee to serve as support staff responsible for the recording of notes and drafting of minutes.
2. The District Clerk shall retain original copies of all minutes and handouts from the meetings and shall work with the Chair and support staff to publish an agenda 7 days prior to each meeting.

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: May 13, 2016

Subject: Manager's Report

1. **Tamarind Circle and Cherokee Stormwater Projects Update** – Neighborhood meetings are scheduled with the BOT on 17May16 at 10am and 11am in Building A. The design team will be present to explain the project and answer any questions.
2. **Replacement Building F Update** – Staff met with the architect and interior design professional on 6May16 and will have a follow-up meeting to select interior color and materials for the 75% plans review (expected in 3-4 weeks).
3. **Auditor RFP Update** – The Audit RFP will hit the street on 16May16 and close 30 days later. The audit committee meeting schedule is as follows:
 - Fri., 17Jun16, Bldg. E, 11am RFP opening
 - Thurs., 23Jun16, Bldg. E, 9am RFP review meeting (if needed)
 - Wed., 29Jun16, Bldg. E, 9am Finalists' presentation/interviews (committee will make final recommendation to BOT)The BOT will consider award of contract at their regularly scheduled meeting on Fri., 8Jul16 in Bldg. D/E at 1pm.
4. **FY17 Proposed Budget Update** – Per BBRD Policy Manual, staff will present the FY17 Proposed Budget at the 24May16 BOT meeting for consideration of authorization for mail out property owners. Updated line-items, decision point summary and revenue/expenditure summary will be available on www.bbrd.org and at Building F starting 17May16.

Attorney's Report

Trustees Liaison Reports

Incidental Remarks from Trustees

Audience Participation

Adjournment