



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

12/20/2022

Subject:

Ordinance Amending Article IV, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District

Fiscal Impact:

None. Barefoot Bay Recreation District is paying for all costs associated with the notice of the proposed ordinance.

Dept/Office:

Barefoot Bay Recreation District Board of Trustees

Requested Action:

Amend Ordinance 84-05, the Charter of the Barefoot Bay Recreation District, Article IV, paragraph 13, to increase the spending limit of the District from \$25,000.00 to \$50,000.00 pursuant to the terms approved by the voters on November 8, 2022.

Summary Explanation and Background:

This ordinance will formally amend the Barefoot Bay Recreation District's charter to reflect the results of the referendum election on November 8, 2022.

On May 12, 2022, the Barefoot Bay Recreation District authorized the calling of a referendum election to be held November 8, 2022, subject to approval by the Board of County Commissioners (BOCC). On August 2, 2022, the BOCC approved Resolution 22-003, which authorized a referendum election to consider a charter amendment to the portion of the charter dealing with the Barefoot Bay Recreation District Board of Trustees' spending limit for the acquisition of real and personal property. The amendment would authorize an increased spending limit from \$25,000 to \$50,000. The voters approved the charter amendment on November 8, 2022. This ordinance will formally amend the charter to reflect the change the voters approved.

Contact: Garrett Olsen, General Counsel
Barefoot Bay Recreation District
golsen@voselaw.com

Clerk to the Board Instructions:

Return a signed and certified copy of the Ordinance to the Brevard County Attorney's Office, and Garrett Olsen at golsen@voselaw.com.



December 21, 2022

M E M O R A N D U M

TO: Morris Richardson, County Attorney

RE: Item H.2., Ordinance Amending Article IV, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District

The Board of County Commissioners, in regular session on December 20, 2022, adopted Ordinance No. 22-37, amending Ordinance No. 84-05, which created the Charter of the Barefoot Bay Recreation District, amending Article IV, paragraph 13, to increase the spending limit of the District from \$25,000.00 to \$50,000.00 pursuant to the terms approved by the voters on November 8, 2022. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/pp

Encl. (1)

cc: Barefoot Bay Recreation District
Finance
Budget



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 22, 2022

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2022-37, which was filed in this office on December 21, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

ORDINANCE NO. 22- 37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 84-05 WHICH CREATED THE CHARTER OF THE BAREFOOT BAY RECREATION DISTRICT; SPECIFICALLY AMENDING ARTICLE IV TO AUTHORIZE THE BOARD OF TRUSTEES OF THE DISTRICT TO ENTER INTO CONTRACTS INVOLVING THE PURCHASE, LEASE, CONVEYANCE OR OTHER MANNER OF ACQUISITION OF COMMON REAL OR TANGIBLE PERSONAL PROPERTY WHERE THE COST, PRICE, OR CONSIDERATION FOR SUCH ACQUISITION DOES NOT EXCEED \$50,000 WITHOUT A TWO-THIRDS VOTE OF THE BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 1983 Florida Legislation has authorized the creation of independent special districts known as "mobile home park recreation districts" by the enactment of Sections 34 through 38 of Chapter 83-204, Laws of Florida; and

WHEREAS, the residents of Barefoot Bay, a mobile home subdivision located in Brevard County, Florida, petitioned the Board of County Commissioners of Brevard County to establish such a mobile home park recreation district for the said Barefoot Bay subdivision; and

WHEREAS, the formation of such a mobile home park recreation district for Barefoot Bay enabled the residents thereof to acquire, by and through the trustees of the district, ownership and operation of certain recreation facilities and common areas located within Barefoot Bay; and

WHEREAS, the Board of County Commissioners of Brevard County created such a district for Barefoot Bay by way of Ordinance 84-05, which was approved of by a majority of the electors residing in the proposed district, and has since been amended by way of Ordinances 96-53, 08-03, 2012-01, and 18-22; and

WHEREAS, Barefoot Bay, as described herein, is a "mobile home park" under Chapter 83-204, Laws of Florida; and

WHEREAS, the Board of Trustees has recently voted to propose to the electors of the District certain amendments to the District Charter; and

WHEREAS, the electors have approved of certain amendments to the Charter so proposed in the general election held on November 8, 2022; and

OFFICIALLY FILED WITH SECRETARY OF STATE ON DECEMBER 21, 2022.

WHEREAS, the 2007 Legislature of the State of Florida passed HB 1157 which provides authority for the amendments approved by the electors of the district;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. ARTICLE IV of the Charter of the Barefoot Bay Recreation District as established by Ordinance 84-05 and as amended by Ordinances 96-53, 08-03, 2012-01, and 18-22, shall be amended to read as follows, where strike-through indicates removal of language and underline indicates an addition of language:

ARTICLE IV

BOARD OF TRUSTEES

13. To enter into contracts involving the purchase, lease, conveyance, or other manner of acquisition of common real or tangible personal property. In any instance when the cost, price, or consideration for such acquisition exceeds ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Fifty Thousand Dollars (\$50,000), including all obligations proposed to be assumed in connection with such acquisition, such purchase, lease, conveyance, or acquisition shall not be approved unless and until:

- (a) The trustees, by two-thirds (2/3) vote, have approved the terms and conditions of such acquisition by written resolution;
- (b) Within not less than thirty (30) nor more than sixty (60) days after the date of the resolution, the trustees certify the resolution to the Supervisor of Elections of Brevard County for a referendum election;
- (c) A majority of the qualified electors of the district approve the resolution by referendum election.

Section 2. The above amendments were submitted to and approved by the electors of the district at a special election held on the 8th day of November, 2022.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared severable.

Section 4. This ordinance shall take effect immediately upon its adoption as provided by law.

[Signatures to Follow]

DONE AND ADOPTED in Regular Session, this 20 day of Dec ., 2022.

ATTEST:



Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

By:



Rita Pritchett, Chair

As approved by the Board on: 12/20/22

Deborah Thomas

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Thursday, December 22, 2022 8:57 AM
To: Deborah Thomas; County Ordinances
Subject: [SPAM-Cuda] RE: BRE20221220_ORDINANCE2022_37
Attachments: Brevard20221221_Ordinance2022_37_Ack.pdf

Importance: Low

Good morning,

Please find attached the acknowledgment letter for Brevard County Ordinance No. 2022-37, which was filed in this office on December 21, 2022.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Deborah Thomas <deborah.thomas@brevardclerk.us>
Sent: Wednesday, December 21, 2022 5:11 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Subject: BRE20221220_ORDINANCE2022_37

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good afternoon:

Attached, please find Ordinance No. 2022-37 to be filed with the State.

Thank you.

Deborah Thomas
Administrative Assistant
Clerk to the Board
(321)637-2001
(321)264-6972 (Fax)
Deborah.thomas@brevardclerk.us

This email was scanned by Bitdefender