

1 Introduced by Council Member Arias:
2
3

4 **ORDINANCE 2024-69**

5 AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE
6 2021-838-E WHICH ESTABLISHED A DEPENDENT
7 SPECIAL DISTRICT KNOWN AS THE "BAYMEADOWS
8 COMMUNITY IMPROVEMENT DISTRICT" ("BCID");
9 AMENDING BCID CHARTER SECTION 2 TO AUTHORIZE
10 ISSUANCE OF BONDS; DELETING THE LIMIT ON
11 ANNUAL ADJUSTMENTS TO ASSESSMENTS; REVISING
12 THE UPDATED ANNUAL MAXIMUMS FOR ASSESSMENTS;
13 ADDING AND INCORPORATING BY REFERENCE THE
14 SPECIAL ASSESSMENT ALLOCATION REPORT;
15 REMOVING THE EX OFFICIO REQUIREMENT; AMENDING
16 THE INITIAL ELECTION DATE; PROVIDING AN
17 EFFECTIVE DATE.
18

19 **WHEREAS**, the pursuant to Section 189.02, Florida Statutes, the
20 Council established the BCID and adopted the Charter of the BCID, a
21 dependent special district, by Ordinance 2021-838-E; and

22 **WHEREAS**, the Council and the BCID Board of Supervisors desire
23 to amend Section 2 of Ordinance 2021-838-E, which sets forth the
24 Charter of the BCID, in order to substitute and replace the Charter
25 to: (i) specifically authorize the BCID to issue bonds; (ii) delete
26 the cap on the maximum annual adjustment on individual
27 assessments; (iii) substitute and replace Exhibit 2, providing for
28 revised annual maximums for assessments, of the BCID Charter; (iv)
29 add and incorporate by reference a new exhibit 10, the BCID Proposal
30 Special Assessment Allocation Report dated September 20, 2023,
31 prepared by Rizzetta & Company to the BCID Charter; and (v) set the

1 initial election for the Board of Supervisors to align with the next
2 regular or special election following City Council approval of the
3 initial BCID budget, as authorized by the Supervisor of Elections;
4 and

5 **WHEREAS**, an amendment to the charter of a dependent special
6 district requires approval of an amending ordinance by the governing
7 body with jurisdiction over the district, now therefore

8 **BE IT ORDAINED** by the Council of the City of Jacksonville:

9 **Section 1. Amending Section 2 (Establishment of Charter for**
10 **Baymeadows Community Improvement District, a dependent special**
11 **district) of Ordinance 2021-838-E.** Section 2 of Ordinance 2021-838-E
12 establishing the Charter of The Baymeadows Community Improvement
13 District, A Dependent Special District, is amended as follows:

14 * * *

15 **Section 2. Establishment of Charter for Baymeadows**
16 **Community Improvement District, a dependent special**
17 **district.** In accordance with Section 189.02, Florida
18 Statutes, the Charter of the Baymeadows Community
19 Improvement District ("BCID"), a dependent special
20 district, is hereby established to read as follows:

21 **REVISED CHARTER OF THE**

22 **BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT,**

23 **A DEPENDENT SPECIAL DISTRICT**

24 **Sec. 1. Dependent Special District** - There is hereby
25 created a Dependent Special District which will serve the
26 community based on the boundaries set forth herein and
27 shall be named the Baymeadows Community Improvement
28 District "BCID"). The BCID shall be dependent on the ~~county~~
29 governing body with jurisdiction over the BCID for purposes
30 of establishing its budget but is otherwise amenable to
31 separate special district government.

1 **Sec. 2. Purpose, Powers, Functions and Duties**

2 As set forth in *Florida Statute*, section
3 189.02(4) (a):

4 * * *

5 (B) Powers - The BCID is authorized and empowered:

6 * * *

7 (iii) To purchase, hold, lease, sell, or
8 otherwise acquire and convey such real and
9 personal property and interest therein as
10 may be necessary or proper to carry out the
11 purpose of this Charter;

12 (a) Where the purchase of any real
13 property, including roadways, equals
14 or ~~exceed~~ exceeds one hundred dollars
15 (\$100.00) the BCID must either: (1)
16 obtain an eighty percent (80%)
17 affirmative vote of the membership ~~is~~
18 ~~required,~~ or (2) obtain approval by
19 the City Council, prior to proceed
20 proceeding with the transaction.

21 * * *

22 (vi) To borrow money (including through the
23 issuance of bonds, notes, or other
24 evidences of indebtedness) and accept
25 gifts; to apply for and use grants or loans
26 of money or other property from the United
27 States, the state, a unit of local
28 government, or any person for any District
29 purposes and enter into agreements
30 required in connection therewith; and to
31 hold, use, and dispose of such moneys or

1 property for any District purposes in
2 accordance with the terms of the gift,
3 grant, loan or agreement relating thereto
4 for the purposes of enabling the District
5 to perform public functions or services as
6 herein provided;

7 (vii) To assess and collect for each year of its
8 operation against each residential and
9 commercial parcel in the BCID, a special
10 assessment, should it be deemed necessary
11 and appropriate by the Board of
12 Supervisors, based upon the category
13 assigned to each parcel attached hereto as
14 **On File**, attached hereto and incorporated
15 herein by reference, and in accordance
16 with the Equivalent Assessment Unit
17 ("EAU") for each category as set forth in
18 **Exhibit 2**, entitled Baymeadows Community
19 Improvement District Proposed Special
20 Assessment Allocation Report, attached
21 hereto and incorporated herein by
22 reference, which shall be incorporated in
23 the revised charter as "Exhibit 10",
24 completed by Rizzetta & Company and dated
25 September 20, 2023 (the "Assessment
26 Allocation Report").

27 (a) ~~No special assessment shall exceed the~~
28 ~~maximum for the specified category as~~
29 ~~shown in Revised **Exhibit 2**, labeled as~~
30 ~~"Revised Exhibit 2, Rev Assmt List,~~
31 ~~January 18, 2022 - NCSPHS" attached~~

1 ~~hereto and incorporated herein by~~
2 ~~reference, when the parcel is subject~~
3 ~~to an annual increase. Assessments may~~
4 ~~be increased or decreased annually as~~
5 ~~deemed appropriate by the Board of~~
6 ~~Supervisors.~~

7 (b) ~~Annually, each individual assessment~~
8 ~~may be adjusted by up to three (3)~~
9 ~~percent or the percent change in the~~
10 ~~Consumer Price Index (CPI) whichever~~
11 ~~is less. The maximum assessments~~
12 ~~permitted for each Use Category are~~
13 ~~set forth in **Exhibit 1**, which is~~
14 ~~incorporated into the BCID Charter as~~
15 ~~Second Revised Exhibit 2, "Assessments~~
16 ~~& Definitions" dated December 4, 2023~~
17 ~~attached hereto and incorporated~~
18 ~~herein by reference. These assessments~~
19 ~~are subject to a three (3%) percent~~
20 ~~escalation beginning in the year 2025~~
21 ~~and increasing three (3%) percent~~
22 ~~every year thereafter.~~

23 (c) ~~Rates, including any increase as set~~
24 ~~forth above, shall require a 2/3rd~~
25 ~~vote or 66.67 percent of the Board.~~
26 ~~In no event shall the special~~
27 ~~assessment exceed the annual maximum~~
28 ~~assessment for that year without~~
29 ~~prior approval of the City Council.~~

30 (d) ~~Assessments approved under this~~
31 ~~charter are to be billed and collected~~

1 assigned an assessment category by the
2 Board based on the use and sub-category of
3 use as described in ~~Revised Exhibit 2,~~
4 ~~labeled as "Revised Exhibit 2, Rev Assmt~~
5 ~~List, January 18, 2022 - NCSPHS" attached~~
6 ~~hereto and incorporated herein by~~
7 ~~reference;~~ Exhibit 1, incorporated into
8 the BCID charter as Second Revised Exhibit
9 2 for Ordinance 2021-838-E;

10 * * *

11 (C) *Duties* - The BCID shall have the responsibility of
12 maintaining common infrastructure within the
13 boundaries, including the following:

14 (i) Roadways

15 (a) BCID will maintain the following
16 Roadways:

17 * * *

18 5. ~~Baylin Ct.~~ Court

19 * * *

20 (b) the BCID may also accept by transfer
21 as described here, the responsibility
22 of maintaining additional roadway
23 segments along with those set forth
24 above, at the Board's discretion as
25 allowed in accordance with Florida
26 Statues Section 189.02 of the Dependent
27 Special Taxing District's public asset
28 requirements.

29 1. Upon any acceptance by the BCID of
30 additional roadways, the current
31 property owner shall be required,

1 either to bring the current roadway
2 up to approved BCID standards or
3 pay a pro-rata share of the then
4 current dollar value of the ~~define~~
5 defined improvement minus any
6 remaining useful-life, (as defined
7 by an BCID approved industry
8 professional at the expense of the
9 property owner of that roadway).
10 This agreed upon contribution
11 would be payable into the BCID
12 Reserves and upon that payment, the
13 BCID shall accept the roadway for
14 future maintenance and improvement
15 responsibility.

16 * * *

17 (ii) Common Properties:

18 * * *

19 (d) Baymeadows Circle West Entrance
20 greenspace (from Baymeadows Road to
21 Baymeadows Park Drive (formerly
22 Golfside ~~Drive~~)Drive).

23 * * *

24 (D) Functions - Upon formation, the BCID will
25 function as a dependent special district. The
26 BCID will undertake all essential functions
27 required of dependent special districts,
28 including:

29 (i) create, submit, and have approved by City
30 Council, its initial annual budget,
31 establishing and identifying priorities

1 for completion in the first two years or
2 as soon as practical and possible at the
3 BCID Expense.

4 In establishing the priority list,
5 the Board of Supervisors will be provided
6 with a copy of the July 30, 2021
7 Engineering Study completed by Dewberry
8 Engineers Inc. (**On File**; "Engineering
9 Study", attached hereto and incorporated
10 herein by reference), ~~and~~ the July 15, 2021
11 BCID Feasibility Study completed by
12 Rizzetta & Company (**On File**, "Feasibility
13 Study", attached hereto and incorporated
14 herein by reference). ~~The two,~~ and **Exhibit**
15 **2**, the Assessment Allocation Report, which
16 shall be incorporated into the BCID charter
17 as Exhibit 10. The three studies can serve
18 as guides to begin the process for
19 implementation of the Plan. The initial
20 priorities have been identified to be:

21 * * *

22 (c) the inspection of the drainage
23 piping, system wide, and

24 * * *

25 (ii) Pursuant to section 189.016, Florida
26 Statutes, within 30 days of its creation
27 the BCID will notify the State of Florida
28 Special District Accountability Program of
29 its existence and will file all required
30 documentation and information with the
31 program including but not limited to:

1 * * *

2 (d) the name, address, phone, fax,
3 and e-mail address for the
4 BCID's registered agent.

5 * * *

6 **Sec. 3 Geographic Boundary.** Pursuant to section
7 189.02(4)(b), Florida Statutes, the BCID, is hereby created
8 based on the following designations.

9 * * *

10 (C) The property addresses of each parcel included
11 within the BCID are listed ~~on~~in the On File
12 attached hereto and incorporated herein by
13 reference. Parcels that are (i) vacant, (ii)
14 owned by an Home Owners, Condominium Owners, or
15 Property Owners Association ("HOA", ~~or~~ "COA", or
16 "POA"); or (iii) parcels with a structure with
17 less than one (1) square foot of heated space
18 may be in the District but will not be assessed
19 until developed with heated square footage
20 greater than one (1) square foot ~~and/or property~~
21 ~~is by a private entity, that is not an HOA/COA,~~
22 ~~or a person/persons.~~

23 * * *

24 **Sec. 6 Governing Body: Organization, Leadership,**
25 **Compensation, Elections.** Pursuant to section 189.02(4)(e),
26 the organization, operation, and duties of the BCID's
27 governing body are set forth herein.

28 * * *

29 (B) *Leadership* - The seven Supervisors shall be
30 elected based on four "Area Group" seats for
31 which residency in the Area is based as depicted

1 within the enumerated areas in Exhibit 3, for
2 Ordinance 2021-838-E attached hereto and
3 incorporated herein by reference, and three "At-
4 Large" seats which shall represent the entire
5 BCID and shall be elected by all residents. The
6 each of the four "Area Group" Supervisors (Seats
7 1, 2, 3, and 4) shall serve for a term of two
8 years. Each of the three "At-Large" Supervisors
9 (Seats 5, 6 and 7) shall serve for terms of four
10 years. Only members of the designated Area Group
11 may vote for candidates for Area Group seats,
12 however, all members are entitled to vote for At
13 Large candidates.

14 (i) *Initial Leadership* - The initial Board of
15 Supervisors shall be appointed by the City
16 Council of the City of Jacksonville. The
17 Initial City Council appointed seats shall
18 have an initial term that expires on
19 December 31, 2025. The Initial Board of
20 Supervisors are hereby appointed by the
21 City Council as described in Revised
22 Exhibit 9 for Ordinance 2021-838-E
23 attached hereto and incorporated herein by
24 reference. The initial election for the
25 Board of Supervisors shall be held ~~as soon~~
26 ~~as practicable, but no sooner than~~during
27 the next available regular or special
28 election following the City Council's
29 approval of the initial BCID budget ~~and no~~
30 ~~later than the second Tuesday of November~~
31 ~~2025. The initial election shall be held~~

1 ~~within 90 days of, as authorized by the~~
2 ~~City Council's approval of the budget~~
3 ~~Supervisor of Elections.~~

4 (a) Any Supervisor, appointed under
5 paragraph (i) above that is not able
6 to accept the appointment, shall
7 provide a formal notice thereof to
8 ~~appoint~~the Board of Supervisors and
9 the vacant seat shall be filled by a
10 majority vote of the remaining active
11 Board members consistent with
12 subsection (iii) below.

13 * * *

14 ~~(v) *Ex Officio Leadership* - In addition to the seven~~
15 ~~Supervisors, there shall be one Ex Officio~~
16 ~~member, the City Council Representative for the~~
17 ~~District where the BCID is located (currently~~
18 ~~known as District 11). The term of the Ex~~
19 ~~Officio member shall run concurrently with the~~
20 ~~Ex Officio member's Council District term of~~
21 ~~office and any vacancy by the Council District~~
22 ~~member shall be filled by the City Council~~
23 ~~President upon the election or appointment of a~~
24 ~~new District Council member.~~

25 ~~(a) The Ex Officio member shall be a non-voting~~
26 ~~member.~~

27 ~~(vi)~~(v) Any Supervisor may be removed from office
28 by the City Council for misfeasance,
29 malfeasance, or willful neglect of duty.

30 ~~(vii)~~(vi) No Supervisor shall receive compensation
31 for his or her service.

1 (c) The name, address, and contact phone number for
2 the property owner;

3 * * *

4 **Section 2. Complete Copy of Revised Charter.** The complete
5 revised Charter of the BCID, including a red-lined copy is contained
6 in the **On File**.

7 **Section 3. Effective Date.** This Ordinance shall become
8 effective upon signature by the Mayor or upon becoming effective
9 without the Mayor's signature.

10
11 Form Approved

12
13 /s/Trisha Bowles

14 Trisha Bowles

15 Office of General Counsel

16 Legislation Prepared by: Trisha Bowles

17
18 GC-#1608794-v1-BCID_-_charter_amendment