

Ordinance 2024-69 – Substitute - Summary of Changes

Page Section Revision

3	2(B)(iii)(a)	Purchase of realty over \$100 (revising to provide for 60% BCID elector approval)
3	2(B)(vi)	Spells out the right to issue bonds
4-5	2(B)(vii)	Adopts the BCID Assessment Allocation Report
5	2(B)(vii)(b)	Revising maximum assessments – 3% escalation each year; no limitation on raising or lowering assessments as long as they do not exceed maximum
11	6(B)(i)	Aligning elections with next available regular or special election
13	6(B)(ii)(a)	Providing when elected Supervisors will take his/her seat -- either Jan 1 or July 1 following certified election
13	6(B)(iii)(a)	Clarifying when vacant seats take office
13	6(B)(v)	Removes the Ex Officio position on the BCID Board
15	12(a)	Provides for termination of the BCID if property owners form an association that will address all the responsibilities of the BCID.

1
2
3 Introduced by Council Member Arias:
4
5

6 **ORDINANCE 2024-**

7 AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE
8 2021-838-E WHICH ESTABLISHED A DEPENDENT
9 SPECIAL DISTRICT KNOWN AS THE "EAYMEADOWS
10 COMMUNITY IMPROVEMENT DISTRICT" ("BCID");
11 AMENDING BCID CHARTER SECTION 2 TO AUTHORIZE
12 ISSUANCE OF BONDS; DELETING THE LIMIT ON
13 ANNUAL ADJUSTMENTS TO ASSESSMENTS; REVISING
14 THE UPDATED ANNUAL MAXIMUMS FOR ASSESSMENTS;
15 ADDING AND INCORPORATING BY REFERENCE THE
16 SPECIAL ASSESSMENT ALLOCATION REPORT;
17 REMOVING THE EX OFFICIO REQUIREMENT; AMENDING
18 THE INITIAL ELECTION DATE; PROVIDING AN
19 EFFECTIVE DATE.
20

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

24 **WHEREAS**, the Council and the BCID Board of Supervisors desire
25 to amend Section 2 of Ordinance 2021-838-E, which sets forth the
26 Charter of the BCID, in order to substitute and replace the Charter
27 to: (i) specifically authorize the BCID to issue bonds; (ii) delete
28 the cap on the maximum annual adjustment on individual
29 assessments; (iii) substitute and replace **Revised Exhibit 2**, providing
30 for revised annual maximums for assessments, of the BCID Charter;
31 (iv) add and incorporate by reference a new exhibit 10, the BCID

1 Proposed Special Assessment Allocation Report dated September 20,
2 2023, prepared by Rizzetta & Company to the BCID Charter; and (v) set
3 the initial election for the Board of Supervisors to align with the
4 next regular or special election following City Council approval of
5 the initial BCID budget, as authorized by the Supervisor of Elections;
6 and

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

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

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

16 * * *

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

23 **REVISED CHARTER OF THE**
24 **BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT,**
25 **A DEPENDENT SPECIAL DISTRICT**

26 **Sec. 1. Dependent Special District** - There is hereby
27 created a Dependent Special District which will serve the
28 community based on the boundaries set forth herein and
29 shall be named the Baymeadows Community Improvement
30 District ("BCID"). The BCID shall be dependent on the
31 county governing body with jurisdiction over the BCID for

1 purposes of establishing its budget but is otherwise
2 amenable to separate special district government.

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

4 As set forth in *Florida Statute*, section
5 189.02(4)(a):

6 * * *

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

8 * * *

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

14 (a) Where the purchase of any real
15 property, including roadways, equals
16 or ~~exceed~~ exceeds one hundred dollars
17 (\$100.00) the BCID must obtain an
18 eighty percent (80%) affirmative vote
19 of the membership is required
20 approval by sixty percent (60%) of the
21 ballots cast by the electors of the
22 District. Any election not held
23 during a statutory or local election
24 conducted by the Supervisor of
25 Elections may be held by special vote-
26 by-mail only election as contemplated
27 in F.S. s. 101.6102(1)(a)2, as
28 approved by the Supervisor of
29 Elections. The District shall bear
30 all the costs of any special vote-by-
31 mail only election in accordance with

* * *

(vi) To borrow money (including through the issuance of bonds, notes, or other evidences of indebtedness) and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any District purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any District purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto for the purposes of enabling the District to perform public functions or services as herein provided;

(vii) To assess and collect for each year of its operation against each residential and commercial parcel in the BCID, a special assessment, should it be deemed necessary and appropriate by the Board of Supervisors, based upon the category assigned to each parcel attached hereto as **On File**, attached hereto and incorporated herein by reference-, and in accordance with the Equivalent Assessment Unit ("EAU") for each category as set forth in **Exhibit 2**, entitled Baymeadows Community Improvement District Proposed Special

1 Assessment Allocation Report, attached
2 hereto and incorporated herein by
3 reference, which shall be incorporated in
4 the revised charter as "Exhibit 10",
5 completed by Rizzetta & Company and dated
6 September 20, 2023 (the "Assessment
7 Allocation Report").

8 (a) ~~No special assessment shall exceed the~~
9 ~~maximum for the specified category as~~
10 ~~shown in Revised Exhibit 2, labeled as~~
11 ~~"Revised Exhibit 2, Rev Assmt List,~~
12 ~~January 18, 2022 NCSPHS" attached~~
13 ~~hereto and incorporated herein by~~
14 ~~reference, when the parcel is subject~~
15 ~~to an annual increase. Assessments may~~
16 ~~be increased or decreased annually as~~
17 ~~deemed appropriate by the Board of~~
18 ~~Supervisors.~~

19 (b) ~~Annually, each individual assessment~~
20 ~~may be adjusted by up to three (3)~~
21 ~~percent or the percent change in the~~
22 ~~Consumer Price Index (CPI) whichever~~
23 ~~is less. The maximum assessments~~
24 ~~permitted for each Use Category are~~
25 ~~set forth in Exhibit 1, which is~~
26 ~~incorporated into the BCID Charter as~~
27 ~~Second Revised Exhibit 2, "Assessments~~
28 ~~& Definitions" dated December 4, 2023~~
29 ~~attached hereto and incorporated~~
30 ~~herein by reference. These assessments~~
31 ~~are subject to a three (3%) percent~~

1 escalation beginning in the year 2025
2 and increasing three (3%) percent
3 every year thereafter.

4 (i) An updated schedule of maximum
5 assessments shall be provided
6 annually to City Council as an
7 attachment to the proposed BCID
8 budget.

9 ~~(c) Rates, including any increase as set~~
10 ~~forth above, shall require a 2/3rd~~
11 ~~vote or 66.67 percent of the Board.~~
12 In no event shall the special
13 assessment exceed the annual maximum
14 assessment for that year without
15 prior approval of the City Council.

16 ~~(d) Assessments approved under this~~
17 ~~charter are to be billed and collected~~
18 ~~pursuant to Chapter 197, Florida~~
19 ~~Statutes, or any other means~~
20 ~~authorized by law, and to be a lien~~
21 ~~on the assessed property, coequal~~
22 ~~with the lien of all state, county,~~
23 ~~district and municipal taxes, and~~
24 ~~superior in dignity to all other~~
25 ~~liens, titles, and claims, until paid~~
26 ~~in full; Any increase in assessments~~
27 above the prior year shall require a
28 2/3rd vote or 66.67 percent of the
29 Board.

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

1 pursuant to Chapter 197, Florida
2 Statutes, or any other means
3 authorized by law, and to be a lien
4 on the assessed property, coequal
5 with the liens of all state, county,
6 district, and municipal taxes, and
7 superior in dignity to all other
8 liens, titles, and claims, until paid
9 in full.

10 (viii) To assess any new parcels (by sale, lot-
11 split or subdivision), if deemed necessary
12 or appropriate by the Board of Supervisors,
13 that come into existence within the
14 geographic boundaries, as defined in
15 Exhibit 1, attached hereto and
16 incorporated herein by reference. The
17 assessment for the new parcel shall be
18 assigned an assessment category by the
19 Board based on the use and sub-category of
20 use as described in ~~Revised Exhibit 2,~~
21 ~~labeled as "Revised Exhibit 2, Rev Assmt~~
22 ~~List, January 18, 2022 NCSPHS" attached~~
23 ~~hereto and incorporated herein by~~
24 ~~reference;~~ Exhibit 1, incorporated into
25 the BCID charter as Second Revised Exhibit
26 2 for Ordinance 2021-838-E;

27 * * *

28 (C) *Duties* - The BCID shall have the responsibility of
29 maintaining common infrastructure within the
30 boundaries, including the following:

31 (i) Roadways

1 (a) BCID will maintain the following
2 Roadways:

3 * * *

4 5. Baylin ~~Ct.~~ Court

5 * * *

6 (b) the BCID may also accept by transfer
7 as described here, the responsibility
8 of maintaining additional roadway
9 segments along with those set forth
10 above, at the Board's discretion as
11 allowed in accordance with Florida
12 Statutes Section 189.02 of the Dependent
13 Special Taxing District's public asset
14 requirements.

15 1. Upon any acceptance by the BCID of
16 additional roadways, the current
17 property owner shall be required,
18 either to bring the current roadway
19 up to approved BCID standards or
20 pay a pro-rata share of the then
21 current dollar value of the ~~define~~
22 defined improvement minus any
23 remaining useful-life, (as defined
24 by an BCID approved industry
25 professional at the expense of the
26 property owner of that roadway).
27 This agreed upon contribution
28 would be payable into the BCID
29 Reserves and upon that payment, the
30 BCID shall accept the roadway for
31 future maintenance and improvement

1 responsibility.

2 * * *

3 (ii) Common Properties:

4 * * *

5 (d) Baymeadows Circle West Entrance
6 greenspace (from Baymeadows Road to
7 Baymeadows Park Drive (formerly
8 Golfside Drive) Drive).

9 * * *

10 (D) Functions - Upon formation, the BCID will
11 function as a dependent special district. The
12 BCID will undertake all essential functions
13 required of dependent special districts,
14 including:

15 (i) create, submit, and have approved by City
16 Council, its initial annual budget,
17 establishing and identifying priorities
18 for completion in the first two years or
19 as soon as practical and possible at the
20 BCID Expense.

21 In establishing the priority list,
22 the Board of Supervisors will be provided
23 with a copy of the July 30, 2021
24 Engineering Study completed by Dewberry
25 Engineers Inc. (**On File**; "Engineering
26 Study", attached hereto and incorporated
27 herein by reference), ~~and~~ the July 15, 2021
28 BCID Feasibility Study completed by
29 Rizzetta & Company (**On File**, "Feasibility
30 Study", attached hereto and incorporated
31 herein by reference). ~~The two~~, and **Exhibit**

1 2, the Assessment Allocation Report, which
2 shall be incorporated into the BCID charter
3 as Exhibit 10. The three studies can serve
4 as guides to begin the process for
5 implementation of the Plan. The initial
6 priorities have been identified to be:

7 * * *

8 (c) the inspection of the drainage
9 piping, system wide, and

10 * * *

11 (ii) Pursuant to section 189.016, Florida
12 Statutes, within 30 days of its creation
13 the BCID will notify the State of Florida
14 Special District Accountability Program of
15 its existence and will file all required
16 documentation and information with the
17 program including but not limited to:

18 * * *

19 (d) the name, address, phone, fax,
20 and e-mail address for the
21 BCID's registered agent.

22 * * *

23 **Sec. 3 Geographic Boundary.** Pursuant to section
24 189.02(4)(b), Florida Statutes, the BCID, is hereby created
25 based on the following designations.

26 * * *

27 (C) The property addresses of each parcel included
28 within the BCID are listed ~~en~~in the On File
29 attached hereto and incorporated herein by
30 reference. Parcels that are (i) vacant, (ii)
31 owned by ~~a~~ Home Owners, Condominium Owners, or

1 Property Owners Association ("HOA", ~~or~~ "COA", or
2 "POA"); or (iii) parcels with a structure with
3 less than one (1) square foot of heated space
4 may be in the District but will not be assessed
5 until developed with heated square footage
6 greater than one (1) square foot and/or property
7 is by a private entity, that is not an HOA/COA,
8 or a person/persons.

9 * * *

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

14 * * *

15 (B) *Leadership* - The seven Supervisors shall be
16 elected based on four "Area Group" seats for
17 which residency in the Area is based as depicted
18 within the enumerated areas in Exhibit 3, for
19 Ordinance 2021-838-E attached hereto and
20 incorporated herein by reference, and three "At-
21 Large" seats which shall represent the entire
22 BCID and shall be elected by all residents. The
23 each of the four "Area Group" Supervisors (Seats
24 1, 2, 3, and 4) shall serve for a term of two
25 years. Each of the three "At-Large" Supervisors
26 (Seats 5, 6 and 7) shall serve for terms of four
27 years. Only members of the designated Area Group
28 may vote for candidates for Area Group seats,
29 however, all members are entitled to vote for At
30 Large candidates.

31 (i) *Initial Leadership* - The initial Board of

1 Supervisors shall be appointed by the City
2 Council of the City of Jacksonville. The
3 Initial Board of Supervisors are hereby
4 appointed by the City Council as described
5 in **Revised Exhibit 9** labeled as "Revised
6 Exhibit 9, Rev Board, February 8, 2022 -
7 Floor" attached hereto and incorporated
8 herein by reference. The initial election
9 for the Board of Supervisors shall be held
10 ~~as soon as practicable, but no sooner than~~
11 during the next available regular or
12 special election following the City
13 Council's approval of the initial BCID
14 budget and ~~no later than the second Tuesday~~
15 ~~of November 2025. The initial election~~
16 ~~shall be held within 90 days of the City~~
17 ~~Council's approval of the budget as~~
18 authorized by the Supervisor of Elections.

19 (a) Any Supervisor, appointed under
20 paragraph (i) above that is not able
21 to accept the appointment, shall
22 provide a formal notice thereof to
23 ~~appoint~~ the Board of Supervisors and
24 the vacant seat shall be filled by a
25 majority vote of the remaining active
26 Board members consistent with
27 subsection (iii) below.

28 (ii) Subsequent Leadership - At the initial
29 election, the qualified electors of the
30 BCID shall elect both the four "Area Group"
31 Supervisors (Seats 1, 2, 3, and 4) and the

1 three "At-Large" Supervisors (Seats 5, 6
2 and 7).

3 (a) Any supervisor elected following the
4 initial appointed leadership shall
5 take office the sooner of January 1
6 or July 1 immediately following the
7 certification of the applicable
8 election.

9 (iii) Vacancies - If, during a term of office,
10 a vacancy occurs, the remaining members of
11 the Board shall fill the vacancy, by an
12 appointment through a 2/3rd or 66.67
13 percent vote, for the remainder of the
14 unexpired term or until the next occurring
15 election is held to fill the term.

16 (a) Any supervisor elected to fill a
17 vacant seat shall take office
18 immediately upon certification of the
19 applicable election.

20 * * *

21 ~~(v) Ex Officio Leadership~~ In addition to the seven
22 Supervisors, there shall be one Ex Officio
23 member, the City Council Representative for the
24 District where the BCID is located (currently
25 known as District 11). The term of the Ex
26 Officio member shall run concurrently with the
27 Ex Officio member's Council District term of
28 office and any vacancy by the Council District
29 member shall be filled by the City Council
30 President upon the election or appointment of a
31 new District Council member.

1 ~~(a)~~ ~~The Ex Officio member shall be a non voting~~
2 ~~member.~~

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

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

8 ~~(viii)~~ (vii) Supervisors may only represent one seat
9 at a time. Supervisors may not reside
10 with any other Supervisor or represent
11 the same commercial entity as another
12 Supervisor.

13 ~~(ix)~~ (viii) Any Supervisor who has three unexcused
14 absences for regular, consecutive noticed
15 meetings may be deemed as having vacated
16 their seat with the affirmative vote of
17 2/3 vote or 66.67 percent of the remaining
18 Supervisors.

19 ~~(x)~~ (ix) In the event that a Supervisor is elected
20 as a designated group representative and
21 said Supervisor sells their only
22 property, whether residential or
23 commercial, qualifying them as an elector
24 of the BCID and representative of a
25 particular group or an at large group,
26 the Supervisor shall vacate the seat
27 within thirty (30) days of the completion
28 of the real estate transaction.

29 ~~(xi)~~ (x) Annually, the Board of Supervisors shall
30 elect a Board Chair, Vice-Chair,
31 Secretary, and Treasurer.

1 * * *

2 **Sec. 11. Removal Procedure**

3 In order to be removed from membership in the BCID,
4 a property owner shall submit a written notice to the BCID
5 Board of Supervisors, by registered mail or trackable
6 alternative, informing the Board of Supervisors of the
7 property owner's intent to seek for removal. The notice
8 shall provide the Board of Supervisors with:

9 * * *

- 10 (c) The name, address, and contact phone number for
11 the property owner;

12 * * *

13 **Sec. 12 - Termination of the District.**

14 The District shall automatically terminate upon the
15 filing of:

- 16 (a) a Master Homeowners/Property Owners
17 Association, or similar entity, that assumes the
18 responsibilities of the District in maintaining
19 the District's entire shared roadway system,
20 shared stormwater system, and in supervising
21 each individual association's maintenance of
22 reserves to assume any responsibilities related
23 to the same. The Master Association created
24 shall provide proof of the formation to the
25 applicable council member and request formal
26 dissolution of the BCID. Upon the approval of
27 the dissolution, the BCID Board shall provide
28 notice of the dissolution to the State.

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

1 **Section 3. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.
4

5 Form Approved
6

7 /s/ Trisha Bowles

8 Trisha Bowles

9 Office of General Counsel

10 Legislation Prepared by: Trisha Bowles
11

12 ~~GC-#1608794-v1-BCID--charter-amendment~~
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24

SUBSTITUTE