

The Neighborhoods, Community Services, Public Health and Safety Committee offers the following Substitute to File No. 2024-69:

Introduced by Council Member Arias:

ORDINANCE 2024-69

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE 2021-838-E WHICH ESTABLISHED A DEPENDENT SPECIAL DISTRICT KNOWN AS THE "BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT" ("BCID"); AMENDING BCID CHARTER SECTION 2 TO REVISE THE ELECTOR APPROVAL THRESHOLD REQUIRED FOR PROPERTY PURCHASES EXCEEDING \$100.00; AUTHORIZING SPECIAL VOTE-BY-MAIL ELECTIONS; AUTHORIZE ISSUANCE OF BONDS; DELETING THE LIMIT ON ANNUAL ADJUSTMENTS TO ASSESSMENTS; REVISING THE ANNUAL MAXIMUMS FOR ASSESSMENTS; REQUIRING LIST OF ANNUAL ASSESSMENTS TO BE PROVIDED TO CITY COUNCIL WITH ANNUAL BUDGET; ADDING AND INCORPORATING BY REFERENCE THE SPECIAL ASSESSMENT ALLOCATION REPORT; REMOVING THE EX OFFICIO REQUIREMENT; AMENDING THE INITIAL ELECTION DATE; CLARIFYING DATES WHEN BOARD MEMBERS TAKE OFFICE; ADDING A CONDITIONAL SUNSET PROVISION; PROVIDING A "REVISED ON FILE"; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Council and the BCID Board of Supervisors desire

1 to amend Section 2 of Ordinance 2021-838-E, which sets forth the
2 Charter of the BCID, in order to substitute and replace the Charter
3 to: (i) revise the approval threshold required for property purchases
4 exceeding \$100 and authorize vote-by-mail elections, (ii)
5 specifically authorize the BCID to issue bonds; (iii) delete the cap
6 on the maximum annual adjustment on individual assessments; (iv)
7 substitute and replace Revised Exhibit 2 to Ordinance 2021-838-E with
8 a revised maximum assessment listing, attached hereto as **Exhibit 1**,
9 providing for revised annual maximums for assessments and authorize
10 a three percent (3%) escalation to the maximum beginning in 2025; (v)
11 require the list of annual assessments to be provided to the City
12 Council with the submittal of the annual BCID budget; (vi) add and
13 incorporate by reference a new exhibit 10, attached hereto as **Exhibit**
14 **2**, the BCID Proposed Special Assessment Allocation Report dated
15 September 20, 2023, prepared by Rizzetta & Company to the BCID
16 Charter; (vii) remove the requirement of an *Ex Officio* member; (viii)
17 set the initial election for the Board of Supervisors to align with
18 the next regular or special election following City Council approval
19 of the initial BCID budget, as authorized by the Supervisor of
20 Elections; (ix) clarify when elected supervisors take office; and (x)
21 provide for a conditional sunset of the District; and

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

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

26 **Section 1. Amending Section 2 (Establishment of Charter for**
27 **Baymeadows Community Improvement District, a dependent special**
28 **district) of Ordinance 2021-838-E.** Section 2 of Ordinance 2021-838-E
29 establishing the Charter of the Baymeadows Community Improvement
30 District, a Dependent Special District, is amended to read as follows:

31 **Section 2. Establishment of Charter for Baymeadows**

Community Improvement District, a dependent special district. In accordance with Section 189.02, *Florida Statutes*, the Charter of the Baymeadows Community Improvement District ("BCID"), a dependent special district, is hereby established to read as follows:

REVISED CHARTER OF THE BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT,
A DEPENDENT SPECIAL DISTRICT

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

Sec. 2. Purpose, Powers, Functions and Duties As set forth in *Florida Statute*, section 189.02(4)(a):

* * *

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

* * *

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

(a) Where the purchase of any real property, including roadways, equals or ~~exceeds~~ exceeds one hundred dollars (\$100.00) the BCID must obtain approval by sixty percent (60%) of the ballots cast by the electors of the District. Any election not held during a statutory or local election conducted by the Supervisor of Elections may be held by special vote-by-mail only election as contemplated in F.S. s. 101.6102(1)(a)2, as approved by the Supervisor

1 of Elections. The District shall bear all the
2 costs of any special vote-by-mail only election in
3 accordance with Section 101.6102(4), Florida
4 Statutes~~an eighty percent (80%) affirmative vote~~
5 ~~of the membership is required to proceed with the~~
6 ~~transaction.~~

7 * * *

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

20 (vii) To assess and collect for each year of its operation
21 against each residential and commercial parcel in the
22 BCID, a special assessment, should it be deemed
23 necessary and appropriate by the Board of Supervisors,
24 based upon the category assigned to each parcel attached
25 hereto as **Revised On File**, attached hereto and
26 incorporated herein by reference~~-,~~ and in accordance
27 with the Equivalent Assessment Unit ("EAU") for each
28 category as set forth in Exhibit 2 to Ordinance 2024-
29 69-E, entitled Baymeadows Community Improvement District
30 Proposed Special Assessment Allocation Report, attached
31 hereto and incorporated herein by reference, which shall

1 be incorporated in the revised charter as "Exhibit 10",
2 completed by Rizzetta & Company and dated September 20,
3 2023 (the "Assessment Allocation Report").

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

12 (b) The maximum assessments permitted for each Use
13 Category are set forth in Exhibit 1 to Ordinance
14 2024-69-E, which is incorporated into the BCID
15 Charter as Second Revised Exhibit 2, "Assessments
16 & Definitions" dated December 4, 2023, attached
17 hereto and incorporated herein by reference. These
18 assessments are subject to a three (3%) percent
19 escalation beginning in the year 2025 and
20 increasing three (3%) percent every year
21 thereafter. Annually, each individual assessment
22 may be adjusted by up to three (3) percent or the
23 percent change in the Consumer Price Index (CPI)
24 whichever is less.

25 (i) An updated schedule of maximum
26 assessments shall be provided annually
27 to the City Council as an attachment to
28 the proposed BCID budget.

29 (c) In no event shall the special assessment exceed the
30 annual maximum assessment for that year without
31 prior approval of the City Council. Rates,

- including any increase as set forth above, shall require a 2/3rd vote or 66.67 percent of the Board.
- (d) Any increase in assessments above the prior year shall require a 2/3rd vote or 66.67 percent of the Board. Assessments approved under this charter are to be billed and collected pursuant to Chapter 197, Florida Statutes, or any other means authorized by law, and to be a lien on the assessed property, coequal with the lien of all state, county, district and municipal taxes, and superior in dignity to all other liens, titles, and claims, until paid in full.
- (e) Assessments approved under this charter are to be billed and collected pursuant to Chapter 197, Florida Statutes, or any other means authorized by law, and to be a lien on the assessed property, coequal with the liens of all state, county, district, and municipal taxes, and superior in dignity to all other liens, titles, and claims, until paid in full.
- (viii) To assess any new parcels (by sale, lot-split or subdivision), if deemed necessary or appropriate by the Board of Supervisors, that come into existence within the geographic boundaries, as defined in Exhibit 1, attached hereto and incorporated herein by reference. The assessment for the new parcel shall be assigned an assessment category by the Board based on the use and sub-category of use as described in Exhibit 1 to Ordinance 2024-69-E, incorporated into the BCID charter as Second Revised Exhibit 2; Revised Exhibit 2, labeled as "Revised Exhibit 2, Rev Assmt List, January 18, 2022

~~— NCSPHS" attached hereto and incorporated herein by reference;~~

* * *

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

(i) Roadways

(a) BCID will maintain the following Roadways:

* * *

5. Baylin Court ~~Ct.~~

* * *

7. Echo Springs Road ~~Rd~~

* * *

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

1. Upon any acceptance by the BCID of additional roadways, the current property owner shall be required, either to bring the current roadway up to approved BCID standards or pay a pro-rata share of the then current dollar value of the defined ~~define~~ improvement minus any remaining useful-life, (as defined by an BCID approved industry professional at the expense of the property owner of that roadway). This agreed upon contribution would be payable into the BCID Reserves and upon that payment, the BCID shall accept the roadway for future maintenance and

improvement responsibility.

* * *

(ii) Common Properties:

* * *

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

* * *

(iii) Stormwater System

(a) The drainage system utilized by BCID properties, including the water clarity, as depicted in the **Revised On File**, within the "Engineering Study", attached hereto and incorporated herein by reference.

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

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

In establishing the priority list, the Board of Supervisors will be provided with a copy of the July 30, 2021 Engineering Study completed by Dewberry Engineers Inc. (**Revised On File**; "Engineering Study", attached hereto and incorporated herein by reference), ~~and~~ the July 15, 2021 BCID Feasibility Study completed by Rizzetta & Company (**Revised On File**, "Feasibility Study", attached hereto and

incorporated herein by reference), and Exhibit 2 to Ordinance 2024-69-E, the Assessment Allocation Report, which shall be incorporated into the BCID Charter as Exhibit 10. ~~The three~~ ~~The two~~ studies can serve as guides to begin the process for implementation of the Plan. The initial priorities have been identified to be:

* * *

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

* * *

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

* * *

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

* * *

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

* * *

(C) The property addresses of each parcel included within the BCID are listed ~~in the~~ **Revised On File** attached hereto and incorporated herein by reference. Parcels that are (i) vacant, (ii) owned by Homeowners, an Home Owners Condominium Owners, or Property Owners Association ("HOA", ~~or~~ "COA", or "POA"); or (iii)

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

7 * * *

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

12 * * *

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

27 (i) *Initial Leadership* - The initial Board of Supervisors
28 shall be appointed by the City Council of the City of
29 Jacksonville. The Initial Board of Supervisors are
30 hereby appointed by the City Council as described in
31 Revised Exhibit 9 labeled as "Revised Exhibit 9, Rev

Board, February 8, 2022 - Floor" attached hereto and incorporated herein by reference. The initial election for the Board of Supervisors shall be held during the next available regular or special election following as soon as practicable, but no sooner than the City Council's approval of the initial BCID budget as authorized by the Supervisor of Elections and no later than the second Tuesday of November 2025. The initial election shall be held within 90 days of the City Council's approval of the budget.

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

(ii) *Subsequent Leadership* - At the initial election, the qualified electors of the BCID shall elect both the four "Area Group" Supervisors (Seats 1, 2, 3, and 4) and the three "At-Large" Supervisors (Seats 5, 6 and 7).

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

(iii) Vacancies - If, during a term of office, a vacancy occurs, the remaining members of the Board shall fill the vacancy, by an appointment through a 2/3rd or 66.67 percent vote, for the remainder of the unexpired

term or until the next occurring election is held to fill the term.

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

* * *

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

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

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

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

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

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

remaining Supervisors.

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

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

* * *

(C) *Elector Membership* -

* * *

(ii) Each parcel with more than 1 square foot of heated area shall be entitled to one (1) vote.

(a)~~i~~ Parcels owned by associations, parcels only dedicated to garages or carports, parcels that contain only roadways, undeveloped or under development parcels shall have no voting authority.

* * *

(v) To be eligible to vote, a parcel owner must be a registered Duval County voter.

(a) For commercial property owners, a registered Duval County voter may be selected as a delegate on behalf of the entity. The entity shall submit said notice of selection of a delegate, in writing signed by all officers/directors and notarized as to each and tendered to the BCID at least one (1) year in advance of the next

election.

* * *

Sec. 11. Removal Procedure

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

* * *

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

* * *

Sec. 12 - Termination of the District.

The District shall automatically terminate upon the filing of:

(A) A Master Homeowners/Property Owners Association, or similar entity, that assumes the responsibilities of the District in maintaining the District's entire shared roadway system, shared stormwater system, and in supervising each individual association's maintenance of reserves to assume any responsibilities related to the same. The Master Association created shall provide proof of the formation to the applicable council member and request formal dissolution of the BCID. Upon the approval of the dissolution, the BCID Board shall provide notice of the dissolution to the State.

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

Section 3. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective

without the Mayor's signature.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Trisha Bowles

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