

1 Introduced by Council Member Becton and twice amended by the Finance
2 Committee and amended on the Floor of Council:

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4
5 **ORDINANCE 2021-838-E**

6 AN ORDINANCE REGARDING THE ESTABLISHMENT OF A
7 DEPENDENT SPECIAL DISTRICT TO BE KNOWN AS THE
8 "BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT"
9 ("BCID"); INCORPORATING THE RECITALS; PROVIDING
10 THAT THE DISTRICT SHALL BE A DEPENDENT SPECIAL
11 DISTRICT ESTABLISHING THE CHARTER FOR THE
12 "BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT"
13 ("BCID"), IN ACCORDANCE WITH SECTION 189.02,
14 *FLORIDA STATUTES*; ESTABLISHING THE BCID'S
15 PURPOSE, POWERS, FUNCTIONS AND DUTIES;
16 ESTABLISHING THE BCID'S GEOGRAPHIC BOUNDARIES;
17 RECOGNIZING THE AUTHORITY TO CREATE SPECIAL
18 DISTRICTS AND AUTHORIZING THE CREATION OF THE
19 BCID; RECOGNIZING CREATION OF THE BCID SPECIAL
20 DISTRICT AS THE BEST ALTERNATIVE; ESTABLISHING
21 A GOVERNING BODY, IDENTIFYING THE LEADERSHIP AND
22 ELECTION PROCESS; IDENTIFYING ADDITIONAL
23 REQUIREMENTS REGARDING FINANCIAL DISCLOSURE
24 OBLIGATIONS, AUDIT OBLIGATIONS, NOTICE AND
25 REPORTING OBLIGATIONS; PROVIDING AVAILABLE
26 FINANCING METHODS; RECOGNIZING THAT THE CREATION
27 OF THE BCID SPECIAL DISTRICT IS CONSISTENT WITH
28 THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE
29 DATE.
30

1 **WHEREAS**, Section 189.02, *Florida Statutes*, provides that the
2 City Council may create dependent special districts for the purpose
3 of delivering essential services to specific areas within the City;
4 and

5 **WHEREAS**, the attributes of special districts include the fact
6 that (i) they operate to provide specific, essential public services
7 that address community needs by focusing costs only on those
8 benefitting from their services without overburdening other taxpayers
9 and governments; and (ii) the governing members have the expertise
10 to focus on specific community needs and issues that the special
11 district was created to address; and

12 **WHEREAS**, special districts also have the ability to manage, own,
13 operate, construct, and finance basic capital infrastructure,
14 facilities, and services, which provides assurance to property owners
15 and the applicable community that infrastructure maintenance and
16 improvements along with other services will continue, helping to
17 protect property values and quality of life; and

18 **WHEREAS**, special districts help protect property values, improve
19 quality of life, prevent crime and reduce neighborhood decline due
20 to age by assuring that private roads, stormwater, drainage, and
21 common properties, as well as other essential facilities and services,
22 are functioning properly and are maintained. Additionally,
23 establishing a dependent special district will ensure accountability
24 of public resources, since special districts and their governing
25 boards are held to the same high standards as municipalities and
26 counties; and

27 **WHEREAS**, over the past twenty years, the Baymeadows Golf Course
28 Community (Community), a once distinctive golf-oriented neighborhood,
29 lost its golf course, has seen its private stormwater and roadway
30 network infrastructure suffer from lack of maintenance and has seen
31 numerous parcels become fractured with new commercial infill as others

1 have been targeted for additional single family and multifamily
2 housing development; and

3 **WHEREAS**, the Community's existing private stormwater ponds are
4 heavily silted, inadequately maintained and likely undersized based
5 upon today's standards and pose a potentially hazardous condition due
6 to soils saturated from decades of fertilization and chemical
7 treatments from golf course maintenance; and

8 **WHEREAS**, the private roads in the Community are currently owned
9 by multiple, separate, and distinct private and community
10 associations making the efficiency and economy of scale difficult for
11 these groups to coordinate meaningful maintenance efforts for the
12 whole Community, which has resulted in many of these roads being left
13 in a state of deterioration; and

14 **WHEREAS**, outdated planning designs, including a lack of
15 sidewalks, bike lanes and community parks, has resulted in safety
16 concerns for the neighborhood; and

17 **WHEREAS**, utilizing the Southeast Vision Plan approved by the
18 City in 2010, the FLAGG Studio documents facilitating the planning
19 effort, and numerous community working group sessions, a Community
20 Development Plan, known as the Baymeadows Community Plan (BCP), was
21 established and adopted by the City Council through Ordinance 2012-
22 192-E in April 2012, setting priorities for development in
23 anticipation of establishing a dependent special district; and

24 **WHEREAS**, the Community is an ideal candidate for management
25 under a special district based on the unique nature of the Community
26 where all the neighborhoods and commercial properties in the community
27 have mutual interest and use of Baymeadows Circle East or West and
28 all are managed separately without any one single entity having
29 authority or responsibility for the main thoroughfares; and

30 **WHEREAS**, each neighborhood's and each commercial property
31 owner's mutual access to their properties through Baymeadows Circle

1 inextricably intertwines the communities with a common goal for
2 maintenance and safety of their overall infrastructure; and

3 **WHEREAS**, a dependent special district financed by the property
4 owners in the Community is an appropriate, efficient and effective
5 vehicle to ensure that the BCP including the needed improvements to
6 infrastructure can be implemented and further deterioration can be
7 prevented; and,

8 **WHEREAS**, the establishment of the BCID will provide the
9 Community with the authority to facilitate the maintenance and
10 improvements of the community infrastructure and implementation of
11 the BCP, and

12 **WHEREAS**, establishment of the BCID is the best alternative for
13 delivering community development services and facilities to the
14 proposed Community without imposing an additional burden on the
15 general population of the local general-purpose government; and

16 **WHEREAS**, the establishment of the BCID allows for a more
17 efficient use of resources since many of the existing associations
18 will be relieved of the responsibility for maintenance of private
19 roads, common property, stormwater, and drainage infrastructure, thus
20 ideally resulting in lower association dues based on the duplicity
21 of services which would no longer be required and the increased
22 participation based on the needs of the Community; and

23 **WHEREAS**, the establishment of the BCID will provide the
24 Community with an entity authorized to establish a perpetual source
25 of funding for the entity which will be empowered to make reasonable
26 provisions for the implementation of the BCP and for the maintenance
27 and operation of BCID services and facilities; and

28 **WHEREAS**, the establishment of the special district serves to
29 create an entity for management and does not mandate assessments but
30 further protects the citizens by establishing maximum assessments in
31 the event the governing body determines that non-ad valorem special

1 assessments are necessary and appropriate, and

2 **WHEREAS**, the City Council finds that the creation of the BCID
3 is the best alternative to ensure that the private roads, common
4 property, stormwater, and drainage infrastructure are properly
5 maintained because the creation of such a district provides a legally
6 enforceable mechanism to collect monies from all property owners that
7 benefit from those public services and it ensures that the monies,
8 when collected, are spent by a governmental entity that is accountable
9 to the people that it serves; now therefore

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

11 **Section 1. Incorporation of Recitals.** The foregoing
12 "WHEREAS" clauses are hereby ratified and confirmed as being true and
13 correct and are hereby made a specific part of this Ordinance upon
14 adoption hereof.

15 **Section 2. Establishment of Charter for Baymeadows**
16 **Community Improvement District, a dependent special district.**

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

20 **CHARTER OF THE BAYMEADOWS COMMUNITY IMPROVEMENT DISTRICT,**
21 **A DEPENDENT SPECIAL DISTRICT**

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

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

30 (A) *Purpose* - The purpose of the BCID shall be the
31 implementation of the Baymeadows Community Plan ("Plan")

1 and the planning and coordination of the long-term
2 maintenance of neighborhood publicly used infrastructure,
3 including private roads, stormwater (not including
4 bulkheads on private property), drainage, and common
5 properties (including landscaping).

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

7 (i) To sue and be sued;

8 (ii) To contract;

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

13 (a) Where the purchase of any real property,
14 including roadways, equals or exceed one hundred
15 dollars (\$100.00) an eighty percent (80%)
16 affirmative vote of the membership is required
17 to proceed with the transaction.

18 (iv) To employ engineers, attorneys, accountants,
19 financial or other consultants, and such other agents
20 and employees as the Board of Supervisors may require
21 or deem necessary to accomplish the purpose of this
22 Charter, or to contract for any such services;

23 (v) To acquire, construct, maintain, equip, improve,
24 extend, and enlarge capital projects for the purposes
25 of enabling the BCID to perform public functions or
26 services as herein provided related to private roads,
27 stormwater, drainage, and common properties;

28 (vi) To borrow money for the purposes of enabling the
29 District to perform public functions or services as
30 herein provided;

31 (vii) To assess and collect for each year of its operation

1 against each residential and commercial parcel in the
2 BCID, a special assessment, should it be deemed
3 necessary and appropriate by the Board of
4 Supervisors, based upon the category assigned to each
5 parcel attached hereto as **On File**, attached hereto
6 and incorporated herein by reference.

7 (a) No special assessment shall exceed the maximum
8 for the specified category as shown in **Revised**
9 **Exhibit 2**, labeled as "Revised Exhibit 2, Rev
10 Assmt List, January 18, 2022 - NCSPHS" attached
11 hereto and incorporated herein by reference,
12 when the parcel is subject to an annual
13 increase.

14 (b) Annually, each individual assessment may be
15 adjusted by up to three (3) percent or the
16 percent change in the Consumer Price Index (CPI)
17 whichever is less.

18 (c) Rates, including any increase as set forth
19 above, shall require a 2/3rd vote or 66.67
20 percent of the Board.

21 (d) Assessments approved under this charter are to
22 be billed and collected pursuant to Chapter 197,
23 Florida Statutes, or any other means authorized
24 by law, and to be a lien on the assessed
25 property, coequal with the lien of all state,
26 county, district and municipal taxes, and
27 superior in dignity to all other liens, titles,
28 and claims, until paid in full;

29 (viii) To assess any new parcels (by sale, lot-split or
30 subdivision), if deemed necessary or appropriate by
31 the Board of Supervisors, that come into existence

1 within the geographic boundaries, as defined in
2 **Exhibit 1**, attached hereto and incorporated herein by
3 reference. The assessment for the new parcel shall be
4 assigned an assessment category by the Board based on
5 the use and sub-category of use as described in
6 **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev
7 Assmt List, January 18, 2022 - NCSPHS" attached hereto
8 and incorporated herein by reference;

9 (ix) To fix and collect rates, fees, and other charges for
10 the specialized public functions or services
11 authorized by this Charter;

12 (x) To restrain, enjoin, or otherwise prevent the
13 violation of this Charter or any resolution or rule
14 adopted pursuant to the powers granted by this
15 Charter;

16 (xi) To join with any other district, municipality, county
17 or political subdivision, public agency or authority
18 in the exercise of common powers;

19 (xii) To enter into contracts with the government of the
20 United States or any agency or instrumentality
21 thereof, or with any state, county, municipality,
22 district, authority, or political subdivision,
23 private corporation, partnership, association, or
24 individual to affect the purpose of this Charter, and
25 to receive and accept, from any federal agency, grants
26 or loans for or in aid of the specialized public
27 functions or services authorized herein.

28 (xiii) To hold, control, and acquire by donation, purchase,
29 or condemnation, or dispose of, any public easements,
30 dedications to public use, platted reservations for
31 public purposes, or any reservations for those

1 purposes authorized by this act and to make use of
2 such easements, dedications, or reservations for the
3 purposes authorized by this act.

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

7 (i) Roadways

8 (a) BCID will maintain the following Roadways:

- 9 1. Baymeadows Circle East
- 10 2. Baymeadows Circle West
- 11 3. Meadow Walk Lane
- 12 4. Legacy Trail
- 13 5. Baylin Ct.
- 14 6. Star Drive
- 15 7. Echo Springs Rd
- 16 8. Mira Loma Drive
- 17 9. Cypress Green Drive
- 18 10. Baymeadows Park Drive (formerly Golfside
19 Drive)

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

- 27 1. Upon any acceptance by the BCID of
28 additional roadways, the current property
29 owner shall be required, either to bring
30 the current roadway up to approved BCID
31 standards or pay a pro-rata share of the

1 then current dollar value of the defined
2 improvement minus any remaining useful-
3 life, (as defined by an BCID approved
4 industry professional at the expense of the
5 property owner of that roadway). This
6 agreed upon contribution would be payable
7 into the BCID reserves and upon that
8 payment, the BCID shall accept the roadway
9 for future maintenance and improvement
10 responsibility.

11 2. Accepted roadways shall not include any
12 along-side or off-street parking spaces,
13 lots or areas which will be the
14 responsibility of the property owner, not
15 the BCID.

16 3. The BCID may accept donated privately owned
17 roadways.

18 (ii) Common properties:

19 (a) Park property referred to as Parcel #4, located
20 between Los Lagos and Los Prados, to be donated
21 by D.R. Horton Company.

22 (b) Park property referred to within Parcel #9,
23 located South of Meadow Walk on Baymeadows
24 Circle West, previously referred to as the
25 Island Green, to be donated by D.R. Horton
26 Company.

27 (c) Park Property in Meadow Walk, 8411 Meadow Walk
28 Lane.

29 (d) Baymeadows Circle West Entrance greenspace (from
30 Baymeadows Road to Baymeadows Park Drive
31 (formerly Golfside Drive)

1 (iii) Stormwater System

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

7 (iv) Other infrastructure components as approved by the
8 Board of Supervisors. Recognizing that there are
9 common elements that are beneficial to all members of
10 the BCID but may not be included in the items listed
11 above, the Board of Supervisors may approve
12 assumption of duties for maintenance or improvement
13 of other common elements as deemed necessary or
14 appropriate.

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

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

22 In establishing the priority list, the Board of
23 Supervisors will be provided with a copy of the July
24 30, 2021 Engineering Study completed by Dewberry
25 Engineers Inc. (**On File**; "Engineering Study", attached
26 hereto and incorporated herein by reference), and the
27 July 15, 2021 BCID Feasibility Study completed by
28 Rizzetta & Company (**On File**, "Feasibility Study",
29 attached hereto and incorporated herein by reference).
30 The two studies can serve as guides to begin the
31 process for implementation of the Plan. The initial

1 priorities have been identified to be:

- 2 (a) improvement of Cypress Green Drive
- 3 (Segment J; Engineering Study),
- 4 (b) the drainage connection described within
- 5 Engineering Study as "Village Green I" of
- 6 300ft depicted on Figure 2.2c of
- 7 Engineering Study from Lake 13 to Pottsburg
- 8 Creek,
- 9 (c) the inspection of the drainage piping,
- 10 system wide and
- 11 (d) the resurfacing and improvements of
- 12 Baymeadows Circle West from Linkside
- 13 through Putters Cove (Segment D;
- 14 Engineering Study).

15 (ii) Pursuant to section 189.016, Florida Statutes, within

16 30 days of its creation the BCID will notify the State

17 of Florida Special District Accountability Program of

18 its existence and will file all required

19 documentation and information with the program

20 including but not limited to:

- 21 (a) the BCID creation document,
- 22 (b) a written status statement,
- 23 (c) a map of the boundaries of the BCID, and
- 24 (d) the name, address, phone, fax and e-mail
- 25 address for the BCID's registered agent.

26 (iii) The BCID shall be responsible for payment of any fees

27 and the completion of all financial reporting

28 required by law.

- 29 (a) The BCID shall be initially funded by any
- 30 remaining fund balance within the
- 31 Baymeadows Community Council ("BCC")

operating fund.

(b) The BCC will be dissolved and all assets will be transferred to the BCID, upon its approval and creation.

(iv) The BCID shall be required to keep and maintain an official website that meets all legal obligations for access and minimum content as set forth under Florida law.

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

(A) The boundaries of the BCID are areas that include those parcels of property identified by address and graphically depicted in **Exhibit 1** attached hereto and incorporated herein by reference.

(B) The boundaries of the BCID are areas that include those parcels as described by the definitions herein:

(i) The Boundary of the District as described in **Exhibit 4** attached hereto and incorporated herein by reference.

(ii) The Boundary of the Group 1 as described in **Exhibit 5** attached hereto and incorporated herein by reference.

(iii) The Boundary of the Group 2 as described in **Exhibit 6** attached hereto and incorporated herein by reference.

(iv) The Boundary of the Group 3 as described in **Exhibit 7** attached hereto and incorporated herein by reference.

(v) The Boundary of the Group 4 as described in **Exhibit 8** attached hereto and incorporated herein by reference.

1 (C) The property addresses of each parcel included within the
2 BCID are listed on **On File** attached hereto and incorporated herein
3 by reference. Parcels that are vacant, owned by an Home Owners or
4 Condominium Owners Association ("HOA" or "COA"), or parcels with a
5 structure with less than one (1) square foot of heated space may be
6 in the District but will not be assessed until developed with heated
7 square footage greater than one (1) square foot and/or property is
8 owned by a private entity, that is not an HOA/COA, or a
9 person/persons.

10 (D) Property that is within the existing boundary that is
11 further developed, subdivided, or platted shall be included in
12 membership and assigned its respective assessment category by the
13 Board of Supervisors within thirty (30) days of assignment of an
14 individual Real Estate Parcel number by the City of Jacksonville.

15 (i) Property owners must disclose to the purchaser of any
16 parcel, including any parcel subdivided, separated or
17 re-platted land, in writing that the property is a
18 part of the BCID and may be subject to annual special
19 assessments.

20 (ii) The Board of Supervisors shall be responsible for
21 obtaining new parcel information for the assessment
22 process and shall obtain the most accurate
23 information available in order to timely submit the
24 assessments to the Tax Collector's office if
25 utilizing the uniform method of collection with the
26 property tax bills.

27 (E) Properties shall be assigned within the group seats as
28 follows:

29 (i) Group 1 - Los Prados, Village Green I, Village Green
30 II, Village Green III, Putters Cove, and Baypointe -
31 North.

1 (ii) Group 2 - Los Lagos, Linkside, Meadow Walk, D.R.
2 Horton Parcel Hole #09 Undeveloped (Future Terrace
3 Pines), D.R. Horton Parcel Hole #18 Undeveloped
4 (Future Mallard Creek).

5 (iii) Group 3 - Lakeside (8118 Baymeadows Circle East), Los
6 Casas, Bay Point South, The Avenues Apartments (7915
7 Baymeadows Circle East), The Avenues Del Mar Owners
8 Association (8000 Baymeadows Circle East), Baymeadows
9 Place Office Park (9471 Baymeadows Rd).

10 (iv) Group 4 - The Lofts Apartments (8050 Cypress Green
11 Drive), Cypress Green Properties (9050, 9066, 9076,
12 9086, 9104, 9116, 9124, 9132, 9141, 9210, 9218, 9220,
13 9000, 9250 Cypress Green Drive), Cypress Point
14 Executive Center (8130 Baymeadows Circle West), Bahri
15 Building Owner Association (8131 Baymeadows Circle
16 West), Bank of America (9225 Baymeadows Rd), Sagamore
17 Baymeadows LLC (7981 Baymeadows Road), Baymeadows
18 Park Owners Association (7981 Baymeadows Rd), D.R.
19 Horton Future Parcel Hole #11 Undeveloped on
20 Golfside, and Baymeadows Park Drive (formerly known
21 as Golfside Drive) Properties (9080, 9088, 9220, 9000
22 Baymeadows Park Drive), Saffire Management LLC Owners
23 Association (9140 Baymeadows Park Drive), Starkey
24 Edward Undeveloped (Re:148521 0020).

25 (G) Each year, the Board will have the responsibility of
26 assigning new parcels, created within the BCID, with a group seat
27 affiliation based upon the Group Boundaries as defined in **Exhibit 3**,
28 attached hereto and incorporated herein by reference.

29 **Sec. 4 Authority** - In accordance with section 189.02(4)(c),
30 *Florida Statutes*, the City of Jacksonville, a consolidated municipal
31 corporation and political subdivision existing under the laws of the

1 State of Florida, has the authority, pursuant to section 189.02,
2 Florida Statutes to create special districts. Accordingly, the City
3 uses this authority to create the BCID and through this charter
4 authorizes the BCID to operate as a Dependent Special District.

5 **Sec. 5 Best Alternative** -- In accordance with section
6 189.02(4)(d), Florida Statutes, the creation of the BCID provides the
7 best alternative for private/shared infrastructure improvements; the
8 BCID will allow the locally impacted community receiving the benefit
9 from the improvements to directly fund the costs involved.

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

14 (A) *Organization* - The governing body of the BCID shall consist
15 of seven (7) Supervisors.

16 (i) *Qualifications* - Candidates for Supervisor must be
17 qualified electors in the State of Florida and either

18 (a) personally own property within the BCID, or

19 (b) in the event of a commercial property located in
20 the BCID, be the property owner or their
21 designated representative.

22 (ii) *Qualifying* - Candidates shall qualify for the Board
23 of Supervisors pursuant to the requirements of
24 section 99.061, *Florida Statutes* or under any other
25 law or rule for qualifying as a candidate.

26 (B) *Leadership* - The seven Supervisors shall be elected based
27 on four "Area Group" seats for which residency in the Area is based
28 as depicted within the enumerated areas in **Exhibit 3**, attached hereto
29 and incorporated herein by reference, and three "At-Large" seats
30 which shall represent the entire BCID and shall be elected by all
31 residents. Each of the four "Area Group" Supervisors (Seats 1, 2,

1 3, and 4) shall serve for a term of two years. Each of the three
2 "At-Large" Supervisors (Seats 5, 6 and 7) shall serve for terms of
3 four years. Only members of the designated Area Group may vote for
4 candidates for Area Group seats, however, all members are entitled
5 to vote for At Large candidates.

6 (i) *Initial Leadership* - The initial Board of Supervisors
7 shall be appointed by the City Council of the City of
8 Jacksonville. The Initial Board of Supervisors are
9 hereby appointed by the City Council as described in
10 **Revised Exhibit 9** labeled as "Revised Exhibit 9, Rev
11 Board, February 8, 2022 - Floor" attached hereto and
12 incorporated herein by reference. The initial
13 election for the Board of Supervisors shall be held
14 as soon as practicable, but no sooner than the City
15 Council's approval of the initial BCID budget and no
16 later than the second Tuesday of November 2025. The
17 initial election shall be held within 90 days of the
18 City Council's approval of the budget.

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

27 (ii) *Subsequent Leadership* - At the initial election, the
28 qualified electors of the BCID shall elect both the
29 four "Area Group" Supervisors (Seats 1, 2, 3, and 4)
30 and the three "At-Large" Supervisors (Seats 5, 6 and
31 7).

1 (iii) *Vacancies* - If, during a term of office, a vacancy
2 occurs, the remaining members of the Board shall fill
3 the vacancy, by an appointment through a 2/3rd or 67
4 percent vote, for the remainder of the unexpired term
5 or until the next occurring election is held to fill
6 the term.

7 (iv) *Subsequent Elections* - Subsequent elections shall be
8 held on the second Tuesday in November every 2 years
9 to fill seats of expiring terms.

10 (a) *Non-Partisan* - All Supervisors shall be elected
11 on a nonpartisan basis by the qualified electors
12 of the BCID and shall hold office until their
13 successors are elected and the election is
14 certified.

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

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

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

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

1 (viii) Supervisors may only represent one seat at a time.

2 Supervisors may not reside with any other Supervisor
3 or represent the same commercial entity as another
4 Supervisor.

5 (ix) Any Supervisor who has three unexcused absences for
6 regular, consecutive noticed meetings may be deemed
7 as having vacated their seat with the affirmative
8 vote of 2/3 vote or 66.67 percent of the remaining
9 Supervisors.

10 (x) In the event that a Supervisor is elected as a
11 designated group representative and said Supervisor
12 sells their only property, whether residential or
13 commercial, qualifying them as an elector of the BCID
14 and representative of a particular group or an at
15 large group, the Supervisor shall vacate the seat
16 within thirty (30) days of the completion of the real
17 estate transaction.

18 (xi) Annually, the Board of Supervisors shall elect a Board
19 Chair, Vice-Chair, Secretary and Treasurer.

20 (C) *Elector Membership* -

21 (i) Electors shall be determined based on a per parcel
22 basis.

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

25 i. Parcels owned by associations, parcels only
26 dedicated to garages or carports, parcels that
27 contain only roadways, undeveloped or under
28 development parcels shall have no voting
29 authority.

30 (iii) In the event that a parcel is owned by more than one
31 person/entity, only the first vote cast by a listed

1 property owner for the parcel will count.

2 (iv) Parcel numbers and owners of record shall be
3 determined by the Duval County Property Appraiser's
4 records.

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

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

15 **Sec. 7. Additional Requirements**

16 (A) *Financial Disclosures: Fiscal Year and Budget.* The fiscal
17 year for the BCID shall be from July 1 to June 30. The BCID
18 shall annually submit a proposed district budget to the
19 City Council of the City of Jacksonville by April 1 for
20 approval or rejection. The failure of the City Council to
21 take action on the budget within 70 days after submission
22 shall constitute approval of the budget, unless extended
23 by agreement of the City Council and the BCID. The BCID
24 shall also submit any amendments to its budget to the City
25 Council for approval or rejection, which amendments shall
26 also be deemed approved if the City Council fails to take
27 action on them within 70 days after submission. All
28 submissions to the City Council shall be made to its
29 Director/Council Secretary with a copy to the Council
30 Auditor.

31 (B) *Audit.* The BCID shall be audited annually pursuant to the

1 provisions of Section 218.39, Florida Statutes, at its
2 expense by such persons and in such manner as the City
3 Council, and any relevant federal or state law, shall
4 direct.

5 (C) *Noticing and Reporting Requirements.* The BCID shall comply
6 with the requirements of Florida's Government-in-the-
7 Sunshine Law as set forth in Chapter 286 of the Florida
8 Statutes with regard to the noticing of its meetings, the
9 conduct of its officials, the reporting of its activities
10 through the keeping of minutes, and any other requirements
11 of public bodies, and shall comply with the requirements
12 of Florida's Public Records Act as set forth in Chapter
13 119 of the Florida Statutes. The BCID shall notice its
14 meetings consistent with the requirements of Section
15 189.015 of the Florida Statutes. The BCID shall forward a
16 copy of its meeting minutes to the Council President and
17 District Council Member on an annual basis.

18 **Sec. 8. Methods of Financing**

19 Pursuant to Florida Statute 189.02(4)(g), the BCID shall have
20 the ability to finance itself through annual non-ad valorem special
21 assessments upon each designated parcel as permitted by the powers
22 vested in the BCID Board of Supervisors and authorized through this
23 ordinance. BCID may collect these non-ad valorem special assessments
24 in any manner permitted under Florida law including those set forth
25 in Florida Statutes Chapters 170 and 197.

26 Pursuant to 197.3632, the BCID may enter into interlocal
27 agreements or memoranda of understanding with the Property Appraiser
28 and Tax Collector should the BCID choose to collect assessments with
29 property taxes. The agreements will set forth any procedural and
30 financial obligations that are required for use of the services of
31 either the Tax Collector or the Property Appraiser.

1 **Sec. 9. Comprehensive Plan.** The formation of the BCID and its
2 purposes are consistent with the approved Comprehensive Plan of the
3 City of Jacksonville as required under section 189.02(4)(h), Florida
4 Statutes.

5 **Sec. 10. Removal from Membership.**

6 A property shall be removed from membership in the BCID, if the
7 following conditions are satisfied:

8 (a) The access to the property is permanently
9 modified such that neither Baymeadows Circle East
10 nor Baymeadows Circle West are used by the
11 property or its clientele, and

12 (b) The property does not utilize the stormwater or
13 drainage system of the BCID.

14 **Sec. 11. Removal Procedure**

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

20 (a) The property address;

21 (b) The property parcel number;

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

24 (d) A detailed description regarding how the
25 property will be permanently modified to remove
26 access to Baymeadows Circle West or Baymeadows
27 Circle East, including authorization from
28 applicable City and other public safety authorities
29 (i.e. Jacksonville Sheriff's Office and
30 Jacksonville Fire and Rescue Department) which may
31 be impacted by the access removal/closure;

- 1 (e) The anticipated date of closure; and
- 2 (f) Written proof from the City or a certified
- 3 engineer, who has examined the private stormwater
- 4 system, certifying that the property does not
- 5 utilize the BCID stormwater system or any of its
- 6 retention ponds.

7 Upon completion of the permanent modification to the roadway,
 8 the property owner shall submit a written notice of completion to the
 9 Board of Supervisors with documentation of the same. Upon receipt
 10 of adequate proof that the permanent modification has been completed,
 11 the property will be removed from membership in the BCID if, for at
 12 least 45 days prior to January 1 of the applicable year, the property
 13 modifications have been completed.

14 In the event access is re-opened, regardless of the cause or
 15 reason, the BCID may assess the property at a pro-rated calculation
 16 based on the time period during which access to the BCID assessed
 17 roadways was utilized, as long as such time period does not exceed
 18 180 days. If the duration of access exceeds 180 days, the BCID will
 19 reevaluate the property, its use of the roadways and may assess the
 20 property at the full rate. In the event that the use of the BCID
 21 extends to 366 days or more, the property will be assessed the full
 22 annual assessment rate for both calendar years and will be included
 23 in the annual assessment as a member of the BCID and the property
 24 owner would need to reapply for removal in accordance with this
 25 section.

26 **Section 3. Effective Date.**

27 This ordinance shall become effective upon signature by the Mayor or
 28 upon becoming effective without the Mayor's signature.

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Form Approved:

/s/ Trisha Bowles

Office of General Counsel

Legislation Prepared By: Paige H. Johnston

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