

RESOLUTION 22-_____

A RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON NOVEMBER 8, 2022 ON THE QUESTION OF WHETHER THE CHARTER OF THE BAREFOOT BAY RECREATION DISTRICT SHOULD BE AMENDED TO LIMIT THE NUMBER OF TERMS OF MEMBERS OF THE BOARD OF TRUSTEES OF THE DISTRICT TO NO MORE THAN TWO (2) CONSECUTIVE THREE (3) YEAR TERMS; PROVIDING STANDARDS FOR STAGGERING THE ELECTION CYCLE FOR THE TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR RESOLUTION. This resolution is adopted pursuant to the authority of the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, pursuant to Section 418.30, Florida Statutes, Section 101.161, Florida Statutes, and Section 100.342, Florida Statutes regarding amendment of the charter of a Mobile Home Recreation District, and any other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

A. A Charter has been adopted for the Barefoot Bay Recreation District entitled "Charter of the Barefoot Bay Recreation District" (Brevard County Ordinance 84-05, which has been subsequently been amended by Ordinance 96-53, Ordinance 08-03, Ordinance 12-01, and Ordinance 18-22 adopted by the Board of County Commissioners of Brevard County).

B. The Barefoot Bay Recreation District Board of Trustees has proposed certain amendments to the "Charter of the Barefoot Bay Recreation District;"

C. Section 418.30, Florida Statutes requires proposed amendments to a recreation district charter to be approved by a vote of the electors of the District and subsequently incorporated into an ordinance of the county or municipality which established said District;

D. The general election to be held on November 8, 2022, is an appropriate and desirable date for the conduct of a concurrent referendum election;

E. All things required to be done prior to the calling of a referendum election on the question of amending the Charter of the Barefoot Bay Recreation District have been done and it is now desirable to call the necessary referendum election.

F. House Bill No. 535, passed during the 2022 regular session of the Florida Legislature, and signed by Governor DeSantis on June 24, 2022, authorizes an amendment to the Charter of the Barefoot Bay Recreation District, subject to approval of the electors of the District, to limit the number of terms of members of the Board of Trustees of the District to no more than two (2) successive complete three (3) year terms.

SECTION 3. REFERENDUM ELECTION. A referendum election is hereby called and ordered to be held concurrently with the general election to be held on November 8, 2022, to determine whether or not the amendment recited in Section 6 below to the Charter of the Barefoot Bay Recreation District shall be approved.

SECTION 4. NOTICE OF REFERENDUM ELECTION. This resolution shall be published twice in full as part of the Notice of Referendum Election, together with a notice in substantially the form attached hereto as Exhibit "A," in *Florida Today*, a newspaper of general circulation in the Barefoot Bay Recreation District. The publication shall be made by the Clerk to the Barefoot Bay Recreation District Board of Trustees at least thirty (30) days prior to the election; once in the fifth week and once in the third week prior to the week in which the election is to be held.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such referendum election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such referendum election on the proposition provided below. The places of voting and the inspectors and clerk for the referendum election shall be those designated by the Supervisor of Elections of Brevard County, Florida.

SECTION 6. OFFICIAL BALLOT. The ballots to be used in the referendum election shall contain one question describing the proposed amendment to the Charter of the Barefoot Bay Recreation District, and shall be in substantially the following form:

BALLOT

Barefoot Bay Recreation District, Brevard County, Florida

NO. 2

**BAREFOOT BAY RECREATION DISTRICT CHARTER AMENDMENT ARTICLE V
TERM LIMITS**

Shall the Barefoot Bay Recreation District Charter be amended to limit the number of terms of members of the Board of Trustees of the District to no more than two (2) successive complete three (3) year terms and to provide standards for staggering the election cycles for Trustees?

YES (for approval)

NO (for rejection)

SECTION 7. CHARTER AMENDMENT. The full text of the amendments shall be as follows:

A. Attached draft proposed ordinance amending Barefoot Bay Recreation District

Charter hereby incorporated as Exhibit "B."

- B. The above amendments shall take effect upon the adoption of an Ordinance of the Board of County Commissioners of Brevard County, Florida, incorporating those amendments to the Charter of the Barefoot Bay Recreation District as approved by the electorate

SECTION 8. PAYMENT OF REFERENDUM ELECTION EXPENSES. The Barefoot Bay Recreation District shall pay all lawful expenses associated with conducting the referendum election.

SECTION 9. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such referendum election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The referendum election shall be held and conducted in the manner prescribed by law and shall, as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such referendum election and the number of votes cast respectively for and against approval of the amendment. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners of Brevard County, Florida.

SECTION 11. ELECTION RESULTS. If the majority of the votes cast at such a referendum election shall be "Yes (for approval)", the amendment shall pass.

SECTION 12. SEVERABILITY. In the event that any work, phrase, clause, sentence or paragraph hereof shall be held invalid by any court or competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the Board of Trustees of Barefoot Bay Recreation District which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption.

Done and Adopted in Regular Session of the Board of County Commissioners of Brevard County, Florida, this 2nd Day of August, 2022.

BAREFOOT BAY RECREATION DISTRICT

By: _____
KRISTINE ZONKA, CHAIR

EXHIBIT "A"

**NOTICE OF REFERENDUM ELECTION ON
AMENDMENTS TO CHARTER OF THE BAREFOOT BAY RECREATION DISTRICT**

Notice is hereby given that a referendum election shall be held to consider certain amendments to the Charter of the Barefoot Bay Recreation District. The referendum election shall be held on November 8, 2022, at which the questions described in the following resolution number 22-_____ adopted by the Board of County Commissioners of Brevard County, Florida, on the 2nd day of August, 2022, shall be submitted to the electors:

[RECITE RESOLUTION]

EXHIBIT “B”

DRAFT PROPOSED ORDINANCE