

BAYSHORE GARDENS PARK AND RECREATION DISTRICT

BYLAWS

The office of the District shall be located at 6919 26<sup>th</sup> Street West, Bradenton, Florida 34207

ARTICLE I

PURPOSE

These ByLaws constitute the rules adopted by Bayshore Gardens Park and Recreation District for the orderly management of its affairs. The Trustees shall have such authority as is provided for by law including Florida Statutes 2002-365.

Robert Rules of Order shall be used when not addressed by the FS 2002-365 or these Bylaws.

ARTICLE II

TRUSTEES

Section 1. The District is governed by a nine member Board of Trustees, elected on a popular vote basis by the residents/registered voters of the district for a term of 4 years and may succeed themselves. The candidates for Board of Trustees must be published in a newspaper of general circulation in Manatee County (Bradenton Herald) at least 10 days prior to election and, posted on the Bayshore website when their petitions are filed.

Section 2. The election for Trustees shall be held biennially on the first Tuesday after the first Monday of December of each odd-numbered year. by the Supervisor of Elections of Manatee County .

Section 3. A qualified Trustee must be a citizen of the United States, a registered voter and resident of the district. If a Trustee moves from the district, he/she resigns.

Section 4. Any Trustee failing to discharge the duties of his/her position may be removed for cause by the board of trustees after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance

Section 5. Vacancies. The board shall notice the vacancy on the Official website and may publish notice in the Bayshore Banner , the notices will include all instructions to apply for a seat on the board and the date of the appointment/s. A Trustee may be appointed at any properly noticed Regular or Special meeting of the Board of Trustees by the remaining trustees. The resident must be nominated, seconded, and affirmed by a majority of the members present. The Trustee shall be sworn in by the Chairman and seated on the Board at that meeting.

### ARTICLE III

#### DUTIES OF THE TRUSTEE

Section 1. The Chairman will preside over the meetings. Be responsible for approving the agenda at least seven days from the meeting day. The Chairman will serve as Liaison between the Board of Trustees and the Office Manager consistent with board policy and procedure.

The First Vice -Chair, will assist the Chair in his/her duties, preside at the meeting in the absence of the Chair.

The Second Vice-Chair will assist the Chair and the first Vice Chair as directed and will preside at the meetings in the absence of the Chair and the First Vice Chair.

The Secretary Will take the minutes of the meetings and submit to District Office as a public record , will make sure all legal requirements for meetings are adhered to. Oversee the preparation of the agenda with the District Manager. Annually place a legal notice in the Bradenton Herald with all of the regularly scheduled, Budget meeting, Organizational Meeting and Official Committee meetings. The Secretary will receive and respond to all Official Correspondence and distribute to all Trustees.

The Treasurer will be responsible for the disbursements of all district funds, deposits, and investments. All disbursements are by check. Arrange for annual audit. By April 1<sup>st</sup> prepare annual financial statement and publish in newspaper of general circulation (Article IV, sec 1). By June 1<sup>st</sup> prepare and deliver assessment resolution to Property Appraiser to assess and to the Tax collector to collect the assessment. By July 1<sup>st</sup>, prepare and adopt an itemized budget in compliance with FS 189.016. April, publish financial statements in newspaper of general circulation. Sign all checks with a co-signer Trustee, the Chairman, first Vice Chair, or second Vice Chair. If the Treasurer is absent, the Chair acts on behalf of the Treasurer.

### ARTICLE IV

#### MEETINGS OF THE BOARD OF TRUSTEES

Section 1. All meetings shall be held in the offices of the District. The notice for all Regular, Work Session, Budget, Organization Meeting and Official Committee meetings shall be published in a paper published daily for at least five days per week in Manatee County (Bradenton Herald , Legal Notices ) (FS 189.015) and at least seven days prior to the meeting. This may be done annually, semi-annually or quarterly in the Legal Notices. The agenda/supporting documentation shall be posted on the Bayshore Gardens website. The meetings dates will also be included in the Banner calendar.

Section 2. A quorum must be established for any regular, special, or emergency meeting. Five (5) Trustees shall constitute a quorum.

Section 3. No member of Board of Trustees or committee who is present at any meeting of such a body at which official decision, ruling, or other official act is to be taken or adopted may abstain from voting

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Section 3. No member of Board of Trustees or committee who is present at any meeting of such a body at which official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or act, and a vote shall be recorded or counted for each such member unless there is a conflict of interest.

Section 4. Regular Meetings shall be held monthly and published in the Banner calendar as well as the agenda/supporting documentation posted on the website at least seven days prior to meeting, and will satisfy requirements of Section 1 of these Bylaws, (Newspaper).

Section 5. Special Meetings. May be called by a Trustee of the Board with enough notice to be published in (Bradenton Herald as required by law with date, place and time) and on the Bayshore Gardens website. The notice of the meeting must include the purpose of the meeting. The Trustee shall provide notice to the Office Manager at least eight days prior to proposed meeting and include the agenda. The agenda/supporting documentation must be published on the website at least seven days prior to the meeting as well as on the District Bulletin Board.

Section 6. Emergency Meetings as defined by Black's Law Dictionary, "Situation requiring immediate attention and remedial action. Involves injury, loss of life, damage to the property, or catastrophic interference with normal activities. A sudden unexpected, or impending situation may be called by the Chairman or Vice Chairman with as much notice as possible including the notice and agenda on the Bayshore Gardens Website. This meeting must be cured at the next properly noticed meeting.

Section 7. Work Sessions previously known as Committee meetings will be held monthly. The notice for the meeting will be in the Bayshore Banner Calendar and on the Bayshore Website as well as requirements in Section 1 (Newspaper). The agenda/ supporting documentation must be on the Bayshore Gardens website at least seven (7) days prior to meeting.

Section 8. Official Committees may meet twice monthly or as needed and will be noticed annually with meeting notice . The notice/s will also appear in the Banner as well as the Official website.

Section 9. Organizational Meeting to be held the first work day following Jan 1 annually. Trustees upon their biennial election shall organize by electing from their number a chair, two vice chairs, a secretary, and a treasurer.

Section 10. Budget Meeting , Shall be held prior to adoption of resolution to fix assessment. Those eligible to vote will be property owners within the district that are present at the meeting. A majority of those present voting will determine the assessment.

Section 11. The dates for all meetings shall be set by the Board of Trustees in the Regular December Board of Trustee meeting and be properly noticed for the following year.

## ARTICLE V

### OFFICIAL COMMITTEES

Section 1. The Chairman of the Board will appoint a Trustee to Chair each Committee and a minimum of two members from the residents of the district. The committees will serve at the pleasure of the Board. The meetings will be noticed annually in the Bradenton Herald as well as in the Bayshore Banner, District bulletin boards, and the Official website. The committees will keep minutes of their meetings and submit an official copy of the minutes of their meeting to the District Manager as a public record. The Chairman and at least one other member must be present to constitute quorum. The members of each committee will be posted in the office of the District, published in the Banner as well as the Official Website. The Committee will prepare their own agenda and distribute to members. A copy of the agenda will be submitted to District Office to place on Website and forward to Trustees.

Section 2. All Official Committee meetings must be held at 6919 26<sup>th</sup> St. and be open to the public and properly noticed.(see Article IV, section 1 of these Bylaws)

Section 3. The Board of Trustees will charge the committees

The committees are:

1. House and Grounds
2. Budget and Finance
3. Personnel and Salaries
4. Communication (Web/Banner)
5. Marina
6. Policy and Procedure

Section 4. Committees may be created or dissolved by a majority vote of the board at any regularly scheduled and noticed meeting.

## ARTICLE VI

### ORDER OF BUSINESS REGULAR MEETINGS AND SPECIAL MEETINGS

The Order of Business shall be:

1. Roll Call, establish quorum
2. Call to Order
3. Pledge to flag
4. Approval of Minutes
5. Treasurer Report

6. Committee Reports
7. District Manager Response to Trustees
8. Old Business \*\*
9. New Business \*\*
10. Resident comments that do not address agenda items Limited to three (3) minutes each
11. Announcements from Clubs and Organizations
12. Adjournment

\*\* Residents will be given three (3) minutes to speak on each agenda topic after the Board discussion and prior to a vote of the board.

### ORDER OF BUSINESS WORK SESSIONS

Work Sessions order of business agendas will be the listing of subjects to be discussed. Resident comments will follow each topic and limited to three (3) minutes per resident. A quorum does not need to be present. No official action will be taken unless the specific topic is published in the newspaper of general circulation and an agenda is posted on the Official website at least 7 days prior to the meeting. Only official business of the District will be addressed at this meeting.

### ARTICLE VII

#### POLICY/PROCEDURE/RULES FOR FACILITY USAGE

The Board of Trustees will establish reasonable rules for the use of facilities. The policies, procedures, and rules will be voted on in a regularly scheduled and noticed meeting. Facility usage agendas may not be acted on in a special meeting or budget meeting. The proposed rule/rule change will be on website at least 15 days before vote is taken. Rules must comply with Charter and all applicable State/Federal Laws. The Chairman will date and initial all policies, procedures, rules, regulations, forms, and contracts as the official record.

### ARTICLE VII

#### REFERENDUM

Section 1. A referendum must be held if the purchase, lease, conveyance, or any other manner of acquisition of real or tangible personal property in any instance where the cost exceeds \$25000.00, which includes all obligations proposed to be assumed in connection with such acquisition.

If this is just a capital improvement of an existing structure and does not involve any additional acquisition of real or tangibles property the approval of the Board would suffice unless a levying of a special assessment is necessary which would then require a vote pursuant to section 6 of Enabling Act.

Section 2. The trustees must approve by a 2/3 vote the terms and conditions of such acquisition by written resolution at a regularly scheduled meeting and within not less than 30 nor more than 60 days

after the date of the resolution, the trustees certify the resolution to the Supervisor of Elections of Manatee County for a referendum election. The residents will be notified of pending resolution thru the Banner and the Official website.

Section 3. Referendum election held by Supervisor of Election of Manatee County. The resolution must pass with a majority of qualified electors voting in election.

**ARTICLE IX**


**AMENDMENTS**

Section 1. Amendments to the bylaws shall be presented in writing by a Trustee to the board in a regularly scheduled Board of Trustee meeting. The residents shall be notified by publishing proposed change/s on the Bayshore Gardens website at least 30 days prior to a vote. The proposed changes will also appear in the next Bayshore Banner and on the District Bulletin Board. The Board of Trustees shall vote on the proposed amendments at any regular or special meeting that is properly noticed after the 30 day notice.

**ARTICLE X**

**CONFLICT OF LAW**

Any section of these Bylaws found to be in conflict with Florida Law or the Enabling Legislation shall be invalid, the remaining sections will remain in force.

Approved 4-17-18   
Revised \_\_\_\_\_  
Effective 4-18-18