

BLUEWATER BAY MUNICIPAL BENEFIT SERVICES UNIT

970 Gulf Shores Drive | Destin, FL 32541 | 850-664-6000 |

July 14, 2020

Dear Interested Parties:

The Board of Directors (BOD) of the Bluewater Bay MSBU (BWB MSBU) is requesting a proposal for the administrative and property support for the area designated in the Ordinance (Attachment 2) supervision of its affairs.

Bluewater Bay is a residential and commercial community which covers 3,636 Residential parcels, 858 commercial parcels and undeveloped acres. The BWB MSBU is responsible for providing supplementary service to the publicly owned (state and/or county) right-of-ways within the community which is described in Okaloosa County Ordinance 02-16.

There are no employees of the BWB MSBU as all work is handled by contractors. The primary responsibility under this proposal will be for development, negotiation and supervising of all outside contracts. In addition, we are requesting administrative services such as recording minutes of meetings, financial reports as required, communication as directed by the BOD and proper storage of all material of the BWB MSBU.

A minimum list of responsibilities is provided in (Attachment 1) that must be included but are not limited to the provisions of your proposal. Interested proposers desiring consideration shall submit their quote and necessary documents via email to DeRita Mason at dmason@myokaloosa.com. Please provide your proposal no later than 3 PM, August 3, 2020 to be considered. All quotes received after the stated time and date will not be considered. This contract will be placed with a properly licensed Community Association Management Firm and shall be administered only by a licensed Community Association Manager (CAM).

Sincerely,



David Vardaman, Chairman

BWB MSBU Board of Directors

LIST OF RESPONSIBILITIES

1. Establish and maintain office space in the BWB area, with telephone, email, correspondence storage cabinets, and such other accoutrements as to present a professional atmosphere for conducting business.
2. Maintain with the Community Services Chairman a map outline of the area under the control of the BWB MSBU.
3. Develop the detailed timeline and scope of work for services to be performed by subcontractors for items like landscape, irrigation repair/maintenance, street sign repair/maintenance and street lights in the area defined above.
4. Present request for bids and negotiate with each subcontractor for the services defined above.
5. Present competitive bids with written comprehensive contract and proof of insurance for each bid package outlined above to the Board of Directors for review after an initial review with the Community Services Chairman.
6. Survey the areas under control on a daily or weekly basis to determine what if any actions need to be taken. Based on this survey, report to the Community Services Chairman those issues that need to be addressed and seek approval for remedy of those issues.
7. Supervise and direct all effort necessary to maintain the area under control of the MSBU in the best and most cost effective manner.
8. Insure that the BWB MSBU has clearly defined the services it desires are reasonable and appropriate under the Ordinance and within the budget that has been approved for the current operating Fiscal Year.
9. Report to the BWB MSBU BOD at each of the regular, workshop or emergency meetings a full and complete financial status of expenses relative to the services provided by all contractors. Additionally, any requests from the Landscape Chairman will be addressed as required.
10. Prepare minutes and reports for each of the meetings and or workshops of the BWB MSBU BOD.
11. Make arrangements for and provide public notification of all BWB MSBU meetings and workshops.
12. Be responsible for filing/storage of written minutes of all meetings/reports approved by the BWB MSBU BOD, financial reports, and all supporting documentation of BWB MSBU contracts.
13. Prepare and distribute both written and electronic communications to and from the BWB MSBU BOD.
14. Compile and report all necessary communications to the BCC and any other County office (i.e. Tax Collector, Property Appraiser, and Clerk of Courts) as directed by the BWB MSBU BOD.
15. Maintain the BWB MSBU website. Act as administrator and insure current information is posted including financials, minutes, events and any other pertinent data.
16. Establish and maintain contact with the Okaloosa County Director of Public Works, the Supervisor of Roads and Grounds, and the County Finance Office that handles the BWB MSBU finances, billing and payment, etc.
17. Establish points of contact and working relationship with appropriate offices in CHELCO, OCWS, and Okaloosa Gas.
18. Compile and maintain contractors' required insurance. Maintain MSBU insurance per Ordinance.

BLUEWATER BAY MUNICIPAL SERVICES BENEFIT UNIT
(MSBU) ORDINANCE

ORDINANCE NO. 02-16

AN ORDINANCE CREATING THE BLUEWATER BAY MUNICIPAL SERVICES BENEFIT UNIT TO PROVIDE CERTAIN COMMUNITY SERVICES SUPPLEMENTAL TO AND NOT INTENDED AS REPLACEMENT OF SERVICES WHICH OKALOOSA COUNTY OR STATE OF FLORIDA HAS RESPONSIBILITY TO PROVIDE. THESE SUPPLEMENTAL COMMUNITY SERVICES INCLUDE IMPROVEMENT, REPAIR AND MAINTENANCE OF GROUNDS, LANDSCAPED AREAS INCLUDING IRRIGATION, SIGNAGE AND STREET LIGHTS IN COMMON AREAS. THE ORDINANCE PROVIDES THE BOUNDARIES, GOVERNING BOARDS, DIRECTORS; DUTIES, POWERS, PROCEDURES, REGULATIONS; AND FOR FINANCING THE OPERATIONS OF THE BENEFIT UNIT; PROVIDES FOR THE COLLECTION OF THE ANNUAL ASSESSMENT ON THE REAL PROPERTIES WITHIN SAID UNIT; PROVIDES PENALTIES FOR NON-PAYMENT; PROVIDES FOR THE EFFECTIVE DATE, AND REPEALS ALL ORDINANCES OR PROVISIONS THERE OF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
OKALOOSA COUNTY, FLORIDA:

Section 1: Creation; Boundaries.

(1) The area in Okaloosa County described below shall be established as a special district, known as "The Bluewater Bay Municipal Services Benefit Unit" or the "MSBU" under the authority of Section 125.01

(1)(g), Florida Statutes. The purpose of the MSBU is to

maintain the quality of life of the Owners of Parcels in the Benefit Unit at the level of quality they desire. The MSBU Shall consist of all parcels within the boundary of the property known as "Bluewater Bay", in unincorporated Okaloosa County, and is more specifically described as follows:

MSBU BOUNDARIES

COMMENCE ON THE SOUTHWEST CORNER OF WOODLANDS PH 3 AT BWB S/D WHERE IT INTERSECTS THE EAST SECTION LINE OF SECTION 35, T1S, R22W, SAID POINT BEING P.O.B., THENCE EAST AND NORTH ALONG THE BOUNDARY LINE OF WOODLANDS PH 3 AT BWB S/D TO THE SOUTH BOUNDARY LINE OF WOODLANDS PH 2 AT BWB S/D, THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF WOODLANDS PH 2 AT BWB S/D TO THE PROJECTED INTERSECTION OF THE SOUTH BOUNDARY LINE OF WOODLANDS PH 2 AT BWB S/D ON THE EAST R/W OF WHITE POINT RD (STATE ROAD 293), THENCE SOUTH ALONG THE EAST R/W OF WHITE POINT RD TO THE PROJECTED INTERSECTION OF THE NORTH BOUNDARY OF MEADOW WOODS S/D WITH THE EAST R/W OF WHITE POINT RD, THENCE EAST ALONG PROJECTED LINE TO THE WEST R/W OF WHITE POINT RD AND THE NORTHEAST CORNER OF MEADOW WOODS S/D, THENCE NORTHERLY ALONG THE WEST R/W OF WHITE POINT RD TO THE SOUTH R/W OF WOODLANDS DR, THENCE WEST ALONG THE SOUTH R/W OF WOODLANDS DR TO THE INTERSECTION OF THE NORTHEAST CORNER OF CARIBBEAN VILLAGE SOUTH UNIT 2 S/D AND THE SOUTH R/W OF WOODLANDS DR, THENCE MEANDER SOUTHWEST ALONG THE SOUTHEAST BOUNDARY LINE OF CARIBBEAN VILLAGE SOUTH UNIT 2 S/D TO THE INTERSECTION OF THE EAST BOUNDARY LINE OF CARIBBEAN VILLAGE SOUTH UNIT 1 S/D, THENCE MEANDER SOUTHERLY ALONG THE EAST BOUNDARY LINE OF CARIBBEAN VILLAGE SOUTH UNIT 1 S/D TO THE NORTHEAST END OF GRASS LAKE, THENCE MEANDER SOUTHWESTERLY ALONG THE NORTH SHORELINE OF GRASS LAKE TO THE INTERSECTION OF THE NORTH SHORELINE OF CHOCTAWHATCHEE BAY, THENCE MEANDER NORTHEASTERLY ALONG THE NORTH SHORELINE OF CHOCTAWHATCHEE BAY TO THE EAST SHORELINE OF WARD COVE, THENCE MEANDER SOUTHWESTERLY, WESTERLY AND SOUTHWESTERLY, ALONG THE SHORELINE OF WARD COVE TO THE INTERSECTION OF THE EAST SECTION LINE OF SECTION 15, T1S, R22W AND THE SOUTH SHORELINE OF WARD COVE, THENCE SOUTH ALONG THE EAST SECTION LINE OF SECTION 15, T1S, R22W TO THE NORTHEAST

CORNER OF MAGNOLIA FOREST PHASE 2 S/D, THENCE EAST ALONG THE NORTH BOUNDARY LINE OF MAGNOLIA FOREST PHASE 2 S/D TO THE NORTHEAST CORNER OF MAGNOLIA FOREST S/D, THENCE EAST ALONG THE NORTH BOUNDARY LINE OF MAGNOLIA FOREST S/D TO THE SOUTHEAST CORNER OF SHADOW OAK S/D, THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF SHADOW OAK S/D TO THE SOUTH WEST CORNER OF SHADOW OAK S/D, THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SHADOW OAK S/D TO THE PROJECTED INTERSECTION OF THE EAST BOUNDARY LINE OF SHADOW OAK S/D WITH THE EAST R/W OF IDA COON CIR, THENCE NORTHERLY ALONG THE EAST R/W OF IDA COON CIR TO THE INTERSECTION WITH THE NORTHWEST CORNER OF THE WHITE WILSON PROPERTY AND THE EAST R/W OF IDA COON CIR, THENCE EAST ALONG THE NORTH PROPERTY LINE OF WHITE WILSON TO THE INTERSECTION OF SOUTH R/W OF HWY 20 AND THE NORTHEAST CORNER OF WHITE WILSON PROPERTY, THENCE SOUTHWESTERLY ALONG THE SOUTH R/W OF HWY 20 TO THE INTERSECTION OF THE NORTH SECTION LINE OF SECTION 23, T1S, R22W AND THE SOUTH R/W OF HWY 20, THENCE EAST ALONG THE NORTH SECTION LINE OF SECTION 23, T1S, R22W TO THE INTERSECTION OF THE NORTHWEST CORNER OF PARKWOOD LANE AT BWB S/D AND THE NORTH SECTION LINE OF SECTION 23, T1S, R22W, THENCE EAST AND NORTH ALONG THE NORTH BOUNDARY LINE OF PARKWOOD LANE AT BWB S/D TO THE INTERSECTION OF THE SOUTH R/W OF RANGE RD AND THE NORTH BOUNDARY LINE OF PARKWOOD LANE AT BWB S/D, THENCE DUE NORTH TO THE SOUTHWEST CORNER OF PARKWOOD ESTATES S/D, THENCE NORTH ALONG THE EAST BOUNDARY LINE OF PARKWOOD ESTATES S/D TO THE SOUTHWEST CORNER OF PARKWOOD ESTATES PHASE 2 S/D, THENCE NORTH ALONG THE EAST BOUNDARY LINE OF PARKWOOD ESTATES PHASE 2 S/D TO NORTHEAST CORNER OF PARKWOOD ESTATES PHASE 2 S/D, THENCE DUE NORTH TO THE SHORELINE OF ROCKY BAYOU, THENCE NORTHEASTERLY TO THE INTERSECTION OF THE NORTHWEST BOUNDARY LINE OF BOLTONS LANDING S/D, THENCE NORTHEASTERLY AND EASTERLY ALONG THE BOUNDARY LINE OF BOLTONS LANDING S/D TO THE INTERSECTION OF THE WEST R/W OF BLUEWATER BLVD NORTH, THENCE MEANDER CLOCKWISE AROUND THE R/W OF BLUEWATER BLVD NORTH TO THE INTERSECTION OF THE WEST BOUNDARY LINE OF VILLAGE OF BOLTON AT BWB S/D, THENCE NORTHEAST, EAST, AND SOUTH ALONG THE EAST BOUNDARY LINE OF VILLAGE OF BOLTON AT BWB S/D TO THE INTERSECTION OF THE NORTHWEST CORNER OF EAGLES RIDGE S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF EAGLES RIDGE S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF PARKWOOD ESTATES PHASE 5 S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF PARKWOOD ESTATES PHASE 5 S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF PARKWOOD ESTATES PHASE 7 S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF PARKWOOD ESTATES PHASE 7 S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF THE BUNGALOWS AT BWB S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF THE

BUNGALOWS AT BWB S/D TO THE PROJECTED INTERSECTION OF THE EAST BOUNDARY LINE OF THE BUNGALOWS AT BWB S/D WITH THE SOUTH R/W OF RANGE RD, THENCE WEST ALONG THE SOUTH R/W OF RANGE RD TO THE NORTHEAST CORNER OF PARKWOOD AT BWB S/D, THENCE MEANDER SOUTHERLY ALONG THE EAST BOUNDARY LINE OF PARKWOOD AT BWB S/D TO THE NORTHEAST CORNER OF PARKWOOD PLACE AT BWB S/D, THENCE SOUTHEAST AND SOUTH ALONG EAST BOUNDARY LINE OF PARKWOOD PLACE AT BWB S/D TO THE INTERSECTION OF THE SOUTHEAST CORNER OF PARKWOOD PLACE AT BWB S/D AND THE NORTH BOUNDARY LINE OF PARKWOOD SQUARE PHASE 1 S/D, THENCE SOUTHEAST ALONG THE NORTH BOUNDARY LINE OF PARKWOOD SQUARE PHASE 1 S/D TO THE NORTHEAST CORNER OF PARKWOOD SQUARE PHASE 1 S/D, THENCE DUE SOUTHEAST TO THE EAST SECTION LINE OF SECTION 23, T1S, R22, THENCE SOUTH ALONG THE EAST SECTION LINE OF SECTION 23, T1S, R22, TO THE INTERSECTION OF THE SOUTH R/W OF HWY 20 AND THE EAST SECTION LINE OF SECTION 23, T1S, R22, THENCE NORTHWEST ALONG THE SOUTH R/W OF HWY 20 TO THE INTERSECTION OF THE SOUTH R/W OF HWY 20 AND WEST R/W OF WRIGHT DR, THENCE SOUTH ALONG THE WEST R/W OF WRIGHT DR TO THE INTERSECTION OF THE NORTH BOUNDARY LINE OF INDIGO VILLAGE S/D AND THE WEST R/W OF WRIGHT DR, THENCE WEST, NORTHWEST, AND SOUTH ALONG THE BOUNDARY LINE OF INDIGO VILLAGE S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF WOODLANDS PHASE 5 S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF WOODLANDS PHASE 5 S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF WOODLANDS PHASE 4 S/D, THENCE SOUTH AND EAST ALONG THE BOUNDARY LINE OF WOODLANDS PHASE 4 S/D TO THE INTERSECTION OF THE EAST SECTION LINE OF SECTION 35, T1S, R22W, AND THE EAST BOUNDARY LINE OF WOODLANDS PHASE 4 S/D, THENCE SOUTH ALONG THE EAST SECTION LINE OF SECTION 35, T1S, R22W TO THE SOUTHWEST CORNER OF WOODLANDS PH 3 AT BWB S/D AND P.O.B.

There is specifically excluded from the above the following: Blue Pine Village, First Baptist Church, at Bluewater Bay, Nicewood Garden Apartments, Indigo Village, White Point Estates, Meadow Wood, Raintree Estates, and all properties whose access to State Road 20 is obtained through Lancaster Drive.

(2) Any Federal lands or lands within a municipality included in the boundary of the district described herein shall be excluded from the district and its jurisdiction. If any area, tract, or parcel within the

boundaries of the district shall hereafter become annexed to a municipality, such area, tract, or parcel shall be excluded from the district effective the next January 1 following such annexation by a municipality. Nothing contained in this Ordinance shall preclude any municipality from annexing lands to the territorial limits of the municipality even if such land is included within the District.

(3) Should any part of the territory covered in this Ordinance be excluded by judicial decree or for any other reason, then this Ordinance shall continue in effect as to the balance of the territory.

Section 2: Board of Benefit Unit Directors.

The business and affairs of the Benefit Unit shall be conducted and administered by a governing Board of five (5) Benefit Unit Directors, who shall be qualified electors residing in the district. Said Benefit Unit Directors, upon their appointment or election and qualification as provided in section 3 and annually in January, shall organize by electing from their number a Chairman, and a Vice-Chairman. The Directors shall not receive any compensation for their service but shall receive reimbursement for out-of-pocket expenses incurred for the conduct of the business and affairs of the district. Each Benefit Unit Officer shall, before he

enters upon his duties as such Officer, execute for the benefit of the district, a good and sufficient fiduciary bond in the sum of \$1,000.00 with a qualified corporate surety conditioned to faithfully perform the duties of such Officer and to account for all funds to come into his hands as such Officer. All premiums for such surety on all such bonds shall be paid from the funds of the district.

Pursuant to State Statute, the Board of County Commissioners is deemed to be the governing body of the District and it shall perform that function by adopting annually a budget for the Benefit Unit.

Section 3: Same; Terms of Office.

The initial Benefit Unit Directors shall be: Edward Callicotte, Samuel G. Ellsworth, Roger H. Oelke, Albert A. Salerno, and Karl E. Welhart. Said initial Benefit Unit Directors shall hold and remain in office until their successors are elected and qualified in the general election in the year 2004, unless such Directors cease to be qualified to act or is removed for cause. In the 2004 General Election, three (3) Directors shall be elected for two (2) year terms and two (2) Directors shall be elected for one (1) year terms. The three (3) candidates attaining the highest number of votes shall be elected for two (2) year terms and the two

(2) candidates receiving the next highest number of votes will be elected for one (1) year terms. In subsequent elections, each officer shall be elected for a term of two (2) years. They shall qualify for office pursuant to law. In the event any officer ceases to be qualified to act, through resignation, removal for cause, other compelling reason, or due to the failure of any candidates to qualify for the office, the vacancy thereby created shall be filled by appointment by the majority of the remaining members of the Benefit Unit Directors of the District until the expiration of the term of the member who has become disqualified or failed to qualify for election.

(1) Removal from Office, Failure to Attend Meetings:

(a) Any member of the Benefit Unit Board of Directors may be removed from office by a majority vote of the Benefit Unit Board of Directors, for cause.

(b) If any member of the Benefit Unit Board of Directors fails to attend two (2) consecutive Board meetings without a satisfactory excuse, or if a member is absent from more than one-half of the Boards meetings in a given year, the Directors shall declare the member's seat vacant and the vacancy shall be filled as above.

(2) Chairman/Vice Chairman: The Chairman/Vice Chairman terms shall be for one (1) year, with

eligibility for re-election, however, the Chairman/Vice Chairman can only serve two (2) consecutive terms.

(3) Election Details: Any election subsequent to the adoption of the Benefit Unit will be for all qualified electors residing in the district, NOT just property owners. In addition, the Benefit Unit will pay for any expense caused by additional ballot styles.

Section 4: Directors; Meetings.

The Directors of the Benefit Unit shall have the duties usually pertaining to like Directors. The Board of Directors may adopt its own by-laws for conducting its business and meetings. A record shall be kept of all meetings of the Board. A majority of the Benefit Unit Directors must be present to convene a meeting of the Board. At least three of the members present shall be necessary for any affirmative action by the Board. The meetings of the Board and minutes of the meetings shall be open to the public at all times. The Board shall adhere to Florida Sunshine laws and shall keep minutes of meetings, and written records of resolutions, findings and determinations.

Section 5: Audit.

The books and records of the Benefit Unit will be audited annually as a part of Okaloosa Counties single

audit. Copies of this audit will be submitted to the Board of County Commissioners.

Section 6: Powers.

The Board of Directors shall have authority to:

(1) Adopt rules and regulations not inconsistent with any portion of this Ordinance as it may deem necessary in the transaction of its business and in carrying out the provisions of this Ordinance.

(2) The Benefit Unit Board of Directors shall determine for each fiscal year the level, extent and type of Community Services and their estimated cost, including administrative costs and expenses (including Property Appraiser and Tax Collector, as required by law) and any fees for services of professional personnel, technicians or consultants deemed necessary by the Committee for the effective provision of the Community Services. The cost of Community Services shall then become the proposed budget for the Benefit Unit for the ensuing fiscal year.

Section 7: Provision of Services.

The Benefit Unit Board of Directors will not hire any employees. All functions of the Benefit Unit will be accomplished through the use of contracts, volunteers or other such non-employee types of arrangements.

Section 8: Funding.

(1) The Benefit Unit Board of Directors is hereby

authorized to levy and impose an annual assessment against all property in the District with the following limitations.

(a) The initial Assessment Unit amount for financing the operation of the Benefit Unit shall not exceed \$60.00.

(b) The Assessment Unit amount cannot increase by more than 5% from the previous year.

(2) Method of Establishing the Assessment.

The Assessment Unit is the standard for imposing the Annual Assessment. The Assessment Unit shall be determined by dividing the approved budget by the total number of residential lots and commercial and institutional residential lot equivalents to determine the Assessment Unit, then applying that amount to each residential lot and commercial and institutional Parcel as defined below. The cost of Community Services as set forth in the approved budget shall be allocated as follows among the Parcels:

(a) Residential:

-1- Each lot which is platted residential property, whether built on or not, will be assessed the same, one Assessment Unit.

-2- Tracts of land intended for development as Residential Property but not yet improved

will be assessed one Assessment Unit per acre (rounded to the nearest tenth acre) until platted, after which they will be assessed as in (-1-) above.

-3- Each townhouse unit, condominium unit, or other property division intended as a residential dwelling or rental unit, shall be assessed one Assessment Unit.

(b) Commercial:

-1- Commercial Property will be assessed one Assessment Unit per one-thousand (1000) square feet of building space constructed (Property Appraiser adjusted square footage figures will be used).

-2- Parcels used as Commercial Property but without a building will be assessed one (1) Assessment Unit per acre (rounded to the nearest tenth acre).

-3- Parcels intended for use as commercial property but not yet developed will be assessed one (1) Assessment Unit per acre (rounded to the nearest tenth acre). When built on or placed into use as Commercial Property the Parcel will be assessed as per (-1-) or (-2-) above.

(c) Institutional:

-1- Institutional Property will be assessed one Assessment Unit per one-thousand (1000)

square feet of building space constructed (Property Appraiser adjusted square footage figures will be used).

-2- Parcels used as Institutional Property but without a building will be assessed one (1) Assessment Unit per acre (rounded to the nearest tenth acre).

-3- Parcels intended for use as Institutional Property but not yet developed will be assessed one (1) Assessment Unit per acre (rounded to the nearest tenth acre). When built on or placed into use as Institutional Property the Parcel will be assessed as per (-1-) or (-2-) above.

(3) The aforementioned annual assessment shall be levied and imposed by the Benefit Unit Board of Directors by resolution which shall be reduced to writing. A copy of such resolution shall forthwith be forwarded to the property Appraiser of Okaloosa County, the Tax Collector of Okaloosa County and the Board of County Commissioners. The Benefit Unit Board of Directors shall comply with all state laws relative to the levy of the annual assessment.

(4) All assessments to be levied and collected pursuant hereto shall be due and assessed and certified by the Property Appraiser of Okaloosa county and Collected by the Tax Collector of Okaloosa County in the

same manner as municipal property taxes of the various municipalities in Okaloosa County, Florida.

(5) The annual assessment hereby authorized to be levied, assessed, and imposed shall thereupon become a lien upon property within the district and enforced in the same manner as liens for ad valorem taxes. Such lien for such district annual assessment shall be a first lien superior in dignity to all other liens except ad valorem tax liens.

(6) The Benefit Unit designates the Property Appraiser or his designate and the Tax Collector or his designate to act as agent for the Benefit Unit to modify the final Annual Assessment if changes are made to the tax roll after final notification is sent to property owners.

Section 9: Indebtedness.

Except as provided in this ordinance, the Benefit Unit Board of Directors shall not create indebtedness or incur obligations for any purpose or amount which it is unable to pay out of the district funds properly appropriated therefore in its current annual budget, as the same may from time to time be amended, as provided herein.

Section 10: Use of Funds.

(1) Those funds obtained from the levy of the

Annual Assessment on the Parcels shall be maintained in a separate account on deposit with the Clerk of Circuit Court of Okaloosa County and used solely for funding the expenditures authorized in the Benefit Unit's approved budget.

(2) The Board nor anyone else acting on shall not contract for the expenditure of funds in any fiscal year other than the current fiscal year, and only for the purposes authorized in the budget. Funds obtained from the levy of the Annual Assessment shall not be used to finance any project outside of the Benefit Unit. All funds collected by the Annual Assessment for a specific fiscal year need not be expended by the end of that fiscal year if actual costs do not meet the estimated amount. Any funds remaining at the end of the fiscal year shall be carried forward to the next fiscal year.

(3) The Board of Directors may amend the budget for the fiscal year in order to add Projects for which funds are available. The Board of Directors may delete Projects from an existing budget so that their allocated funds can be transferred to other Projects already approved. All amendments are subject to approval and ratification by the Board of County Commissioners.

(4) A Reserve Fund shall be established in the initial budget, and thereafter, shall be replenished, as

required, so that the balance at the beginning of each fiscal year is at least ten per cent (10%) of the anticipated expenditures for that year.

(5) Insurance Requirements. The Committee shall purchase and continue in force property, liability, workers compensation (if needed), and other insurance policies to adequately protect against work related injuries, property damage and third party claims. All property and liability policies shall include Okaloosa County, Florida as an additional insured. Certificates of Insurance evidencing the type and amount of insurance shall be provided the Board of County Commissioners of Okaloosa County, Florida at least annually. Any claim deductible or other claim cost will be paid from the reserve fund of the District.

Section 11: Penalty.

Any person, firm, or corporation who violates any of the provisions of this law or any of the regulations adopted pursuant to the provisions of this law, upon conviction therefore shall be punished as provided by State law.

Section 12: Election Ballot.

The Board of County Commissioners shall cause to be printed on ballots for the election of the Benefit Unit Board of Directors of the district the names of any

qualified persons as candidate for the offices of the members of the Benefit Unit Board of Directors who shall have qualified as prescribed by law.

Section 13: Liberal Construction.

The provisions of this Ordinance shall be liberally construed in order to effectively carry out the purposes of this Ordinance in the interest of the residents of the District.

Section 14: Special Referendum Election.

This Ordinance shall not take effect unless and until the formation of the Bluewater Bay MSEU is approved by a majority of the property owners within the boundaries of the proposed district voting in a special referendum election to be scheduled and advertised by the Okaloosa County Supervisor of Elections.

Section 15: Holding Special Election.

The Supervisor of Elections of Okaloosa County is hereby directed to hold the special referendum election required by this Ordinance on March 25, 2003, or such other date to be determined by Resolution of the Board of County Commissioners.

Section 15: Ballot Question.

The Supervisor of elections of Okaloosa County shall cause the following question to be placed on the ballot

of the special referendum election held as required by
this Ordinance:

OFFICIAL BALLOT
FORMATION OF BLUEWATER BAY
MUNICIPAL SERVICES BENEFIT UNIT

DO YOU SUPPORT FORMATION OF A MUNICIPAL SERVICES BENEFIT UNIT (MSBU) FOR BLUEWATER BAY THAT WOULD SUPPLEMENT THE SERVICES PROVIDED BY THE STATE OF FLORIDA AND OKALOOSA COUNTY REGARDING THE IMPROVEMENT, REPAIR AND MAINTENANCE OF GROUNDS, IRRIGATION, SIGNAGE AND STREET LIGHTING ON ARTERIAL AND LIMITED ARTERIAL ROAD RIGHTS OF WAY NOT COVERED BY HOMEOWNER OR ASSOCIATION COVENANTS. THE FIRST YEAR COST WILL NOT EXCEED \$60.00 AND CANNOT INCREASE BY MORE THAN 5% EACH YEAR THEREAFTER.

YES for approval of the MSBU

NO to reject the MSBU

Section 17: Completion of Projects.

This Ordinance shall be in effect until revoked by the Board of County Commissioners. If revoked, any excess funds remaining shall be divided and disbursed to the property owners on a pro rata basis according to the number of Assessment Units assessed on each parcel shown on the latest tax rolls in accordance with the direction of the Tax Collector of Okaloosa County, Florida, or, as directed by the Board of County Commissioners, may be paid to the Board of County Commissioners for use solely within the District.


Section 18: Effective Date; Repeal.

This Ordinance shall take effect immediately upon certification by the County Supervisor of Elections that

the results of the directed referendum favor approval of the MSBU formation.


Effective January 1, 2004 the Council of Bluewater Bay Property Owners will cease to conduct any business relating to functions assumed by the Bluewater Bay Municipal Services Benefit Unit.

OKALOOSA COUNTY, a political
Subdivision of the State of Florida

By: 
JACKIE BURKETT, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS



ATTEST:


for NEWMAN C. BRACKIN
CLERK OF CIRCUIT COURT



APPROVED IN REGULAR SESSION ON NOVEMBER 5, 2002.

EXHIBIT "A"
LIST OF DEFINITIONS

For the purpose of this Ordinance, the definitions contained in this section shall apply unless otherwise stated:

- A. Annual Assessment. The annual charge to be imposed upon each Parcel commencing with the 2003 Real Estate Tax year. The initial levy will be made starting with the processing of the 2003 TRIM (Truth In Millage) notice.
- B. Assessment Unit. The amount of the Annual Assessment applied to each residential parcel and used to compute the commercial and institutional parcel Annual Assessment.
- C. Benefit Unit. All parcels lying within the perimeter boundary line shown in Section 1 (1).
- D. Benefit Unit Roads. Certain roads described on Exhibit B, but excluding portions covered by commercial, institutional, or residential covenants (Roads formerly known as arterial or limited arterial roads.).
- E. Board. The Bluewater Bay MSBU governing Board of Directors, or the Board of County Commissioners, as the context requires.
- F. Board of Directors. The Bluewater Bay MSBU governing Board of Directors.
- G. Commercial Property: Commercial property to be assessed consists of property classified as commercial by the Property Appraiser to include but not be limited to: vacant commercial, stores (one story), mixed use (store and office combined), department stores, supermarkets, community shopping centers, office buildings (single-story), office buildings (multi-story), professional service buildings, marinas, piers, restaurants, cafeterias, drive-in restaurants, financial institutions (bank, savings and loan companies, mortgage companies, credit services), insurance company offices, repair service shops (excluding automotive), laundries, laundromats, service stations, auto sales, auto repair and storage, auto service shops, auto rental, wholesale outlets, manufacturing outlets, florist, green houses, enclosed theaters, nightclubs, cocktail lounges, bars, bowling alleys, pool halls, golf courses, driving ranges, hotels, motels, mailing & packing services, bakeries, medical clinics (doctor, dentist, etc.) recreational vehicle storage, swimming pools,

- tennis courts, and veterinary clinics.
- H. Common Areas. Those areas as designated from time to time by the MSBU Board lying within the Benefit Unit (excluding areas within private associations) or which consist of any of the following: right-of-away along Benefit Unit Roads, landscaped areas and dedicated environmental preservation areas within the Benefit Unit. The MSBU Board shall not designate as Common Area the private property of any Person or Home Owners Association, other than Okaloosa County or State of Florida, unless the use thereof has been dedicated to the residents of the Benefit Unit, the public or permanently dedicated as an environmental preservation area.
- I. Community Services. The improvement, repair and maintenance of grounds, landscaped areas, signage (street indicator signs, directional indicator signs, main entrance signs and non-private subdivision name signs) and streetlights in the Common Areas. In addition, Community Services are intended to supplement and to improve those services normally provided by Okaloosa County or The State of Florida within the Benefit Unit and it is not intended that the County or State be relieved from providing services within the Benefit Unit that are generally provided to areas of Okaloosa County outside the Benefit Unit.
- J. Fiscal Year. The fiscal year applicable to Okaloosa County government.
- K. Institutional Property. Institutional property to be assessed consists of property classified as institutional by the Property Appraiser to include but not limited to: vacant institutional, privately owned hospitals, homes for the aged, clubs, lodges, union halls, cultural organizations's facilities, convalescent and rest homes.
- L. Lot. A part of subdivided property, or tract or piece of land under separate ownership.
- M. Owner. Any person owning real property within the Benefit Unit.
- N. Parcel. Each individual Parcel of real property within the Benefit Unit as established on the rolls of the Property Appraiser of Okaloosa County.
- O. Person. An individual, firm, partnership, corporation, association, executor, administrator, trustee or other legal entity,

whether singular or plural, masculine or feminine, as the context may require.

- P. Private Road. Any property and improvements located within a designated right-of-way which right-of-way is not owned by a governmental entity.
- Q. Project. A Community Service effort undertaken within the Benefit Unit.
- R. Property Appraiser. The Property Appraiser of Okaloosa County, Florida
- S. Public Subdivision Roads. Any road within the Benefit Unit which right-of-way is dedicated to the public in accordance with a declaration or plat filed in the Official Records of Okaloosa County but not including any portion of a Public Subdivision Road that is designated a Benefit Unit Road as defined herein.
- T. Reserve Fund. A fund established in the budget of the Benefit Unit for such expenditures for Community Services as the Benefit Unit Board deems appropriate.
- U. Residential Property. Residential property to be assessed consists of all property which is not commercial, institutional and governmental, or Common Area to include but not be limited to vacant residential, single family homes, mobile homes, multi-family units regardless of the number of units, and condominiums.
- V. Tax Collector. The Tax collector of Okaloosa County, Florida.

EXHIBIT "B"
LIST OF BENEFIT UNIT ROADS WHOSE RIGHTS-OF-WAY
ARE ELIGIBLE TO RECEIVE COMMUNITY SERVICES

Bluewater Blvd. extending from and including its intersection with Range Road to and including its intersection with Bay Drive

Bay Drive from and including its intersection with Florida State Road 20 to the point at which it meets the entrance roads to Marina Cove Villas and Marina Cove Village

Oakmont Drive from its intersection with Bluewater Blvd. To the point where it intersects with the boundary of the property known as lot 1 block B St. Andrews Village West II (a/k/a 1601 Oakmont Circle East)

Winged Foot Drive from its intersection with Oakmont Drive to the point where it intersects with the property line of Windward at Bluewater Bay

Southwind Drive from its intersection with Bluewater Blvd. To the point where it meets the entrance to Southwind at Bluewater Bay

Woodlands Drive from its intersection with Southwind Drive to the point where it meets the sports field on the east end

Curacao Drive from but not including its intersection with Dominica Way to but not including its intersection with Aruba

Garden Oaks Way from its intersection with Bay Drive to but not including its intersection with Bermuda Way

White Point Road North from its intersection with SR 20 to the entrance to The Manor at Bluewater Bay

Florida State Road 20 from its intersection with Lancaster Road to a point which is 1000 feet east of its intersection with White Point Road/White Point Road North

White Point Road from its intersection with SR 20 to its intersection with Woodlands Dr. on the west side

and approximately 1000 feet past Woodlands Drive on the east side

Range Road from its intersection with SR 20 to a point which is 500 feet east of its intersection with Bluewater Blvd.

CURRENT VERSION OF ENABLING ORDINANCE

ARTICLE LV. - BLUEWATER BAY MUNICIPAL SERVICES BENEFIT UNIT^[64]

Footnotes:

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Editor's note— Ord. No. 16-05, § 2, adopted March 15, 2016, amended article LV, in its entirety to read as herein set out. Former article LV, §§ 1—10, pertained to similar material, and derived from Ord. No. 02-16, adopted November 5, 2002; Ord. No. 03-16, adopted May 20, 2003 and Ord. No. 04-08, adopted May 18, 2004.

Section 1. - Creation; boundaries.

- (1) The area in Okaloosa County described below shall be established as a special district, known as "The Bluewater Bay Municipal Services Benefit Unit" or the "MSBU" under the authority of F.S. § 125.01(1)(q). The purpose of the MSBU is to provide improvements and services within the MSBU which specially benefits the properties within its boundaries. The MSBU shall consist of all parcels within the boundary of the property known as "Bluewater Bay", in unincorporated Okaloosa County, and is more specifically described as follows:

COMMENCE ON THE SOUTHEAST CORNER OF WOODLANDS PH 3 AT BWB S/D WHERE IT INTERSECTS THE EAST SECTION LINE OF SECTION 26, T1S, R22W, SAID POINT BEING P.O.B., THENCE WEST AND NORTH ALONG THE BOUNDARY LINE OF WOODLANDS PH 3 AT BWB S/D TO THE SOUTH BOUNDARY LINE OF WOODLANDS PH 2 AT BWB S/D, THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF WOODLANDS PH 2 AT BWB S/D TO THE PROJECTED INTERSECTION OF THE SOUTH BOUNDARY LINE OF WOODLANDS PH 2 AT BWB S/D ON THE WEST R/W OF WHITE POINT RD (STATE ROAD 293), THENCE SOUTH ALONG THE EAST R/W OF WHITE POINT RD TO THE PROJECTED INTERSECTION OF THE NORTH BOUNDARY OF MEADOW WOODS S/D WITH THE WEST R/W OF WHITE POINT RD THENCE WEST ALONG PROJECTED LINE TO THE WEST R/W OF WHITE POINT RD AND THE NORTHEAST CORNER OF MEADOW WOODS S/D, THENCE NORTHERLY ALONG THE WEST R/W OF WHITE POINT RD TO THE SOUTH R/W OF WOODLANDS DR, THENCE WEST ALONG THE SOUTH R/W OF WOODLANDS DR TO THE INTERSECTION OF THE NORTHEAST CORNER OF CARIBBEAN VILLAGE SOUTH UNIT 2 S/D AND THE SOUTH R/W OF WOODLANDS DR, THENCE MEANDER SOUTHWEST ALONG THE SOUTHEAST BOUNDARY LINE OF CARIBBEAN VILLAGE SOUTH UNIT 2 S/D TO THE INTERSECTION OF THE EAST BOUNDARY LINE OF CARIBBEAN VILLAGE SOUTH UNIT 1 S/D, THENCE MEANDER SOUTHERLY ALONG THE EAST BOUNDARY LINE OF CARIBBEAN VILLAGE SOUTH UNIT 1 S/D TO THE NORTHEAST END OF GRASS LAKE, THENCE MEANDER SOUTHWESTERLY ALONG THE NORTH SHORELINE OF GRASS LAKE TO THE INTERSECTION OF THE NORTH SHORELINE OF CHOCTAWHATCHEE BAY, THENCE MEANDER NORTHWESTERLY ALONG THE NORTH SHORELINE OF CHOCTAWHATCHEE

BAY TO THE WEST SHORELINE OF WARD COVE, THENCE MEANDER SOUTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE SHORELINE OF WARD COVE TO THE INTERSECTION OF THE SHORELINE OF WARD COVE TO THE INTERSECTION OF THE WEST SECTION LINE OF SECTION 15, T1S, R22W AND THE SOUTH SHORELINE OF WARD COVE, THENCE SOUTH ALONG THE WEST SECTION LINE OF SECTION 15, T1S, R22W TO THE NORTHWEST CORNER OF MAGNOLIA FOREST PHASE 2 S/D, THENCE EAST ALONG THE NORTH BOUNDARY LINE OF MAGNOLIA FOREST PHASE 2 S/D TO THE NORTHWEST CORNER OF MAGNOLIA FOREST S/D, THENCE EAST ALONG THE NORTH BOUNDARY LINE OF MAGNOLIA FOREST S/D TO THE SOUTHWEST CORNER OF SHADOW OAK S/D, THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF SHADOW OAK S/D TO THE SOUTHEAST CORNER OF SHADOW OAK S/D, THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SHADOW OAK S/D TO THE PROJECTED INTERSECTION OF THE EAST BOUNDARY LINE OF SHADOW OAK S/D WITH THE EAST R/W OF IDA COON CIR, THENCE NORTHERLY ALONG THE EAST R/W OF IDA COON CIR TO THE INTERSECTION WITH THE NORTHWEST CORNER OF THE WHITE WILSON PROPERTY AND THE EAST R/W OF IDA COON CIR, THENCE EAST ALONG THE NORTH PROPERTY LINE OF WHITE WILSON TO THE INTERSECTION OF SOUTH R/W OF HWY 20 AND THE NORTHEAST CORNER OF WHITE WILSON PROPERTY, THENCE SOUTHEASTERLY ALONG THE SOUTH R/W OF HWY 20 TO THE INTERSECTION OF THE NORTH SECTION LINE OF SECTION 23, T1S, R22W AND THE SOUTH R/W OF HWY 20, THENCE EAST ALONG THE NORTH SECTION LINE OF SECTION 23, T1S, R22W TO THE INTERSECTION OF THE NORTHWEST CORNER OF PARKWOOD LANE AT BWB S/D AND THE NORTH SECTION LINE OF SECTION 23, T1S, R22W, THENCE EAST AND NORTH ALONG THE NORTH BOUNDARY LINE OF PARKWOOD LANE AT BWB S/D TO THE INTERSECTION OF THE SOUTH R/W OF RANGE RD AND THE NORTH BOUNDARY LINE OF PARKWOOD LANE AT BWB S/D, THENCE DUE NORTH TO THE SOUTHWEST CORNER OF PARKWOOD ESTATES S/D, THENCE NORTH ALONG THE WEST BOUNDARY LINE OF PARKWOOD ESTATES S/D TO THE SOUTHWEST CORNER OF PARKWOOD ESTATES PHASE 2 S/D, THENCE NORTH ALONG THE WEST BOUNDARY LINE OF PARKWOOD ESTATES PHASE 2 S/D TO NORTHWEST CORNER OF PARKWOOD ESTATES PHASE 2 S/D, THENCE DUE NORTH TO THE SHORELINE OF ROCKY BAYOU, THENCE NORTHEASTERLY TO THE INTERSECTION OF THE NORTHWEST BOUNDARY LINE OF BOLTONS LANDING S/D, THENCE NORTHEASTERLY AND EASTERLY ALONG THE BOUNDARY LINE OF BOLTONS LANDING S/D TO THE INTERSECTION OF THE WEST R/W OF BLUEWATER BLVD NORTH, THENCE MEANDER CLOCKWISE AROUND THE R/W OF BLUEWATER BLVD NORTH TO THE INTERSECTION OF THE WEST BOUNDARY LINE OF VILLAGE OF BOLTON AT BWB S/D, THENCE NORTHEAST, EAST, AND SOUTH ALONG THE EAST BOUNDARY LINE OF VILLAGE OF BOLTON AT BWB S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF EAGLES RIDGE S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF EAGLES RIDGE S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF PARKWOOD ESTATES PHASE 5 S/D, THENCE SOUTH ALONG THE EAST

BOUNDARY LINE OF PARKWOOD ESTATES PHASE 5 S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF PARKWOOD ESTATES PHASE 7 S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF PARKWOOD ESTATES PHASE 7 S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF THE BUNGALOWS AT BWB S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF THE BUNGALOWS AT BWB S/D TO THE PROJECTED INTERSECTION OF THE EAST BOUNDARY LINE OF THE BUNGALOWS AT BWB S/D WITH THE SOUTH R/W OF RANGE RD, THENCE EAST ALONG THE SOUTH R/W OF RANGE RD TO THE NORTHEAST CORNER OF PARKWOOD AT BWB S/D, THENCE MEANDER SOUTHERLY ALONG THE EAST BOUNDARY LINE OF PARKWOOD AT BWB S/D TO THE NORTHEAST CORNER OF PARKWOOD PLACE AT BWB S/D, THENCE SOUTHEAST AND SOUTH ALONG EAST BOUNDARY LINE OF PARKWOOD PLACE AT BWB S/D TO THE INTERSECTION OF THE SOUTHEAST CORNER OF PARKWOOD PLACE AT BWB S/D AND THE NORTH BOUNDARY LINE OF PARKWOOD SQUARE PHASE 1 S/D, THENCE SOUTHEAST ALONG THE NORTH BOUNDARY LINE OF PARKWOOD SQUARE PHASE 1 S/D TO THE NORTHEAST CORNER OF PARKWOOD SQUARE PHASE 1 S/D, THENCE DUE SOUTHEAST TO THE EAST SECTION LINE OF SECTION 23, T1S, R22, THENCE SOUTH ALONG THE EAST SECTION LINE OF SECTION 23, T1S, R22, TO THE INTERSECTION OF THE SOUTH R/W OF HWY 20 AND THE EAST SECTION LINE OF SECTION 23, T1S, R22, THENCE NORTHWEST ALONG THE SOUTH R/W OF HWY 20 TO THE INTERSECTION OF THE SOUTH R/W OF HWY 20 AND WEST R/W OF WRIGHT DR, THENCE SOUTH ALONG THE WEST R/W OF WRIGHT DR TO THE INTERSECTION OF THE NORTH BOUNDARY LINE OF INDIGO VILLAGE S/D AND THE WEST R/W OF WRIGHT DR, THENCE WEST, NORTHWEST, AND SOUTH ALONG THE BOUNDARY LINE OF INDIGO VILLAGE S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF WOODLANDS PHASE 5 S/D, THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF WOODLANDS PHASE 5 S/D TO THE INTERSECTION OF THE NORTHEAST CORNER OF WOODLANDS PHASE 4 S/D, THENCE SOUTH AND EAST ALONG THE BOUNDARY LINE OF WOODLANDS PHASE 4 S/D TO THE INTERSECTION OF THE EAST SECTION LINE OF SECTION 23, T1S, R22W, AND THE EAST BOUNDARY LINE OF WOODLANDS PHASE 4 S/D, THENCE SOUTH ALONG THE EAST SECTION LINE OF SECTION 23, T1S, R22W TO THE INTERSECTION OF THE NORTHEAST CORNER OF SECTION 26, T1S, R22W THENCE SOUTH TO THE SOUTHEAST CORNER OF WOODLANDS PH 3 AT BWB S/D AND P.O.B.

There is specifically excluded from the above the following: Blue Pine Village, First Baptist Church at Bluewater Bay, Nicewood Garden Apartments, Indigo Village, White Point Estates, Meadow Wood, Raintree Estates, and all properties whose access to State Road 20 is obtained through Lancaster Drive.

- (2) Any property owned by a governmental entity included within the boundary of the MSBU described herein shall be excluded from the MSBU and its jurisdiction. If any area, tract, or parcel within the boundaries of the MSBU shall hereafter become annexed to a municipality, such area, tract, or parcel shall be excluded from the MSBU effective the next January 1 following such annexation by a municipality. Nothing contained in this ordinance shall

preclude any municipality from annexing lands to the territorial limits of the municipality even if such land is included within the MSBU.

- (3) Should any part of the territory covered in this article be excluded by judicial decree or for any other reason, then this article shall continue in effect as to the balance of the territory.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 2. - Board of directors.

The business and affairs of the MSBU shall be conducted and administered by a governing board of five directors, who shall be qualified electors residing in the MSBU. Said directors, upon their appointment or election and qualification as provided in section 3 and annually in December, shall organize by electing from their number a chairman, and a vice-chairman. The directors shall not receive any compensation for their service but shall receive reimbursement for out-of-pocket expenses incurred for the conduct of the business and affairs of the MSBU. Each director shall, before he enters upon his duties as such director, execute for the benefit of the MSBU, a good and sufficient fiduciary bond in the sum of \$1,000.00 with a qualified corporate surety conditioned to faithfully perform the duties of such director and to account for all funds to come into his hands as such director. All premiums for such surety on all such bonds shall be paid from the funds of the MSBU

Pursuant to state statute, the board of county commissioners is deemed to be the governing body of the MSBU and it shall be responsible for overseeing the MSBU, the approval of its budget and ratifying the amount of any annual assessments imposed within its boundaries.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 3. - Board of directors; terms of office.

- A. *Each director shall be elected for a term of four years.* They shall qualify for office pursuant to law. In the event any director ceases to be qualified to act, through resignation, removal for cause, other compelling reason, or due to the failure of any candidates to qualify for the office, the vacancy thereby created shall be filled by appointment by the majority of the remaining members of the board of directors of the MSBU until the expiration of the term of the member who has become disqualified or failed to qualify for election.
- B. *Qualification.* Each candidate shall qualify by obtaining ten signatures of qualified voters within the Bluewater Bay MSBU area, and shall pay a \$25.00 qualification fee. Qualifications for candidates shall be during the periods established for other county-wide candidates.
- C. *Applicability of election code.* In the event more candidates qualify than there are open positions on the board of directors of the MSBU, in that event, the general election code of the State of Florida will apply to all candidates in the same manner and to the same extent as that code applies to other countywide candidates.
 - (1) *Removal from office, failure to attend meetings:*

- (a) Any member of the board of directors may be removed from office by a majority vote of the board of directors, for cause. Prior to taking such action, the director subject to removal shall be provided notice of the hearing where the removal will be considered and shall be provided an opportunity to be heard. Cause shall be considered to be malfeasance or neglect in the performance of his duties or the violation and/or conviction of a crime related to that directors official duties.
- (b) If any member of the board of directors fails to attend two consecutive board meetings without a satisfactory excuse, or if a member is absent from more than one-half of the boards meetings in a given year, the directors shall declare the member's seat vacant and the vacancy shall be filled as above.
- (2) *Chairman/vice chairman:* The chairman/vice chairman terms shall be for one year, with eligibility for re-election, however, the chairman/vice chairman can only serve two consecutive terms.
- (3) *Election details:* Elections will be for all qualified electors residing in the district, not just property owners. In addition, the MSBU will pay for any expense caused by additional ballot styles.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 4. - Board of directors; meetings.

The directors of the MSBU shall have the duties usually pertaining to like directors. The board of directors may adopt its own by-laws for conducting its business and meetings. A record shall be kept of all meetings of the board. A majority of the directors must be present to convene a meeting of the board. At least three of the members present shall be necessary for any affirmative action by the board. The meetings of the board and minutes of the meetings shall be open to the public at all times. The board shall adhere to Florida Sunshine Laws and shall keep minutes of meetings, and written records of resolutions, findings and determinations. The MSBU and its board of directors shall be subject to the Public Records Law.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 5. - Audit.

The books and records of the MSBU will be audited annually as a part of Okaloosa County's single audit. Copies of this audit will be submitted to the board of county commissioners.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 6. - Powers.

The board of directors shall have authority to:

- (1) Adopt rules and regulations not inconsistent with state law or any portion of this ordinance as it may deem necessary in the transaction of its business and in carrying out the provisions of this article.

- (2) The board of directors shall determine for each fiscal year the level, extent and type of services and improvements to be provided and their estimated cost, including administrative costs and expenses (including property appraiser and tax collector, as required by law) and any fees for services of professional personnel, technicians or consultants deemed necessary by the board of directors for the effective provision of the services and improvements. The cost of services and improvements shall be included as part of the proposed budget for the MSBU for the ensuing fiscal year.
- (3) Purchases, solicitations for services and other contractual services shall be procured through the policies and procedures of the county's purchasing manual.

([Ord. No. 16-05](#) , § 2, 3-15-16)

Section 7. - Provision of services.

The board of directors will not hire any employees. All functions of the MSBU will be accomplished through the use of contracts, volunteers or other such non-employee types of arrangements.

([Ord. No. 16-05](#) , § 2, 3-15-16)

Section 8. - Funding.

- (1) The board of directors is hereby authorized to recommend to the board of county commissioners, the levy of annual assessments against all property in the MSBU with the following limitations.
 - (a) The current assessment unit amount for financing the operation of the MSBU is established at \$63.00.
 - (b) The assessment unit amount cannot increase by more than five percent from the previous year.
 - (c) The assessments collected shall be used to provide services and improvements within the MSBU that specially benefit the properties within the MSBU ("Assessment Projects").
 - (d) The assessments may be used to fund reasonable expenditures related to the provision of management services for the benefit of the MSBU and the properties therein.
 - (e) The assessments may be used to fund reasonable administrative costs related to the provision of the services and improvements and the operation of the MSBU.
- (2) Method of establishing the assessment. The assessment unit is the standard for imposing the annual assessment. The assessment unit shall be determined by dividing the approved cost for Assessment Projects by the total number of residential lots and commercial and institutional residential lot equivalents to determine the assessment unit, then applying that amount to each residential lot and commercial and institutional parcel as set forth below. The cost of Assessment Projects as set forth in the approved budget shall be allocated as follows among the parcels:

(a) *Residential:*

- 1- Each lot which is platted residential property, whether built on or not, will be assessed the same, one assessment unit.
- 2- Tracts of land intended for development as residential property but not yet improved will be assessed one assessment unit per acre (rounded to the nearest tenth acre) until platted, after which they will be assessed as in -1- above.
- 3- Each townhouse unit, condominium unit, or other property division intended as a residential dwelling or rental unit, shall be assessed one assessment unit.

(b) *Commercial:*

- 1- Commercial property will be assessed one assessment unit per 1,000 square feet of building space constructed (property appraiser adjusted square footage figures will be used).
- 2- Parcels used as commercial property but without a building will be assessed one assessment unit per acre (rounded to the nearest tenth acre).
- 3- Parcels intended for use as commercial property but not yet developed will be assessed one assessment unit per acre (rounded to the nearest tenth acre). When built on or placed into use as commercial property the parcel will be assessed as per -1- or -2- above.

(c) *Institutional:*

- 1- Institutional property will be assessed one assessment unit per 1,000 square feet of building space constructed (property appraiser adjusted square footage figures will be used).
- 2- Parcels used as institutional property but without a building will be assessed one assessment unit per acre (rounded to the nearest tenth acre).
- 3- Parcels intended for use as institutional property but not yet developed will be assessed one assessment unit per acre (rounded to the nearest tenth acre). When built on or placed into use as institutional property the parcel will be assessed as per -1- or -2- above.

(3) In each year that an annual assessment is imposed, the board of directors shall adopt a preliminary assessment resolution which will set forth the proposed annual assessment to be considered by the board for the upcoming fiscal year. Upon adoption, the preliminary assessment resolution will be provided to the Property Appraiser of Okaloosa County and Tax Collector of Okaloosa County for inclusion on the Truth in Mileage (TRIM) bill. Such preliminary assessment resolution shall be adopted and provided to the property appraiser in sufficient time to allow inclusion on the TRIM.

(4) Prior to September 1 of each year, the annual assessment shall be approved by the board of directors by the adoption of a final assessment resolution which shall be reduced to writing. The final assessment resolution shall recommend to the board of county commissioners the amount of the annual assessment that the board of directors recommends. The board of directors shall make a specific finding within the final assessment resolution that the assessment projects to be funded by the annual assessment will specially benefit the

properties within the MSBU. In addition to the adoption of the final assessment resolution, the board of directors shall approve the budget for the MSBU for the fiscal year. The approval of the annual assessment and the budget may be approved within a single resolution. A copy of such final assessment resolution shall forthwith be forwarded to the Property Appraiser of Okaloosa County, the Tax Collector of Okaloosa County and the board of county commissioners. The board of directors shall comply with all state laws relative to the levy of the annual assessment.

- (5) All annual assessments to be levied and collected pursuant hereto shall be due and assessed and certified by the Property Appraiser of Okaloosa County and collected by the Tax Collector of Okaloosa County in the same manner as property taxes of governmental entities within the State of Florida and shall be collected on the tax bill.
- (6) The annual assessment hereby authorized to be levied, assessed, and imposed shall thereupon become a lien upon property within the MSBU and enforced in the same manner as liens for ad valorem taxes. Such lien for such MSBU annual assessment shall be a first lien superior in dignity to all other liens except ad valorem tax liens.
- (7) The MSBU designates the property appraiser or his designate and the tax collector or his designate to act as agent for the MSBU to modify the final annual assessment if changes are made to the tax roll after final notification is sent to property owners.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 9. - Indebtedness.

Except as provided in this ordinance, the board of directors shall not create indebtedness or incur obligations for any purpose or amount which it is unable to pay out of the MSBU funds properly appropriated therefore in its current annual budget, as the same may from time to time be amended, as provided herein.

([Ord. No. 16-05](#), § 2, 3-15-16)

Section 10. - Use of funds.

- (1) Those funds obtained from the levy of the annual assessment on the parcels shall be maintained in a separate account on deposit with the Clerk of Circuit Court of Okaloosa County and used solely for funding the expenditures for assessment projects.
- (2) The board nor anyone else acting on shall not contract for the expenditure of funds in any fiscal year other than the current fiscal year, and only for the purposes authorized in the budget. Funds obtained from the levy of the annual assessment shall not be used to finance any project outside of the MSBU. All funds collected by the annual assessment for a specific fiscal year need not be expended by the end of that fiscal year if actual costs do not meet the estimated amount. Any funds remaining at the end of the fiscal year shall be carried forward to the next fiscal year.
- (3) The board of directors may amend the budget for the fiscal year in order to add projects for which funds are available. The board of directors may delete projects from an existing

budget so that their allocated funds can be transferred to other projects already approved. All amendments are subject to approval and ratification by the board of county commissioners.

- (4) A reserve fund shall be established in the initial budget, and thereafter, shall be replenished, as required, so that the balance at the beginning of each fiscal year is at least ten percent of the anticipated expenditures for that year.
- (5) Insurance requirements. The board of directors, shall purchase and continue in force property, liability, workers compensation, and other insurance policies to adequately protect against work related injuries, property damage and third party claims. All property and liability policies shall include Okaloosa County, Florida as an additional insured. Certificates of insurance evidencing the type and amount of insurance shall be provided the Board of County Commissioners of Okaloosa County, Florida at least annually. Any claim deductible or other claim cost will be paid from the reserve fund of the MSBU. To the extent the MSBU has no property or employees which would be protected from the provision of insurance, then they may seek an waiver from this requirement for those particular types of insurance policies for which there is no need. This waiver request shall be subject to the approval of risk management and the county administrator.

([Ord. No. 16-05](#), § 2, 3-15-16; [Ord. No. 2016-22](#), 11-15-16)