



PORT MALABAR HOLIDAY PARK MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES

WORKSHOP MEETING AGENDA

January 23, 2017 - 7:00 PM

William "Bud" Getz
Chairman

Allison Kelly
1st Vice-Chairman

Marilyn Spall
2nd Vice-Chairman

Carol Helton
Secretary

Marion "Molly" Stone
Assistant Secretary

Cathleen "Cathi" Brennan
Treasurer

Kendra Bender
Assistant Treasurer

Keith Rittscher
Trustee

Rodney "Rod" Lindsay
Trustee

Karl Bohne, Jr.
District's Attorney

* To comment on an item, after you have been recognized by the Chair, please go to the microphone and clearly give your name and address for the record. You may speak for up to three minutes. Note: If formal action is to be taken on an item by the Board, public comment will be requested prior to the vote.

NOTE: MINUTES OF BOARD MEETINGS ARE PREPARED IN SUMMARY FORM ONLY. PER CHAPTER 286.0105 FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL A DECISION OF THE BOARD HE/SHE SHOULD ARRANGE FOR A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY IN EVIDENCE ON WHICH THE APPEAL IS MADE.

"A community intended and operated for persons 55 and older"



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1. Meeting call to order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Announcements by Chairman
6. Auditors Report
7. Approval of meeting minutes
 - Attachment: 1/3/17 & 1/9/17 minutes
 - Action: Motion to Approve
 - Trustee Comment
 - Public Comment
 - Call for vote
8. Kubota mower repair
 - Attachment: Estimate of repair
 - Action: Motion to Approve
 - Trustee Comment
 - Public Comment
 - Call for vote
9. District Manager job description
 - Attachment: Draft of job description
 - Action: Motion to Approve
 - Trustee Comment
 - Call for vote
10. Discussion on LLC's and Offshore buyers
 - Attachment: Attorney response
 - Action: Motion to approve
 - Trustee comment
 - Public comment
 - Call for vote
11. District Manager comments
12. Public comments
13. Trustee comments
14. Adjournment

District Clerk

From: Brian W. Darby <briand@uniqueturf.com>
Sent: Friday, December 30, 2016 1:49 PM
To: holidaypark@holidayparkfl.com
Subject: Work_Order_12515
Attachments: Work_Order_12515.pdf

Bob,
Here is an estimate for the work on the Kubota unit we picked up last week. We have fixed the motor oil leak but you have multiple hydraulic leaks. We will have to remove the transaxle to repair the seals that are leaking due to worn and or bent parts. Your steering box is also leaking badly and needs to be replaced. Parts would need to be paid in advance to perform the repairs, estimated time is 2 weeks. This is just an estimate and may vary either way, some issues can be hidden until assembly is removed and inspected. If you would like to come by and can show you the issues so we can decide how to move forward. Thank you for giving us the opportunity to serve you.

Have a Blessed Day,

Brian W. Darby
C.E.O.



6225 Babcock Street SE
Palm Bay, FL. 32909
Cell: 321-987-2615
Fax: 321-256-5222

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 Palm Bay, FL 32909
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 Fax: (321) 914-0969

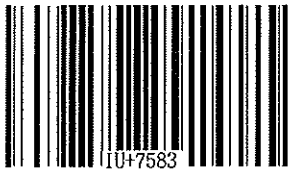
WORKORDER

12515

12/30/2016
 Page 1 of 2
 1:32:16

Bill To:		Make	Kubota	Model	F2680E
Holiday Park 215 Holiday Park Blvd NE Palm Bay FL 32907		Serial	10700	Year	2016
		Last	Next	Hours	0
Customer Phone	Customer Fax	P.O. Number			
321-724-2240	321-724-8166				

Qty	Part Number	Description	Shipped	Price	Total
1	Diagnostic 4	Diagnostic Labor (Tractor / Large Equip)	1	175.00	175.00
		12/30/2016 Brian Darby 1.00 check for oil leaks, estimate repairs			
1	misc	Drain Plug	1	9.99	9.99
1	misc	Steering Box	1	983.56	983.56
1	misc	Drive shaft Yoke F	1	97.35	97.35
1	misc	Drive Shaft Yoke M	1	154.18	154.18
2	misc	U Joint	2	43.87	87.74
1	misc	Output Shaft Seal	1	10.43	10.43
1	misc	F&R Lever Bushing	1	12.48	12.48
1	misc	Input shaft seal	1	8.76	8.76
1	freight	Freight Charges	1	42.39	42.39
1	0734	Cans of brake cleaner / degreaser	1	59.99	59.99
5	Rotella 15w40 Oil Qt	15w40 Motor Oil Quart	5	5.25	26.25



I authorize Unique Turf Inc, to provide me with a verbal estimate for repair. A diagnostic fee plus any shop fees, will apply if you chose not perform repairs. If you chose to have repair completed then diagnostic fee is applied to total repair invoice, leaving the customer the remaining balance to receive their unit back repaired. Any unit left repaired or unrepaired for over seven days after verbal estimate will be sold to recoup remaining costs. We are not liable for any damage, or injury from or to your equipment in our possession. We reserve the right to refuse any repair, but diagnostic fees will apply if applicable.

X _____

Holiday Park
 321-724-2240

12/30/2016
 Kubota
 F2680E
 10700

12515



DRAFT Port Malabar Holiday Park
Mobile Home Park Recreation District

JOB DESCRIPTION: District Manager

REPORTS TO: Board of Trustees

The District Manager shall act as the information liaison for the District.

Under the direction of the Board of Trustees, the Manager shall represent the Board of Trustees and the District in accordance with all Florida Statutes, local ordinances and directives from the Board of Trustees during contacts with owners, residents, their guests, and other private and governmental entities to consistently and effectively implement the District's policies, regulations, and any additional assignments, in a professional manner. The Manager is responsible for the achievement of tangible results in any directive given. Directives given involve certain degrees of urgency to produce acceptable and appropriate results. Directives may require firm dealings with various people (ie: residents, contractors, inspectors, city officials), planning, budget decisions, problem solving and strong organizational skills to achieve expected results. Appropriate delegation of responsibilities will be expected as this position requires the ability to handle multiple projects concurrently.

ESSENTIAL RESPONSIBILITIES, ACTIVITIES and FUNCTIONS of the DISTRICT MANAGER:

Personal Attributes:

1. Manage, supervise, and coordinate all activities of the District in an effective, efficient, and professional manner;
2. Requires professional knowledge and the ability to conceive, analyze, evaluate, and exercise good judgment and willing and able to effectively implement, efficiently carryout and continually support programs desired by the Board of Trustees;
3. Must have good management intrapersonal skills, financial administration and the design of financial accounting/reporting systems, working knowledge of the public works system, understanding of fund investments, public relations, and the general accounting and computer software generally utilized by Florida local government;
4. A strong working knowledge of roads, drainage, and sidewalk maintenance, use and repair of small equipment and running of heavy equipment as needed for regular upkeep of the community.
5. Must be able to accept constructive criticism, redirect changes in plans, priorities, policies and procedures as approved by the Board of Trustees
6. Communicate District business to the Board of Trustees a minimum of once per week via email or sooner if required.
7. Use of appropriate and professional "people skills" when interacting with residents, Trustees, employees and all outside companies.
8. A strong understanding of budget preparation is essential.
9. Ability to work independently yet within the scope of direction of the Board of Trustees.

10. Thorough knowledge of Florida Statutes relating to Special Recreation Districts as outlined in the Florida Special District Handbook.

District Personnel:

1. Responsible for selecting qualified applicants, hiring, training, directing, evaluating and promoting. action Enforcing personnel disciplinary as required, up to and including termination of employees in accordance with the Employee Personnel Manual, Districts Rules and Regulations, ACC rules and regulations, and all applicable laws. Department head appointments must be approved by the Board of Trustees.
2. Maintain administrative organization of the District to ensure efficiency of operation.
3. Annually performs evaluations of supervisors, review evaluations for all other employees. Make recommendations to the Board of Trustees for any compensation adjustments that are warranted based on employee reviews. All performance evaluations must be completed by March.
4. Request approval from the Board of Trustees for any changes to the number of employees within a department.
5. Oversee proper coordination of responsibilities and duties between departments and between employees to minimize duplication of effort and to reduce operating costs.
6. Maintain confidentiality of all District information except information that is deemed public knowledge.
7. Institute and maintain fiduciary responsibilities, including all monies of the District to the District and to the Board of Trustees
8. Responsible for identifying and proposing to the Board of Trustees the implementation of methods and to increasing efficiency and quantity of service in all areas.
9. Coordinates departmental activities and sets attainable goals for each department

Policies and Procedure:

1. Will actively support and implement all Policies, Rules and Regulations, Deed of Restrictions and By-Laws established by the Board of Trustees in connection with the operation of the District.
2. Suggest new Policies or Rules and Regulations of the District. Suggest modifications to existing Policies or Rules and Regulations.
3. Establish purchasing, accounting, and administrative procedures consistent with legal requirements and business practices.
4. Request and review a minimum of three (3) outside contractor bids and consultant proposals; present those proposals to the Board of Trustees; prepare recommendations for approval or disapproval when required.
5. Periodically review properties (both vacant and occupied) and make recommendations to the Board of Trustees for required improvements to said properties per the Deed of Restrictions.
6. Prepares federal and state grant requests and administers any grant program obtained.

Regulatory:

1. Is required to understand state and federal laws as they relate to the District and properties, activities, finance, reporting conduct and operations of local governmental units, particularly F. S. 418 Part 2, Mobile Home Park Recreation Districts and F. S. Chapter 286 (“Sunshine Law”), and insure timely compliance.
2. Immediately report any notices of investigations/violations to the Board of Trustees;
3. Submit regulatory reports required by the State and other agencies deadlines.

Meetings:

1. Assist the Chairman of the Board in preparation of meeting agendas and in selecting items and priorities for discussion.
2. Prepare or assign preparation of supporting documents for all agenda items.
3. Attend regular, special and sub-committee meetings of the Board of Trustees.
4. Participate in meetings, discussions, project site visits, workshops and hearings that may pertain to the administration of services being provided or planned, and report results to the Board of Trustees;
5. Responsible for posting all meetings and preparation of all required legal announcements and notices relating to District business, operations, and activities.
6. Assist in presentations (PowerPoint) and recommendations to the Board of Trustees regarding construction or acquisition of infrastructure, capital improvements, and capital items.

Finance:

1. Responsible for preparing income and expense projections and presenting budget recommendations to the Board of Trustees;
2. Assist Board of Trustee’s Treasurer in the management of District’s finances, bank and credit accounts, loans and investment vehicles within established District policies and applicable laws and fiduciary responsibilities; Responsible for the District Credit Card(s) in compliance with the District policy: District Credit Card(s) are to remain in the District office, locked in the Managers desk and only allowed to leave the office to purchase a specific/and or approved items(s) then returned to the locked desk, the signed/dated store receipt/invoice to be given to the treasurer. Manager is responsible for monitoring all credit card purchases from all employees and will sign off on any/all purchases made and proper receipts. Fiduciary responsibility applies in all purchasing instances.
3. Administer the District’s finances and budget(s) in accordance with Board’s direction and applicable regulations and oversee the timely submission of all reports required by other agencies;
4. Request approval for adjustments to the annual budget when required or appropriate;
5. Assist in presentations and recommendations to the Board regarding means and methods of financing construction or acquisition of infrastructure, capital improvements and capital items.
6. Control and administer the District’s finances and budget(s) in accordance with the Board’s direction and applicable regulations with the timely submission of all reports required by other agencies.
7. Research and apply for grants applicable to the District needs or requirements.

Payroll:

1. Responsible for accuracy of employee payroll, calculating hours, regular vacation, medical and overtime.
2. Prepare payroll for processing or train office personnel to perform these duties.

Purchasing and Payment:

1. Coordinate payment to suppliers, contractors and professional service providers;
2. Arrange for satisfactory delivery of requested materials and services.
3. Responsible for obtaining supplies and services at the lowest and best costs.
4. All purchases MUST have receipts or a copy of a paid order form from the vendor to be accepted and reimbursed to any employee.

Information Systems:

1. Maintain databases, update as needed; back up hard drives and store appropriate data. Maintain software and upgrade as needed.
2. Design forms as needed, maintain District website and TV Channel 732.
3. Establish procedures for maintaining resident files and files relating to ALL District business.
4. Maintain employee personnel files (notes to file complaints; acknowledgements; employee reviews; promotions etc.)
5. Train and cross-train all office personnel in duties performed in the District Office.

Required Hours:

1. Will work a minimum of forty (40) hours per week and may be required to work nights and/or weekends.
2. The District Manager is expected to perform at a high level professional service to ensure the District operates effectively and efficiently.
3. He or she must be available to contact 24/7 for emergencies and may be required to come into work to protect the interests and property of the District.

He or she will perform additional services, duties, and responsibilities as directed by the Board.

QUALIFICATIONS:**Education:**

1. Graduate from an accredited four year college or university program with 3+ years as a Chief Administrative Officer in a municipal government or equivalent combination of experience and training. High School degree or Technical Degree will be considered with 5+ years of direct hands on and field management experience, budget responsibilities, administration, and construction experience.
2. Hands on experience with small equipment repairs, mower repairs, electrical/plumbing knowledge and experience, or the knowledge of such equipment

through past experience managing a lawn maintenance crew. The ability to run heavy equipment or the knowledge to acquire heavy equipment as necessary.

3. Ability to follow and give clear verbal and written instructions, assignments and/or directions, understand and write/express thoughts and comments clearly in English.
4. Ability to prepare formal correspondence, governmental reports and technical studies using the appropriate format, punctuation, spelling and grammar of business English.
5. Must have the strong technical ability to mentor other employees to increase duties or skills to their knowledge base.

Physical:

1. May be required to sit for long periods of time;
2. May be required to walk or stand for periods of time of one hour or more;
3. Must be able to lift, carry, push, pull, or move objects weighing up to 20 pounds;
4. Must have effective use of hands and arms;
5. Must have a minimum of 20/50 in both eyes (corrective lenses acceptable);
6. Capable of hearing sufficiently to communicate with others (hearing aids acceptable).
7. Must be able to navigate a golf cart throughout the park for District Business.

Notice:

The District is a drug and alcohol free work place and is an Equal Opportunity Employer. As a condition of employment, employee acknowledges that the District reserves the right, subject to statutory requirements, to promote, demote, reassign, suspend, or terminate any employee without notice or status (At will employee, per Florida State employment regulations)

By signing below, employee acknowledges that he/she has been given a copy of this Job Description and the Employee Manual which denotes acceptance/agreement to each policy. Copy of signed document will be placed in the employee's file maintained in the District office.

Employee Signature

Date

Chairman, Board of Trustees

Date

Response from the District Attorney regarding LLC and Off Shore investments in Holiday Park for rental purposes, dated 1/16/17, relative to the comments by property owner/realtor Theresa Grimes at the Regular Trustee meeting on 1/9/17.

I have looked at the issue carefully and I am convinced that a flat out prohibition against an entity, rather than an individual, owning a unit in the park would probably be unenforceable. Remember you are a governmental body and would be subject to review of your acts under the US Constitution, primarily under the 14th Amendment and the applicable Equal Protection Clause.

The same would apply to any restriction which in effect prohibits an entity from owning a unit, such as an occupancy requirement. Now what can be done is an amendment which prohibits future rentals and you could grandfather current owners who rent. This would not be a transferrable "grandfathering" meaning if the property is transferred for any reason the rental prohibition goes away. You also should adopt a screening process, which in part establishes a review process to make sure that the current restriction on how many are owned is complied with.

Now as far as the amendment adopted, I think it does cover all situations and limits ownership of units to four, regardless of how it is titled.

The 2012-03 amendment that concerns us is as follows:

"3 (q). - Limitation on residential lot ownership.

The number of residential lots owned by any owner in Port Malabar Holiday Park, Unit One and Unit Two is hereby limited to 4. Nothing herein shall affect the ownership of any residential lots in excess of the lot ownership limitation herein which predates the effective date of the referendum approving this section (hereinafter referred to as 'Non-Conforming Ownership Lot'). Provided; however, that in the event an owner of a Non-Conforming Ownership Lot divests themselves of such lot they shall not own any new lot if such ownership would cause a violation of this section. The term "owner" shall mean an individual person, a business organization, and a related entity of such individual person or business organization. For purposes herein, the term 'individual person' means any person who owns a residential lot in their individual name, including a life estate or remainder interest, or in joint names with another, including but not limited to, joint tenants, joint tenants with right of survivorship, tenants in common, tenants by the entirety or similar designation. The term 'business organization' shall mean, including but not limited to, a corporation (either profit or not-for-profit), any form of partnership, a joint venture, or a limited liability company (LLC); a Trust, including a real estate trust, revocable trust, or irrevocable trust. The term 'related entity' shall mean a business organization, where the legal, equitable or beneficial ownership interest in such related entity is owned by an individual person or other business organization that owns a lot or lots in Port Malabar Holiday Park, Unit One and Unit Two."

So in the case of an entity, if an LLC owns 4 and one of the principals in the LLC creates a new LLC and they are a principal in the new LLC it is prohibited. I think that is the best that can be done. We need to adopt a screening process to keep an eye on these as best we can. Nothing will be perfect and nothing we can do, as a governmental entity, can prevent non-individual ownership, unless we flat out prohibit the future rental as described above.