

# **PORT MALABAR HOLIDAY PARK**

## **MOBILE HOME PARK RECREATION DISTRICT**

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### **BY-LAWS**

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#### **ARTICLE I**

##### **PURPOSE OF BY-LAWS**

The following By-Laws of the Port Malabar Holiday Park Mobile Home Park Recreation District (the "District") are intended to implement the authorities and powers granted to the District by Sections 418.33 through 418.309, Florida Statutes, and the Charter of the District enacted as Ordinance 83-52 of the City of Palm Bay, as amended.

#### **ARTICLE II**

##### **DISTRICT OFFICE**

The principle office of the District shall be located at 215 Holiday Park Boulevard NE, Palm Bay, Florida 32907. The District may have such other offices as the Board of Trustees may designate or as the business of the District may from time to time require.

#### **ARTICLE III**

##### **ANNUAL ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES**

The Board of Trustees of the District shall hold an annual organizational meeting on the first Tuesday after the first Monday in January of each year.

(A) Trustees elected at the preceding general election shall take their respective oath of office, which oaths shall be administered by a public officer or such other person as may be empowered to administer the oath under the laws of the State of Florida.

(B) The Trustees shall elect from among their members, officers designated as Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer. No Trustee shall hold any one of the said offices for more than two consecutive years unless his or her election, for the third or subsequent consecutive year, received the majority approval of the Board of Trustees.

## ARTICLE IV

### MEETINGS OF THE BOARD OF TRUSTEES

Meetings of the Board of Trustees shall be held and conducted as follows:

(A) Meetings of the Board of Trustees shall be held on the second and fourth Monday of each month at the hour of 7:00 PM unless otherwise rescheduled by the Board of Trustees or the Chairperson. A "Regular" meeting will be held on the second Monday of each month with the "Workshop" meeting held on the fourth Monday of each month. No Regular meeting shall be rescheduled by the Chair unless written notice of the date and time of such rescheduled meeting is given to each Trustee and is posted as public notice for two working days in advance at the office of the District and on the Park marquee.

(B) Special Meetings of the Board of Trustees may be called by the Chairperson or the written request of any five Trustees. Notice of the date and time of any Special Meeting shall be posted as a public notice for seven days in advance at the office of the District and Park marquee. The notice of any Special Meeting shall include the agenda for such Special Meeting, and no items of business may be considered by the Board of Trustees at such Special Meeting other than those set forth in the published agenda.

(C) Five Trustees shall constitute a quorum of the Board of Trustees for the transaction of business at any Regular, Workshop or Special Meeting. Except as otherwise provided in these By-Laws, the Charter of the District or Chapter 418, Florida Statutes, the favorable vote of a majority of the members of the Board present at any Regular, Workshop or Special Meeting shall be necessary for any action to be adopted by the Board.

(D) The Chairperson or other presiding officer of the Board of Trustees shall conduct all meetings of the Board in accordance with these By-Laws. Members of the public will be invited to speak on all motions made and seconded during public meetings prior to any motion being voted on by the Board, except motions to table, adjourn, and other non-debatable motions. After being recognized by the Chairperson, a speaker must come to the microphone and give his or her name and address for the record and may speak for up to three (3) minutes on the item under consideration. Any person who disrupts the proceedings at any meeting may be declared out of order by the presiding officer and, if the disruption does not cease, may be asked to leave the meeting premises.

(E) The general form for the agenda at each meeting of the Board of Trustees shall be as follows:

**(1) " Regular" Monthly Meetings**

Meeting called to order  
Invocation  
Pledge of Allegiance  
Roll Call  
Announcements by Chairperson  
Approval of minutes of previous meeting(s)  
District Manager's Report  
Old Business  
New Business  
Public Comment  
Trustee remarks or announcements  
Adjournment

**(2) "Workshop" Monthly Meeting**

Meeting called to order  
Invocation  
Pledge of Allegiance  
Roll Call  
Announcements by Chairperson  
Approval of minutes of previous meeting(s)  
District's Attorney's Report  
Treasurer's Report  
Workshop Items  
Public Comment  
Trustee remarks or announcements  
Adjournment

**(3) Special Meetings**

Meeting called to order  
Invocation  
Pledge of Allegiance  
Roll Call  
Announcements by Chairperson  
Business (limited to subjects advertised)  
Public Comment  
Trustee remarks or announcements  
Adjournment

## **ARTICLE V**

### **CAUSE FOR REMOVAL OF TRUSTEES**

As provided by Chapter 418, Florida Statutes, a Trustee may be removed by the Board of Trustees for misfeasance or malfeasance while in office. The removal of a Trustee shall be accomplished only after the Chairperson or other presiding officer of the Board gives written notice to the Trustee whose removal is proposed. Written notice shall set forth the specific reasons for the proposed removal as well as the date and time of the meeting at which the Board of Trustees will consider such removal.

Removal of a Trustee shall be accomplished by a vote of a majority of the Trustees present at such meeting, exclusive of the Trustee whose removal is proposed. All Trustees shall be required to attend Regular Meetings of the Board and a Trustee who fails to attend three (3) consecutive Regular Meetings of the Board shall be deemed to have committed misfeasance in office unless he or she is able to show good cause to the Board why he or she should not be removed from office. In determining whether any Trustee has shown good cause for such absences, the Board may consider mitigating circumstances presented by the Trustee whose removal is proposed. Vacations or seasonal residency in locations outside the District shall never be deemed to be good cause for absences at Regular Meetings.

## **ARTICLE VI**

### **FILLING OF VACANCIES ON THE BOARD OF TRUSTEES**

If the office of any member of the Board of Trustees becomes vacant prior to the expiration of such member's term of office, the Board of Trustees shall fill the vacancy, by majority vote of the remaining Trustees, by appointment of a successor from among the electors of the District. Such appointed member shall hold office for the remainder of the term of the vacant office. In the event that any election shall fail to fill a seat of a Trustee, the Board of Trustees shall fill the seat by appointment of a successor by a majority vote of the remaining Trustees from among the electors of the District. Such appointed member shall hold office for the remainder of the term of the office.

## **ARTICLE VII**

### **OFFICERS**

The officers of the District shall be a Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer.

The officers shall be elected by the Board of Trustees at the annual organizational meeting of the Board as provided in Article III of the By-Laws, and shall hold office for a period of one year or until their respective successors have been elected and qualified for office.

Any officer may be removed by the Board of Trustees at its discretion whenever the Board deems that the best interest of the District will be served by such removal. A vacancy in any office shall be filled by the Board of Trustees for the portion of the term of such office as provided in Article VI of these By-Laws.

The officers shall have the following duties:

Chairperson: The Chairperson shall be the principle executive officer of the District and subject to the control of the Board of Trustees, shall generally supervise and control all of the business and affairs of the District. He or she shall, when present, preside at all meetings of the Board of Trustees and shall vote on all matters submitted to a vote of the Board of Trustees. He or she may sign, with the Secretary or any other proper officer of the District authorized by the Board of Trustees, all instruments which the Board of Trustees has authorized to be executed. The Chairperson shall recommend to the Board of Trustees the appointment of members to serve on committees which the Board of Trustees may create.

Vice-Chairperson: The First Vice-Chairperson shall, in the absence of the Chairperson, assume all duties of the Chairperson. The Second Vice-Chairperson, shall in the absence of both the Chairperson and the First Vice-Chairperson, assume all duties of the Chairperson. When serving as Chairperson, the First Vice-Chairperson or the Second Vice-Chairperson shall also be subject to all of the restrictions upon the Chairperson and such other restrictions as may from time to time be imposed by the Board of Trustees.

Secretary and Assistant Secretary: The Secretary shall present the minutes of all proceedings of the Board of Trustees, correct minutes as ordered by the Board, cause notices of meetings and meeting agenda to be posted as required and shall notify each member of the Board of Trustees of all Special or Rescheduled Meetings. The Secretary shall also be the custodian of the public records of the District, shall sign with the Chairperson any official instruments of the District and shall perform all duties as from time to time may be assigned by the Board of Trustees. In the absence of the Secretary, the Assistant Secretary shall assume all duties of the Secretary.

Treasurer and Assistant Treasurer: The Treasurer shall have charge and custody of and be responsible for all funds of the District and shall ascertain that accurate accounts are maintained of all receipts and disbursements from those funds.

The Treasurer shall:

- (1) review the proposed annual budget as presented by the District Manager;
- (2) annually establish a predetermined schedule for review and consideration of the budget;
- (3) ensure the proposed budget is presented to the Board of Trustees in April;
- (4) ensure that the two budget hearings required by law are held;
- (5) ensure that District Manager presents the proposed budget to the Board of Trustees for vote and approval in May;
- (6) ensure that the annual budget is mailed to Holiday Park property owners in June of each year;

- (7) oversee all fiscal procedures performed by the District staff, including review of monthly financial statements;
- (8) review proposals for qualified accounting firms to serve as District Auditor and review the recommendation of the District Manager as to the appointment of the District Auditor;
- (9) review and make recommendations to the Board of Trustees concerning all proposals for the purchase of insurance by the District. In the absence of the Treasurer, the Assistant Treasurer shall assume and perform all duties of the Treasurer.

Order of Succession for Presiding Officer: The order of succession for presiding officer of the Board of Trustees shall be as follows:

Chairperson

-First Vice-Chairperson

--Second Vice-Chairperson

---Secretary

----Assistant Secretary

-----Treasurer

-----Assistant Treasurer

-----Trustees who are not otherwise officers in respective order of their seniority.

## **ARTICLE VIII**

### **APPOINTING COMMITTEES**

All Trustees shall have the authority to recommend to the Board the appointment of such committees as may be necessary to assist in carrying out its duties. The appointment of any such committees requires the approval of the Board of Trustees. Only one Trustee may sit on any committee.

## **ARTICLE IX**

### **SAFETY MEETINGS**

Safety meetings shall be held as recommended by the Board of Trustees or the District Manager.

## **ARTICLE X**

### **DISTRICT MANAGER**

The Board of Directors shall employ the services of a District Manager who shall have responsibility for management and control of the day-to-day activities of the District in accordance with such position. The District Manager's job description shall be adopted by the Board of Trustees and may be reviewed and/or revised as necessary.

## **ARTICLE XI**

### **AMENDMENTS**

Amendments to these By-Laws may be introduced in writing by any Trustee. The District Secretary shall post notice of meeting for proposed By-Law changes at the office of the District and the Park Marquee at least seven (7) days prior to any Board of Trustee Meeting at which such amendments will be considered.

No amendment of these By-Laws shall become effective unless the same is approved by a vote of majority of the members of the Board of Trustees. \*

\*The By-Laws were adopted 3/1/2006, and were amended effective 11/13/2007, 4/13/2009, 1/11/2010, 9/13/2010, 9/24/2012, 1/8/2013, 12/9/2013, 3/13/2016, 10/17/2016, 04/9/2018, 3/3/20, and 6/14/2021.