

**BY-LAWS
BOARD OF TRUSTEES
BAYSHORE GARDENS PARK & RECREATION DISTRICT**

**ARTICLE I
OFFICES**

The office of the District shall be located at 6919 26th Street West, Bradenton, Florida 34207.

ARTICLE II

MEMBERS

Section 1. The Board of Trustees shall be composed of nine duly elected or appointed members in accordance with Legislative Act H.B. 997 of the 2002 Legislature (Chapter 2002-365).

Section 2. Membership eligibility. Only Bayshore Gardens property owners residing in the Bayshore Park & Recreation District shall be eligible to serve on the Board of Trustees. Trustees shall also be registered voters in good standing.

Section 3. Termination of membership. Any trustee moving from the "district" shall resign forthwith. Any trustee, who misses three (3) consecutive meetings or commits malfeasance or misfeasance, shall be removed from the Board of Trustees.

(malfeasance: misconduct or wrongdoing committed esp.by a public official)

(misfeasance: the wrongful and injurious exercise of lawful authority)

ARTICLE III

MEETINGS OF THE BOARD OF TRUSTEES

Section 1. Place of Meeting All meetings shall be held at the offices of the District located as stipulated in Article I of the By-laws or at any other such place as the Board of Trustees may designate.

Section 2. Regular Meetings. Regular meetings of the Board of Trustees shall be held monthly. The date and time of the next meeting shall be set before adjournment of each meeting.

Section 3. Special Meetings. The Board of Trustees shall advertise the day, time, place and purpose of any special meeting other than a regular meeting of the governing body, at least seven days prior to such a meeting, in a newspaper of general paid circulation in the county in which the Special District is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary,

with reasonable notice, so long as it is subsequently ratified by the Board. No approval of the annual budget shall be granted at an emergency meeting. The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. The Board Chairman and/or three (3) trustees may call for a special meeting through the manager on the same subject. The manager will inform the Board Chairman that 3 trustees have requested in writing a special meeting at which time the Board Chairman must call for a special meeting after posting proper notice. Once the date is set, the manager will notify all board trustees of the meeting including date, time, and place.

Section 4. Committee Meetings. Committee chairpersons will be a Board trustee appointed by Chairman of the Board. A committee shall consist of a minimum of the Committee Chairperson, a voting board trustee and a voting non-board member from the qualified electors of the district. Committee chairpersons shall have notice of committee meetings publicly posted at least five (5) days prior to such meetings and are responsible for turning into the office all copies of the minutes of committee meetings.

Section 5. Quorum. At any regular or special meeting duly called, five (5) Trustees shall constitute a quorum for the transaction of business at such meetings.

Section 6. Voting. Chairman of Board will vote only in the event of a tie.

ARTICLE IV

OFFICERS

Section 1. The officers of the Board shall be Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary, and Treasurer. These officers shall perform the duties prescribe in Legislative Act H.B. 997 of the 2002 Legislature (Chapter 2002-365) and in accordance with Article X of the By-laws. The Chairman of the Board of Trustees will supervise and direct actions of the manager in the performance of his/her duties consistent with board policy and procedure.

Section 2. Vacancies. After establishing a quorum, officers shall be nominated by the Board Members to fill vacancies as they occur. Upon having been nominated and seconded, a majority vote by the Board members in attendance shall be sufficient to elect the nominee. Refer to Article III.

ARTICLE V

ELECTION OF TRUSTEES

Section 1. Nominating Committee. The Chairperson, with approval of the Trustees, shall appoint a nominating committee consisting of three resident Homeowners who are registered voters in good standing. The Nominating Committee shall establish a list of at

least five (5) nominees for the Board of Trustees. Person not on the list of nominees may file their intent to run for the Board of Trustees with the Supervisor of Elections.

Section 2. Filing Requirements. All candidates for the Board of Trustees shall qualify and pay filing fees in the manner provided by general law.

Section 3. Election of Trustees shall be held biennially of the first Tuesday after the first Monday of December of each odd numbered year.

Section 4. Voting Rights. Qualified electors in Bayshore Gardens Park and Recreation District are eligible to vote for Trustees.

ARTICLE VI

REPLACEMENT OF TRUSTEES

Upon notification of a vacancy on the Board, a notice will be placed in the Banner requesting all interested parties to attend the next meeting of the Board of Trustees. In accordance with section 2 #5 of Legislative Act H.B. 997 of Chapter 2002-365, when a vacancy occurs on the Board of Trustees from any cause, the vacancy shall be filled for the unexpired term by the remaining trustees by a the appointment of a successor trustee or trustees from the qualified electors of said district. A majority vote of the Trustee, in attendance at the meeting, shall elect. The newly elected Trustee shall begin serving as a Board Member following a verbal oath of office with a Notary Public of the State of Florida.

ARTICLE VII

ANNUAL BUDGET

Section 1. Annual Meeting. The annual budget meeting shall normally be held on the fourth Friday of April of each calendar year. At least twenty-one (21) days after the Financial Report, Proposed Budget and Notice of Public Meeting have been published. The meeting shall be held at the Recreation Center.

Section 2. Voting Rights. Approval or disapproval of the Annual Budget is by vote of qualified electors in the Park and Recreation district. Qualified electors are entitled to cast one vote only (regardless of how many parcels of land they may own in Bayshore Gardens). In case of joint ownership (regardless of ownership terminology), the vote may be cast by only one of the joint owners.

ARTICLE VIII

REFERENDUM ELECTIONS

Section 1. In accordance with section 2 #5 of Legislative Act H.B. 997 of Chapter 2002-365, any expenditure exceeding \$25,000 for real or tangible property in accordance with Section 2g shall require a referendum election.

Section 2. Voting Rights. Qualified electors of Bayshore Gardens may vote in the referendum elections for expenditures over \$25,000.

ARTICLE IX

DISBURSEMENT OF FUNDS

All checks, drafts, or orders for payment of money issued in the name of the District shall be signed by the Treasurer, and co-signed by the Chairperson, first Vice-Chairperson or Second Vice-Chairperson. In the absence of the Treasurer, the signatures of the Chairperson, First Vice-Chairperson or Second Vice-Chairperson shall suffice.

ARTICLE X

RULES OF ORDER

The rules contained in the current edition of Robert's Rules of Order, newly revised, under Chapter XVI Boards and Committees, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these By-laws and any special rules of order the Board may adopt.

ARTICLE XI

AMENDMENT OF BY-LAWS

Amendments to these By-laws may be made at any annual or special meeting by a majority vote of the qualified electors present. No amendment or revision shall contravene the requirements of Legislative Act H.B. 997 of the 2002 Legislature.

ARTICLE XII

STATE LAWS

Various State Laws apply in whole or part to the operation of this Park and Recreation district, notably Section 218.345 Florida Statutes and Part IV Chapter 218 consisting of Sections 218.501, 218.503, 218.511, 218.512, 218.513, and 218.521 concerning investments, also 125.31 of Florida Statutes of 1979, as well as any subsequent statutes affecting the Board's action shall apply. The interpretation of these and other statutes as they apply shall be left to the advice of our legal counsel.

ARTICLE XIII

USE OF DISTRICT FACILITIES

District facilities may be used by any resident of Bayshore Gardens Park and Recreation District. In the Legislative Act H.B. 997 passed in the 2002 Legislature, Section 3, the term "resident" shall mean property owner within Bayshore Gardens Park and Recreation District, or resident/tenant in a home within said District, the owner of which has transferred to said resident/tenant the privileges of use of the district facilities.

ARTICLE XIV

DEFINITIONS

According to F.S. 189.4051 and definition in the Florida Special District Handbook, a "qualified elector" means any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a freeholder or freeholders spouse and resident of the district who registers with the supervisor of elections of a county within which the district lands are located when the registration books are open.

Signed:

Alan Davis *
Chairperson of the Board

Date: May 19, 2009

* *These Bylaws were approved by all qualified electors of the District present at the annual budget meeting held on April 24th 2009. Meeting was properly advertised according to mandates set by F. S. 189.417.*