

Agenda
Bayshore Gardens Park & Recreation District
Board of Trustee Work Session
Wednesday; May 11, 2022 @ 7:00 P.M.

1. Roll Call
2. Call to Order
3. Pledge to Flag
4. Trustee Committee Reports:
 - Policy & Procedure (Melanie) - Marina Slip Contract - 1005C
 - Policy & Procedure (Melanie) - Review Policy & Procedure Book
 - Policy & Procedure (Melanie) - Additional Items Discussed (If Any)
 - Budget & Finance (Terry) - Annual Budget 2022-2023 Fiscal Year
 - Budget & Finance (Terry) - Additional Items Discussed (If Any)
 - Marina (Morris) - Dock Boxes
 - Marina (Morris) - Electrical
 - Marina (Morris) - Abandoned Canoes / Kayaks
 - Marina (Morris) - Parking Spaces (stoppers)
 - Marina (Morris) - Additional Items Discussed (If Any)
 - Recreation (Jeanne) - Summer Family Party Planning
 - Recreation (Jeanne) - Dolphins Team Bonding Event
 - Recreation (Jeanne) - Basketball Tournament Ideas
 - Recreation (Jeanne) - Volleyball Update
 - Recreation (Jeanne) - Additional Items Discussed (If Any)
5. Agenda Discussion – Barbara Greenberg – Response to 4/25/22 Memo
6. Additional Items as Needed

(Resident comments agenda item 3 minutes)
7. Adjournment

Pursuant to Section 286.26, Florida Statutes, and the Americans with Disabilities Act, any handicapped person desiring to attend this meeting should contact the District Manager at least 48 hours in advance of meeting to ensure that adequate accommodations are provided for access to the meeting.

Pursuant to Section 286.0105, Florida Statutes, should any person wish to appeal a decision of the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is based.

BAYSHORE GARDENS PARK AND RECREATION DISTRICT
AGENDA FORM FOR TRUSTEES

1002F

Completed form due in the office by 4:00 p.m. eight (8) days prior to meeting date.

This form can be utilized to bring a motion and/or discussion topic to the board.

Motion Defined: A motion is a request, or proposal, for the board to take action on an issue.

Agenda Item: Marina Vessel Slip Contract^{1005C} Meeting Date: 5-11-22

Type of Meeting: _____ Workshop Board Meeting _____

Motion: _____ Discussion: (check one)

Rationale for Request: Update Contract - Change
Some wording, streamline form

Estimated Costs to District (if applicable)

N/A

Attachments/Supporting documents: None: _____

Marina Contract 1005C

Board Trustee: Melanie C. Woodruff Date: 5-3-22

Print Name: Melanie A. Woodruff

Received by: [Signature] Date: 5-3-22

BAYSHORE GARDENS PARK AND RECREATION DISTRICT
MARINA VESSEL SLIP CONTRACT

1005 C

VESSEL SLIP #: _____ BOAT STICKER: Y__ N__ TOTAL CONTRACT FEE \$ _____
TRAILER SPACE #: _____ FOB #: _____ FOB #: _____ FOB #: _____
DECAL #: _____ DECAL #: _____ DECAL #: _____

The term of this lease shall be for the period commencing _____, _____ and ending on September 30, _____, with all payment due upon lease signing. Thereafter any renewals shall be for a period of 12 months commencing October 1st and ending September 30th. Resident shall have an annual lease, but may select a biannual payment.

Boat length _____ x Number of Months _____ x Rate _____ = \$ _____
Any portion of a foot calculated to next foot. (See rate schedule)

ADDITIONAL FOB(S): \$ _____
Sales Tax: \$ _____
Deposit \$250.00 Resident: \$ _____
Deposit \$500.00 Non- Residents: \$ _____

CONTRACT TOTAL: \$ _____

Lessee Name: _____ Email: _____

Lessee Name: _____ Email: _____

Lessee Name: _____ Email: _____

Local Street Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: () _____ Cell: () _____

Out of State Address: _____

Months at Out of State Address: _____ to _____

Boat Name: _____ Boat Description: _____

Make/Model: _____ Length: _____ ft. Mfg. Year: _____

Vessel Type: _____ Houseboat/Cruiser _____ Runabout _____ Pontoon _____ Sail

Registration State/No.: _____ Proof of Ownership Attached: Yes: _____ No: _____

Proof of \$100,000.00 Vessel Liability Insurance Attached: Yes: _____ No: _____

Each slip lessee is entitled to one Gate FOB, an additional FOB may be purchased for spouse and one for designees' use in an emergency. Lessee designates _____ to use Lessee's FOB to secure the vessel in Lessee's slip. Designee phone #: _____.

Bayshore Gardens Park and Recreation District hereafter known as the District, does hereby enter into a contract with the undersigned vessel owner, hereinafter called "Lessee" one space for each boat as described below and said space shall be assigned by Dockmaster at his/her discretion, subject to such rules and regulations as are a part of this agreement. It is understood by the Lessee that District residents have priority consideration over Owner Non-Resident and Owner Non-Resident will have priority for space to a Non-Resident. Should a District owner require a slip leased to a Non-Resident, the Non-resident will be required to leave their leased space at the end of their rental term. District will make every effort to relocate the Lessee. Vessels are subject to be relocated for Residents and Non-Residents to another slip at the discretion of the Dockmaster.

Vacating Slip Under Contract

Non-Resident slip holder including Owner Non-Resident will not receive a refund for surrendering their boat slip early, this is an annual contract. The security deposit will be refunded.

Resident slip holder contract may be prorated and a refund of the unused portion of the contract if the District Office receives notification in writing at least 30 days before expected removal. The proration would be based on the date of removal stated in the 30-day notice and the vessel is removed per the 30-day notice.

The Lessee agrees that he/she shall not sublet the Marina slip or to allow another vessel for any reason to occupy the Lessee's slip space.

Sale of Vessel must be submitted to the District office by the contract holder in writing within 10 days of the sale. The new owner must apply for slip space within 15 days of the purchase. The slip holder of record will be responsible for the slip until new contract is recorded in the District office.

Should a breach of this agreement occur, including a violation of rules/regulations or a failure to remit within 15 days of date of renewal date, a fine of \$100.00 shall be added to amount due. If the amount due is not received within 30 days of renewal date, the vessel will be removed at owner's expense and the lease shall be terminated. The account shall be forwarded to Districts' attorney for action pursuant to Section 328.17, Florida Statutes.

Slip fees shall be set by the Board of Trustees on an annual basis.

MARINA RULES AND REGULATIONS

Lessee agrees to comply with all laws of the State of Florida.

1. The vessel must be measured by the Dockmaster and assigned a slip. If it is found that the vessel does not fit properly in the assigned slip, the renter agrees to remove the vessel from the slip into another slip assigned by the Dockmaster (if another slip is available).
2. The vessel (bow or stern) may not stick out beyond the end of their slip. The vessel (bow or stern) must not come closer than 12 inches to the dock. Boats docked at seawalls, must face the seawall.
3. Stainless steel lag screws, 3/8" in diameter, 6.5" in length will be placed approximately 8 inches down on the piling by the District. Renter may affix swivel block pulleys to lag eye screw, and attach one end of pulley rope weight (concrete blocks are the only acceptable form of weight in District's marina) for boat mooring purposes. Renter will affix the pulley ropes and weight blocks at their own expense and maintenance.
4. Lessee are required (as a bare minimum) to utilize 6 dock lines: 2 fore, 2 aft and 2 Spring Lines - 1 front and 1 back. Dock lines must be maintained in good condition and must be replaced when they begin to show wear. Boats under 27' in length, must use at least 3/8" diameter dock lines. Boats 27'- 30' in length must use at least 1/2" dock lines. Dockmaster may require additional lines for safety. When departing, dock lines are to be placed on dock in a safe manner. No lines are to be left lying across walkways.

MARINA RULES AND REGULATIONS CONTINUED

5. Nothing can be constructed on the Pier without the written consent of the Board of Trustees.
6. Vessel must be maintained in operable condition.
7. Bayshore identification stickers will be issued and must be visible on the vessel.
8. While occupying or cruising in the marina area no garbage, refuse matter, sewage or waste material of any type may be thrown, discharged, deposited, or allowed to fall from any boat, car, or dock into the water or upon the docks, slips, spaces, or walkways. The slip area will be maintained neat and orderly at all times.
9. Vessels shall not be stored on trailer in Marina area at any time.
10. Lessee agrees that in case of emergency, the Lessee will move the vessel or cause it to be moved.
11. If an emergency occurs when a vessel is in distress, or is in danger of sinking, and/or causing harm to another vessel or the marina, an attempt to contact the owner will be made by the Dockmaster or District Office. If the Lessee cannot be reached or does not respond, the District may authorize measures to ensure the safety of Lessee's vessel and other vessels in the Marina. A minimum charge for the service will be \$100 for the first hour or any portion thereof: Additional charges may be incurred by Lessee. The District shall not be held responsible or liable for damages to the Lessee's boat.
12. Vessels must be operated in a safe manner at all times.
13. If you fuel in the Marina, you must use a proper gas can. Fuel with extreme caution and report all spills to the Dockmaster or District Office.
14. Air Conditioners may not be running unless someone is onboard the vessel.
15. Electrical supply must conform to current US Coast Guard regulations and/or applicable state and local electrical codes as may pertain to marinas. It is required that water be shut off when the boat is unoccupied. The power to the Marina will be shut off in the event of a storm.
16. No recreational swimming in the Marina.
17. No fishing allowed except in designated areas.
18. Only slip lessee and guests within ten feet of the docks.
19. No smoking or open fires within 50 feet of vessel fueling from approved containers.
20. Slip holder must notify District Office during normal business hours of any person(s) needing access without decal and gate key FOB.
21. No living on board any vessel.
22. No commercial use of any vessel in this marina.

The address of the lessee shown below shall be used for any required notice to a lessee/owner. It is the Lessee's responsibility to keep the contact information current.

Lessee shall present vessel registration at the time of Lease and upon renewal or as necessary to keep current registration on the vessel. Lessee must present proof of a minimum of \$100,000.00 vessel liability insurance at the time of the lease and maintain and provide a Certification of said insurance for the term of the lease and thereafter at each renewal.

PERSONAL INJURY & PROPERTY LOSS

The slip space is to be used at the sole risk of Lessee. Lessee including agents, heirs and assigns, hereby agrees to hold District harmless for any and all liability or damages for personal injury to himself or herself, family, employees, invitees, guests, and agents, arising out of, or in connection with the condition or use of the Lessee's boat, motor and accessories, or the use of the marina premises or facilities. The Lessee, for himself or herself, heirs or assigns, hereby releases, and agrees to indemnify and hold harmless the District from any and all liability for, or loss or damage to the above-described property or the contents thereof, due to fire, theft, collision, windstorm, accident, or like causes. District is not considered under this agreement as an insurer of the Lessee's property. The Lessee shall indemnify and hold harmless the District for any and all loss, injury, death, or damage caused by the leasing of the slip or use of the marina by Lessee or Lessee's guests. Lessee shall be responsible for such indemnity shall include District costs and expenses (including attorneys' fees). No warranty is made as to the condition of the District docks, walks or gangways, ramps, or other District equipment or facilities.

GOVERNING LAW: This lease is governed by the laws of the State of Florida and in the event of any dispute under this lease; venue shall be in the courts in and for Manatee County, Florida.

The Lessee of the boat described above hereby authorizes the District to proceed under Section 328.17, Florida Statutes, after termination or non-renewal of the lease.

All owners and parties on registration must sign this Agreement.

Lessee Signature: _____ Date: _____

Print Name: _____

Lessee Signature: _____ Date: _____

Print Name: _____

Lessee Signature: _____ Date: _____

Print Name: _____

Received By: _____ Date: _____

Date Approved: 8/21/18 *Sharon Denson*

Date Revised: 11/20/18 Revised: 6/18/19 Revised: 8/25/21 Revised: 5/25/22

Date Effective: 8/21/18 Retroactive To: 10/1/18

BAYSHORE GARDENS PARK AND RECREATION DISTRICT
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Agenda Item: Responses to 4/25/22 Memo Meeting Date: May 11, 2022

Type of Meeting: _____ Workshop X Board Meeting _____

Motion: _____ Discussion: X (check one)

Rationale for Request: There are too many unknowns surrounding the Pod RFP. My memo of April 25, 2022 to Gia Cruz and Trustees requested answers to important questions about the RFP. These questions must be answered since there are so many irregularities and violations of state statutes and the District Charter. Responses to my 4/25/2022 memo need to be presented at the workshop

Estimated Costs to District (if applicable)

Attachments/Supporting documents: None: _____

Memo of 25 April 2022 to Gia Cruz and Board of Trustees

Board Trustee: Barbara Greenberg (sent 04) Date: May 3, 2022

Print Name: Barbara Greenberg

Received by: [Signature] Date: 5/3/22

To: Gia Cruz, Interim Office Manager, Bayshore Gardens Park and Recreation District
Board of Trustees, Bayshore Gardens Park and Recreation District: Seat 04-Morris Raymer, Chairman; Seat 05-Danial Rawlinson, First Vice Chair; Seat 06-Melanie Woodruff, Second Vice Chair; Seat 07-Terry Zimmerly, Treasurer; Seat 03-Belle Baxter, Secretary; Seat 02-Jeanne Murphy; Seat 08-Barbara Susdorf; Seat 01-vacant; and Chairperson of House and Grounds Committee- vacant

From: Trustee Barbara Greenberg, Seat 09

Date: April 25, 2022

Re: Irregularities and Questionable and/or Illegal Practices Concerning the Development and Publication of the Request for Proposals [RFP] for the District Swimming Pool, Solicitation and Opening of Bids, Development of the Contract, and Failure to Adhere to Charter Requirements and numerous Florida State Statutes

I have innumerable concerns and questions about the above referenced areas related to the District swimming pool.

The following questions/requests are directed to Gia Cruz to answer:

1. Please provide a list of the names, addresses, and telephone numbers of every pool company you and former Trustee Kyle Weatherly called and the names and titles of all individuals you spoke with at each company. Please also provide the list of questions asked and responses received from each company.
2. Please provide a list of the names, addresses, and telephone numbers of other Florida Special Districts, Community Development Districts, and parks, municipalities, and not-for-profits with junior Olympic or Olympic-size swimming pools you and former Trustee Kyle Weatherly called, the names of the individuals you spoke with, the names of the pool companies each used, and any recommendations made concerning the District's pool project.
3. The following was published in the Sunday, January 30, 2022 Bradenton Herald newspaper in Legals under the heading **REQUEST FOR PROPOSAL**. The request states that "Bayshore Gardens Park & Recreation District requests sealed bids for the replumbing and pump repair of our Jr. Olympic sized pool. Scope of work will include plumbing, electrical, tile replacement, and more. Bids are due no later than 3:00 pm on Monday, February 7, 2022. For more information on the scope of work, Please contact the District Office at 941-755-1912 or by email at office@bayshoregardens.org" (IPL0058346 Jan 30 2022)
 - On what specific dates did this notice appear in the Bradenton Herald?
 - In what other newspapers and on what dates was the notice published?
 - In what on-line publications did the notice appear and on what dates?

- Provide a list of the pool companies contacting the District for more information on the project.
4. Who instructed you to submit the so-called RFP notice to the Bradenton Herald and, if applicable, other newspapers and on-line publications, and who directed you to post the **SPECIAL MEETING NOTICE** that appeared in the Sunday, January 30, 2022 Bradenton Herald that sealed bids would be open at 6:00 PM February 7, 2022? (IPL0058347 Jan 30 2022)

Please provide a copy of the documents or emails authorizing you to submit to the Bradenton Herald and, where applicable, other newspapers and on-line publications, the so-called RFP and notice of the February 7, 2022 Bid Opening meeting.

5. Please send me a copy of the RFP approved by the Board of Trustees, as well as copies from the Book of Motions and applicable Board of Trustee meeting minutes and emails from any Trustee(s) documenting approval of the RFP prior to its submission and January 30, 2022 publication.
6. Who developed the RFP? Please provide the names of all individuals who worked on the RFP and a synopsis of their respective experience in developing Requests for Proposals and Requests for Bids for State and other governmental entities.
7. What references and resources were used to develop the RFP?
8. Please explain how the so-called pool RFP advertised in the **January 30, 2022** Bradenton Herald is **word for word identical** to the **January 26, 2022** pool pricing document for \$313,986.14 submitted by Xecutive Pools that predated THE posting notice for the pool RFP?
9. The file folder of information you placed at each Trustee's table prior to the official start of the 6:00 PM Special Meeting of February 7, 2022 **at which time all sealed bids were to be publicly opened** contained a copy of an already opened **sealed** bid. Please provide a copy of the date stamped envelope that this bid came in.

Please provide in writing by post or email an explanation of how you were able to provide a copy of a "Sealed Bid" to Trustees in their meeting folders in advance of the February 7 Special Meeting at which time all sealed bids were to be publicly opened. Please provide the name(s) of the Trustee(s) who opened the bid prior to the "advertised" public bid opening and instructed you to make copies of the alleged seal bid for all Trustees.

10. Approved minutes of the February 23, 2022 Trustee meeting included approval of the pool RFP with modifications nearly 30 days after the RFP had already been published and Chairman Raymer "opening" the sole bid for \$310,201.41 to repair the pool from Xecutive Pools.

This was the second bid from the same pool company that was submitted after the February 7, 2022 bid submission closing date.

- Please provide a copy of the date stamped envelope for the bid "opened" on February 23, 2022.
- Please provide a copy from the Motion Book or official Board of Trustee Meeting minutes documenting that Trustees voted to republish the RFP and the "new" date and time that bids were due and when the bids would be opened.
- In what newspapers and on what dates was it publicly noticed that the District was accepting additional bids for its swimming pool?
- Please explain why there was no item on the February 23, 2022 published agenda indicating that new sealed bids for the swimming pool would be opened?

11. Attachments to the March 23, 2022 agenda contained a contract written by Executive Pools for \$311,433.91 and one written by the District's Attorney Scott E. Rudacille, Esq. of Blalock Walters, also for \$311,433.91. Exhibit "A" included with Mr. Rudacille's contract is the price quote from the pool company and cites "Approved by Bayshore Garden Park and Recreation on Mar 4, 2022".

Please provide the minutes of the March 4 meeting approving the bid and the name(s) of Trustee(s) who approved the bid as there was no meeting noticed on the calendar or held for that date and no meeting minutes distributed.

12. Please provide the names/companies of all references contacted for Executive Pools, questions asked, responses received, and the name(s) of the individual(s) conducting the reference checks.

The following MUST be address by Board of Trustees in a Properly Noticed Meeting or Meetings:

- It is known that the attorney for the District, Scott E. Rudacille, Esq. of Blalock Walters, advised Trustees to re-post the RFP and provided a sample of a Request for Bids for the District to follow to prepare its own request for bids for the pool.
 - Why was this advice ignored?
 - Who made the decision not to rewrite and reissue a Request for Bids?
 - When did the Trustees vote on this as no vote was reported in any meeting minute?
- It is known that the attorney for the District advised Trustees to adhere to State Statutes and/or its own policies for the time frame in which to submit bids.
 - Why was this advice ignored?
 - Who made the decision not to extend the time in which to accept bids?
 - When did the Trustees vote not to extend the time frame as no vote was reported in any meeting minute?

- Only after the advice of the attorney was ignored and State of Florida Statutes on providing 21 days for the submission of responses to Requests for Proposals/Requests for Bids and our own District policy of providing 30 days did Trustees vote on February 23, 2022 to designate the repair an emergency.

More than 2 months have elapsed since all but one Trustee voted the repair of the pool to be an emergency. There is still no Trustee-approved contract in place.

The designation of emergency needs to be revisited, since many of the items identified as needing immediate repair are cosmetic in nature.

- Please explain how three (3) bids for three (3) different amounts were received on three (3) different dates from Executive Pools.
- There appear to be a plethora of violations of State of Florida Statutes and Charter requirements. The purpose of an RFP and bid process is to assure that taxpayers get the product or service promised at a fair price and that tax dollars are not steered to a friend/relative of some Trustee or employee. These statutes are intended to protect tax dollars collected from the 1,404 homes within Bayshore Gardens Park and Recreation Special District and the integrity of the competitive bid process.
 - Of major concern is that the RFP was specifically written word for word from the bid received from Executive Pools several days prior to the RFP being published in the Bradenton Herald.
 - This unquestionably gives the appearance that the contract was granted to the company before there was even an RFP.
 - The publication of the RFP in only one newspaper of limited circulation on a Sunday and allowing for only 5½ business days in which to prepare and submit a bid gives the impression that there was no interest in receiving bids from any other pool company.
- Florida State Legislature "recognizes that fair and open competition is a basic tenet of public procurement; that such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically; and that documentation of the acts taken... are important means of curbing any improprieties and establishing public confidence in the process by which commodities and contractual services are procured. "

The District has failed miserably in conducting fair and open competitive procurements; reducing the appearance and opportunity for favoritism; inspiring public confidence that contracts are awarded equitably and economically; and maintaining documentation of actions taken to curb improprieties and establish public confidence in the process used to procure commodities and contractual services.

cc: Scott E. Rudacille, Esq. Blalock Walters

Copies to be available to homeowners and renters attending April 27, 2022 Board of Trustee Meeting.