

CALENDAR YEAR 2023 HERONS GLEN RECREATION DISTRICT RESOLUTIONS

Res. No.	TITLE/DEFINITION	Date Approved
2023-01	A RESOLUTION CALLING AND FIXING AN ELECTION FOR ONE (1) MEMBER OF THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT ON MARCH 21, 2023; DESIGNATING HOURS AND PLACE OF VOTING; PROVIDING FOR QUALIFICATIONS; AND OTHERWISE PROVIDING FOR THE HOLDING OF SAID ELECTION.	1/23/23
2023-02	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2020 BOND FUNDS FOR RESTAURANT PROJECT, SPECIFICALLY FURNITURE AND EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	2/20/23
2023-03	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 DEFERRED MAINTENANCE BUDGET FOR LAKE BANK MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	2/20/23
2023-04	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING THE DISTRICTS' POLICIES AND PROCEDURES REGARDING ELECTION PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	3/6/23
2023-05	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 GOLF COURSE IMPROVEMENT BUDGET FOR TREES AND LANDSCAPING HURRICANE REPLACEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	3/20/23
2023-06	A RESOLUTION ACCEPTING THE VOTE TABULATION OF THE DISTRICT'S ELECTION HELD ON MARCH 21, 2023 FOR ONE MEMBER OF THE BOARD OF SUPERVISORS OF HERONS GLEN RECREATION DISTRICT; AND DECLARATION OF CANDIDATES ELECTED.	3/23/23
2023-07	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 LONG TERM CAPITAL BUDGET FOR GENERATORS, PAD, AIR CONDITIONING AND FUEL STORAGE FOR DISTRICT BUILDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	4/3/23
2023-08	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 CAPITAL ACCOUNT FOR REFRIGERATED SANDWICH-SALAD UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	5/15/23
2023-09	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2021/2022 CAPITAL ACCOUNT FOR FITNESS CENTER EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	4/23/23
2023-10	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING AND RESTATING THE DISTRICT'S POLICIES AND PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	4/24/23

HGRD Resolutions Log

2023-11	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURE FROM 2023 AND FUTURE OPERATING ACCOUNT, FUNDS FOR IRRIGATION MAINTENANCE AND RELATED SERVICES BY MAINSCAPE, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	6/16/23
2023-12	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING A PRELIMINARY BUDGET RELATING TO SPECIAL ASSESSMENTS TO BE LEVIED IN THE DISTRICT TO OPERATE AND MAINTAIN THE RECREATIONAL FACILITIES; STATING THE INTENTION TO USE CHAPTER 170 OR CHAPTER 197, FLORIDA STATUTES AS METHODS OF COLLECTING SUCH ASSESSMENTS; CALLING FOR A PUBLIC HEARING TO BE HELD AT WHICH THE DISTRICT SHALL CONSIDER THE ADOPTION OF A NON AD VALOREM ASSESSMENT ROLL IN CONNECTION WITH SUCH ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	6/16/23
2023-13	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT SETTING FORTH THE DISTRICT'S INTENTIONS RE HERONS GLEN TENNIS ASSOCIATION ANNUAL FEE; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	6/16/23
2023-14	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 CAPITAL ACCOUNT FOR EVENTS MANAGEMENT NORTHSTAR MODULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	7/19/23
2023-15	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING AND RATIFYING PRIOR BOARD ACTION APPROVING AMENDED CHARTER FOR RESIDENT EVENTS COMMITTEE AND AMENDING THE DISTRICT'S POLICIES AND PROCEDURES TO ADD SUCH AMENDED CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	7/19/23
2023-16	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT ESTABLISHING THE AMOUNT OF THE NEW OWNER CAPITAL ASSESSMENT BY THE DISTRICT; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	7/19/23
2023-17	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM OPERATING FUNDS FOR BOND COUNSEL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	8/30/23
2023-18	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING A FINAL BUDGET FOR THE 2023-2024 FISCAL YEAR; PROVIDING FINDINGS; PROVIDING CONFIRMATION OF ANNUAL BUDGET; PROVIDING FOR ANNUAL ASSESSMENTS AND QUARTERLY INSTALLMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	8/30/23
2023-19	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT FINDING SPECIAL BENEFITS; APPROVING METHODOLOGY FOR ASSESSMENT AND COLLECTION AND FINAL 2023-2024 ASSESSMENT ROLL; PROVIDING FOR PAYMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	8/30/23
2023-20	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM BOND FUNDS FOR CLUBHOUSE ROOF PROJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	9/11/23

HGRD Resolutions Log

2023-21	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING AND RESTATING THE DISTRICT'S RULES AND REGULATIONS; AMENDING AND RESTATING ITS POLICIES AND PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	9/11/23
2023-22	A RESOLUTION CALLING AND FIXING THE DATES OF REGULARLY SCHEDULED MEETINGS OF THE BOARD OF SUPERVISORS OF HERONS GLEN RECREATION DISTRICT FOR THE CALENDAR YEAR 2024; DESIGNATING THE TIME AND PLACE OF SAME; AND, DIRECTING PUBLICATION OF NOTICE OF SAME.	11/20/23
2023-23	A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 GOLF COURSE IMPROVEMENT BUDGET FOR HOLE 17 BULKHEAD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.	12/11/23

RESOLUTION 2023-01

A RESOLUTION CALLING AND FIXING AN ELECTION FOR ONE (1) MEMBER OF THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT ON MARCH 21, 2023; DESIGNATING HOURS AND PLACE OF VOTING; PROVIDING FOR QUALIFICATIONS; AND OTHERWISE PROVIDING FOR THE HOLDING OF SAID ELECTION.

Now, therefore, be it RESOLVED by the Board of Supervisors of the Herons Glen Recreation District that:

1. The Herons Glen Recreation District shall hold an election on **March 21, 2023** to elect one (1) member of the Board of Supervisors, for a term of three (3) years, such term to begin April 1, 2023. The one (1) candidate receiving the highest vote total shall be elected.

2. Qualification of candidates to run for the position shall be performed by Counsel for the District, Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, by the receipt of the following information in writing.

- (1) Name, as it is to appear on the ballots;
- (2) Residence Address;
- (3) A signed statement certifying that the candidate is 18 years old, a resident of Florida, is an owner of property within the District and resides within the District for at least ninety (90) days per year.
- (4) Signed and notarized candidate's oath as prescribed by Florida Statutes.

Exhibit "C" may be used for the above.

- (5) A Candidate's one-page info sheet for distribution to public This item is optional, but must be provided before the end of qualifying.

Qualifying shall commence on **January 30, 2023** and conclude at 5:00 p.m. on **February 10, 2023**.

3. The place and time of voting in said election is: The Herons Glen Country Club, Administration Office, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida, between the hours of 11:00 a.m. and 4:00 o'clock p.m. on March 21, 2023.

4. Legal Counsel for the District is authorized and directed to serve as elections qualifying officer, prepare and mail the ballots, publish Notice of said election in the form attached hereto as Exhibit "A."

5. Qualified voters are the property owners as shown by the records of the Lee County Property Appraiser, unless otherwise shown by proof acceptable to the Board, or its Election Committee.

6. Legal counsel for the District is further authorized to conduct said election with the assistance of an Election Committee to be named by the Board of Supervisors prior to the Election in accordance with the Election Procedures set forth in the attached Exhibit "B."

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this day 23rd day of January 2023.

[SEAL]

ATTEST:

M. A. Robinson
District Secretary

HERONS GLEN RECREATION DISTRICT

Howard Young
Howard Young, Chair

EXHIBIT “A”

NOTICE OF ELECTION AND CANDIDATE QUALIFYING

The Herons Glen Recreation District will hold the election of **one (1) member** of its Board of Supervisors on **March 21, 2023**, at the Herons Glen Country Club, Administration Office, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida between the hours of 11:00 a.m. and 4:00 p.m., **for a term of three (3) years commencing April 1, 2023**. The election is non-partisan.

The Board of Supervisors is comprised of five (5) residents of the Herons Glen Recreation District, elected at large by owners in the District. A candidate for the position of Supervisor must be 18 years old, a property owner in the Herons Glen Recreation District, a Florida resident and must reside in the District for at least 90 days each year. Members of the Board of Supervisors serve without compensation.

Candidate **qualifying papers** will be accepted beginning January 30, 2023 and **must be received by 5:00 p.m., February 10, 2023**.

Persons wishing to qualify as a candidate for the Board of Supervisors **must** provide:

- 1) Name, as it is to appear on the ballot;
- 2) Residence address;
- 3) Signed statement certifying that they are 18 years of age, an owner of property in the Herons Glen Recreation District, reside in the District for at least 90 days each year; and
- 4) Candidate's sworn oath as prescribed by Section 99.021, Florida Statutes

All above items must be delivered to Thomas B. Hart at Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, **prior to 5:00 p.m. on February 10, 2023**. The candidate's oath may be obtained from Mr. Hart.

Candidates may also include a one-page info sheet or resume for distribution to voters.

EXHIBIT “B”

ELECTION PROCEDURES FOR HERONS GLEN RECREATION DISTRICT ELECTION ON MARCH 21, 2023

The Election for one Supervisor will be held on March 21, 2023. The term of Supervisor Mary Ann Polvinen will expire on March 31, 2023.

Notice of the election will be published during both the 5th and 3rd weeks prior to the election in the legal section of the Cape Coral Breeze and also posted on the District's bulletin board. A Notice of Qualifying will be published prior to January 30, 2023. The notice will also advise that nominations for any open position of Supervisor must be provided to Thomas B. Hart at Knott Ebelini Hart in writing by the close of qualifying period at 5:00 p.m. on February 10, 2023.

After the close of nominations/qualifying for candidates, Thomas B. Hart will prepare a ballot listing alphabetically the names of all persons who have qualified. Ballot Instructions will say to vote for no more than one (1). The one candidate with the highest vote total will be elected for a term of three years beginning April 1, 2023.

One ballot will be mailed to each property owner within the Herons Glen Recreation District boundaries as determined from the records of the Lee County Property Appraiser. The voting instructions will tell each recipient that an election will be held in the clubhouse of the Herons Glen Country Club for the election of one member to the District Board of Supervisors between the hours of 11:00 a.m. and 4:00 P.M. on March 21, 2023, and that they may attend and vote in person, or may vote by the absentee method outlined in the instructions.

The instructions will direct each voter who wishes to vote absentee to insert his or her marked ballot into an envelope (enclosed with the initial mailing) labeled "BALLOT." The "BALLOT" envelope is then to be placed into a second envelope ("Mailing Envelope") addressed on the front to Herons Glen Recreation District, 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917, and mailed in time to be received prior to the close of the election. Instructions to each voter will state that only those ballots with the Voter Certificate signed by the voter and received by 4:00 p.m. on the day of the election will be counted.

The Mailing Envelope will contain on the back a line for the voter's signature swearing to the following certification:

Under penalty for false swearing, pursuant to Florida Statutes, I do solemnly swear or affirm: that I am a qualified voter in the Herons Glen

Recreation District because I own property in the District; that I will not vote more than one ballot in this election; that I understand that a failure to sign this certificate will invalidate my BALLOT.

Directions for Voting on the back of Mailing Envelope will also state:

“NO BALLOT WILL BE COUNTED UNLESS VOTERS CERTIFICATE IS PROPERLY SIGNED AND COMPLETED.”

The voter's signature will not be required to be notarized, but the instructions will also contain the following notice:

Pursuant to Section 104.011, Florida Statutes, a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, commits a felony of the Third Degree punishable as provided in Florida Statutes.

Those persons voting in person will be required to use the same procedure. These procedures require all voters to sign the certification, but are intended to insure that there will be no way to link a voter's signature to his or her ballot.

Ballot counting will be conducted by the Election Committee appointed by the Board in the presence of any members of the public wishing to observe. Any ballots received before 4:00 p.m. on Election Day will be brought to the Clubhouse to be opened and counted in public. The Mailing Envelopes will be separated and names checked for duplications; then put aside. Opening of Mailing Envelopes, but not Ballot Envelopes, by the Elections Committee may begin at 9:00 A.M. on the day of the election. The Committee will open the Mailing Envelopes, take out Ballot envelopes and mix the unopened ballot envelopes together. At 4:00 P.M. on the day of the election, the Committee will open and count the ballots.

The Election Committee may publicly report the result of the election immediately after counting all ballots. The official report of election results by the Committee will be presented to the Board of Supervisors and made a part of the Minutes at the next Board meeting and the winner(s) will then be announced. **The voted ballots and Mailing Envelopes will be made available for inspection by the public after the ballots have been counted and the election results reported to the Board, by appointment with the General Manager, but neither ballots nor Mailing Envelopes will be allowed to be handled by anyone other than the Election Committee.**

Counsel for the District will serve as qualifying officer for candidates. Nominations by any person for the position of Supervisor will be accepted at the Counsel's office, in writing, beginning on January 30, 2023 and until 5:00 p.m. on February 10, 2023. Counsel will inspect the statement of qualification of all nominees and inquire of all nominees, if unclear, whether they are qualified, i.e. are 18 years old, a resident of Florida, own property in the District, reside there at least 90 days out of the year, have signed a notarized candidate's oath (Exhibit "C), and whether they wish to have their name placed on the ballot.

Counsel for the District will include with the mailed ballots, if provided by or for the candidate by the end of the qualifying period, one 8 ½ in. by 11 inch page, but not more, of candidate biographical and/or qualifications information.

The records of the Lee County Property Appraiser will be the official records of eligible voters within the District unless an owner provides alternate proof of ownership, acceptable to the Elections Committee and District Board. Counsel for the District may order the Property Appraiser's list of owners in Herons Glen, i.e. eligible voters, at his discretion but not earlier than eight (8) weeks prior to the election.

Counsel for District may include a "Meet the Candidates" notice in the envelope containing the ballot, return envelopes and candidate biographical information, if sufficient information and time is available to Counsel before the projected mailing date of February 22, 2023.

Over the years, a number of questions have come up regarding what it means to be a property "owner" in Herons Glen and therefore be entitled to vote in elections. The following are the guidelines we have followed to date. The Board, however, is the final decision maker whenever there are disputes as to such matters.

1. If a property within the District is owned by a single individual, that individual is entitled to a vote in the election.
2. If a single parcel in the District is owned by 2 or more individuals, the law considers them each to be the owner of a partial interest in the property. For that reason each of them should be considered an owner and, therefore, each of them is entitled to a vote in the election.
3. If a single parcel in the District is owned by a single trustee, e.g. "John Doe, Trustee," the trustee, John Doe, is the legal owner of the property and would be entitled to a vote in the election. It is true, however, that the trustee holds title to the property for the benefit of another party. That other party is said to be a beneficial owner of the parcel. In other words, both the trustee and the beneficial owner could be considered owners of property in the District, however, their ownership interest

is not a partial interest but is exactly the same. Therefore, one or the other could vote in the election, but not both.

We have seen evidence in the county public records that certain parcels are owned by “John Doe and Mary Doe, Trustees.” In those cases, it is my opinion that both John Doe and Mary Doe should be permitted to vote because it appears likely that each of them owns, as trustee, an undivided beneficial interest in the property and thus each of them is an owner in the District.

However, in another case, which we have seen, the property is owned by John Doe, Trustee and Mary Doe, Co-Trustee, for the “Doe Family Trust.” Given that the Doe Family Trust might include dozens of beneficiaries, this situation will be handled by the same process that is used for corporations and other legal entities owning property in the District. In those cases, as described below, the Board will accept only one vote for the parcel. It is the trust, a single “person,” that owns the property and the Trust gets one vote, to be voted by one of the Trustees.

However, if the property owner can prove to the Elections Committee, the person(s) who in fact, own the property and so long as that owner, or those owners if more than one, are also Trustees and each signs the voter’s certificate under oath saying that they are the owners, then their votes will be accepted as valid.

4. In some cases, a parcel may be owned by a corporation or partnership. In those cases the Board will accept a vote by one individual with the legal right to represent the entity. In other words, the president or vice president of the corporation may vote on behalf of the corporation or an individual partner may vote on behalf of the partnership. In these cases, it is the entity which is the owner and only one vote may be cast on behalf of that entity.

5. In some cases, an individual or entity owns more than one parcel in the District. This is the issue raised in particular by Developers, because they own a number of individual lots in the District. The individual or corporation in these cases is one owner of property in the District and is, therefore, entitled to only one vote in the election.

That is also the case where one person owns two lots. The District charter states in Section IV:

Each property owner and resident in the District shall have the right to vote in the election.

It has been argued that this language was intended to give such owners one vote per parcel owned. That, however, is not what the document literally says.

Exhibit “C”

CANDIDATE OATH

STATE OF FLORIDA)
COUNTY OF LEE)

Before me, an officer authorized to administer oaths, personally appeared the undersigned, to me well known, who, being sworn, says:

- I am a candidate for the office of Supervisor of Herons Glen Recreation District;
- I am a qualified elector of (i.e. registered to vote in) _____ County, Florida;
- I am qualified under the Constitution and the laws of Florida to hold the office to which I am seeking to be elected;
- I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office I seek;
- I have resigned from any office from which I am required to resign pursuant to § 99.012, Florida Statutes;
- I will support the Constitution of the United States and the Constitution of the State of Florida.
- I am over the age of 18;
- I am an owner of property in the Herons Glen Recreation District;
- I reside in the District for at least 90 days each year;
- My name, as it is to appear on the ballot, is: _____

Signature of candidate

Residence address of candidate

City, State, Zip Code

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2023, at Lee County, Florida, appeared _____ who ☐ is known to me or who ☐ has produced _____, as identification.

Signature of Notary Public – State of Florida

Printed Name of Notary Public

My Commission Expires:

RESOLUTION NO. 2023-02

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2020 BOND FUNDS FOR RESTAURANT PROJECT, SPECIFICALLY FURNITURE AND EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District’s Bond funds for furniture, equipment and related items for restaurant/lounge improvements are necessary and proper and in the best interests of the District.

D. This action ratifies Board action approved unanimously by voice vote at the Board’s regularly scheduled February 6, 2023, meeting.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds in an amount not to exceed those described for the following items or services:

A. Expend from the Bond Acquisition and Construction fund a not to exceed amount of \$60,000.00 for lightly used furniture, equipment and related items from the Copperleaf Golf Club Community Association, Inc., for the District’s Restaurant Project.

B. Expend from the Bond Acquisition and Construction fund a not to exceed amount of \$10,000.00 for the transport and delivery to the District of furniture, equipment and related items from Copperleaf Golf Club.

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 20th day of February 2023.

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

ATTEST:


District Secretary

RESOLUTION NO. 2023-03

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 DEFERRED MAINTENANCE BUDGET FOR LAKE BANK MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2-25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District's Deferred Maintenance funds are necessary and prudent and in the best interests of the District.

D. This action ratifies Board action approved unanimously by voice vote at the Board's regularly scheduled February 6, 2023 meeting.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds from the 2022-2023 Deferred Maintenance Budget for the following items or services:

- A. Lake bank and littoral maintenance in an amount not to exceed \$20,000.00 for work prioritized by General Manager with guidance from the Golf Committee.

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 20th day of February 2023.

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

ATTEST:


District Secretary

RESOLUTION NO. 2023-04

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING THE DISTRICTS' POLICIES AND PROCEDURES REGARDING ELECTION PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

- A. Pursuant to the Act, the District shall set its operating policies.
- B. The District has previously adopted from time to time Policies, Procedures and Rules and Regulations.
- C. District now desires to amend its Policies and Procedures regarding the conduct of District Elections consistent with the amendments set forth herein.

SECTION 3. PREVIOUSLY ADOPTED POLICIES. The District hereby acknowledges and ratifies its previously adopted policies which are not inconsistent with this Amendment.

SECTION 4. AMENDMENT OF POLICIES AND PROCEDURES. The Policies and Procedures of the District are hereby amended in accordance with the following:

The District's Policies and Procedures for the Election of the Board of Supervisors are hereby amended and supplemented by the procedures described in Exhibit "A" attached hereto and incorporated herein.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this resolution or the attachments hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole or any part thereof other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 6th day of March 2023.

DISTRICT

ATTEST:


District Secretary

HERONS GLEN RECREATION


Howard Young, Chair

ADMINISTRATIVE CODE AND POLICIES

Election Procedures

In connection with elections of the Board, the following procedures shall apply:

1. Establishing the Election

- a. At the first meeting of the Board in January of each year, the HGRD will call for an election of Board members to fill the positions of any Board members whose terms of service will expire on March 31st of that year. In its Resolution the Board will set the dates for the election and the qualifying period, and procedures by which qualified residents of the HGRD may become a candidate for the soon to be open Board positions.
- b. A Notice of Election and Candidate Qualifying will be published in a newspaper of general circulation in the County on or about the first date of candidate qualifying and during the 5th and 3rd weeks prior to the election and it shall be posted on the HGRD's bulletin board. The notice will provide the dates for qualifying to commence and end as well as the name and address of the person to whom nominations for the open positions must be provided, in writing.
- c. Counsel for the HGRD will serve as qualifying officer for candidates. Nominations by any person for the position of Supervisor will be accepted at the Counsel's office, in writing, beginning on date set by the Board. Counsel will inspect the statement of qualification of each nominee and inquire of the nominee, if unclear, whether they are qualified, i.e. are 18 years old, a resident of Florida, own property in the HGRD, reside in the HGRD at least 90 days out of the year, have signed a notarized candidate's oath included in the appendix, and whether they wish to have their name placed on the ballot.

2. Preparation and Distribution of Ballots

- a. After the close of nominations/qualifying for candidates, a ballot listing alphabetically the names of all persons who have qualified shall be prepared. The Ballot Instructions will say to vote for no more candidates than there are open positions.
- b. One ballot will be mailed to each property owner within the Herons Glen Recreation District boundaries as determined from the records of the Lee County Property Appraiser. The voting instructions will tell each recipient that an election will be held at the HGRD's Clubhouse on the established election date, the time after which Ballots will no longer be accepted and that the owner may attend and vote in person, or may vote by the absentee method outlined in the included instructions.
- c. The records of the Lee County Property Appraiser will be the official records of eligible voters within the HGRD unless an owner provides alternate proof of ownership, acceptable to HGRD Counsel. HGRD Counsel may order the Property Appraiser's list of owners in Herons Glen, i.e. eligible voters, at his discretion but not earlier than eight (8) weeks prior to the election.
- d. Included with the mailed ballots, if provided by or for the candidate by the end of the qualifying period, will be one 8 ½ in. by 11 inch page, but not more, of candidate biographical and/or qualifications information. Also a "Meet the Candidates" notice may be provided in the envelope containing the ballot.
- e. The instructions will direct each voter to insert his or her marked ballot into an envelope (enclosed with the initial mailing) labeled "BALLOT." The "BALLOT" envelope is then to be placed into a second envelope ("Mailing Envelope") addressed on the front to Herons Glen

Recreation District, 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917.

f. Instructions to each voter will state that only those ballots delivered within a Mailing Envelope, with the Voter Certificate on the back having been signed by the voter and received by 4:00 p.m. on the day of the election (the “Close of Election”) will be counted.

g. The Mailing Envelope will contain on the back a line for the voter’s signature swearing to the following certification. In this way, all voters will be required to sign the certification and there will be no way to link a voter’s signature to his or her ballot. The following will be printed on the back of the mailing envelope:

Under penalty for false swearing, pursuant to Florida Statutes, I do solemnly swear or affirm: that I am a qualified voter in the Herons Glen Recreation District because I own property in the HGRD; that I will not vote more than one ballot in this election; that I understand that a failure to sign this certificate will invalidate my BALLOT.

h. Directions for Voting on the back of Mailing Envelope will also state:

“NO BALLOT WILL BE COUNTED UNLESS VOTER’S CERTIFICATE IS PROPERLY SIGNED AND COMPLETED.”

i. The voter's signature will not be required to be notarized, but the instructions will also contain the following notice:

Pursuant to Chapter 104, Florida Statutes, a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, commits a felony of the Third Degree punishable as provided in Florida Statutes.

In this way, all voters will be required to sign the certification, but there will be no way to link a voter’s signature to his or her ballot.

j. Voters are responsible to ensure that their properly completed Mailing Envelope (with ballot) is either mailed or hand-delivered to the HGRD at the above-stated address and received prior to “Close of Election” established by the Board’s Resolution. All Mailing Envelopes received prior to the Close of Election must be kept in a locked receptacle which is securely maintained until opened by the Election Committee for counting on the date of the Election.

3. Conduct of Election

a. Prior to the annual election, The Board shall approve a Supervisor of Elections, an Election Committee, and shall designate a Board member to act as liaison to the Committee. The HGRD shall solicit volunteers for the seven-member Election Committee, with two alternates. The Committee shall be selected by the Supervisor of Elections in a random drawing from the solicited volunteers. The committee shall perform its duties at the direction of the Supervisor of Elections. The Election Committee shall be responsible for overseeing the tabulation of ballots cast.

b. The Supervisor of Elections, in addition to any other duties, shall be responsible for the certification of each ballot. The name on each ballot received shall be compared to the listing of names supplied by The Lee County Property Appraiser Office to verify the voters eligibility. During this process, the Mailing Envelopes will be sorted alphabetically, and names checked for ownership rights against the Property Appraiser’s Lists and for duplicates. Only the first ballot received from any qualified voter will be counted. Any duplicate ballots received will be marked

as such and not counted. Once verified by the Supervisor of Elections, ballots in the unopened Mailing envelopes shall be placed in a locked cabinet until 9:00 a.m. on the day of the Election.

c. On the day of the Election, no earlier than 9:00 a.m., the Supervisor of Elections, in the presence of at least two members of the Election Committee, will open the Mailing Envelopes, take out the Ballot Envelopes, and combine unopened "Ballot" envelopes together.

d. After the Close of Election on the day of the election, any ballots received before the Close of Election will be brought to a convenient place in the Clubhouse where the Supervisor of Elections, and HGRD employees will open and count the ballots in the presence of any members of the public wishing to observe. If there are not enough HGRD employees, members of the Election Committee may help open and count the ballots.

4. Method of tabulation:

a. There will be several counting stations each consisting of tables with two HGRD employees and one member of the Election Committee. One employee will open the ballot and read aloud the votes on each ballot. The other employee will record the vote on tally sheets. The member of the Election Committee at each station shall observe the process of tallying in order to ensure that votes recorded for each ballot are correctly checked and tabulated. Once all the ballots at each station have been recorded and counted, the tally sheets shall be given to the Supervisor of Elections who will be responsible, in coordination with the HGRD's Counsel, to accurately total all of the votes and determine preliminary results of the election.

b. Such results are preliminary results. They are not final until the Board of Supervisors has heard and determined any voter qualification questions and the Board has officially accepted the final vote tally.

c. Any vote tally which reflects that a candidate was defeated by a margin of less than one-half of one percent of the total votes cast shall be recounted. These elections are determined by a plurality, meaning the candidate(s) with the highest vote total(s) wins the open position(s). There are no runoffs. In the event of a tie vote, the two candidates shall draw lots or flip a coin to determine the winner.

d. The Supervisor of Elections may publicly report the result of the election immediately after counting all ballots. The official report of election results will be presented to the Board of Supervisors by the Supervisor of Elections and HGRD's counsel and made a part of the Minutes at the next Board meeting and the Board shall declare the official election results at that meeting.

e. The ballots and mailing envelopes will be retained for a minimum of one year and shall be available for inspection by the public after they have been counted, but they may not be handled by anyone other than the Elections Supervisor or Elections Committee members. If requested, the Elections Committee will determine a reasonable time and place for the inspection of ballots and mailing envelopes.

RESOLUTION NO. 2023-05

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 GOLF COURSE IMPROVEMENT BUDGET FOR TREES AND LANDSCAPING HURRICANE REPLACEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District’s Deferred Maintenance funds are necessary and prudent and in the best interests of the District.

D. This action ratifies Board action approved unanimously by voice vote at the Board’s March 6, 2023 meeting.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds from the 2022-2023 Golf Course Improvement Budget for the following items or services:

- A. Trees and landscape improvements for hurricane damaged areas of golf course in an amount not to exceed \$54,000.00 for work prioritized by General Manager with guidance from the Golf Committee.

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 20th day of March 2023.

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

ATTEST:


District Secretary

RESOLUTION 2023-06

A RESOLUTION ACCEPTING THE VOTE TABULATION OF THE DISTRICT'S ELECTION HELD ON MARCH 21, 2023 FOR ONE MEMBER OF THE BOARD OF SUPERVISORS OF HERONS GLEN RECREATION DISTRICT; AND DECLARATION OF CANDIDATES ELECTED.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of Florida law.

SECTION 2. FINDINGS.

A. Pursuant to Resolution 2023-01 adopted January 23, 2023, the Herons Glen Recreation District called for its regular election on March 21, 2023, to elect one member of the Board of Supervisors for a three (3) year term, beginning April 1, 2023.

B. The election and qualifying process was publicly declared at the District's general meeting and Notice of the same was mailed to all owners of record and published two times in the Cape Coral Breeze Newspaper, a daily newspaper of general circulation.

C. Two candidates qualified for the election.

D. The election was conducted on the specified date under the supervision of the District's Supervisor of Elections and the Elections Committee appointed by the Board.

E. The vote tally was as follows:

Kenneth Marohn	<u>663</u>
Karen Mars	<u>695</u>

SECTION 3. DECLARATION OF ELECTION.

A It is hereby determined that the candidate who received the highest vote count, Karen Mars, is elected to the Board of Supervisors of the Herons Glen Recreation District, for a three (3) year term, commencing April 1, 2023.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 23rd day of March 2023.

HERONS GLEN RECREATION DISTRICT

[SEAL]

ATTEST:

M. A. Palmer
District Secretary

Howard Young
Howard Young, Chair

RESOLUTION NO. 2023-07

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 LONG TERM CAPITAL BUDGET FOR GENERATORS, PAD, AIR CONDITIONING AND FUEL STORAGE FOR DISTRICT BUILDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District’s Deferred Maintenance funds are necessary and prudent and in the best interests of the District.

D. This action ratifies Board action approved unanimously by voice vote at the Board’s March 20, 2023 meeting.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds from the 2022-2023 Long Term Capital Budget for the following items or services:

- A. Three generators, a concrete pad, and an LP fuel tank for the Maintenance Building plus two portable air conditioners for the Administration Office with funds from 2022-2023 Long Term Capital in an amount not to exceed \$40,000.00..

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 3rd day of April 2023.

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

ATTEST:


District Secretary

RESOLUTION NO. 2023-08

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 CAPITAL ACCOUNT FOR REFRIGERATED SANDWICH-SALAD UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District’s Capital Account funds are necessary and prudent and in the best interests of the District.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds in an amount not to exceed those described for the following items or services:

- A. **Expend from 2022/2023 Capital Account a not to exceed amount of \$6,500.00 for Refrigerated Sandwich-Salad Unit from Edward Don & Company.**

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the

District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

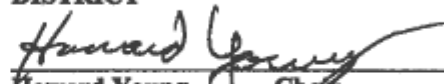
SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 15th day of May 2023.

ATTEST:


District Secretary

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

RESOLUTION NO. 2023-09

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2021/2022 CAPITAL ACCOUNT FOR FITNESS CENTER EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District’s Capital Account funds are necessary and prudent and in the best interests of the District.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds in an amount not to exceed those described for the following items or services:

- A. **Expend from 2022/2023 Capital Account a not to exceed amount of \$ \$6,100.00** for Matrix Endurance LED Treadmill from Commercial Fitness Products.

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the

District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 24th day of April 2023.

ATTEST:


District Secretary

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

RESOLUTION NO. 2023-10

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING AND RESTATING THE DISTRICT'S POLICIES AND PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

- A. Pursuant to the Act, the District shall set its operating policies.
- B. The District has previously adopted from time to time Policies, Procedures and Rules and Regulations.
- C. District now desires to adopt its amended and restated Policies and Procedures as described in the attached exhibits.

SECTION 3. ADOPTED POLICIES. The District hereby adopts its restated and amended policies and procedures, specifically as restated and amended and adopted Policies and Procedures, all as more particularly described in the attached Exhibit "A."

SECTION 4. SEVERABILITY. Should any sentence, section, clause, part or provision of this resolution or the attachments hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole or any part thereof other than the part declared invalid.

SECTION 5. EFFECTIVE DATE. This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 24th day of April 2023.

DISTRICT

ATTEST:

District Secretary

HERON'S GLEN RECREATION

Howard Young, Chair

EXHIBIT A

ADMINISTRATIVE CODE AND POLICIES

April 24, 2023

Permission to use any of the Herons Glen Recreation District Facilities and services is granted only on the condition that the user has unconditionally agreed to do so in compliance with these Policies and Procedures.

**HERONS
GLEN**

Recreation District

POLICIES & PROCEDURES

Revised

April 26, 2023

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I. ADMINISTRATIVE CODE AND POLICIES

A. Herons Glen Recreation District Purpose

The Herons Glen Recreation District (the “District”) is an independent special district of the State of Florida created pursuant to Chapter 418, Florida Statutes (the “Act”), Ordinance No. 98-08 enacted by Lee County, Florida on April 28, 1998 (the “Charter”), a referendum of the qualified electors of the District and other applicable law. The purpose of the District is to finance, acquire, plan, improve, own, operate, equip, maintain and manage recreational facilities within the District, as more fully set in, and subject to the provisions of, the Act and the Charter.

B. Herons Glen Recreation District Mission Statement

Herons Glen Recreation District is a Florida Special District, a community that provides quality recreation, activities, and programs for all residents. We strive to provide excellent financial value and well-maintained facilities to satisfy varied interest groups and promote healthy lifestyles.

C. Herons Glen Recreation District Vision Statement

Continue to be one of the premier active adult communities in Southwest Florida that provides an excellent value for our current and future residents.

D. Herons Glen Recreation District Location

The District is located in Lee County, Florida. The boundaries of the District are set forth in the Charter.

E. Purpose of Policies and Procedures: Definitions

The purpose of these Policies and Procedures is to describe the general operations of the District. Definitions set forth within any section hereof shall be applicable within all other sections, unless specifically stated to the contrary.

F. General Information Concerning the District

1. District Principal Office - The District’s principal office shall be that of the General Manager located at 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917, or such other address as the Board may designate. The principal office is open for business during the posted hours on all weekdays, except State holidays and declared emergencies or posted closures.
2. Fiscal Year -The fiscal year of the District shall begin October 1 of each year and end September 30 of the following calendar year.
3. District Depository - The Board is authorized to select, from time to time, as a depository of funds any qualified public depository as defined in Florida Statutes. Surplus funds may be invested in accordance with District financial policies and procedures.
4. Records - All minutes, including Resolutions and all documents evidencing ownership of District property or rights in other property shall be retained in accordance with Florida General Records Schedule Gs1-SI for state and local government agencies. This general records schedule is issued by the Department of State’s Division of Library and Information Services, in accordance with the statutory provisions of Chapters 119 and 257, Florida Statutes. Public Records - All public records of the District shall be available for public inspection pursuant to Chapter 119, Florida Statutes, except those specifically exempted by Florida Statutes. Any person wishing to examine public records of the District may do so during normal business hours at the office of the General Manager.
5. Copying of Public Records -. Copies of public records shall be made available to the requesting person at the rates provided in FL statutes Chapter 119.
6. District Audit - In accordance with Chapter 218, Florida Statutes, the Board must cause an annual financial audit of the District’s accounts and records. The financial audit of the District must be performed by an independent certified public accountant and completed within 9 months after the end of the fiscal year. The District is required to comply with the rules of the auditor general. The Board will establish an

Auditor Selection Committee as required by FL statutes Chapter 218. As specified in the statute, the chair of the committee must be a Supervisor and no District employee may be a member of the committee. This committee solicits bids from qualified CPA firms and recommends an auditor to the Board.

G. Meetings

1. General Meetings.
 - a. The Board shall hold regular meetings. At a minimum, the meetings of the Board will comply with the provisions of Chapters 189, and 286, Florida Statutes. All meetings of the Board shall be open for public access under the provisions of Chapter 286, Florida Statutes.
 - b. A meeting may be canceled, provided that notice of cancelation shall be given by means calculated to give the best reasonable notice possible of such cancelation.
2. Special Meetings; Emergency Meetings
 - a. Special meetings of the Board may be held at any time upon the written or oral call of the Chairman, Vice-Chairman, or any three (3) members of the Board.
 - b. Notice of any such special meeting shall be given personally to all members of the Board by means calculated to provide the best opportunity to inform each Board Member of the time, place and date of such meeting. Seven days' notice shall be given except in cases of emergency, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as any action taken at the meeting is subsequently ratified by the Board. The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear.
3. Meeting notices shall state at a minimum:
 - a. the date, time and place of the meeting;
 - b. a brief description of the purpose of the meeting;
4. Conduct of Business
 - a. The conduct of all business at regular meetings shall be governed by Florida Statute and the usual rules of parliamentary order. Roberts Rules of Order, current edition, shall be the guide for such usual rules of parliamentary procedure.
 - b. The procedure for all items to be voted on at a regular meeting shall be as follows: Once a motion on a matter has been made and seconded, all Board members will be afforded the opportunity to fully discuss the matter. After all Board discussion, and prior to taking a vote, the floor may be opened for resident comments on the matter. Upon conclusion, the matter shall be put to a vote of the Board.
 - c. Any New Business to be voted on at a regular Board meeting should be presented to the Supervisors three (3) business days prior to the meeting to allow sufficient time to review but the Board by unanimous consent may shorten that time.
5. Quorum
 - a. No decision or action of the Board shall be effective unless a quorum is present. A quorum shall consist of three (3) physically present members of the Board.
 - b. No decision or action of the Board shall be effective unless approved by at least three (3) physically present members of the Board.

H. The District Governing Body: Officers

1. District Governing Body - The District is governed by a five (5) member Board (the "Board") which shall exercise all powers granted to the District by the Charter and the laws of Florida.
2. Organization of Board - Annually, the Board shall, at a minimum, select a Chair and Vice-Chair of the Board and a Treasurer and an Assistant Treasurer and a Secretary and an Assistant Secretary of the District. Each of the persons selected to hold such positions shall serve for a term of one (1) year or until their successor is elected or until their earlier resignation, removal from office or death.
3. District Chair - The Chair shall be a member of the Board with full rights of participation to make, second, and discuss a motion as any other Board member. The Chair shall convene and conduct all meetings of the Board and shall have such other authority and responsibilities as specifically delegated by the Board from

time to time, including the authority to call a member, or other attendee, to order for lack of proper decorum. The Chair shall sign resolutions and other legislative documents for the Board and all contracts and instruments to which the District is a party, on behalf of the District. If the Chair ceases to be a member of the Board, the Board shall select a Chair to serve the remainder of the term, after filling the Board vacancy.

4. District Vice-Chair - The Vice-Chair shall be a member of the Board and shall perform all duties of the Chair in the absence of the Chair and such other duties and responsibilities as specifically delegated by the Board from time to time. If the Vice-Chair ceases to be a member of the Board, the Board shall select a Vice-Chair to serve the remainder of the term, after filling the Board vacancy.
5. District Secretary - The District Secretary shall be a member of the Board. The District Secretary shall attest the signature of the Chair on all resolutions and other documents to which the District is a party.
6. Assistant District Secretary - The Assistant District Secretary shall perform all duties of the District Secretary in the absence of the District Secretary.
7. District Treasurer - The District Treasurer shall be a member of the Board. The District Treasurer shall have charge of the funds of the District and such other duties as may be assigned by the Board from time to time.
8. Assistant District Treasurer - The Assistant District Treasurer shall be a member of the board. The Assistant District Treasurer shall perform the duties of the District Treasurer in the absence of the District Treasurer or with specific written authorization of the District Treasurer.
9. Other District Officers - The Board may appoint assistants and other officers of the District and give to such officers such powers and duties as the Board may deem appropriate.

I. Vacancies of Board

If during the term of office of a Board member a vacancy occurs, the remaining members of the Board shall fill the vacancy by appointment of a qualified person residing in the District for the remainder of the unexpired term. If three or more vacancies occur at the same time a quorum is not required to fill vacancies.

J. Compensation

Members of the Board serve without compensation. However, the members of the Board are entitled to per diem and travel expenses using the same reimbursement policies as employees. The General Manager's compensation and salary ranges for employee positions are approved by the Board.

K. Legal Services

A "continuing contract" for legal services may be entered into between the District and a firm whereby the firm provides professional legal services to the District for work outlined in the contract with no time limitation, except that the contract shall provide a termination clause.

L. Committees

The Board may establish committees in order to perform specifically designated functions. These committees may be standing or ad hoc. Committee members are individuals who are not members of the Board except for the Auditor selection committee and the Audit committee. Committee duties are further defined in committee charters. Charters for committees, both ad hoc and standing are included in the appendix.

M. Election Procedures

In connection with elections of the Board, the following procedures shall apply:

1. Establishing the Election

- a. At the first meeting of the Board in January of each year, the HGRD will call for an election of Board members to fill the positions of any Board members whose terms of service will expire on March 31st of that year. In its Resolution the Board will set the dates for the election and the qualifying period, and procedures by which qualified residents of the HGRD may become a candidate for the soon to be open Board positions.

- b. A Notice of Election and Candidate Qualifying will be published in a newspaper of general circulation in the County on or about the first date of candidate qualifying and during the 5th and 3rd weeks prior to the election and it shall be posted on the HGRD's bulletin board. The notice will provide the dates for qualifying to commence and end as well as the name and address of the person to whom nominations for the open positions must be provided, in writing.
- c. Counsel for the District will serve as qualifying officer for candidates. Nominations by any person for the position of Supervisor will be accepted at the Counsel's office, in writing, beginning on date set by the Board. Counsel will inspect the statement of qualification of each nominee and inquire of the nominee, if unclear, whether they are qualified, i.e. 18 years old, a resident of Florida, own property in the District, resides in the District at least 90 days out of the year, has signed a notarized candidate's oath included in the appendix, and whether they wish to have their name placed on the ballot.

2. Preparation and Distribution of Ballots

- a. After the close of nominations/qualifying for candidates, a ballot listing alphabetically the names of all persons who have qualified shall be prepared. The Ballot Instructions will say to vote for no more candidates than there are open positions.
- b. One ballot will be mailed to each property owner within the District boundaries as determined from the records of the Lee County Property Appraiser. The voting instructions will tell each recipient that an election will be held at the District's Clubhouse on the established election date, the time after which Ballots will no longer be accepted and that the owner may attend and vote in person, or may vote by the absentee method outlined in the included instructions.
- c. The records of the Lee County Property Appraiser will be the official records of eligible voters within the District unless an owner provides alternate proof of ownership, acceptable to District Counsel. District Counsel may order the Property Appraiser's list of owners in Herons Glen, i.e. eligible voters, at his discretion but not earlier than eight (8) weeks prior to the election.
- d. Included with the mailed ballots, if provided by or for the candidate by the end of the qualifying period, will be one 8 ½ in. by 11 inch page, but not more, of candidate biographical and/or qualifications information. Also a "Meet the Candidates" notice may be provided in the envelope containing the ballot.
- e. The instructions will direct each voter to insert his or her marked ballot into an envelope (enclosed with the initial mailing) labeled "BALLOT." The "BALLOT" envelope is then to be placed into a second envelope ("Mailing Envelope") addressed on the front to Herons Glen Recreation District, 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917.
- f. Instructions to each voter will state that only those ballots delivered within a Mailing Envelope, with the Voter Certificate on the back having been signed by the voter and received by 4:00 p.m. on the day of the election (the "Close of Election") will be counted.
- g. The Mailing Envelope will contain on the back a line for the voter's signature swearing to the following certification In this way, all voters will be required to sign the certification and there will be no way to link a voter's signature to his or her ballot. The following will be printed on the back of the mailing envelope:

Under penalty for false swearing, pursuant to Florida Statutes, I do solemnly swear or affirm: that I am a qualified voter in the Herons Glen Recreation District because I own property in the District; that I will not vote more than one ballot in this election; that I understand that a failure to sign this certificate will invalidate my BALLOT.

- h. Directions for Voting on the back of Mailing Envelope will also state:

"NO BALLOT WILL BE COUNTED UNLESS VOTER'S CERTIFICATE IS PROPERLY SIGNED AND COMPLETED."
- i. The voter's signature will not be required to be notarized, but the instructions will also contain the following notice:

Pursuant to Chapter 104, Florida Statutes, a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, commits a felony of the Third Degree punishable as provided in Florida Statutes.

- j. Voters are responsible to ensure that their properly completed Mailing Envelope (with ballot) is either mailed or hand-delivered to the District at the above-stated address and received prior to “Close of Election” established by the Board’s Resolution. All Mailing Envelopes received prior to the Close of Election must be kept in a locked receptacle which is securely maintained until opened by the Election Committee for counting on the date of the Election.

3. Conduct of Election

- a. Prior to the annual election, The Board shall appoint a Supervisor of Elections, an Election Committee consisting of seven members and two alternates, and shall designate a Board member to act as liaison to the Committee. The Supervisor of Elections shall solicit volunteers for the Election Committee. If greater than seven Residents volunteer, the Committee shall be selected by the Supervisor of Elections in a random drawing and approved by the Board. The committee shall perform its duties at the direction of the Supervisor of Elections. The Election Committee shall be responsible both for assisting at the “Meet the Candidates” event and overseeing the tabulation of ballots cast.
- b. The Supervisor of Elections, in addition to any other duties, shall be responsible for the certification of each ballot. The name on each ballot received shall be compared to the listing of names supplied by The Lee County Property Appraiser Office to verify the voter’s eligibility. During this process, the Mailing Envelopes will be sorted alphabetically, and names checked for ownership rights against the Property Appraiser’s Lists and for duplicates. Only the first ballot received from any qualified voter will be counted. Any duplicate ballots received will be marked as such and not counted. Once verified by the Supervisor of Elections, ballots in the unopened Mailing envelopes shall be placed in a locked cabinet until 9:00 a.m. on the day of the Election.
- c. Beginning at 9 A.M. on the day of the election, the Supervisor of Elections and the District’s staff volunteers will open the Mailing Envelopes, take out ballot envelopes and mix the unopened ballot envelopes together.
- d. After the Close of Election on the day of the election any ballots received before the Close of Election will be brought to a convenient place in the Clubhouse where the Supervisor of Elections and District employees will open and count the ballots in the presence of any members of the public wishing to observe. If there are not enough District employees, members of the Election Committee may help open and count the ballots.

4. Method of tabulation:

- a. There will be several counting stations each consisting of tables with two District employees and one member of the Election Committee. One employee will open the ballot and read aloud the votes on each ballot. The other employee will record the vote on tally sheets. The member of the Election Committee at each station shall observe the process of tallying in order to ensure that votes recorded for each ballot are correctly checked and tabulated. Once all the ballots at each station have been recorded and counted, the tally sheets shall be given to the Supervisor of Elections who will be responsible, in coordination with the District’s Counsel, to accurately total all of the votes and determine preliminary results of the election.
- b. Such results are preliminary results. They are not final until the Board has heard and determined any voter qualification questions and the Board has officially accepted the final vote tally.
- c. Any vote tally which reflects that a candidate was defeated by a margin of less than one-half of one percent of the total votes cast shall be recounted. These elections are determined by a plurality, meaning the candidate(s) with the highest vote total(s) win the open position(s). There are no runoffs. In the event of a tie vote, the two candidates shall draw lots or flip a coin to determine the winner.
- d. The Supervisor of Elections may publicly report the result of the election immediately after counting all ballots. The official report of election results will be presented to the Board by the

District's counsel and made a part of the Minutes at the next Board meeting and the Board shall declare the official election results at that meeting.

- e. The ballots and mailing envelopes will be retained for a minimum of one year and shall be available for inspection by the public after they have been counted, but they may not be handled by anyone other than the Elections Supervisor or Elections Committee members. If requested, the Elections Committee will determine a reasonable time and place for the inspection of ballots and mailing envelopes.

N. Meet the Candidate Procedures

Meet the Candidates is held in early March only when there are more qualified candidates than open Board positions.

1. Questions for the Candidates must be printed or typed and submitted to the District office by 12 P.M. on the date of the program. No question will be directed to only one candidate.
2. The submitted questions will be placed in a locked box and remain there until the election committee begins the process of reviewing the questions. This process will begin at a time designated by the Supervisor of Elections on the date of the program.
 - a. The committee will consolidate the questions from multiple Residents that are essentially the same.
 - b. The committee will provide questions to the moderator at the beginning of the program.
3. The program will begin with each candidate seated in alphabetical order, giving an opening statement not to exceed three minutes.
4. The Media Resources committee in the sound room will track the time and give each candidate a 15 second warning prior to the conclusion of the candidate's allotted time so that he/she may conclude his/her thoughts.
5. Each candidate will be asked the same question in alternating order so the same candidate isn't the first to respond to each question.
6. Each candidate will have up to 2 minutes to answer each question.
7. Two hours will be allotted for those questions that were submitted with closing statements to follow.
8. Each candidate will be allotted 1 minute for a closing statement.

O. Term of Office of Board Members

Supervisors shall serve for staggered three year terms. Each Supervisor shall serve a full three-year term, beginning April 1 of the year in which he or she is elected.

P. Indemnification

Each person (including the heirs, executors, administrators, or estate of such person): (i) who is or was a Board member or officer of the District; or (ii) who is or was an agent or employee of the District other than an officer; and as to whom the District has agreed to grant such indemnity shall be indemnified, defended and held harmless by the District as of right to the fullest extent permitted or authorized by current or future law against any fine, liability, cost or expense, including attorneys' fees, asserted against such person or incurred by such person in the capacity of a member of the Board, officer, agent or employee of the District or arising out of or relating in any way to their status as a member of the Board, officer, agent or employee of the District unless such Board member, officer, agent or employee acted intentionally, in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. The District may maintain insurance to protect itself and any such person against any such fine, liability, cost or expense.

Q. General Description of Administration

1. General Manager - The Board will appoint a General Manager under the direction and supervision of the Board. The General Manager shall be responsible for the day-to-day operations of the District and shall have the authority to expend District funds for proper District expenditures that are consistent with the District Budget. The General Manager shall timely submit the proposed annual budget to the Board; shall

make regular reports to the Board on District affairs; and shall keep the Board fully advised on the financial condition and future needs of the District and make such recommendations on District affairs as deemed appropriate by the General Manager.

2. Consultants - The Board shall have the power to appoint and fix the compensation of attorneys, accountants, professional advisors and such other consultants as it may, from time to time, deem necessary, subject to compliance with any applicable law relating to competitive bidding and negotiation, and such persons or entities shall have such professional duties as may be delegated to them by the Board from time to time.

R. Voting Conflict of Interest and Ethics

The Code of Ethics (Chapter 112, Part III, Florida Statutes - Code of Ethics for Public Officers and Employees), was created to help:

1. Prevent conflicts between public duty and private interests; and ensure that public sector employees and officers will not use government office for private gain. All special district local officers and special district employees must comply with Florida's ethics laws.
2. Special district local officer must abstain from voting on the following measures:
 - a. One that inures to his or her special private gain or loss
 - b. One that inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained
 - c. One that could result in special private gain or loss to a relative
 - d. One that could result in special private gain or loss to a business associate. Special district local officers of community redevelopment agencies and special district local officers of independent special districts elected on a one-acre, one-vote basis, are not prohibited from voting in that capacity, but still must file Form 8B
 - e. For more information, see Chapter 112 Florida Statutes - Voting conflicts
3. Filing Notice of Voting Conflict
 - a. Appointed and Elected Supervisors must abstain from voting in the above-described voting conflict situations but may participate in discussion of such matters.
 - b. Appointed and Elected Supervisors must disclose the nature of the conflict on Form 8B immediately after any participation in the matter. If a Supervisor participates in the decision before or during the meeting in which the vote takes place, the Supervisor first must complete this form, which must be immediately provided to the other governing body members of the special district and read publicly at the next meeting.
4. Where to file
 - a. With the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes, provide a copy to the other members of the special district and read the form at the next meeting.
 - b. If the special district local officer does not try to influence the decision except by discussion at the meeting in which the vote will take place, they must disclose orally the nature of the conflict in the measure before participating. The form must be:
 - 1) Completed and filed within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting.
 - 2) Incorporated in the minutes.
 - 3) Copied immediately for the other members of the governing body.
 - 4) Read publicly at the next meeting after the form is filed.
5. All Board members present at a Board meeting must vote on items properly before the Board, unless the member has a conflict of interest. Any board member present may request a roll call vote, the results of which shall be recorded in the minutes.
6. In the event of a tie vote the motion shall be ruled as having failed.

S. Alcohol

The District abides by all laws of the State of Florida regarding the purchase, sale, and consumption of alcoholic beverages on the District's property. Due to state and local liquor laws, all alcoholic beverages to be served and consumed on the District's premises must be purchased from District and Residents or guests may not bring alcoholic beverages on District property, including the District parking areas.

T. Gambling and Games of Chance

In general, Florida law prohibits gambling including raffles on District properties. There are some exceptions, including BINGO and penny-ante card games. Exceptions must be conducted in strict compliance with the applicable law to retain their status as District sanctioned activities. All use of District facilities and all District activities, whether conducted by District sanctioned activities or otherwise, must comply with Florida Statute Chapter 849, pertaining to gambling; and all District Staff Members, Committees Members, Guests and any others using District facilities shall conduct their activities and events including drawings by chance (raffles) in conformance with Florida Statute Chapter 849.

U. Purchasing

1. General

- a. When reasonably possible the District will attempt to obtain three bids for all significant purchases of goods and services where the expense for any single purchase, is between \$10,000 to \$20,000. In such cases, two verbal or email quotes are to be obtained and the results documented. If a single purchase is greater than \$20,000, two written quotes must be attempted to be obtained (this may be email) and results documented.
- b. The District's Finance Committee will review all bids received by the District for goods and services where the expense is in excess of \$35,000.
- c. Except in the case of an Emergency Purchase, prior to purchasing goods or services estimated to cost in excess of \$35,000 the District Representative shall make a good faith estimate of the probable cost of the Project, Services, or Commodities intended to be purchased and determine whether Competitive Bidding is required.
- d. The "District Representative" means the Board, or person, firm or group designated by the Board to administer the purchasing process.

2. Competitive Bidding

- a. In addition to the Finance Committee review, the District will utilize Competitive Bidding procedures for the purchase of goods and services as required by Florida law.
- b. "Competitive Bidding" means the awarding of District contracts and agreements for purchase of goods, i.e. Commodities, and services to the lowest responsible and responsive bidder best able to supply the goods or complete the project in a manner financially most advantageous to the District, after solicitation of bids by public announcement and review by the District's Representative of the timely received, responsive bids.
- c. The District must use Competitive Bidding for its purchases when the estimated cost for such goods and/or services exceeds the following thresholds:
 - 1) \$35,000 for Services (other than Construction and Professional Services).
 - 2) \$35,000 for Commodities (goods and equipment, etc.)
 - 3) \$35,000 for Professional Services in the nature of planning and study:
 - 4) \$325,000 for Professional Services where the construction or improvement project exceeds that value. Note: this threshold refers to the estimated overall construction cost, not to the professional's expected fees.
 - 5) \$200,000 for Construction Services where the construction or improvement is a building or structure. Note: this threshold refers to the estimated overall construction cost, not to the contractor's fees.
 - 6) \$75,000 for Electrical Services where the deliverable is solely an electrical project. Note: this threshold refers to the estimated overall project cost, not to the contractor's fees.

3. Bidder Qualifying

To be eligible to submit a bid or proposal, an individual or firm must, at the time of District's receipt of the bid or proposal:

- a. Hold the required applicable federal, state and county license(s) in good standing.
- b. Be authorized to do business in Florida in accordance with Florida law.
- c. Meet any additional pre-qualification requirements established by the District, or set forth in the bid specifications. Failure to provide evidence of such compliance when requested by the District will disqualify the bidder.

4. Procedures for Competitive Bidding

- a. If the intended purchase is subject to Competitive Bidding and not otherwise exempt from such procedures due to emergency or other provisions of the law, the District will utilize the following procedures:
 - 1) The District shall designate a District Representative to administer the Competitive Bidding process and set a deadline for receipt of bids and responses.
 - 2) The District shall publish, in a newspaper of general circulation in Lee County, a Notice with a general description of the goods or services to be purchase and including a deadline date, time and address for receipt by the District Representative of all bids and other responses, and the date, time and place where bidders may attend the bid opening.
 - a) The Notice must appear at least one time and at least 21 days prior to the deadline for receipt of bids, and at least 5 days prior to any pre-bid conference.
 - b) The Notice must appear at least 30 days prior to the deadline for receipt of bids if the purchase is estimated to exceed \$500,000.
 - 3) The Board reserves the right, until a contract is signed, to reject all bids and revise or abandon the Project or purchase for which the Competitive Bidding process was undertaken. This reservation shall be included in the published Notice.
 - 4) Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.
- b. Review and Selection
 - 1) The District Representative shall review and evaluate the data submitted in response to the notice described above regarding qualifications and performance ability, as well as any statements of qualifications. The District Representative shall conduct discussions with, and may require public presentation by firms regarding their qualifications, approach to the Project, and ability to furnish the required service and any other aspect of the purchase, including price and alternative products and methods.
 - 2) The District Representative shall, following the review and/or public presentation, select and list the Responsive Bidders in order of preference deemed to be the most highly capable and qualified to perform the required services, after considering these and other appropriate criteria:
 - a) The experience, ability and adequacy of the professional personnel.
 - b) Past performance for the District and other professional employment
 - c) Willingness to meet time and budget requirements.
 - d) Geographic location of the firm's headquarters or office in relation to the District project.
 - e) Recent, current and anticipated workloads of the bidder.
 - f) Volume of work previously awarded to the bidder.
 - 3) All selections are subject to Board approval. If the Competitive Bidding process is administered by persons other than the full Board, the selection made will be presented to the full Board with a recommendation that negotiations be instituted with the selected bidders in order of preference listed.
 - 4) The Board has the right to reject any and all bids and such reservations shall be included in the public announcement.

- 5) Nothing in this Rule shall prevent the District from evaluating and eventually selecting any bidder if less than three Responsive Bids or Proposals are received.

5. Continuing Contract

- a. Nothing herein shall prohibit a continuing contract between a firm or an individual and the District.
- b. "Continuing Contract" means a contract for Professional Services which is entered into by and between the District and a Professional Services firm whereby the services to the District are for construction projects in which estimated construction costs do not exceed \$4,000,000 and for planning activities in which the estimated Professional Services costs do not exceed \$500,000 on any one project.

6. Requests for Proposals

- a. "Request for Proposal" means a written or electronically posted solicitation for competitive sealed proposals.
- b. The District may use Requests for Proposals as needed in the best interests of the District.
- c. If a Request for Proposal is issued for a purchase which would otherwise, or is later determined to, require Competitive Bidding, the District shall either follow the procedures described herein for Competitive Bidding in the process of issuing its Request for Proposal, or shall follow up the receipt of proposals by initiating the Competitive bidding process for the purchase contemplated.

7. Purchases Statutorily Exempt From Competitive Bidding.

- a. Emergency purchases.
- b. Purchases below the thresholds set forth herein
- c. Purchases after receiving less than 2 responsive bids.
- d. Purchases for repair or maintenance of existing District facilities
- e. Purchases from vendors pursuant to contracts by other government agencies which followed the Competitive Bidding process.
- f. Purchases from a single or sole source.
- g. Projects undertaken by the District using only its own services, employees and equipment.
- h. Legal services, including engagement of legal counsel.
- i. Artistic and Health services
- j. When the time needed to Competitively Bid the Project will jeopardize the available funding for the Project, Services or Commodities involved.

8. Definitions

Certain additional terms referred to in this Policy shall have the following meanings:

- a. "Contractor" means a person or licensed business which contracts to sell services or commodities.
- b. "Commodity" means any of the various supplies, materials, goods, merchandise, food, equipment, technology and other personal property purchased by the District.
- c. "Emergency purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riot, fires, floods, hurricanes, accidents or any circumstances or cause beyond the control of the District in the normal conduct of its business) and where the Board determines that there is an immediate danger to the public health, safety or welfare, or potential significant loss of District assets, such that the delay incident to competitive bidding would be detrimental to the best interests of the District.
- d. "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture or registered surveying and mapping, as defined by the laws of Florida, or those performed by any architect, professional engineer, landscape architect or registered surveyor, in connection with the firm's or individual's professional employment or practice.
- e. "Project" as used in this Policy means:

- 1) with respect to Professional Services, a proposed capital outlay study or planning activity for construction or improvement of a District building or structure the basic construction cost is estimated by the District to be more than \$450,000, (or \$110,00 for electrical projects) and \$35,000 for a planning or study activity; and
 - 2) with respect to construction of District structures, a proposed improvement whose estimated cost exceeds \$35,000.00.
- f. “Responsive bid” and “Responsive proposal” mean a bid or proposal submitted by a bidder which bid, or proposal conforms in all material respects to the District’s solicitation.

II. GENERAL STATEMENTS AND DEFINITIONS

A. Definitions

Whenever used herein the term “District” means the Herons Glen Recreation District. The purpose of these Policies and Procedures is to describe the general operations of the District. Definitions set forth within any section hereof shall be applicable within all other sections unless specifically stated to the contrary.

1. The term “Facilities” wherever used herein shall mean the land, water (lakes) and all the buildings and improvements thereon that are owned or controlled by the District, including but not limited to the: golf course and practice areas, Clubhouse, Maintenance areas, offices, Ballroom, Verandah, Gazebo, Picnic Areas, Activities Rooms, Card and Meeting Rooms, Billiards Room, Restrooms, Pool & Spa, Pump Houses, Storage Rooms, leased space, offices, stage etc., Fitness Center, Tennis Courts, Shuffleboard Courts and Bocce Courts, Pickleball Courts, all Parking lots, the Maintenance Buildings, the CLIS lakes and system and Golf Course Restrooms and attendant areas; the premises upon which said buildings are located and all attendant appurtenances including the bridge and all other District property.
2. For the purposes of these policies, “Resident” means any owner or other person who resides for at least 90 days within the boundaries of the District.
3. A Nonresident is any person who resides outside the boundaries of the District as established by Lee County Ordinance No. 98-08 pursuant to Chapter 418, Part II, Florida Statutes and as amended by Lee County Ordinance No. 98-18.
4. A Permitted Nonresident is any person, residing outside the boundaries of the District who has paid the requisite fees and complied with the District’s Rules and Regulations and is thereby permitted to use the Facilities in accordance with the said Rules and Regulations. This includes those who have purchased an Annual Nonresident Membership and those who have paid the requisite fee to use a single amenity.
5. A Guest is an individual who visits a property owner and is thereby permitted to use the Facilities in accordance with the said Rules and Regulations. The types of Guests are:
 - a. Day Guest – An individual who visits a property owner but does not spend the night. This guest can use Herons Glen amenities while accompanied by the property owner. Day guests are limited to no more than four (4) per day.
 - b. Overnight Guest – An individual who visits a property owner and spends the night. This guest can use Herons Glen amenities while accompanied by the property owner or with the property owner’s authorization.
 - c. Tenant – A tenant is a person who resides in Herons Glen under a lease with a term of less than 90 days. As used herein the term “Guest” includes such short term tenants.
6. Resident events are defined as any non-business related social event which is sponsored, hosted, and attended by a Herons Glen Resident and where all of the charges for the event are charged to the Resident’s house account or personal credit card. Resident events may also include events of groups sanctioned by the District. A Resident event would also include a Resident family event such as a wedding or celebration of life.
7. Nonresident events are defined as any event which is sponsored or hosted by a group from outside Herons Glen, or by any group or activity not on the list of sanctioned District activities or by any group that promotes ticket sales to persons residing outside Herons Glen. .
8. As defined in the Community Declaration of Covenants, Conditions and Restrictions for Herons Glen, Governing Documents shall mean the “Declaration, the Articles of Incorporation and Bylaws of the Association, approved or adopted from time; and the Rules and Regulations of the Association adopted by the Board of Directors.” The District’s governing documents shall also include the Board Policies and Procedures contained herein and the Management’s Rules and Regulations adopted by the Board.
9. Whenever used herein the term “Board” means the Herons Glen Board of Supervisors.
10. A “special district local officer” means a Herons Glen Recreation District “Supervisor”.

11. The term "Management" used herein refers to the Herons Glen Recreation District's General Manager, and his or her designated staff.

B. Statements

The Facilities are governed by the Herons Glen Recreation District through its elected Board and Facility use is available to all Residents, their Guests, and Permitted Nonresidents but only in compliance with the District governing documents.

1. Management is authorized and directed to implement and effectuate District policies.
2. Management has the right to request any person to leave an amenity should they be in violation of the District Policies, Rules and Regulations or Community Covenants as they pertain to that particular amenity.
3. During a period of declared public emergency all persons using the facilities of the District must comply with county, state and federal regulations and guidelines pertaining to the said declared emergency.
4. Any Resident, Permitted Nonresident, Guest, or other person who in any manner makes use of, or accepts the use of any apparatus, appliance, facility, privilege or service whatsoever owned, leased or operated by the District, or who engages in any contest, game, function, exercise, competition or other activity operated, organized, arranged or sponsored by the District, either on or off the Facilities, shall do so at his or her own risk, and shall release and hold the District, its Supervisors, officers, employees, representatives and agents harmless from any and all loss, cost, claim, injury, damage or liability sustained or incurred by such person, resulting therefrom and/or from any act or omission of any Supervisor, officer, employee, representative or agent of the District. All Residents shall have, owe and perform the same above-stated obligations in respect to any loss, cost, claim, injury, damage or liability sustained or incurred by any Guest of the Resident.
5. Should any party bound by the District Policies and/or Rules and Regulations bring suit against the District, its Supervisors, officers, employees, representatives or agents in connection with any event operated, organized, arranged or sponsored by the District or on any other claim or matter in connection with use of Facilities, and fail to obtain judgment thereon against the District, its Supervisors, officers, employees, representatives or agents, said party shall be liable to the District, its Supervisors, officers, employees, representatives and agents for all costs and expenses incurred by it in the defense of the suit (including court costs and attorney's fees at all levels).
6. Herons Glen may be designated as a political polling place. When used as a polling place, Florida Statutes governing polling places will prevail.

III. OTHER ADMINISTRATIVE POLICIES

A. Communication

1. The Board has established the following methods for communicating official information to our Residents:
 - a. Regularly scheduled Workshops and Board Meetings
 - b. Special Workshops or Special Meetings for specific topics
 - c. Bulletin board near Restaurant entrance
 - d. District email notices and the weekly District newsletter
 - e. Letters or messages to our Residents (U.S. Mail)
 - f. District website: heronsglence.com
2. The recommended methods of communication from Residents to the Board Supervisors are as follows:
 - a. Attendance at Committee Meetings, Workshops, Special Workshops or Meetings, Monthly Board Meetings.
 - b. Emails addressed to the District BOARD OF SUPERVISORS and sent to: hgrdbord@hgrdnfm.com.
 - c. Signed letters sent or delivered to the District Administration Office.
3. The Board has agreed that the following methods are not to be considered a means for exchanging official information:
 - a. The GOOGLE GROUP or similar types of electronic communications.
 - b. Emails sent to Supervisors at their personal email addresses.
 - c. Committee members may not direct District Management and/or staff. All requests for information or reports from staff members are to be requested through the General Manager.
 - d. In addition, contacts made directly by our Residents to our District Counsel are not appropriate. Our District Counsel is on retainer and reports directly to the Board.
4. The guidelines for communications between the Board, the General Manager and also District Staff Members are:
 - a. When Management receives a request from a Board member to investigate potential projects, complete some specific tasks or prepare reports, Management will share the request with other Board members at his/her earliest convenience so that all Board members are aware of what Management has been asked to work on and, consequently, devote a portion of his/her time to completing.
 - b. Individual board and committee members should not make requests directly of staff. All requests shall be made to the General Manager. Staff Members receiving such requests from an individual Board member are directed to communicate the nature of the request to the General Manager as soon as reasonably possible and, notwithstanding any one Supervisor's request, staff is expected to take direction from the General Manager as to the timing and handling of all such special requests.
 - c. When an individual Board member communicates a question or request to the General Manager or Staff Members through email, the return email will be copied to all Board members so that the same set of information is available during discussions and the decision-making process on an issue.
5. The District provides several means for Residents to communicate information on events to other Residents.
 - a. To qualify for inclusion in a District publication information must:
 - 1) be from sanctioned groups or activities,
 - 2) be about activities or events that take place in the Glen, and
 - 3) not be of a commercial nature i.e., real estate ads, products or services for sale, etc.
 - b. Non-commercial messages and official announcements will be accepted for inclusion if received at least one week prior to the requested publication date.

- c. Submissions Management deems to be for the personal gain of the provider will be considered commercial.
- d. Details on ticketed events will be published no more than six (6) weeks prior to the event. Simple "Save the Date" announcements are not subject to this time restriction and may be posted earlier at the discretion of Management.
- e. The District will not publish material Management deems to be an opinion piece or information that expresses a particular political position.

B. Cashless Policy

Herons Glen is a cashless facility. Cash payments will not be accepted. Charges may be paid through the Residents' house accounts, debit or credit cards. Personal or commercial checks will be accepted with proper identification. This cashless policy applies to Residents and all other customers.

C. Animals

No pets are allowed in any District buildings or on any recreation facilities, including covered outside areas and including but not limited to the enclosed or improved play areas, such as pool and deck, tennis, bocce, shuffleboard and pickleball courts, golf course and practice facilities.

- 1. When on other District property, pets shall be confined on a leash held by a responsible person.
- 2. Persons walking pets shall be responsible for removing all solid pet waste and properly disposing of it.
- 3. Service animals and animals that are part of educational programs and accompanied by handlers, subject to the approval of Management are the exception.
- 4. Service animals are defined by the Federal Americans with Disabilities Act and Florida Statute. According to definitions within these laws, emotional support animals are not service animals.

D. Vehicles

Vehicles include automobiles, carts, mopeds, bicycles, motorcycles, RV's and all other modes of transport.

- 1. All must obey traffic signs and/or other posted traffic and parking instructions.
- 2. All vehicles must use caution when in the area of other vehicles or pedestrians.
- 3. No vehicles may be stored or left overnight on any District property without prior approval of Management. Such approval is not to exceed 7 nights.
- 4. Parking citations will be issued by HOA Roving Patrol Officer. Citations will be placed on the vehicle with a copy provided to Management.
- 5. Management may issue a warning or fine to the lot owner in accordance with the Rules & Regulations.
- 6. Additional action may be taken by the Board as allowed by Governing Documents of Herons Glen, including towing and booting. No prior notice is required other than the existence of appropriate signage as may be required by Florida statutes.
- 7. Owners will be held fully responsible for any and all damages caused by the owner or the owner's guest. The costs resulting from any and all such damages, including legal fees incurred by the District, will be charged to the Owner.

E. Privately owned or Leased Golf carts

- 1. Residents of the District may privately own or lease one or more golf carts. Each privately owned or leased golf cart will be assigned a registration number that is the same as the Resident's lot number. Numbers shall be affixed on both sides of the cart, a minimum of two inches high and in a contrasting color so as to be easily readable.
- 2. Residents may use their golf carts on District Property, however all carts driven onto the golf course or any district facilities or property must be registered. Management designates the District department responsible for the registration of all privately owned or leased golf carts.
- 3. Privately owned or leased carts must be electrically powered and equipped with headlights and taillights or reflectors if used after dusk.
- 4. Privately owned or leased carts must meet (ANSI) Safety Standards for golf carts.

5. Each operator of a private cart must be at least 18 years old or have a valid driver's license.
6. Residents using a privately owned or leased golf cart within the District, including on the Golf Course, will be held fully responsible for any and all damages caused by the golf cart during its use by the Resident or their guests. The Resident will reimburse the District for any and all damages, including damage to other golf carts and any property of the District. Golf cart liability insurance may be available through the Resident's Homeowner's insurance policy.

F. Recreational Use of Lakes and Ponds

1. In accordance with Herons Glen Country Club Covenants, Article XVI, the Board may permit use of wetlands, lakes, ponds, and streams within the Recreational Facilities for recreational use.
2. The District shall not be responsible for any loss or injury incurred as a result of such use.
3. Residents are authorized to use a District designated lake for the sailboat club with access via the cart path.
4. Residents are authorized to use District designated lakes for fishing; however access to the water body must be reached without trespassing on other District, or private property, such as via road or multi-purpose path.
5. No other use of District designated lakes is permitted.

G. Irrigation

1. As outlined in Herons Glen's Community Covenants, the District owns the Common Lot Irrigation System (CLIS) and provides irrigation to all Lots and Common Areas.
 - a. No sprinkler or irrigation systems may be installed, constructed, or operated within the District, other than by the District.
 - b. Some of the Recreational Facilities are irrigated with effluent.
 - c. CLIS charges are part of the District's annual budget and Operations and Maintenance assessments billed to owners.
2. The District has a blanket easement over all properties within Herons Glen for ingress and egress and for designing, studying, mapping, engineering, improving or adding to, maintaining, operating and servicing the CLIS.
 - a. The District is responsible to:
 - 1) Maintain, replace and repair the CLIS.
 - 2) Keep the CLIS in good working order sufficient to provide irrigation service.
 - 3) The District may be able to provide additional irrigation water for new plantings and sod. However, no additional water will be provided during periods of drought or during the months of February, March and April. Homeowners are encouraged to hand water their new landscaping in accordance with Lee County water restrictions.
 - b. Owners are responsible for:
 - 1) Edging the grass around the sprinkler heads so the grass does not interfere with the operation of the sprinkler head.
 - 2) Trimming landscape plants so as not to interfere with the operation of the CLIS sprinkler system.
 - 3) Contacting the District concerning sufficient irrigation.
 - 4) Ensuring their new plants and sod are getting adequate water.
 - 5) Keeping lawns and landscaping bug free, disease free, weed free and fertilized year-round.
 - 6) Per the HOA Standards, all lawns must be maintained with St. Augustine Floratam grass.
3. Damages
 - a. The Owner is responsible for the reasonable and actual costs of any damage to the CLIS on the Owner's Lot caused by Owner's actions or by acts of any landscape maintenance person, or some other service provider, which caused the damage.
 - b. The District is responsible for providing notice to the Owner or The Herons Glen HOA for common areas, documenting the damage, the cause of the damage, and the costs to repair such damage.
4. Limitation of Liability

Provided: the irrigation water meets all applicable standards for irrigation water in Lee County, the District acts in reasonable good faith to fulfill its responsibilities with regard to the CLIS as provided herein; then the District will not be responsible for any damage that may be caused to any landscaping or sod on any Lot or Common Area resulting from failure of the system or use of water supplied by the District.

5. New Construction or Landscaping Additions
 - a. After receiving HOA approval and prior to new construction, the Owner or their contractor is required to contact the CLIS Department.
 - b. The Owner is responsible for any costs associated with movement, addition, or installation of the irrigation, including the pipes, sprinklers or mainlines. The District shall provide the name of an approved Contractor for such work. If the homeowner chooses to utilize the services of a different contractor, the following must be submitted to the District for approval: 1) an irrigation plan; 2) a construction start date and completion date; 3) license and insurance information. Work must conform to the District's specifications and an inspection of the work will be required. The cost of the inspection shall be the responsibility of the resident. The fee for such inspection shall be set by Management.

H. Hazardous Weather Conditions

1. As lightening approaches, the District lightning prediction system activates a warning and the use of all outdoor recreational facilities must be suspended.
2. The audible warning is: one long, lightning in the area; 3 short, all clear.

I. Volunteer Appreciation Reception

In order to promote committee volunteerism, each spring the District will host or co-host with the HOA a volunteer appreciation reception. Residents who served on the Board or a Board appointed ad hoc or standing committee during the previous Board term will be invited. Other volunteers may be included if approved by the Board.

J. Disciplinary Action

Disciplinary action is initiated and carried out at the sole discretion of Management.

1. Any person who engages in conduct while on District property or participating in District sponsored events, which is deemed, to be offensive, disorderly, a threat to good order or in violation of District Policies & Procedures, District Rules & Regulations or otherwise detrimental to the best interests of the District, shall be subject to disciplinary action.
2. Disciplinary action may include, at Management's discretion, any or all of the following:
 - a. a warning that such future conduct may result in suspension;
 - b. the immediate revocation of access privileges and/or suspension of further guest privileges, including denial of access to all or any District property, programs and functions, for any reasonable period, not exceeding six (6) months.
3. The General Manager shall send an email in addition to a certified, return-receipt requested mail to the alleged violator when a violation has occurred. A written Notice of Disciplinary Action ("Notice") will include the alleged violation facts, date of violation, and any further discipline to be imposed.
 - a. If an alleged violator is a Resident or Resident's guest, the Notice shall be sent to the Resident's home address in Herons Glen.
 - b. If an alleged violator is a not the guest of a Resident, or is a Nonresident whose address is known, the Notice shall be mailed to that person's address.
 - c. If the alleged violator is unknown to Management or their address is not ascertainable with reasonable efforts then the Notice shall be kept on file and delivered personally, or mailed at such time as the violator becomes known.
 - d. The Notice shall provide a start date for any suspension imposed.

- e. The Notice shall also provide a statement that the alleged violator may appeal the suspension by providing a certified, return-receipt requested letter, signed by a person to whom the suspension will apply, requesting an appeal of the suspension to the Board, which letter must be received in the District office within 14 days of the date of the Notice of Disciplinary Action.
 - f. The appeal request must include a written statement specifying which facts in the Notice of Disciplinary Action are being disputed. Any facts not disputed will be presumed at the appeal hearing to be accurate. If ONLY the scope or duration of the suspension is being disputed, a statement to that effect is required. It must be included in the appeal request.
 - g. Notwithstanding any other provision set forth herein, if the District does not receive a written request for an appeal hearing ("Hearing") within 14 days of the postage date set forth on the Notice of Disciplinary Action, all rights of appeal by all persons subject to the Disciplinary Action shall terminate.
- 4. Pursuing an Appeal: If a request to appeal is timely and properly made the following shall apply:
 - a. The appeal is to the Board, and a Board Meeting to hear the appeal, open to the public (the "Hearing"), will be held and duly noticed, as soon as practical.
 - b. Disciplinary action is fully suspended until the Hearing is concluded.
 - c. At the Hearing, the Board shall at the Special Board Meeting: take relevant testimony from the District Representative, the person appealing, any witnesses for either side; view any evidence, including documents, photos, and recordings; and by majority vote of the Board members present, uphold, modify, or overturn the proposed disciplinary action.
 - 5. Nothing herein shall prevent or be deemed a defense to the District filing a police report, complaint or other legal action against any Resident, guest or other person who commits a criminal act or civil violation of law while on District property or while participating in an District-sponsored activity, including but not limited to, actions which constitute trespass, fraud, and nuisance.
 - 6. Suspensions and proposed suspensions on hold awaiting appeal hearings do not diminish or in any other way affect a Resident's legal obligation to timely pay all Bond assessments, Operation and Maintenance assessments, membership fees, account charges, installments due or any other legal obligations owed to the District.

IV. PERSONNEL POLICIES

A. Employee Manual

Management is responsible for developing an Employee Manual with policies approved by the Board and operating the District within the guidelines of the manual. The Board must approve any change to employment policies including benefits, contained in the Employee Manual.

It is also the policy of the District that Residents and Permitted Nonresidents or the immediate family of Residents and Permitted Nonresidents are not eligible for employment.

B. Employee Performance Payments and New Positions

1. No bonus or loan may be made to any employee without Board approval.
2. Pay increases for non-management employees may be made within the approved budgetary parameters.
3. Performance increases may be made by the General Manager within the budget approved by the Board through the budget process. The Board approves performance increases for the General Manager. Performance increases may be through salary increases and/or performance based lump sums.
4. No contract/agreement will be issued with a provision to pay a bonus, loan, payment or special privileges other than the negotiated salary.
5. No new positions may be created or filled, even though such positions may be budgeted, unless and until the position and position description have been discussed with and approved by the Board.

C. Travel

Florida Statutes Chapter 112 defines travel periods and class of official travel. The rate of reimbursement for official travel per diem (mileage and incidentals), subsistence, and transportation (mileage) allowance will be as General Services Administration (GSA) defines the standard per diem and mileage rates. These rates are generally updated each October by the US General Services Administration and IRS.

D. Use of Amenities other than Food & Beverage

1. As part of their employment, District employees may request to use the District facilities during their free time. Any such approval is limited to the employee only.
2. Employees may play golf during their free time on a space available basis but only with prior approval of Management. Such play shall be scheduled so as not to impact member play.
3. All use of the District facilities and events by employees is subject to prior approval of and at the discretion of the General Manager.

E. Use of Food and Beverage amenity

Prior to making dining reservations, District employees must obtain concurrence from the General Manager.

V. FINANCIAL POLICIES

A. General Statements

1. Prior to the start of each fiscal year, at its Public Hearing, the Board adopts the budget for the upcoming fiscal year. The adoption of assessments is used to defray the cost of the bond debt service, operating and maintaining the facilities and funding working capital and deferred maintenance reserve accounts. In accordance with Florida statutes, Chapter 189, expenditures are appropriated and the adopted budget regulates expenditures of the District.
2. Adopted annual District owner operation, maintenance, and reserve assessments are usually billed by and paid quarterly to the District. The debt service (Bond) assessment is billed by and paid to the Lee County tax collector. The “Bond” assessment is included on the owner’s property real estate tax bill.
3. After the completion of the annual fiscal year audit, the Board may allocate any budgetary surplus earned by the District. The District determines the fiscal year surplus by comparing operating results with the approved District-wide operating budget. The surplus may be allocated to the golf special improvement fund and/or the long term capital reserve.
4. Bank fees incurred by the District resulting from bank processing of a Resident’s financial instrument(s), other than routine credit card transactions, will be charged back to the account of the Resident presenting the financial instrument. Bank fees to be charged back include, but are not limited to, returned checks or automatic debits/EFT fees, fees to process non-US financial instruments, and fees for emergency electronic funds transfers.
5. Any Owner suspended due to non-payment of any financial obligation to the District may not charge to their house account or enjoy any other resident benefit until all delinquencies are paid. Suspension means that the owner may not use any District facility. However, an Owner suspended for non-payment of dues or assessments may, as a member of the general public, use the dining room, lounge or golf course by making payment with a valid credit or debit card. The suspension and this rule are applicable to all members of the delinquent Owner’s household, as well as to such Owner’s tenants and guests.
6. Assessments, fees and house accounts are subject to interest penalties and late fees. A \$20 late fee per statement will be added for new charges on the above if not paid by the due date. In addition, interest on any unpaid balance will be charged at the highest annual percentage rate allowed by law.

B. Assessments

1. General Statements

- a. It is the policy of the District (“District”) that all bills for Operation and Maintenance Assessments are due as outlined below and prompt payment of such assessments is expected. Management will implement the following procedures for rendering, collecting, and handling such payments:
 - 1) Payments for assessments may be made by: pre-authorized auto debit EFT/ACH on-line payments through the District’s website member portal (preferred method) or via check. The District does not accept cash. Owners are liable for all costs of collection including interest and attorney fees.
 - 2) Assessments will be billed the last day of September, December, March and June and will be mailed or electronically transmitted to the Owners at that time.
 - 3) Assessments will be due the last day of the month following the quarterly statement date; for example, October, January April and July. Auto-pay fees will be debited on this day.
- b. Owners’ privilege to use any of the District facilities will be suspended if a balance remains at the last day of November, February, May, or August
- c. Any assessment not paid by the last day of December, March, June or September (90 days after due date) will be considered seriously past due and those Owners will have a lien placed against their property by the District..

- d. Owners with a lien placed against their property, as described above, may have foreclosure action initiated against the property. This action will be initiated by the District Board Treasurer, with the notification of the District Finance Committee and the approval of the Board.
- e. The sanctions described above, will be imposed at the direction of the District Treasurer with the notification of the District Finance Committee.

2. New Owner Working Capital Assessment

- a. The Working Capital Assessment shall be established by the Board at the Public Hearing to adopt the Annual Budget.
- b. The New Owner Working Capital Assessment shall not be levied in the following circumstances:
 - 1) The conveyance of a lot in the community when the Owner or Owners of Record (“Owners”) of the lot conveyed simultaneously, meaning within 90 days, acquire fee title to and move into another home within the District.
 - 2) The conveyance of a lot in the community by Owners to a trust in which the Owners are the Trustee or Beneficiary of such trust.
 - 3) The conveyance of a lot in the community to Owners from a trust in which the Owners are the Trustee or Beneficiary of such trust.
 - 4) The conveyance of a lot in the community by an Owner or such Owner’s estate to the Owner’s spouse and/or children.
 - 5) The conveyance of an undivided interest in a lot by the Owner thereof to any then-existing Co-Owner(s) of such lot.
- c. Allocation of New Owner Working Capital Assessment
 - 1) Monies received as “New Owner Working Capital Assessment” are non-operating income to the District.
 - 2) These assessments may be used to supplement the annual working capital reserve assessment required for the improvement and replacement of District capital assets.
 - 3) All assessments received during a fiscal year shall be recorded in a separate account identified as the New Owner Working Capital Assessment account. At the end of each quarter, new owner capital funds received shall be moved to the Long-Term Capital Reserve Account.
 - 4) New Owner Working Capital Assessment monies received in a fiscal year shall not be spent during that fiscal year.
 - 5) Annually, at fiscal year end, the Board and Management shall allocate the New Owner Capital Assessment between the Losses Reserve Fund and the Long-Term Capital Reserve Fund based on goals set for each fund.
 - 6) Until the Losses Reserve Fund reaches its goal, the allocation shall be at least 50% of the long term reserve.

3. Delinquent Assessments

- a. The Treasurer is empowered to take whatever steps necessary to enforce the collections policies, including the placing of liens on the properties.
- b. Additionally, the District will use Chapter 170 and/or Chapter 197, Florida statutes, as a method of collecting assessments.
- c. The District retains the option of collecting its future assessments from those Owners who are two or more quarters delinquent, by including such assessments on the Owner’s annual tax bill to be collected by the Lee County Tax Collector.

C. Other Reserve Funds

1. Losses Reserve Funds

- a. The District has established a Losses Reserve Fund to satisfy, or partially satisfy, storm, emergency or other claims and losses incurred by the District, including:
 - 1) Deductible to meet insurance loss policy claim.

- 2) Losses not covered by insurance due to policy deductible.
 - 3) Claims/losses based on risk assessment and with documentation of district liability. Such risk assessment will be made by General Manager in conjunction with District Counsel, with input by Insurance Broker, and approved by the Board.
 - 4) Other contingencies approved by the Board.
- b. Management shall determine and recommend to the Board the amount needed in the Losses Reserve Fund. This determination shall be based on expenditures made during the current fiscal year, interest earned in the account during the current fiscal year and the amount of insurance deductibles projected to be required for the new fiscal year. The amount required must always be at least \$350,000 or the total insurance deductible, whichever is greater.
 - c. If the amount of additional funds for the minimum losses reserve requires less than 50% of the new owner capital assessment received during the fiscal year, the Board shall determine the allocation.
 - d. If the amount of additional funds required is more than 50% of the new owner capital assessment received during the fiscal year, the Board shall determine the allocation
 - e. If the amount of funds needed in the Losses Reserve Fund is less than the fiscal year-end balance in the Losses Reserve account, Management shall move excess monies into the Long-Term Capital Reserve Fund.

2. Long-Term Capital Reserve Fund

- a. The Long-Term Capital Reserve Fund is intended to fund capital items for:
 - 1) New or improved community-wide amenities that have been on the Long-Term Plan for at least a year or
 - 2) Capital assets that need to be replaced before their useful life has been completed.
- b. The monies in the Long-Term Capital Reserve Fund shall continue to grow without limit.
- c. When an item on the Master Capital List comes into the 10-year averaging window in the reserve, the Board will decide how much of the unreserved balance, if any, should be considered in the annual assessment calculations and how much should be relied on from the Long-Term Capital Reserve Fund.

3. Golf Special Improvement Fund

The golf special improvement is intended to fund items which benefit the golf course. It may be funded by any budget surplus attributable to golf operations when a District-wide budget surplus is achieved for the fiscal year.

D. House Accounts

1. It is the policy of the District that all bills for House Account charges are due at the end of the month following the statement date. Auto-debit payment of the bill is the preferred method of payment. Management will implement the following procedures for rendering, collecting and handling such payments:
 - a. A Statement ("Statement") showing House Account charges due will be mailed or electronically transmitted to the Owner, Owners or those with House Accounts monthly as long as there is a balance due. The owner is responsible for all costs of collection, including interest and attorney fees.
 - b. Payment is due the last day of the month following the mailing or electronic transmission e.g., a May 31st statement is due June 30th.
2. If a balance remains on the last day of the following month, i.e., July 31st in the previous example, the holder of the house account's privilege to use any of the District facilities will be suspended as described in the Financial General Statements.

E. Fees

1. Golf

- a. The Board establishes the annual membership fee as part of the fiscal year budget process. Golf Membership rates are posted in the Golf Shop. All annual Golf Memberships expire September 30th of each calendar year.
- b. Annual Golf Memberships may be purchased by:
 - 1) Property Owners – Payment for membership fees are due by the close of business September 30th. Late fees will apply to renewals. New Golf Members may be eligible for prorated memberships the first year purchasing an Annual Golf Membership. The new Golf Member prorating is only available once regardless of the number of years of non-renewals.
 - 2) Renters/Tenants – Individuals leasing a house/unit may purchase an annual membership at an owner's rate. However, only one annual owner's membership may be in effect for each house/unit. There are no pro-rated or part-year discounts. If a property owner's membership is not available, then a renter/tenant may purchase a "Public membership".
 - 3) Public – Annual Golf Memberships are available to Nonresidents. There are no prorated or part-year public memberships. From time to time, the Board may establish a "Golf Special." If a membership is purchased under the Golf Special, the golfer may renew the membership by paying the annual membership fee prior to the close of business September 30th. Renewals paid prior to the close of business September 30th will be guaranteed a renewal regardless of a membership ceiling established by the Board.
- c. The District has established the following rate categories for annual golf memberships.
 - 1) Owner's Rates:
 - a) Household memberships – may be purchased for use by TWO named golfers residing at the same physical address.
 - b) Single memberships – may be purchased for one golfer.
 - 2) Public Rates:
 - a) Public memberships are always available at twice the owner's rates for either a single or household membership.
 - b) Golf Special Rates – If approved by the Board and memberships are available, a member of the public may purchase at the rate established by the Board at the Annual Budget Meeting.
- d. Memberships are non-assignable and non-transferable
- e. Payments
 - 1) It is the policy of the District that all bills for Annual Golf Membership Fees are due as described below and prompt payment of such fees is expected. On-line payment is the preferred method of payment.
 - 2) Payment of the Fee for the renewal of Annual Golf Membership is due not later than the last business day of September each year (Due Date), and if payment is not received, golf privileges will be suspended at the close of business September 30th. There will be no pro-rated renewals.
 - 3) No Annual Golf Membership fee will be accepted and no golf privileges associated therewith will be afforded until the applicant has paid all past due amounts for all charges and assessments.
 - 4) Annual Golf Members are subject to suspension of all golf course privileges for failure to pay charges for assessments or house accounts within thirty (30) days of their due date.
 - 5) Resident Non-Members may pay an annual fee or daily fee to use the practice facilities as posted in the Pro Shop.
 - 6) It is the District's policy that no person will be permitted to play golf on the District's course unless all fees have been paid to the District. No credit privileges for golf play will be granted to any person or entity.
- f. Non-Member Daily Fees

- 1) While it is important to remember that use of the Herons Glen Golf Course is primarily designed for Members, it is also necessary to allow and attract outside use to achieve the financial performance consistent with the District's budget and to comply with Florida law.
- 2) The General Manager may adjust daily fees consistent with market conditions. The General Manager must communicate any rate adjustments to the Board.
- g. Herons Glen is considered an active adult community. Golf Members may periodically suffer debilitating injuries or other events, which interfere with their ability to utilize their annual membership. It is in the best interest of the District, as a whole, to maintain a "No Refunds, No Exceptions" policy.
- h. However, the District is sensitive to special circumstances; therefore, after paying the Annual Golf Membership fee and prior to playing a single round on October 1st or later, a member may request a refund. All refund requests must be verified by Management and must be requested prior to September 30th of the membership year.
 - 1) Upon death of the purchaser of a Single Member Annual Golf Membership, the Member's estate will be refunded the pro-rated portion of the current year's annual unused membership fee. If membership payment was made for the following fiscal year, that prepayment will be refunded.
 - 2) In the case of a the death of one of the designated golf members of a Household Membership, the membership fee will be adjusted pro-rata to that of a Single Membership.
 - 3) All requests for refund of membership fees must be approved by Management.

2. Tennis Association (HGTA)

- a. The Board establishes the annual HGTA fee as part of the annual budget process.
- b. The HGTA fee is due by close of business September 30th, of each year and is subject to all District late fees and interest payment policies.
- c. Upon payment in full of the annual fee, the HGTA receives rights and privileges to accommodate its approved league and intramural match schedules including:
 - 1) The right to reserve courts seven (7) days in advance using the process designated by the Board.
 - 2) The right to reserve immediately adjacent courts, regardless of actual number needed for the league and intramural matches, to prevent interference from casual play.
 - 3) The right to use the District tennis courts as its home court in order to host HGTA approved league tennis matches.
 - 4) The right to field a Herons Glen team supplemented with Nonresident players if there are not enough Residents to fully field a team. This privilege is authorized for a Nonresident per player fee that is established as part of the annual budget process,
- d. No other individual, group or association is granted the HGTA privileges.

3. Nonresident Social Membership

- a. The District's facilities and recreational activities, such as the tennis courts, bocce courts, shuffleboard courts, pickleball courts, billiards, darts, card rooms, artists' facilities and groups, quilting facilities and groups, pool and spa, dance classes and groups, various clubs, various activities, etc. are for the primary use and enjoyment of District residents.
- b. The Clubhouse facility and the recreation facilities and activities may be utilized by Nonresidents for an annual fee as provided for by law and in our Policies & Procedures and Rules & Regulations.
 - 1) Application may be made by Nonresidents to the Board, District, to be accepted as Social Members for the purpose of access to and the use of the recreational facilities other than golf.
 - 2) The number of such Social Memberships will not exceed the level which can reasonably be accommodated by these facilities.
 - 3) The annual fee for Social Members will be set by the Board through the budget process.
 - 4) Social Memberships are personal and non-transferable. No Guest privileges or group events or group usage are permitted.

- 5) Social Members must abide by all conditions, Policies & Procedures, and Rules and Regulations which are authorized and published by the Board. Gross and/or continued non-compliance will result in cancelation of membership rights, without refund of fees or other recompense for any unexpired time of membership.
- 6) Social Members will be provided with a copy of the applicable Rules and Regulations and will be issued a membership card which will serve as authority to be admitted by security personnel.
- 7) Golf is specifically excluded in this membership.

F. Capital Projects/Assets

1. From time-to-time various capital projects/assets will need to be proposed and approved, which will be funded from the District Capital Reserves Fund. Capital Assets are defined as all tangible personal property with a value of \$5,000 or more and having a projected useful life greater than one year and shall be recorded as property for inventory purposes. "Cost" is used if the property is purchased and represents the purchase price of the property item; "value" is used if the property is donated and represents the worth or acquisition value of the property item at the date of the donation. Items with a value or cost of less than \$5,000 may be recorded as property for inventory tracking purposes, at the discretion of the General Manager.
2. In order for the Board and Management to adequately assess these proposed projects/assets, a number of criteria need to be defined by the proposer(s) of the projects/assets. Generally, but not always, these proposals will originate in the Facilities & Amenities Committee or Long Range Planning Committee.
3. In order for the Board and Management to determine whether these projects/assets should be approved for inclusion in the District's Long Range Plan, the project/asset proposal is to include information on the reason for and scope of the project/asset, the requested priority of the project/asset, the initial cost, continuing cost and benefits with this proposal. Alternate solutions should also be provided. This information must be submitted to the Long Range Planning Committee for review and recommendation to the Board.
4. Priorities of Funding Project: Critical, Important or Desirable.
 - a. Critical: required for safety, health or regulatory reasons, or if it is not done there would be irreversible and significant damage to community property.
 - b. Important: prevent damage to community property or large costs for not doing, a large community impact or high-cost benefit.
 - c. Desirable: moderate community impact or good cost benefit.

G. Financial Internal Controls

Detailed financial internal controls policies can be found in the Internal Controls Policy Manual located with Management.

H. Check Signing Authorization

1. It is the policy of the District that invoices must be presented for review along with the checks that are provided for signature. All invoices must be approved by the Department Manager and authorized for payment by the General Manager.
2. The Treasurer should, at least annually, review the documentation of a sampling of invoices signed by the General Manager for payments under \$2500 and to recurring vendors.
3. At the beginning of each fiscal year Management's recommended list of recurring vendors must be presented to the Board for its consideration and approval.

I. Operating Accounts:

1. Checks for \$2500 or less and for any amount for Board-approved recurring vendors may be signed by the General Manager, the Treasurer or a Board member authorized as a signer on the account.
2. All checks over \$2500 or payable to the General Manager must be signed by either the Treasurer or a Board member authorized as a signer on the account.

3. All virtual credit card payments must be authorized by either the Treasurer or a Board member authorized as a signer on the account prior to the transfer of the funds.
4. Reserve Accounts (Restricted – Capital, Deferred Maintenance, Losses, etc.)
 - a) All checks on this account must be signed by either the Treasurer or a Board member authorized on the account.
 - b) All transfers between the checking and investment accounts for reserve/restricted accounts must be approved by either the Treasurer or a Board member authorized as a signer on the account.

J. Investments

1. The District elects not to adopt a detailed written investment policy and follows Florida Statute 218.415.(17) for investing surplus funds.
2. The District Treasurer is authorized to invest available funds of the District.

K. Donations including Memorials

District may accept donations for purposes that will help the District further and fulfill its mission. Decisions on the acceptance or refusal shall be made by Board. Management is responsible for issuing donation receipts and acknowledgments. Only a memorial bench may have markings and all such markings are subject to District approval. No other donation or memorial may be marked in any way.

1. Donations

- a) Donations become the property of the District. The District accepts no responsibility for replacement if a donation is damaged, destroyed, removed or becomes otherwise inoperable.
- b) Donations may be monetary or property.
 - 1) Monetary donations shall be given to Management along with the completed donation form. This may include donations for memorials as well as for targeted activity/facility funds.
 - 2) Donations of targeted funds must include reference to the desired area where funds are requested to be accumulated or spent.
 - 3) Donors of property must complete the donation form and present proof of acceptance prior to delivering the donation.
 - 4) The General Manager may consult with the Facilities & Amenities committee or the applicable activity before accepting donations. No donation is permitted to be left on District property until the request has been accepted.
 - 5) The District donation form is available in the appendix. This form must be printed and submitted to the General Manager.

2. Memorials

The District has a Memorial Program to honor our deceased Residents. This program is available to the entire community. This memorial may be represented by a tree, a palm or a bench. The individual making the memorial request will complete an District donation form available in the appendix. This form should be printed and submitted to the General Manager. Memorials become the property of the District.

- a) Tree(s) or palm(s);
 - 1) This cost will be the actual cost to include the tree(s) or palm(s), delivery, planting and the leaf for the memorial plaque. The amount of a required deposit is determined before the order is placed. The final cost must be paid with installation.
 - 2) Per our Declaration of Covenants, no identification will be placed on any tree or palm.
 - 3) The District reserves the right to move a tree or palm and is not responsible to replace or maintain a tree or palm that becomes infected with a disease, insects and/or damaged.
 - 4) Management has a plan drawing designating where trees or palms may be placed throughout the property.
- b) A bench

- 1) This cost will be the actual cost of the bench to include the bench, shipping, assembly and the personalized plaque. The amount of a required deposit is determined before the order is placed. The final cost must be paid with installation.
- 2) The personalized plaque may be no larger than 8 inches by 3 inches with no more than 3 lines of text.
- 3) The District reserves the right to move a bench and is not responsible to replace or maintain a damaged bench.
- 4) Management has a plan drawing designating where benches may be placed throughout the property.

VI. BUILDING/FACILITIES POLICIES

A. Participation

1. The facilities shall be open on the days and during the hours as may be established by the Board or as directed by Management. Areas of the facilities may be closed from time to time for scheduled maintenance and repairs.
2. Use of the facilities may be restricted or reserved from time to time by either the Board or Management.
3. Each Resident or Permitted Nonresident as a condition of use of the Facilities and each Resident's guest as a condition of invitation to the facilities assumes sole responsibility for his/her property. The District shall not be responsible for any loss or damage to any private property used or stored on or within the facilities.

B. Swimming Pool

Management is responsible for posting the rules and maintaining this area.

C. Room Use Priority List Including Ballroom

1. The following groups receive top priority and may schedule the ballroom up to two years in advance on a first-come, first-served basis, except that Halloween, New Year's Eve and Mardi Gras are reserved for the Resident Events Committee. Also, scheduling a Resident event on the regular monthly meeting dates of the District Board and the HOA Board must be avoided.
 - a. Food & Beverage Operations
 - b. Resident Events Committee
2. After transferring the events from the two-year calendar, the Management will use the following priority order in preparing the annual calendar:
 - a. District Meetings
 - b. Homeowners Association Meetings
 - c. Food & Beverage Operations
 - d. Resident Events Committee
 - e. Resident Events
 - f. Nonresident Events other than those Scheduled by Food & Beverage Operations
3. Once Management has prepared the annual calendar all further requests for activities are scheduled on a first-come, first-served basis. Management may on occasion deviate from this in order to accommodate a group's size or special needs. Regularly occurring weekly activities may be rescheduled from time to time in order to accommodate a revenue producing event or a Board request.

D. Areas Where Food May Be Served

1. Any Resident or Resident organization may reserve the Ballroom, Verandah, Gazebo or Activity Rooms, by completing the appropriate reservation form and receiving Management's approval. Management will be responsible for the reservation requests, approval and usage schedule for the Ballroom, Verandah, Gazebo and Activity Rooms. Residents and Resident organizations are completely responsible for their own and the conduct of their guests as participants, as well as for the cleanup and final condition of the area used, and for any setup and cleanup fees applicable.
2. When catered food is served, the caterer shall be the District Food & Beverage operation, except in extraordinary circumstances as determined by the District. However, if the District permits the group to provide its own personal catered food, Management must approve that in advance. Residents may not provide their own personal food during the regular business hours of the District's Food & Beverage Operations without the expressed consent of Management. Management may, under extraordinary circumstances, such as the extended closing of the Food & Beverage Operations, allow outside catering.
3. The liquor license of the District requires that all alcoholic beverages consumed on the premises of the District properties, including parking lots, be purchased from the District.

4. If a Ballroom event is scheduled, the Verandah will be unavailable for a separate function.

E. Waiver of Rental Fees

1. No Rental fees will be charged for the following categories:
 - a. District Board events
 - b. HOA Board events
 - c. District committee events, and those of District sanctioned associations, clubs, and activities (e.g. golf leagues, Bocce Association, Veterans of the Glen, craft fair, Travel Club)
 - d. HOA committee events (e.g. ice cream socials, BINGO)
 - e. A Resident's family event (e.g. celebration of life, and wedding)
2. However, there may be charges assessed for actual costs of setup and cleaning, etc., at the discretion of Management.
3. For all other events Room Rental will be charged as part of the Event Order.

F. Fitness Center

1. The building is only available during posted open hours. The doors automatically lock and unlock. Anyone inside when the doors lock will be able to exit the building.
2. The District is not responsible for any injury which may result from the use of any equipment.
3. No equipment may be removed from the building.
4. All guests must abide by the age requirements and sign the release by signing the guest book.

G. The Courts

Scheduling of the tennis, bocce, shuffleboard or pickleball courts is handled through the process designated by the Board.

1. Tennis

- a. Individuals or groups may reserve court times up to seven days in advance.
- b. Round Robin Play is open to players of all skill levels and is more fully described in the Rules and Regulations.
- c. Players may schedule court time before or after the reserved Round Robin play so as not to interfere with that play period.
- d. Round Robin Play takes precedence over HGTA scheduling.
- e. All tennis schedules, rules and approved equipment lists are subject to review and approval of Management.

2. Pickleball

- a. Court schedules will be posted at the pickleball courts.
- b. A list of paddles and balls approved for use will be posted at the Pickleball Courts. Only such approved paddles and balls are permitted on the courts.
- c. Court rules and playing order rules will be posted at the Pickleball Courts. These rules apply to all players.
- d. All pickleball schedules, rules and approved equipment lists are subject to review and approval of Management.

3. Bocce

- a. Court schedules will be posted at the bocce courts.
- b. Court rules will be posted at the Bocce Courts.
- c. These rules apply to all players.
- d. Equipment is provided by the District.
- e. All bocce schedules, rules and approved equipment lists are subject to review and approval of Management.

4. Shuffleboard

- a. Court schedules will be posted at the bocce courts.
- b. Court rules will be posted at the Bocce Courts.

- c. These rules apply to all players.
- d. Equipment is provided by the District.
- e. All shuffleboard schedules, rules and approved equipment lists are subject to review and approval of Management.

H. Activities/Card Rooms

1. Room use

- a. Scheduling of the Activities/Card Rooms will be the responsibility of Management. Management will advise Residents of the need to sign up for Activity/Card Room use.
- b. A list of sanctioned groups authorized to use the Activities Rooms will be maintained by Management.
- c. Final approval for new sanctioned groups will be the responsibility of Management and will be based on the "Sanctioned Group Application Form" located in the appendix, room availability, size of group, enhancement to Residents' lives and other factors as necessary.
- d. Incidental use by Residents will be scheduled at the discretion of Management, based on availability of the room, appropriateness of the activity and appropriateness of the room for the activity.
- e. Any disagreement with Management's decision with regard to suitability or availability will be presented to the General Manager in writing for a final decision.
- f. Food may be served or eaten in Activities Rooms A and B in conjunction with a function being held outdoors in accordance with adopted policies.
- g. Continued violations of room use rules will result in the activity being eliminated from the "sanctioned" list by the General Manager.

2. Equipment Use

- a. Rules for use of the kilns and the potter's wheel shall be posted near the equipment and they must be complied with by all users.
- b. Management shall maintain a list of those Residents authorized to use the kilns and potter's wheel.
- c. A list of authorized operators and hours will be posted outside the kiln room and next to the potter's wheel.
- d. Additional Residents may be trained to use the kiln or potter's wheel by a knowledgeable Resident authorized by the General Manager.

3. Assignment of Keys

- a. Door Keys
 - 1) Management has the responsibility for controlling and issuing of all keys.
 - 2) At a minimum, a two-step issuance policy is required. Management shall authorize the issuance and a second member of Management will handle the actual logging of the assigned keys. Recipients must sign for keys.
 - 3) A Resident who accepts a key also accepts responsibility for seeing that the area is kept clean and orderly.
- b. Activity room locker Keys
 - 1) Management is responsible for distribution of all locker keys.
 - 2) Any Resident requesting a key must present his or her request to Management in writing.
 - 3) The applicable locker fee will be charged to the Resident's house account.

I. Storage Areas

Management is responsible for the organization and maintenance of all storage areas. All items placed in District storage become the property of the District except for those items belonging to the HOA.

J. Resident Notices, Displays & Events

- 1. Bulletin boards

- a. Resident community bulletin boards and activity displays are under and subject to the direction and control of Management. Items for the bulletin boards and the displays must be approved, displayed and organized on a weekly basis as determined by Management.
 - b. Bulletin boards are for the use of Residents and Resident sponsored activities only. No notices for Nonresident events or advertisements for services providing personal financial gain to the advertiser will be displayed anywhere on District property.
 - c. Resident community bulletin boards are located on the exterior of the clubhouse.
 - d. No political advertising including those materials relating to District or HOA election campaigns may be placed on bulletin boards. The exception to this would information from the District regarding an upcoming election.
2. Displays/Easels/Signs/Posters
 - a. Displays for special charitable events organized by a District sanctioned group, may be placed in the lobby annually, for a period not to exceed 30 days, with the written approval of the General Manager.
 - b. No other displays, easels, signs or posters will be allowed in the clubhouse or on District property.
 3. Events
 - a. The Board has designated the lobby alcove for ticket sales for Resident sponsored events. Ticket sales may also be conducted at the Ballroom door on the day of the event. Management is responsible for scheduling these locations.
 - b. On the day of the approved event, directional signs may be allowed upon approval of their location and format by the General Manager. No other displays for Resident sponsored events will be allowed on the District property.
 4. The display limits defined in this section do not apply to the District.

K. Holiday Decorations

During the period between Thanksgiving and New Year's Day, the District is extensively decorated for the holidays. The District's decorations may not be moved, removed, or in any way altered for any event during that period of time.

L. Charity Events

1. Our Residents are well recognized in the community for their generous support of charitable events and causes. Each Resident individually supports the charity of his/her choice. Therefore, neither Management, nor the Board, nor any District committee will sponsor an activity that supports, or makes a donation to any charity or other organization.
 - a. District staff will only sell tickets for events that are District sponsored events.
 - b. All food and beverage items served in the District must be purchased at the price established by the District.
 - c. If a charity has an item of food or beverage donated by a vendor, the District retains full rights to reject such food and beverage items, but will charge a reasonable fee for the preparation and service of those items if it decides to accept and use them.
 - d. There may be charges assessed for actual costs of setup, cleaning, damage repair etc. at the discretion of Management.
2. Charity Events sponsored by sanctioned District activities or groups (Resident events) are accorded the following:
 - a. Events sponsored by and attended solely by District residents may use the usual publicity outlets to promote their event as long as it is clearly stated on all material that there is no District sponsorship.
 - b. The recipient charity may have representation at the event.
 - c. If using the District publicity outlets, all promotional materials must state clearly the 501c3 charity that will benefit from the event and comply with Florida statutes and federal law regarding charity events, donations and gambling (raffles).
 - d. Rental fees will be waived in accordance with the Waiver of Rental Fee policy.

- e. Ticket sales may be conducted in accordance with the policy for Resident sponsored event ticket sales.
- 3. Charity events sponsored or hosted by a group from outside the Glen or by any group or activity not on the list of sanctioned District activities, or by any group that promotes ticket sales to persons residing outside the Glen (Nonresident events), are subject to the following limitations:
 - a. District publicity outlets may not be used to promote the event.
 - b. The District will not provide a location for ticket sales.
 - c. Promotional materials may not be placed on District property.
 - d. A room rental fee as contracted in the Banquet Event Order will be charged.

M. Automated External Defibrillation (AED)

AED units are utilized to provide early intervention for cardiac emergencies to increase survival rate. AED's are available in strategic areas as identified by Management.

VII. FOOD AND BEVERAGE OPERATION POLICIES

A. Resident Rewards Program

Residents who charge purchases to their house account will receive a 10% discount. This includes food and drink at ballroom events such as dances, luncheons and concert series programs where the Resident's house account number is recorded at the event and the purchases later charged to the Resident's house account. Only those who use their house accounts will be provided the 10% discount. Charges for events that are booked with a set negotiated menu price on a Banquet Event Order do not receive the 10% discount.

B. Gratuity

As a convenience, a suggested 18% gratuity on the "gross" amount (excludes tax) of an individual's check will be added to each bill in all dining areas. The payment of this gratuity is subject to complete discretion and may be increased, decreased, or eliminated entirely.

C. Dining Reservations

The Herons Nest encourages but does not require reservations for dining during its regularly scheduled business hours. Reservations are helpful to better serve our Residents.

D. Herons Glen Recreation District Banquet Policies

Any event to be defined as a banquet and therefore subject to these policies is an event at which:

1. All attendees have agreed in advance to purchase a meal for themselves; or
2. A host has agreed in advance to pay the entire cost of the event; and
3. The District's Food & Beverage Operation is the primary caterer of the food consumed at the event.

E. Banquet Events

All reservations and agreements for Banquet Events are subject to the Rules and Policies of the District, its Management's policies and the following conditions:

1. Use of District Facilities

- a. A Banquet Event Order must be completed.
- b. The area reserved for the event is the only area that is to be used for the party.
- c. Attendees at Nonresident events will not be permitted access to other areas of the District.

2. Decorations and Event Set-Up

- a. Hosts of parties must have all decorations approved by Management. Nothing may be nailed or affixed to the walls, ceilings, or floors of the District. No tape, nails, or staples are permitted to attach pictures, signs, banners, or posters to the walls. No open flames are allowed..
- b. Only Management may use lifts, ladders, step stools, etc. due to the liability issues.
- c. All decorations, including flowers, risers, band equipment, or anything of any nature that is brought onto the District premises must be delivered on a schedule approved by Management.
- d. Set up times requested beyond a 2 hour timeframe may require an additional room rental fee.
- e. As other groups may follow your function, all articles must be promptly removed at the conclusion of the event unless otherwise approved by Management.

3. Food and Beverage Provided by the District

- a. All food and beverages for banquets to be held on the premises of the District must be provided by the District with the exception being wedding cakes or specialty birthday cakes, which may be provided by an outside vendor if approved by Management.
- b. Management may apply a service fee on cakes not provided by the District.

4. Alcoholic Beverages

- a. No person under the age of twenty-one years or anyone that is intoxicated will be served any alcoholic beverages on the premises of the District. The District will not serve any alcoholic beverages beyond 11:00 p.m. and all persons must vacate the premises by 12:00 a.m. with an

exception for certain District sanctioned events. The District reserves the right to refuse alcohol or service to anyone deemed to be intoxicated or disruptive. Management reserves the right to close the bar and cease all sales of alcohol should it be determined that such sales cannot be carried out safely and within state and local laws regarding alcohol service.

- b. At functions where the majority of the guests are under the age of 21, the District requires the following:
 - 1) Guests leaving the inside of the Clubhouse will not be permitted to return to the party.
 - 2) If there will be more than fifty persons attending the party under the age of 21 and alcoholic beverages will be served at the function, the District will require the host to provide one or more off duty police officers to monitor the event at the expense of the host.
 - 3) Identification measures must be established to ensure that persons under the age of twenty-one years of age are not served alcoholic beverages on the premises of the District. When required, at the discretion of the District, the host is responsible for the cost of additional labor to implement the extra identification and protection measures.

5. Guests

- a. Attendees at any banquet in the District are by invitation only.
- b. The Host must provide Management with a list of guest names at least 72 hours prior to the event for use by Management and security to grant guests entrance to the property for the event.
- c. All guests attending a banquet in the District must be invited by the host. Examples of invitations that are not permitted by the District include:
 - 1) A Resident or Nonresident host may not use purchased mailing lists or invitations addressed to "Resident".
 - 2) A Resident or Nonresident host may not advertise the event in print or broadcast media.

6. Valet Parking

At the discretion of the District, events exceeding 100 guests may require valet parking at the expense of the host.

7. Security

For parties in excess of one hundred persons, the District may require one or more off duty police officers at the discretion of Management and at the expense of the host.

8. Deposits

- a. Payment of the room rental fee if applicable and security deposit is required at the time of booking.
- b. The security deposit will be refunded only in accordance with the District's contract with the host. The nonrefundable security deposit will be applied to the final cost of the event if there are no damages to the facilities or other District expenses caused by or related to the event caused by the host, the host's guests, and/or the host's contractors.
- c. Room rental fees are waived for Resident events. However, a Resident host will be responsible for a cancellation fee when canceling an event with less than two weeks' notice. The cancellation fee will be set by Management, but in no event more than 10% of the contracted price.

9. Guarantee

- a. For Nonresident events, pre-payment of expected charges is required as agreed to in the contract with the Banquet Event Order. It is the host's responsibility to contact Management with the final participant count at least 72 hours prior to the function.
- b. The host's guaranteed guest count or the number of guests that actually attend the event, whichever is greater, is the number for which the host will be billed.
- c. Nonresident events are subject to a mandatory service charge at the contracted percentage rather than an optional gratuity.
- d. Payment must be made in accordance with the District Cashless Policy.

10. Liability and Damage

- a. The District does not assume responsibility for personal property and equipment brought on the premises by the event host or his/her agents. The District is not responsible for damage, loss or theft of any articles or merchandise left on the premises prior to, during or following a function.
- b. Performance of the event is contingent upon the ability of Management to complete the same, and is subject to labor troubles, restrictions upon travel, transportation of foods, beverages or supplies, and other causes whether enumerated herein or not, beyond the control of Management preventing or interfering with performance. The District reserves the right to employ a caterer, as deemed necessary by Management should the District not be able to provide such services for any reason. In no event shall the District be liable for the loss of profit or for other similar or dissimilar collateral or consequential damages, whether based on breach of contract, warranty, or otherwise.
- c. The District reserves the right to inspect and control all events, but is not responsible or liable for any injury or damage to persons or property not caused directly by the District or its employees. Expenses of damages to District property caused by the host or his/her guests will be charged to the host after deduction on any paid deposit.

VIII. GOLF POLICIES

A. General

Use of the golf course is available to individuals playing golf and paying a fee, either an Annual Golf Membership (prepaid greens fees) or a daily greens fee.

B. Hours of Play

1. The hours of play, Golf Shop hours and Practice Facility hours will be posted in the Golf Shop.
2. The golf course will be closed at the discretion of Management. No one will be allowed on the course until Management reopens the course.
3. The golf course will be closed for maintenance every Monday from May 1 through September 30th, except for holidays when the course will be closed on the Tuesday following the holiday. Members may use the course in the afternoon on these days, after the maintenance effort is completed for the day, but only after Management opens the Course and posts "OPEN" signage has been posted.
4. The golf course will be closed for maintenance during October through April as designated by Management.

C. Handicaps

1. Handicaps are computed under the supervision of Management in accordance with the current USGA Handicap System.
2. The service of providing handicaps for Members is provided as part of their Membership Fees. Handicaps can be provided for Non-Members for a fee.

D. Handicap Flags

1. The District encourages golfers with disabilities to participate in the game and therefore special considerations are given to these golfers.
2. Management has established the requirements for use of Handicap flags. The Golf Shop can be contacted for details.

E. Hazardous Weather Conditions

1. If the lightning prediction system activates a warning, play must stop.
2. Management will have the exclusive authority to resume play or to close the golf course, as conditions warrant.
3. Rain checks will be issued as described in the Rules & Regulations..

F. Pace of Play

Management has procedures in place to manage and monitor the pace of play. Depending on the volume of play, all players are expected to play "Ready Golf" in order to finish in 4 hours and 15 minutes.

G. Tee Times

1. The Herons Glen Golf Course utilizes a computerized tee time reservation system for Golf Members' use. Instructions explaining the system and its use are available in the Golf Shop and on the website.
2. No golf foursomes will be permitted to "Link" through the computerized tee time reservation system during the period January 1st through April 15th of each year.
3. Tee Time Priorities:
 - a. Golf Members
 - b. Guests of Golf Members (During January, February, March and through April 15th, a nonmember may only play 14 times as a guest. A golf member may have a maximum of 14 Guests.
 - c. Resident Non-Members
 - d. Public

4. Tee Time Requests
 - a. Management will determine how far in advance tee time requests may be made.
 - b. Management will inform the Board of changes made in the timing of advance tee time requests.
 - c. Golf members are allowed tee time requests in advance of Resident nonmembers and Resident nonmembers are allowed tee time requests in advance of the public.
5. If a Golf Member reserves a tee time using the Guest function and then substitutes a Golf Member in place of the guest without permission of the Golf Shop, a Guest fee will be charged to the member making the reservation for every such substitution. This policy is to ensure that substitutions are made from the stand-by list to be fair to all.
6. A Golf Member who signs up a Resident Non-Member as a Guest, or substitutes another member after the tee time is made without the permission and approval of Management, whether using the computerized tee time reservation system or not, will be charged a Guest Fee (at the rate in effect at that time) and receive a warning from Management. Continued violation of this policy by a Member will be referred to the General Manager for possible discipline, including suspension of privileges.

H. Tee Time Cancelations

1. All Members of the Herons Glen Golf Course must notify the Golf Shop at least 24 hours in advance to cancel an assigned tee time. It is understood that certain events can occur where 24 hours' notice is not possible.
2. If a Member does not cancel an assigned tee time at least 24 hours in advance and does not have a valid reason (e.g., illness, emergency, weather), it will be considered a violation. A sanction will be imposed against the Member as described in the Rules & Regulations.

I. Summer Reciprocals

The District participates in a Summer Reciprocal program managed by the Golf Shop.

J. Non-Member Play

There are a certain number of tee times reserved for non-member and outside paid play. These tee times are referred to as set-asides.

1. In conjunction with the annual golf budget, Management proposes "set-asides". These "set-asides" are used to determine the daily golf revenue, and the number of "set-asides" is approved by the Board with the budget.
2. It is the policy of the District that Management shall have the authority to use discretion from time to time to modify the number of set-aside tee times during season as economic conditions warrant. The Board is to be notified of changes.

K. Outings

1. District reserves the right for the golf course to host outings.
2. Management may negotiate fees for outings, which are in the best interests of the District.
 - a. Outing sponsors must purchase non-donated golf merchandise from the District.
 - b. Outing sponsors must purchase non-donated food and all drinks from the District. No alcoholic drinks donated or otherwise may be brought into the District. All alcoholic drinks consumed on District property must be purchased from the District.
3. While it is important to remember that the Herons Glen golf course is primarily designed for use by Members, it is also important to recognize that some outside use by the public must be permitted. Such outside use, particularly during the less busy summer months when many Members are away from the community, can substantially enhance the financial position of the District. This policy is designed to comply with our legal requirements and to provide all groups the opportunity to play, without denying a great deal of play time to Members. The following criteria will prevail:
 - a. There may be outside play groups scheduled at any time.

- b. Members will be allowed to sign up for any openings not used by the outside play group.
- c. Every effort will be made to impress upon the organizers of the outside play groups the importance of providing the Herons Glen Golf Shop with an accurate count of golfers for a given event and a firm commitment for the outing with a signed contract outlining the details.

L. Rain Checks

The District issues Rain checks as described in the Rules & Regulations.

M. Association Golf Events

1. Men's Day will be held on Tuesdays.
2. Ladies' Day will be held on Wednesdays.
3. Between November 1st and April 30th each Association may sponsor one tournament to which they may invite outside participants.
4. All Association tournaments will be held on Tuesdays and Wednesdays except for the final round(s) of the HGMGA & HGLGA Championship which may be played on Saturday.
5. Nothing in this section precludes the Golf Staff from conducting tournaments.

N. Association Day

During the months of October through April on shotgun starts if the respective fields do not fill Management has the option to fill with non-association play.

O. Tees

The Golf Professional will determine tournament play qualifications for the assigned tees.

P. Adopt-A-Hole Program

The District may establish an adopt-a-hole program for the community. Program details are available from Management.

Q. Hole-In-One Program

1. A Hole-in-One Program is available to all Herons Glen Golf Members.
2. Management has established operating procedures. The Golf Shop is responsible for the operation and rules.

IX. COMMITTEE POLICIES

A. General Policies Concerning All Committees

1. The Board appoints all committees and committee members. All committee members serve at the pleasure of the Board.
2. The Board may, if needed, create standing committees, ad hoc committees and sub-committees. The ad hoc and sub-committees may be authorized to report either directly to the Board or through a standing committee based on the charter of the committee. Committee members may be asked to serve on special committees and/or perform special studies. The Board may appoint alternate members of committees.
3. All appointees and/or members of any committee must be an owner in the District. Committee applications are strongly considered when making committee appointments.
4. The committee chair must promptly notify the Board of any resignation or vacancy on the committee. Vacancies on or seats created by expansion of any committee will be filled at the Board's discretion, with preference given to Residents who have requested and been vetted for service on that particular committee.
5. Committees serve only in an advisory capacity. Committees may recommend, but do not approve or take action pertaining to the District. Committee members may not direct District Management and/or Staff Members. All requests for staff to provide information must be requested through the General Manager. All Committee recommendations are subject to Board approval.
6. After each meeting, the Committee Chair will prepare a brief written report providing any recommendations that were approved by a vote of the committee membership. This written report will be verbally presented to the Board at a scheduled workshop or meeting.

B. Standing Committee Policies

1. All standing committee appointments begin on the first day of May. All standing committee appointments expire on April 30th the following year. Committee members must re-apply for membership annually.
2. Each standing committee will have a Supervisor from the Board to serve as the committee's liaison.
3. The General Manager will be liaison to all standing committees.
4. All standing committees will meet minimally once per calendar quarter. An organizational meeting shall be held during May to select the Chair, the Vice-chair and review the charter. Regular quarterly meetings will be scheduled each calendar quarter. The Board Liaison will establish initial meeting times, dates and locations when Management requests dates for room scheduling. Additional meetings or modifications may be scheduled by the committee chair.
5. All standing committees will consist of no less than five (5) nor more than seven (7) members in good standing. Additional person(s) may be appointed as a nonvoting, alternate member(s). In the absence of a regular member at any meeting the alternate member's status would change to that of a regular member for the duration of that meeting. In the case of a committee member's resignation, the alternate member would become the regular member. Committee members are expected to attend the quarterly meetings and are invited to participate in the budget workshops.
6. The General Manager will designate a recording secretary for Standing Committees for purposes of minutes only. All other correspondence is the responsibility of the committee chair. Draft minutes should be posted on the website prior to the next meeting of the committee.
7. Committee scope may be expanded by the Board.

C. Ad Hoc Committee Policies

1. Ad hoc committees and their membership are appointed by the Board as the need arises and are discharged after the task for which they were formed has been completed.
2. Ad hoc committees should select a chair or coordinator. The chair or coordinator is responsible for setting meeting times, locations and dates.
3. The committee's minutes or notes are the responsibility of the committee.

4. The membership of an ad hoc committee is largely dependent upon its purpose and area of study/work.
5. Alternate members may be appointed to an ad hoc committee
6. Serving on a standing committee does not preclude a person from serving on one or more ad hoc committees at the same time.
7. Any proposed change to committee membership is to be promptly submitted to the Board for approval.
8. The District Board of Supervisors may remove a committee member at any time.
9. The Board may assign a member of the Board to serve as a liaison to these committees.

X. APPENDIX

A. Facilities & Amenities Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Facilities & Amenities Standing Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all Standing Committees.

Definition: Facilities shall be those defined in the District policies and procedures. In addition, included are the Food & Beverage operations, CLIS operations and recreational activities in or upon these facilities, but not including golf.

Purpose

The Facilities & Amenities Standing Committee's advisory responsibility is limited to receiving and reviewing Resident or Board concerns and requests in the following areas:

1. Maintenance, improvements, logistics, and safety of all buildings and grounds including, as examples, lighting, heating & cooling, cleaning, landscaping, etc.
2. Recreational Activities provided by the District except golf.
3. Proposals for new activities.
4. Recurring problems in the general operations of Food & Beverage and Common Lot Irrigation System (CLIS).

Scope of Responsibilities

After reviewing a concern or request, the committee may:

1. Have its chair make a request of Management, with an informational copy to the Board.
2. Have its chair make a recommendation to the Board concerning the issue. The recommendation may include the request that the Board establish an ad hoc committee with the needed expertise to evaluate the issue.
3. Decide to study the issue further, including creating a subcommittee if needed, and notify the Board of its intent.
4. Decide to take no further action on the concern or request.

Recommendations that are made for the short and long-term needs of the District must identify the impact of operating, capital and deferred budgets. New items must be coordinated with Long Range Planning before submitting to the Board.

B. Finance Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Finance Standing Committee is subject to the General Policies which apply to all of District's committees and those policies which apply to all Standing Committees.

Purpose:

The Finance Standing Committee is responsible for recommending financial policies, financial goals and plans, budgets, and District fees that support the mission, vision, and values of the District in providing excellent financial value. The committee reviews the financial statements, financial reporting processes, and financial controls.

Scope of Responsibilities

1. May attend the budget presentations to review the proposed budget and provide input and comments as requested.
2. Review annual amounts needed for long-term maintenance of facilities and equipment for the annual budget in conjunction with the Long Range Planning committee.
3. Recommend funding options for major capital expenditures or repairs not adequately funded Coordinate with Long Range Planning committee.
4. May Participate with Bank and Bond representatives to review terms for financing, and provide recommendations on the terms and appropriate financing methods.
5. Recommend policies that maintain and improve the financial health and integrity of the District.
6. Review and recommend changes to financial plans and investments to ensure that the fiscal integrity, short and long term, of the District is maintained.
7. Review the financial reports as required against approved budgets. Review with the Board and Management the mid-year results and year-end projections.
8. Review the financial projections of major proposed transactions, new programs, amenities, activities, and services as well as proposals to discontinue services, amenities, Work in conjunction with the Facilities and Amenities and Long Range Planning Committees to make recommendations to the Board.
9. Reviews recommendations of bid oversight and make recommendations to the Board.
10. Review with the Board of supervisors, Audit committee, Management, and the external auditors' significant changes to the financial statements, changes in accounting principles, and accuracy of the District's financial statements.
11. May review the external auditor's annual management letter and monitor Management's implementation of corrective action plans.

Finance Subcommittee on Bid Oversight Responsibilities

This subcommittee will review proposed purchases for expenditures for Category 2 or higher as outlined in Section 287 of FL statutes and the Purchasing section of these policies.

In addition the Subcommittee shall review Management's analysis and proposals for:

1. New contracts for leases of equipment for the District use greater than \$5,000 and multi-year operating leases. Note: Management should provide the lease vs. buy analysis.
2. All insurance policies and employee insurance benefits.

The Subcommittee's review is to:

1. Ensure all bid requirements are met.
2. Ensure all bids offer comparable requirements.
3. Evaluate Management's determination of the company's ability to perform work or provide product based on references and/or prior work with the District.
4. Evaluate "best value" for the District.
5. Make recommendations to the Finance committee as to offerings and preferred providers.

C. Golf Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Golf Standing Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all Standing Committees.

Purpose

The Golf Standing Committee will act in an advisory capacity to the Board regarding golf course maintenance, playing condition standards, golf policies, yearly planning, and overall upkeep for the Herons Glen Golf Course.

Scope of Responsibilities

Management, not the Committee, is responsible for direct oversight and seeing that the golf course is maintained to the desired standards.

1. Rely heavily on the Management's knowledge and experience for agronomic opinion, advice, and answers
2. At Management's request, seek advice and opinions from unbiased, independent consulting agronomists, or equal, as necessary, and appropriate.
3. Submit recommendations to the Board including maintenance schedules, boundaries of play/course playing conditions, golf course operating outlays and equipment needs, for example, fairways, greens, landscaping, cart paths, and so forth
4. Assist with capital and infrastructure recommended requirements for renovations and upgrades to the Board/Long-Range Planning Committee prior to Management's annual budget preparation.
5. Assist Management, as necessary, for their response to any requests or complaints from the golf course members/Residents
6. Identify and assist in resolving issues by providing constructive feedback related to operations and playing condition standards.
7. Refer to the USGA's Glossary of golf Turfgrass Terms to understand the agronomy practices being discussed
8. In April of each year, present a year-end report to the Board that includes unfinished projects and outstanding issues.

Qualifications and Skills

To ensure that decisions benefit the majority of the golfing membership, committee members should be representative of varying golf skills and should include a representative from each of our Golf Associations if possible.

D. Long Range Planning Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Long Range Planning Standing Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all Standing Committees.

Purpose

The Long Range Planning Standing committee is responsible for reviewing the requirements and future needs of the District to ensure assets are adequately maintained and replacement planned. It also reviews strategic plans and the annual community survey to identify needs of the community.

Scope of Responsibilities

1. Review current Capital Expenditures and Master plan, evaluating estimated costs and useful life. Review as needed with the Finance committee funding options.
2. Review current Deferred Maintenance expenditures and Master plan, evaluating estimated costs and useful life.
3. Review the District Strategic Plan and current Survey recommending items for inclusion or removal from the plans.
4. Identify ongoing costs for potential impact on insurance or claims.
5. Review recommendations for short and long term needs of the community provided by the Facilities and Amenities committee. Additionally review parking.
6. Provide recommendations to the Board prior to the expiration of the term.

Qualifications and Skills

The committee should consist of individuals with a background in business, engineering, construction, architecture, safety & security and/or planning.

E. Audit ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Audit ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Audit Committee helps ensure that Management properly develops and adheres to a sound system of internal controls and provides oversight of and communication with the independent auditors. The committee reports to the Board.

Scope of Responsibilities

1. May review the annual work plans of the District's auditors, including timelines for work completion.
2. May review the District's financial audit process, including timeliness of Management responses.
3. May review the District's financial reporting processes, internal controls, and any changes needed with Management and the District's financial auditors.
4. May meet with the District financial auditors with and without Management for updates on work performed, changes in the operating environment, difficulties encountered, and opportunities for improvements.
5. Discuss with the District financial auditors and Management changes in Government Accounting Standards Board and progress on implementation.
6. May review complaints regarding accounting, internal controls, or auditing matters. Provide for the confidential review of such concerns.
7. May provide follow-up review to determine Management's resolution of audit findings, working with Finance Committee.
8. The chairperson will schedule meetings as the audit progresses, or as required.

Qualifications and Skills

The committee should consist of individuals who possess an understanding of financial reporting and auditing. Financial experience in preparing or auditing financial statements, experience in financial and/or government operations and internal controls are highly desirable. The Audit Committee will be comprised of between three (3) and five (5) voting members, including the Treasurer and at least one (1) member of the Finance Standing Committee. The District Treasurer serves as chair.

F. Concert Series Selection ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Concert Series Selection ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

This committee reviews entertainment performers at live showcases as well as web site videos and recommends shows for the District's concert series.

Scope of Responsibilities

1. Annually, Management advises Residents of the committee establishment as well as timeframes for showcases. Interested volunteers must be available to attend the showcases.
2. The committee consists of five Residents.
3. The committee reviews and recommends the entertainers for the concert series commencing in January two years hence. (Ex. Committee selected in November 2023 will recommend the 2025 Concert Series.)
4. Management will be responsible for all contacts, scheduling, arrangements, negotiations, and contracts,
5. Management is responsible for processes and dates for sales of tickets.
6. Pricing is established during the budget approval process.
7. Management is the Committee Coordinator.

G. Library ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Library ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Library ad hoc Committee is charged with keeping the print and non-print media collections of the District organized and updated.

Scope of Responsibility

This includes:

1. Hardback and paperback books.
2. Magazines and other print periodicals.
3. Electronic media formats that are included in the District collection.
4. Determining the appropriateness of the material to be included in the District collection.
5. Weeding and discarding as needed to keep the District collection serviceable.

This committee is required to hold one meeting annually in March for the purpose of creating a budget request for the following fiscal year. This budget request shall be turned in to Management prior to the end of April. A written report shall be presented in conjunction with the budget request.

This committee's coordinator schedules committee members.

This committee's liaison is Management.

H. Media Resources ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Media Resources ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Media Resources Committee provides media resources for sanctioned events.

Scope of Responsibility

The Media Resources ad hoc Committee's responsibility is limited to providing media resources services in the following priority order, and as resources are available.

1. Meetings of the HOA or District Boards.
2. Activities sponsored by the District.
3. Activities sponsored by the HOA.
4. Any other special function as requested by District Management.
5. Resident groups presenting a program in the District facilities that have received prior Management approval to use sound and/or light.

This committee is required to hold one meeting annually in March for the purpose of creating a budget request for the following fiscal year. A written report along with the budget request shall be turned in to Management prior to the end of April.

This committee shall also designate a coordinator who can determine volunteer availability. The committee coordinator has the option to refuse service and notify Management of the refusal if there are no committee members to work a function.

Management is the liaison for this committee.

I. Problem Solving ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Problem-Solving ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Problem-Solving ad hoc Committee is responsible for assisting the Board, Management, and other District committees in identifying solutions to unique issues that require specific thought, examination, and resolutions.

Scope of Responsibilities

The ad hoc Committee shall provide recommendations for the sourcing of the resources to assist with the successful implementation, monitoring and completion of the suggested solutions.

1. The Problem-Solving ad hoc Committee shall consist of a minimum of five (5) members to a maximum of seven (7) members.
2. All recommendations will be delivered to the entity requesting assistance and shall also be made available to the District Board for their review, support, and/or implementation as required.
3. This Committee, through Management, may request access to District resources.
4. The Committee shall elect a Chair and Vice Chair. The Chair will establish the next meeting and advise Management and the Board.
5. The General Manager shall serve as Management liaison to the Committee. A member of the Board will also serve as liaison to the committee.

The Committee shall meet as needed.

J. Resident Events ad hoc Committee

The Resident Events ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

To create a proposed schedule of special functions and events in the ballroom or other facilities and amenities as proposed to or requested by and coordinated through Management.

Scope of Responsibility

This committee will meet as needed to:

1. Work in conjunction with Management in planning and executing events for the benefit of Residents.
2. Complete the proposed schedule of dates and locations for the upcoming fiscal year by May 1st of each year. This does not preclude the addition of events or details at a later date as long as they fit into the budget.
3. Work with Management to define facility set-up and create event menus as needed.
4. Create a budget for all events. The annual budget must ensure ticket prices cover the direct costs over the course of the fiscal year.
5. Select the appropriate entertainment for the committee's ballroom events and recommend to Management possible entertainment for the lounge. The committee may propose entertainers to Management however Management retains final approval and will obtain any needed contracts for entertainment.
6. Recommend to Management appropriate vendors for Food Truck Festivals, and Farmer's Market and work with Management to define facility set-up as needed.
7. Provide information about the scheduled events to available outlets including social media and encourage Residents to attend these functions.
8. Follow the Policies and the Rules & Regulations governing the Food & Beverage Operations and their facilities as they pertain to Resident events, decorations and event set up.
9. Follow the Rules and Regulations governing the storage areas. All items the committee places in District storage become the property of the District and may be used by all District sanctioned groups as well as the District.
10. If appropriate, provide coverage after the event for the community newspaper.
11. The Committee Chair will present a brief written report to the Board in November, February, April and May. The committee's final report in May must include an annual Profit and Loss statement and inform the Board as to how the committee has spent or allocated any excess funds.
12. In April of each year excess funds from the years' events will be used to purchase an item or items for the District. As an alternative, the committee may, working with Management, retain and allocate the funds toward a larger purchase for the District to be made at a later date.
13. If the money is not spent or allocated by Sept 30 of each year it will be recorded as income to the District and be unavailable to the committee.

Resident Events committee members have the opportunity to purchase 2 tickets per household 3 business days prior to ticket sales being offered to the remainder of the community.

Management is the liaison for this committee.

K. Candidate Oath and Qualifying

STATE OF FLORIDA)

COUNTY OF LEE)

Before me, an officer authorized to administer oaths, personally appeared the undersigned, to me well known, who, being sworn, says:

- I am a candidate for the office of Supervisor of Herons Glen Recreation District;
- I am a qualified elector of (i.e., registered to vote in) _____ County, Florida;
- I am qualified under the Constitution and the laws of Florida to hold the office to which I am seeking to be elected;
- I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office I seek;
- I have resigned from any office from which I am required to resign pursuant to § 99.012, Florida Statutes;
- I will support the Constitution of the United States and the Constitution of the State of Florida.
- I am over the age of 18;
- I am an owner of property in the Herons Glen Recreation District;
- I reside in the District for at least 90 days each year;
- My name, as it is to appear on the ballot, is: _____

Signature of candidate

Residence address of candidate

City, State, Zip Code

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____, at Lee County, Florida, appeared

_____ who ☐ is known to me or who ☐ has produced
_____, as identification.

Signature of Notary Public – State of Florida

Printed Name of Notary Public

My Commission Expires: _____

L. Sanctioned Group/Activity Application Form

What is the name of the group or activity? _____

Please provide a contact person. _____

Phone Number and/or email _____

Please provide an alternate contact? _____

Phone Number and/or email _____

Will you require meeting space in the Clubhouse? _____

If so, how often do you plan to meet? _____

What is your estimated occupancy need? _____

Will you require any additional services from staff? _____

Do you intend to raise money other than through dues? _____

Please explain the benefit this group will provide to the District or the Residents of Herons Glen.

I understand that being named a sanctioned group does not obligate the District to provide services or special facilities beyond those available to all District Residents. It simply allows the group to schedule District space and use District publicity outlets.

Group representative signature _____



M. Donation Form

Member # _____

District Donation Form

When making monetary or property donations this form documents your contribution. Please complete and return this form to the District Administration Office.

Hérons Glen Recreation District may accept donations for purposes that will help the District further fulfill its mission. Decisions on the acceptance or refusal shall be made by the General Manager. Management is responsible for issuing donation receipts and acknowledgments. Only a memorial bench may have markings and all such markings are subject to District approval. No other donation or memorial may be marked in any way.

Donor's Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Monetary Donation: _____

Memorial Tree(s)/Palm(s)*: Select from GM plan designating location and types of plantings.

Memorial Bench*: Select from GM plan showing the location and styles available for benches.

Other: Designate the desired area where funds are requested to be spent or accumulated.

* Cost of tree includes leaf for Tree of Life plaque. Cost of bench includes personalized plaque. Please provide details (plaque will be no more than 8 inches by 3 inches, with a 3-line maximum).

Property Donation: GM may consult with committee(s) before accepting donations.

Description of item: _____

Estimated Fair Market Value of the item shown in the donation above. _____

GM's signature signifying acceptance of the donation: _____

All donations are the property of District. The District accepts no responsibility for the replacement and may move or remove items as needed. The timing for the installation of your donation is at the discretion of GM. Weather, delivery times, and work schedules all may influence the installation timing.

The District will issue receipts for gifts to donors.

Signature: _____ Date: _____

Thank you so much for supporting the District with your donation.

Adopted at the April 26, 2023 District Board Meeting

For District staff use:

Actual Location of Donated Item: _____

Date Ordered: _____

Date Received: _____

Date Installed: _____

Amount of Deposit \$ _____

Actual Final Cost (including leaf or plaque for memorials) \$ _____

Date Paid: _____

District Staff Member Overseeing the Donation Position _____

__Accounting __Activities __HOA
01/31/2023

Form Creation Date:

RESOLUTION NO. 2023-11

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURE FROM 2023 AND FUTURE OPERATING ACCOUNT, FUNDS FOR IRRIGATION MAINTENANCE AND RELATED SERVICES BY MAINSCAPE, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including, land, improvements, and equipment such as golf, tennis, and club facilities, including irrigation ponds and distribution system which facilities are owned and operated by the District for the benefit of the community.

C. The Board has determined that there is a need for regular, on-going services from an irrigation services provider to assist the District with its improvement and maintenance of the District’s Common Lot Irrigation System (CLIS).

D. The Board hereby determines that expenditures described below to be made from the District’s 2023 and subsequent annual Operating Accounts are necessary and prudent and in the bests interests of the District.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds from the 2022-2023 and 2023-2024 Operating Budgets, as described below, for the engagement of:

Mainscapes, Inc., to provide maintenance and installation of CLIS services and equipment at an annual contract for \$170,640.00 for 12 months commencing July 1, 2023.

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District, District Counsel and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 8. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 9. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 16th day of June 2023.

**HERONS GLEN RECREATION
DISTRICT**

A handwritten signature in blue ink, appearing to read "Howard Young", is written over a horizontal line.

Howard Young, Chair

ATTEST:

A handwritten signature in black ink is written over a horizontal line.

District Secretary

RESOLUTION NO. 2023-12

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING A PRELIMINARY BUDGET RELATING TO SPECIAL ASSESSMENTS TO BE LEVIED IN THE DISTRICT TO OPERATE AND MAINTAIN THE RECREATIONAL FACILITIES; STATING THE INTENTION TO USE CHAPTER 170 OR CHAPTER 197, FLORIDA STATUTES AS METHODS OF COLLECTING SUCH ASSESSMENTS; CALLING FOR A PUBLIC HEARING TO BE HELD AT WHICH THE DISTRICT SHALL CONSIDER THE ADOPTION OF A NON AD VALOREM ASSESSMENT ROLL IN CONNECTION WITH SUCH ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 25, 1998, as amended), Chapter 189, Florida Statutes, Chapter 170, Florida Statutes and Chapter 197, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The Board of Supervisors expressly finds as follows:

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418 Florida Statutes. The District was established for the purpose of acquiring and operating the Recreational Facilities (hereinafter defined).

B. "Recreational Facilities" shall collectively refer to the land and any and all buildings and other improvements that are owned, or acquired subsequently, by the District including, without limitation, clubhouse, maintenance buildings, cart storage area, outbuildings, supports, foundations, structures, golf course, practice facilities, ranges, pitching and putting greens, tennis courts, shuffleboard courts, swimming pools, bocce courts, pickle ball courts, fitness center, storage areas and storage buildings, lakes, landscaping, signs, paths, sidewalks, curbs, driveways, parking lots, bridges, lighting, open or vacant lands, water systems, drainage systems, waste water facilities, maintenance facilities and irrigation water storage and distribution facilities (CLIS), machinery, fixtures and equipment, including all substitutions for, replacements of and additions to the same located within or without the Herons Glen Development of Regional Impact in North Fort Myers, Lee County, Florida, and any such other facilities as the District may acquire from time to time. The Recreational Facilities are also sometimes referred to herein as the "Improvements."

C. The Board has annually since their acquisition, and has again, this date, considered and does now determine that the operation, maintenance and improvement of said Recreational Facilities serves a proper, essential and valid public purpose which specially benefits each lot in the District.

D. The District is empowered by the Act to provide facilities such as the Recreational Facilities to the residents of the District and others.

E. Management has submitted a **Preliminary Budget Report ("Budget Report")** for operation and management of the Recreational Facilities during the District's **2023-2024** Fiscal Year, which Budget Report supports the special benefit to the properties in the District as a result of the operation, maintenance and improvement of the Recreational Facilities and allocates such benefit to the properties in the District. The Budget Report provides a method, based upon the 1999 report of Financial & Associates, Ltd., entitled "Preliminary Special Assessment Methodology," as amended in 2006 and again in August 2020 by PFM Financial Advisors LLC (the "Financial Report") for levying non ad valorem special assessments on the specially benefitted properties in the District in order to provide all funds necessary (the "Special Assessments") to operate, maintain, replace, improve and manage the District and its Facilities and which Report anticipates no general tax revenue for the District. The Financial Report in conjunction with the Budget Report, is the basis for the methodology used for determining the District's Preliminary Assessment Roll.

F. The District now desires to approve and adopt the Budget Report and the Preliminary Assessment Roll, evidence its intent to collect the Special Assessments by the Methods authorized by Chapter 170 and Chapter 197, Florida Statutes and to call a public hearing for the purpose of hearing evidence from assessed owners and for adopting a final non ad valorem assessment roll with respect to such Special Assessments, all as required by Florida Statutes.

G. The Board finds that all lots and parcels, developed and anticipated to be developed, as well as the residents, existing and anticipated, of the District will be specially benefitted by the Special Assessments through fulfillment of the operation and management of the District and the operation, maintenance and replacement of its Recreational Facilities, because the Recreation Facilities were purchased or otherwise acquired on the basis that they had been determined to be a special benefit to all property within the District and the District having acquired them for the benefit of the property and property owners in the District, finds that those facilities must be properly operated, maintained, replaced, improved, increased and managed in order for them to continually provide the special benefit to such property and to the property owners of the District, in accord with the original intent for formation of the District and as was contemplated at the time of initial acquisition of the Recreational Facilities.

H. The Board finds that the Budget Report provides a fair and equitable apportionment of the Special Assessments for the next fiscal year of the District.

SECTION 3. APPROVAL OF BUDGET REPORT AND PRELIMINARY ASSESSMENT ROLL. The **Budget Report**, substantially in the form submitted at the June 16, **2023** Board meeting, including the preliminary assessment roll included therein, i.e. the per lot annual operation and maintenance assessments, attached hereto as **Exhibit A**, and that certain annual debt service assessment previously established for repayment of the District's Bonds (the "Bond Debt Service Assessments"), are hereby approved and adopted. The proposed per lot assessments as stated therein are upon all existing lots located within the Herons Glen Recreation District's jurisdictional boundaries.

SECTION 4. INTENT TO ASSESS AND COLLECT SPECIAL ASSESSMENTS. The Findings have been considered by the Board and found to be true and correct. The District hereby states its intent to use the method of collecting the Special Assessments as permitted by Section 189.4065, Florida Statutes, and, primarily, Chapter 170, Florida Statutes as to developed lots and primarily, Chapter 197, Florida Statutes, as to the Bond Debt Service Assessments and as to the annual operation and maintenance assessments on lots owned by owners who are substantially delinquent in payment of prior District assessments.

The levy of the Special Assessments is required to provide funds to bond pay debt service and to operate, maintain, replace, improve and manage the District and its Facilities during its fiscal year **2023-2024** in the amounts set forth in the Report. The assessments shall be made on all lots and lands adjoining and contiguous or bounding upon such improvements or otherwise specially benefited thereby and as further designated by the assessment roll hereinafter provided for. The assessments shall be made on a platted (developed and vacant) per lot basis; they shall be in the amount described in the Report per Lot, unless modified at the final hearing described herein; they shall be imposed on an annual or a monthly basis, collected quarterly for developed lots, or, as determined by the Board at the Public Hearing, on an annual basis, either collected by the District directly or collected by the County Tax Collector on the tax roll, for each platted Lot the owner of which is two or more quarters delinquent in paying prior assessments as of the effective date of this Resolution, and in accord with the Report; and further, they shall be paid by each owner of developed lots in quarterly installments as billed by the District during the District's **2023-2024 Fiscal Year**, and further, the assessments shall be the personal obligation of each owner, whether collected by direct billing or by the uniform method of Section 197.3632, Florida Statutes, i.e. on the County tax bill. The legal description of the lands within the District which shall be subject to the levy of the Special Assessments is attached hereto as **Exhibit B**.

SECTION 5. PUBLIC HEARING TO ADOPT SPECIAL ASSESSMENT ROLL. The District hereby calls and sets a final public hearing for **Wednesday, August 30, 2023 at 5:00 p.m.** to be held in the Clubhouse of the Herons Glen Golf & Country Club, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida (the "**Final Adoption Hearing**") for the purpose of receiving testimony and objections from affected property owners, adopting a final Budget and final non ad valorem assessment roll (the "Assessment Roll") with respect to the Special Assessments. At the Final Adoption Hearing, the Board will sit as an equalizing board, will hear objections of all interested persons to the final Assessment Roll and will finally confirm and adopt an Assessment Roll and allocate such assessments as appropriate among any property, or take such action relative thereto as it deems just and right.

SECTION 6. NOTICE AND PUBLICATION. As required by Section 170.07, Florida Statutes and Section 197.3632, Florida Statutes, at least thirty (30) days prior to the Adoption Hearing, notice thereof shall be given by first-class United States mail. The notice shall be in substantially the form attached hereto as **Exhibit C (the "Notice")**. The Notice to be given by mail shall be sent to each person shown by the Lee County Property Appraiser as owning property subject to the Special Assessments on the effective date of this Resolution. The Notice shall include the information required by Florida Statutes. This Resolution shall be published once a week for a period of two (2) weeks in a newspaper of general circulation published in Lee County. Further, the Notice of the time and place of the Final Adoption Hearing shall be published two times, one week apart in a newspaper of general circulation published in Lee County such that the final publication is at least one week prior to the Final Public Hearing.

SECTION 7. GOLF AND TENNIS ANNUAL FEES. The preliminary Golf Membership and Tennis Membership fees and charges, which are also shown on the attached Exhibit “A,” are hereby preliminarily approved for the **2023-2024** fiscal year, subject to final adoption of the Budget.

SECTION 8. MISCELLANEOUS. The Chairman, and other officers of the Board of Supervisors, the District Management and the District Legal Counsel are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the effectuation of this Resolution and which are not inconsistent with the terms and provisions herein.

SECTION 9. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 10. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this **16th** day of **June 2023**.

Attest:


District Secretary

HERONS GLEN RECREATION DISTRICT



Howard Young, Chair

EXHIBIT A

FY 2022-23 *Approved Budget*

FY 2023-24 *Proposed Budget*

	Assessments	Other Revenue	Expenditures	Assessments	Other Revenue	Expenditures	Assessment % Change
HGRD Operations & Maintenance							
Administration	\$ 879,312	\$ 153,009	\$ 1,032,321	\$ 1,099,662	\$ 169,724	\$ 1,269,386	25.1%
Food & Beverage	491,766	1,314,443	1,806,209	433,760	1,545,429	1,979,189	-11.8%
Clubhouse	888,694	11,600	900,294	964,839	11,800	976,639	8.6%
Fitness	70,205	2,400	72,605	85,685	4,200	89,885	22.0%
CLIS	288,922	234,645	523,567	303,316	242,364	545,680	5.0%
Pro Shop	-	2,358,395	695,620	-	2,540,985	727,839	
Golf Maintenance	-	-	1,662,774	-	-	1,813,146	
Total Operations (rounded)	\$ 2,618,899	\$ 4,074,492	\$ 6,693,391	\$ 2,887,262	\$ 4,514,502	\$ 7,401,764	10.2%
Deferred Maint Reserve Fund	\$ 381,928			\$ 381,928			0.0%
Capital Reserve Fund	\$ 293,893			\$ 325,000			10.6%
Total Annual Assessment	\$ 3,294,720			\$ 3,594,191			9.1%
Losses Reserve Fund (FY 2023-24 only)*	\$ -			\$ 390,000			
TOTAL HGRD	\$ 3,294,720			\$ 3,984,191			

Golf Membership Fees	(pre-tax)	2022-23	2023-24	% Change
Resident Household		\$ 5,280	\$ 5,438	3.0%
Resident Single		3,300	3,399	3.0%
Tennis Association Fee		\$ 10,000	\$ 10,000	0.0%

	2022-23 Annual	2023-24 Annual	2023-24 Quarterly	\$ Δ Annual	% Change
O&M Assessment per lot: (rounded)	-	-	-		
O&M	\$ 2,015	\$ 2,221	\$ 555	\$ 206	10.2%
Capital Replacement Reserve**	226	250	63	24	10.6%
Deferred Maint Reserve***	294	294	73	0	0.0%
Total O&M, Cap & Def Asmnt:	2,534	2,765	691	230	9.1%
Losses Reserve Replenishment Asmnt	-	300	75	300	
Total O&M, Cap, Def & Loss Spec Asmnt:	\$ 2,534	\$ 3,065	\$ 766	\$ 530	

* Losses Reserve Fund Assessment is a one-time only assessment

** Capital Reserve calculated based on incremental increase according to the Long Range Plan

*** Deferred Maintenance Reserve calculated on a 10-yr annual needs according to the Long Range Plan

Debt service (bond payments) are an amount of \$1,424.58 per year, which will appear on your Lee County Property Tax bill.

EXHIBIT B
LEGAL DESCRIPTION OF HERONS GLEN RECREATION DISTRICT

Herons Glen Unit 1 as described in Official Records Instrument No. 4568865, Plat Book 63, Page 51; and
Herons Glen Unit 2 as described in Official Records Instrument No. 4664888, Plat Book 64, Page 16; and
Herons Glen Unit 3 as described in Official Records Instrument No. 4769889, Plat Book 65, Page 21; and
Herons Glen Unit 4 as described in Official Records Instrument No. 4992933, Plat Book 67, Page 9; and
Herons Glen Unit 5 as described in Official Records Instrument No. 5865368, Plat Book 74, Page 82; and
Herons Glen Unit 7 as described in Official Records Instrument No. 4992938, Plat Book 67, Page 11; and
Herons Glen Unit 7A as described in Official Records Instrument No. 2007000068527; and
Herons Glen Unit 8 as described in Official Records Instrument No. 5477271, Plat Book 71, Page 33; and
Herons Glen Unit 9 as described in Official Records Instrument No. 5158223, Plat Book 69, Page 1; and
Herons Glen Unit 10 as described in Official Records Instrument No. 5829907, Plat Book 74, Page 51; and
Herons Glen Unit 11A as described in Official Records Instrument No. 2007000038434; and
Herons Glen Unit 11 and 12 as described in Official Records Instrument No. 6347420, Plat Book 78, Page 57; and
Herons Glen Unit 13 as described in Official Records Instrument No. 6379670, Plat Book 78, Page 87; and
Del Vera Unit 1 as described in Official Records Instrument No. 2885891, Plat Book 46, Page 7; and
Del Vera Unit 2 as described in Official Records Instrument No. 3276799, Plat Book 50, Page 69; and
Mystic at Herons Glen as described in Official Records Instrument No. 2021000164953 in the Public Records of Lee County, Florida.

**NOTICE OF PUBLIC HEARING
TO ADOPT NON-AD VALOREM ASSESSMENT ROLL**

NOTICE IS HEREBY GIVEN that the Herons Glen Recreation District (the “District”) has called for a public hearing to be held on **Wednesday, August 30, 2023 at 5:00 p.m.** in the Clubhouse of the Herons Glen Golf & Country Club, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida, for the purpose of adopting its Annual Budget and non-ad valorem assessment roll in the form of special assessments to defray the cost of bond debt service and operating and maintaining the District’s Recreational Facilities and to fund capital replacement and deferred maintenance reserve accounts during its upcoming **fiscal year, 2023/2024**. (These annual assessments are here referred to as the “Special Assessments” and the **August 30, 2023**, public hearing is here referred to as the “**Public Hearing**”).

The total amount of the proposed Operation and Maintenance (“O&M”) Special Assessment per lot is **\$3,065.00**. The debt service (“Bond”) assessment is **\$1,424.58** per lot.

For all lots, the Operation and Maintenance assessments are proposed to be billed directly by the District in quarterly installments of **\$766.00**. For lots owned by owners who are two or more quarters delinquent, the O&M amounts stated above are proposed to be collected either directly by the District or by the County Tax Collector, as determined from time to time. The actual final assessment amount for each lot will be determined by the Board of Supervisors at the Public Hearing.

The District proposes to levy these non-ad valorem Special Assessments against the specially benefitted property within the boundaries of the District and within the Herons Glen, Del Vera and Mystic subdivisions, North Fort Myers, Lee County, Florida, for the purposes of acquisition, operation, maintenance, replacement and management of the District’s Recreation Facilities, all as more fully described in **Resolution No. 2023-12**.

Pursuant to Resolution No. **2023-12**, the District has stated its intent to use methods of collecting the Special Assessments authorized by Chapters 170 and/or 197, Florida Statutes. Failure of a property owner in the District to pay the Special Assessments levied on such owner’s property when due will cause a tax certificate to be issued if the assessment is placed on the tax roll, or a lien to be filed upon such property if the assessment is not placed on the tax roll, either of which may result in loss of title to the property. The total amount of all proposed assessments is **\$3,984,191.00**.

All affected property owners have the right to appear at the Public Hearing and the right to file written objections with the District within twenty (20) days from the date of this notice. If a person decides to appeal any decisions made by the Board of the District with respect to any matters considered at the Public Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodations at any of the meetings because of a disability or physical impairment should contact Herons Glen at 239-731-4501 at least five (5) calendar days prior to the meeting.

HERONS GLEN RECREATION DISTRICT
Dated: **July 19, 2023**

RESOLUTION NO. 2023-12

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING A PRELIMINARY BUDGET RELATING TO SPECIAL ASSESSMENTS TO BE LEVIED IN THE DISTRICT TO OPERATE AND MAINTAIN THE RECREATIONAL FACILITIES; STATING THE INTENTION TO USE CHAPTER 170 OR CHAPTER 197, FLORIDA STATUTES AS METHODS OF COLLECTING SUCH ASSESSMENTS; CALLING FOR A PUBLIC HEARING TO BE HELD AT WHICH THE DISTRICT SHALL CONSIDER THE ADOPTION OF A NON AD VALOREM ASSESSMENT ROLL IN CONNECTION WITH SUCH ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 25, 1998, as amended), Chapter 189, Florida Statutes, Chapter 170, Florida Statutes and Chapter 197, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The Board of Supervisors expressly finds as follows:

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418 Florida Statutes. The District was established for the purpose of acquiring and operating the Recreational Facilities (hereinafter defined).

B. "Recreational Facilities" shall collectively refer to the land and any and all buildings and other improvements that are owned, or acquired subsequently, by the District including, without limitation, clubhouse, maintenance buildings, cart storage area, outbuildings, supports, foundations, structures, golf course, practice facilities, ranges, pitching and putting greens, tennis courts, shuffleboard courts, swimming pools, bocce courts, pickle ball courts, fitness center, storage areas and storage buildings, lakes, landscaping, signs, paths, sidewalks, curbs, driveways, parking lots, bridges, lighting, open or vacant lands, water systems, drainage systems, waste water facilities, maintenance facilities and irrigation water storage and distribution facilities (CLIS), machinery, fixtures and equipment, including all substitutions for, replacements of and additions to the same located within or without the Herons Glen Development of Regional Impact in North Fort Myers, Lee County, Florida, and any such other facilities as the District may acquire from time to time. The Recreational Facilities are also sometimes referred to herein as the "Improvements."

C. The Board has annually since their acquisition, and has again, this date, considered and does now determine that the operation, maintenance and improvement of said Recreational Facilities serves a proper, essential and valid public purpose which specially benefits each lot in the District.

D. The District is empowered by the Act to provide facilities such as the Recreational Facilities to the residents of the District and others.

E. Management has submitted a **Preliminary Budget Report ("Budget Report")** for operation and management of the Recreational Facilities during the District's **2023-2024** Fiscal Year, which Budget Report supports the special benefit to the properties in the District as a result of the operation, maintenance and improvement of the Recreational Facilities and allocates such benefit to the properties in the District. The Budget Report provides a method, based upon the 1999 report of Financial & Associates, Ltd., entitled "Preliminary Special Assessment Methodology," as amended in 2006 and again in August 2020 by PFM Financial Advisors LLC (the "Financial Report") for levying non ad valorem special assessments on the specially benefitted properties in the District in order to provide all funds necessary (the "Special Assessments") to operate, maintain, replace, improve and manage the District and its Facilities and which Report anticipates no general tax revenue for the District. The Financial Report in conjunction with the Budget Report, is the basis for the methodology used for determining the District's Preliminary Assessment Roll.

F. The District now desires to approve and adopt the Budget Report and the Preliminary Assessment Roll, evidence its intent to collect the Special Assessments by the Methods authorized by Chapter 170 and Chapter 197, Florida Statutes and to call a public hearing for the purpose of hearing evidence from assessed owners and for adopting a final non ad valorem assessment roll with respect to such Special Assessments, all as required by Florida Statutes.

G. The Board finds that all lots and parcels, developed and anticipated to be developed, as well as the residents, existing and anticipated, of the District will be specially benefitted by the Special Assessments through fulfillment of the operation and management of the District and the operation, maintenance and replacement of its Recreational Facilities, because the Recreation Facilities were purchased or otherwise acquired on the basis that they had been determined to be a special benefit to all property within the District and the District having acquired them for the benefit of the property and property owners in the District, finds that those facilities must be properly operated, maintained, replaced, improved, increased and managed in order for them to continually provide the special benefit to such property and to the property owners of the District, in accord with the original intent for formation of the District and as was contemplated at the time of initial acquisition of the Recreational Facilities.

H. The Board finds that the Budget Report provides a fair and equitable apportionment of the Special Assessments for the next fiscal year of the District.

SECTION 3. APPROVAL OF BUDGET REPORT AND PRELIMINARY ASSESSMENT ROLL. The **Budget Report**, substantially in the form submitted at the June 16, **2023** Board meeting, including the preliminary assessment roll included therein, i.e. the per lot annual operation and maintenance assessments, attached hereto as **Exhibit A**, and that certain annual debt service assessment previously established for repayment of the District's Bonds (the "Bond Debt Service Assessments"), are hereby approved and adopted. The proposed per lot assessments as stated therein are upon all existing lots located within the Herons Glen Recreation District's jurisdictional boundaries.

SECTION 4. INTENT TO ASSESS AND COLLECT SPECIAL ASSESSMENTS. The Findings have been considered by the Board and found to be true and correct. The District hereby

states its intent to use the method of collecting the Special Assessments as permitted by Section 189.4065, Florida Statutes, and, primarily, Chapter 170, Florida Statutes as to developed lots and primarily, Chapter 197, Florida Statutes, as to the Bond Debt Service Assessments and as to the annual operation and maintenance assessments on lots owned by owners who are substantially delinquent in payment of prior District assessments.

The levy of the Special Assessments is required to provide funds to bond pay debt service and to operate, maintain, replace, improve and manage the District and its Facilities during its fiscal year **2023-2024** in the amounts set forth in the Report. The assessments shall be made on all lots and lands adjoining and contiguous or bounding upon such improvements or otherwise specially benefited thereby and as further designated by the assessment roll hereinafter provided for. The assessments shall be made on a platted (developed and vacant) per lot basis; they shall be in the amount described in the Report per Lot, unless modified at the final hearing described herein; they shall be imposed on an annual or a monthly basis, collected quarterly for developed lots, or, as determined by the Board at the Public Hearing, on an annual basis, either collected by the District directly or collected by the County Tax Collector on the tax roll, for each platted Lot the owner of which is two or more quarters delinquent in paying prior assessments as of the effective date of this Resolution, and in accord with the Report; and further, they shall be paid by each owner of developed lots in quarterly installments as billed by the District during the District's **2023-2024 Fiscal Year**, and further, the assessments shall be the personal obligation of each owner, whether collected by direct billing or by the uniform method of Section 197.3632, Florida Statutes, i.e. on the County tax bill. The legal description of the lands within the District which shall be subject to the levy of the Special Assessments is attached hereto as **Exhibit B**.

SECTION 5. PUBLIC HEARING TO ADOPT SPECIAL ASSESSMENT ROLL. The District hereby calls and sets a final public hearing for Thursday, **August 30, 2023 at 6:00 p.m.** to be held in the Clubhouse of the Herons Glen Golf & Country Club, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida (the "**Final Adoption Hearing**") for the purpose of receiving testimony and objections from affected property owners, adopting a final Budget and final non ad valorem assessment roll (the "Assessment Roll") with respect to the Special Assessments. At the Final Adoption Hearing, the Board will sit as an equalizing board, will hear objections of all interested persons to the final Assessment Roll and will finally confirm and adopt an Assessment Roll and allocate such assessments as appropriate among any property, or take such action relative thereto as it deems just and right.

SECTION 6. NOTICE AND PUBLICATION. As required by Section 170.07, Florida Statutes and Section 197.3632, Florida Statutes, at least thirty (30) days prior to the Adoption Hearing, notice thereof shall be given by first-class United States mail. The notice shall be in substantially the form attached hereto as **Exhibit C (the "Notice")**. The Notice to be given by mail shall be sent to each person shown by the Lee County Property Appraiser as owning property subject to the Special Assessments on the effective date of this Resolution. The Notice shall include the information required by Florida Statutes. This Resolution shall be published once a week for a period of two (2) weeks in a newspaper of general circulation published in Lee County. Further, the Notice of the time and place of the Final Adoption Hearing shall be published two times, one week apart in a newspaper of general circulation published in Lee County such that the final publication is at least one week prior to the Final Public Hearing.

SECTION 7. GOLF AND TENNIS ANNUAL FEES. The preliminary Golf Membership and Tennis Membership fees and charges, which are also shown on the attached Exhibit “A,” are hereby preliminarily approved for the **2023-2024** fiscal year, subject to final adoption of the Budget.

SECTION 8. MISCELLANEOUS. The Chairman, and other officers of the Board of Supervisors, the District Management and the District Legal Counsel are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the effectuation of this Resolution and which are not inconsistent with the terms and provisions herein.

SECTION 9. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 10. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this **16th** day of **June 2023**.

Attest:


District Secretary

HERONS GLEN RECREATION DISTRICT


Howard Young, Chair

EXHIBIT A

FY 2022-23 *Approved Budget*

FY 2023-24 *Proposed Budget*

	Assessments	Other Revenue	Expenditures	Assessments	Other Revenue	Expenditures	Assessment % Change
HGRD Operations & Maintenance							
Administration	\$ 879,312	\$ 153,009	\$ 1,032,321	\$ 1,099,662	\$ 169,724	\$ 1,269,386	25.1%
Food & Beverage	491,766	1,314,443	1,806,209	433,760	1,545,429	1,979,189	-11.8%
Clubhouse	888,694	11,600	900,294	964,839	11,800	976,639	8.6%
Fitness	70,205	2,400	72,605	85,685	4,200	89,885	22.0%
CLIS	288,922	234,645	523,567	303,316	242,364	545,680	5.0%
Pro Shop	-	2,358,395	695,620	-	2,540,985	727,839	
Golf Maintenance	-	-	1,662,774	-	-	1,813,146	
Total Operations (rounded)	\$ 2,618,899	\$ 4,074,492	\$ 6,693,391	\$ 2,887,262	\$ 4,514,502	\$ 7,401,764	10.2%
Deferred Maint Reserve Fund	\$ 381,928			\$ 381,928			0.0%
Capital Reserve Fund	\$ 293,893			\$ 325,000			10.6%
Total Annual Assessment	\$ 3,294,720			\$ 3,594,191			9.1%
Losses Reserve Fund (FY 2023-24 only)*	\$ -			\$ 390,000			
TOTAL HGRD	\$ 3,294,720			\$ 3,984,191			

Golf Membership Fees	(pre-tax)	2022-23	2023-24	% Change
Resident Household		\$ 5,280	\$ 5,438	3.0%
Resident Single		3,300	3,399	3.0%
Tennis Association Fee		\$ 10,000	\$ 10,000	0.0%

	2022-23 Annual	2023-24 Annual	2023-24 Quarterly	\$ Δ Annual	% Change
O&M Assessment per lot: (rounded)	-	-	-		
O&M	\$ 2,015	\$ 2,221	\$ 555	\$ 206	10.2%
Capital Replacement Reserve**	226	250	63	24	10.6%
Deferred Maint Reserve***	294	294	73	0	0.0%
Total O&M, Cap & Def Asmnt:	2,534	2,765	691	230	9.1%
Losses Reserve Replenishment Asmnt	-	300	75	300	
Total O&M, Cap, Def & Loss Spec Asmnt:	\$ 2,534	\$ 3,065	\$ 766	\$ 530	

* Losses Reserve Fund Assessment is a one-time only assessment

** Capital Reserve calculated based on incremental increase according to the Long Range Plan

*** Deferred Maintenance Reserve calculated on a 10-yr annual needs according to the Long Range Plan

Debt service (bond payments) are an amount of \$1,424.58 per year, which will appear on your Lee County Property Tax bill.

EXHIBIT B
LEGAL DESCRIPTION OF HERONS GLEN RECREATION DISTRICT

Herons Glen Unit 1 as described in Official Records Instrument No. 4568865, Plat Book 63, Page 51; and
Herons Glen Unit 2 as described in Official Records Instrument No. 4664888, Plat Book 64, Page 16; and
Herons Glen Unit 3 as described in Official Records Instrument No. 4769889, Plat Book 65, Page 21; and
Herons Glen Unit 4 as described in Official Records Instrument No. 4992933, Plat Book 67, Page 9; and
Herons Glen Unit 5 as described in Official Records Instrument No. 5865368, Plat Book 74, Page 82; and
Herons Glen Unit 7 as described in Official Records Instrument No. 4992938, Plat Book 67, Page 11; and
Herons Glen Unit 7A as described in Official Records Instrument No. 2007000068527; and
Herons Glen Unit 8 as described in Official Records Instrument No. 5477271, Plat Book 71, Page 33; and
Herons Glen Unit 9 as described in Official Records Instrument No. 5158223, Plat Book 69, Page 1; and
Herons Glen Unit 10 as described in Official Records Instrument No. 5829907, Plat Book 74, Page 51; and
Herons Glen Unit 11A as described in Official Records Instrument No. 2007000038434; and
Herons Glen Unit 11 and 12 as described in Official Records Instrument No. 6347420, Plat Book 78, Page 57; and
Herons Glen Unit 13 as described in Official Records Instrument No. 6379670, Plat Book 78, Page 87; and
Del Vera Unit 1 as described in Official Records Instrument No. 2885891, Plat Book 46, Page 7; and
Del Vera Unit 2 as described in Official Records Instrument No. 3276799, Plat Book 50, Page 69; and
Mystic at Herons Glen as described in Official Records Instrument No. 2021000164953 in the Public Records of Lee County, Florida.

**NOTICE OF PUBLIC HEARING
TO ADOPT NON-AD VALOREM ASSESSMENT ROLL**

NOTICE IS HEREBY GIVEN that the Herons Glen Recreation District (the “District”) has called for a public hearing to be held on **Wednesday, August 30, 2023 at 6:00 p.m.** in the Clubhouse of the Herons Glen Golf & Country Club, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida, for the purpose of adopting its Annual Budget and non-ad valorem assessment roll in the form of special assessments to defray the cost of bond debt service and operating and maintaining the District’s Recreational Facilities and to fund capital replacement and deferred maintenance reserve accounts during its upcoming **fiscal year, 2023/2024**. (These annual assessments are here referred to as the “Special Assessments” and the **August 30, 2023**, public hearing is here referred to as the “**Public Hearing**”).

The total amount of the proposed Operation and Maintenance (“O&M”) Special Assessment per lot is **\$3,065.00**. The debt service (“Bond”) assessment is **\$1,424.58** per lot.

For all lots, the Operation and Maintenance assessments are proposed to be billed directly by the District in quarterly installments of **\$766.00**. For lots owned by owners who are two or more quarters delinquent, the O&M amounts stated above are proposed to be collected either directly by the District or by the County Tax Collector, as determined from time to time. The actual final assessment amount for each lot will be determined by the Board of Supervisors at the Public Hearing.

The District proposes to levy these non-ad valorem Special Assessments against the specially benefitted property within the boundaries of the District and within the Herons Glen, Del Vera and Mystic subdivisions, North Fort Myers, Lee County, Florida, for the purposes of acquisition, operation, maintenance, replacement and management of the District’s Recreation Facilities, all as more fully described in **Resolution No. 2023-12**.

Pursuant to Resolution No. **2023-12**, the District has stated its intent to use methods of collecting the Special Assessments authorized by Chapters 170 and/or 197, Florida Statutes. Failure of a property owner in the District to pay the Special Assessments levied on such owner’s property when due will cause a tax certificate to be issued if the assessment is placed on the tax roll, or a lien to be filed upon such property if the assessment is not placed on the tax roll, either of which may result in loss of title to the property. The total amount of all proposed assessments is **\$3,984,191.00**.

All affected property owners have the right to appear at the Public Hearing and the right to file written objections with the District within twenty (20) days from the date of this notice. If a person decides to appeal any decisions made by the Board of the District with respect to any matters considered at the Public Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodations at any of the meetings because of a disability or physical impairment should contact Herons Glen at 239-731-4501 at least five (5) calendar days prior to the meeting.

HERONS GLEN RECREATION DISTRICT
Dated: **July 19, 2023**

RESOLUTION NO. 2023-13

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT SETTING FORTH THE DISTRICT'S INTENTIONS RE HERONS GLEN TENNIS ASSOCIATION ANNUAL FEE; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

- A. Pursuant to the Act, the District may set a fee structure for use of all District facilities.
- B. The District has previously adopted its Policies and Procedures for use of the District's Tennis Facilities by the Herons Glen Tennis Association and providing special use privileges for that Association in exchange for its annual monetary contribution to the District, i.e. its "Fee."
- C. The District now desires to set forth its intentions regarding the calculation of the Herons Glen Tennis Association annual fee.

SECTION 3. PREVIOUSLY ADOPTED POLICIES. The District hereby acknowledges and ratifies its previously adopted Policies and Procedures regarding the Herons Glen Tennis Association Fee.

SECTION 4. CALCULATION OF THE TENNIS ASSOCIATION FEE.

The annual fee will be, at a maximum, forty percent (40%) of the projected annual O&M costs and expenses for operation and maintenance of the tennis facilities (courts and associated improvements), as determined by HGRD Management, and if approved by the HGRD Board of Supervisors. The Fee for 2023-2024 fiscal year will be \$10,000.00.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this resolution or the attachments hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole or any part thereof other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This resolution shall be effective immediately upon its adoption.

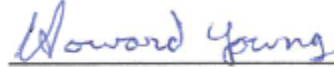
PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 16th day of June 2023.

DISTRICT

ATTEST:


District Secretary

HERONS GLEN RECREATION



Howard Young, Chair

RESOLUTION NO. 2023-14

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 CAPITAL ACCOUNT FOR EVENTS MANAGEMENT NORTHSTAR MODULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District's Capital Account funds are necessary and prudent and in the best interests of the District.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds in an amount not to exceed those described for the following items or services:

- A. **Expend from 2022/2023 Capital Account a not to exceed amount of \$5,120.00, for Events Management Module addition from Northstar Technologies, Inc., as described in the attached proposal (Exhibit "A").**

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all

documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 19th day of July 2023.

**HERONS GLEN RECREATION
DISTRICT**



Peter Overs, Vice-Chair

ATTEST:



District Secretary

Herons Glen Golf and Country Club
2250 Herons Glen Blvd
North Fort Myers,
FL 33917

VENDOR
Northstar Technologies, Inc.
3650 Mansell Road
Suite #225
Alpharetta, GA 30022

PURCHASE ORDER

209714000080504008

Terms : Due Upon Receipt
Phone No: +1 678-389-4300, Extn. 1
Email : sales@globalnorthstar.com

P.O. DATE	REQUESTED BY
Jun 28, 2023	Karon Bennett
Robin Michael	assistantgm@hgrdnfm.com

ITEM NAME	DESCRIPTION	QTY	LICENSE FEE	PROF. SVCS FEE	MONTHLY SUPPORT FEE
Club Events Management Sub-Module (Ticket Sales)		1	\$ 2,000.00	\$ 1,200.00	\$ 100.00
Club Events Management - Back Office	Club Events Management (Back Office)	1	\$ 2,000.00	\$ 1,200.00	\$ 100.00

	One-Time Fee	Monthly Support Fee
Sub Total	\$ 6,400.00	\$ 200.00
Discount	\$ 1,280.00	\$ 0.00
Grand Total	\$ 5,120.00	\$ 200.00

Other Details

The club will pay \$200/Month or \$2400 Annually for the additional modules.

Terms & Conditions


Sales Tax will be charged where applicable.

For on-site training (if any), all travel expenses for the trainer are the responsibility of the Club and will be billed separately.

Invoice for 100% of Purchase Order total will be presented upon receipt of executed PO.

Please send the signed Purchase Order to the following:

Email: robin.michael@globalnorthstar.com


Authorized Signature
JB Belknap, GM
Print Name
8/7/23
Date

RESOLUTION NO. 2023-15

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING AND RATIFYING PRIOR BOARD ACTION APPROVING AMENDED CHARTER FOR RESIDENT EVENTS COMMITTEE AND AMENDING THE DISTRICT'S POLICIES AND PROCEDURES TO ADD SUCH AMENDED CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. This Resolution ratifies and documents prior Board action.

SECTION 3. APPROVAL. The amended Charter for the Residents Events Committee is hereby approved in the form described in the attached Exhibit "A".

SECTION 4. AMENDMENT OF POLICIES AND PROCEDURES. The Policies and Procedures of the District are hereby amended to include the amended Residents Events Committee Charter approved herein.

SECTION 5. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein.

SECTION 6. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.


SECTION 7. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 19th day of July 2023.

ATTEST:


District Secretary

HERONS GLEN RECREATION
DISTRICT


Peter Owers, Vice-Chair

Resident Events ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Resident Events ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

To create a proposed schedule of special functions and events in the ballroom or other facilities and amenities as proposed to or requested by and coordinated through Management.

Scope of Responsibility

This committee will meet as needed to:

1. Work in conjunction with Management in planning and executing events for the benefit of Residents.
2. Complete the proposed schedule of dates and locations for the upcoming fiscal year by May 1st of each year. This does not preclude the addition of events or details at a later date as long as they fit into the budget.
3. Work with Management to define facility set-up and create event menus as needed.
4. Create a budget for all events. The annual budget must ensure ticket prices cover the direct costs over the course of the fiscal year.
5. Select the appropriate entertainment for the committee's ballroom events and recommend to Management possible entertainment for the lounge. The committee may propose entertainers to Management however Management retains final approval and will obtain any needed contracts for entertainment.
6. Recommend to Management appropriate vendors for Food Truck Festivals, and Farmer's Market and work with Management to define facility set-up as needed.
7. Provide information about the scheduled events to available outlets including social media and encourage Residents to attend these functions.
8. Follow the Policies and the Rules & Regulations governing the Food & Beverage Operations and their facilities as they pertain to Resident events, decorations and event setup.
9. Follow the Rules and Regulations governing the storage areas. All items the committee places in District storage become the property of the District and may be used by all District sanctioned groups as well as the District.
10. If appropriate, provide coverage after the event for the community newspaper.
11. The Committee Chair will present a brief written report to the Board in November, February, April and May. The committee's final report in May must include an annual Profit and Loss statement and inform the Board as to how the committee has spent or allocated any excess funds.
12. In April of each year excess funds from the years' events will be used to purchase an item or items for the District. As an alternative, the committee may, working with Management, retain and allocate the funds toward a larger purchase for the District to be made at a later date.
13. If the money is not spent or allocated by Sept 30 of each year it will be recorded as income to the District and be unavailable to the committee.

Resident Events Committee members shall have an opportunity to purchase tickets in advance 3 days prior to ticket sales being offered to the remainder of the community. Such advanced sales are not to exceed 10 tables.

Management is the liaison for this committee.

As defined in the HGRD POLICIES & PROCEDURES document as of 06.16.2023.

RESOLUTION NO. 2023-16

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT ESTABLISHING THE AMOUNT OF THE NEW OWNER CAPITAL ASSESSMENT BY THE DISTRICT; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the Board) of the Herons Glen Recreation District (the District) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of law (collectively, the AAct@).

SECTION 2. FINDINGS.

A. The District owns, operates, repairs and replaces Recreation Facilities for the benefit of all owners of property within the Herons Glen community.

B. The District finds that transferees of lots within the Herons Glen community are benefitted immediately upon acquisition of title to a lot in Herons Glen by the prior payment of operation, maintenance and reserve assessments to the District by the prior owners of their Lot.

D. As approved by the owners in the community having adopted an amendment to Article IV of the Declaration of Covenants, Conditions and Restrictions for Herons Glen, a transferee of a Lot within the community, i.e. within the District, is obligated to pay a one-time Special Assessment to the District for Capital. The District provided for such assessment amount, and for certain policies attendant to its implementation, in Resolution 2018-31 and in Resolution 2023-13, amending said policies, all of which documents give the District authority to amend such assessment from time to time.

E. Pursuant to the Act, the District has authority to levy and collect special assessments and other revenues for acquisition, repair, improvement of rec facilities and to enter into agreements with others.

G. District now desires to amend the amount of the Capital Assessment to be charged upon transfer of a lot in the District.

SECTION 4. AMENDMENT OF CAPITAL ASSESSMENT AMOUNT.

Effective October 1, 2023, the amount of the Capital Assessment is \$4,500.00.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this resolution or the attachments hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole or any part thereof other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 19th day of July 2023.

DISTRICT

ATTEST:

District Secretary

HERONS GLEN RECREATION

Peter Owers, Vice-Chair

RESOLUTION NO. 2023-17

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM OPERATING FUNDS FOR BOND COUNSEL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2-25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District's Capital Account funds are necessary and prudent and in the best interests of the District.

D. The District's former bond counsel has retired and the District Board finds it necessary to have and call upon experienced Bond Counsel from time to time. The firm of Nabors Giblin & Nickerson, represented by its attorney-shareholder, Chris Traber, has agreed to serve as such counsel to the District.

E. This Resolution ratifies Board action taken at its regular meeting on August 7, 2023.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds in an amount not to exceed those described for the following items or services:

A. **The Engagement of Nabors Giblin & Nickerson, P.A. is approved pursuant to the engagement letter dated June 22, 2023, attached hereto as Exhibit "A."**

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 30th day of August 2023.

**HERONS GLEN RECREATION
DISTRICT**



Peter Overs, Vice-Chair

ATTEST:



District Secretary

TAMPA
2502 Rocky Point Drive
Suite 1060
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax



TALLAHASSEE
1500 Mahan Drive
Suite 200
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

PLANTATION
8201 Peters Road
Suite 1000
Plantation, Florida 33324
(954) 315-0268 Tel

BOND COUNSEL ENGAGEMENT LETTER

June 22, 2023

Board of Supervisors
Herons Glen Recreation District
c/o Thomas B. Hart, Esq.
Knott Ebelini Hart
Fort Myers, Florida

Re: Bond Counsel Services

Dear Board Members:

The purpose of this letter is to set forth the role we propose to serve and responsibilities we propose to assume as bond counsel in connection with the issuance of any future series of bonds (the "Bonds") by the Herons Glen Recreation District (the "District"). Nabors, Giblin & Nickerson, P.A. ("NGN") is a Florida based firm with offices in Tampa, Plantation and Tallahassee. Established in August 1984, NGN was formed so that its principals could focus their practice upon the representation of local government on a statewide basis, specializing in public finance and general governmental and administrative law. NGN still operates on this premise and currently has 24 attorneys with extensive experience and primary dedication to representing governmental clients in the areas of bond finance practice, capital finance practice, public utilities practice, litigation practice, governance structures, financial transactions practice and public/private partnerships. Over the last five years, NGN has served as bond counsel in approximately 606 financings with an approximate aggregate principal amount of \$21.3 billion. During such period of time, NGN has also served as disclosure counsel in approximately 173 transactions with an approximate aggregate principal amount of \$18.8 billion and as underwriters' counsel in approximately 146 transactions with an approximate aggregate principal amount of \$4.7 billion.

Specifically, NGN has been on the forefront of representation of special districts since the early 1990s, representing over 200 special districts, the majority of which are community development districts, as bond counsel and/or disclosure counsel. In particular, NGN assisted the District with its creation in 1998 and served as bond counsel for debt

issued by the District in 1999 and 2006. Attached hereto as Exhibit A is a list of special district financings within the past five years for which NGN served as bond counsel.

Chris M. Traber will be the attorney primarily responsible to the District. Currently a shareholder with NGN, Mr. Traber is located in the Tampa office and has over twenty-four years of public finance experience. Mr. Traber will be assisted by Cynthia E. Wilhelm, who has over ten years of transactional experience, including over seven years working on special district financings. All of the public finance lawyers at NGN are knowledgeable with respect to the types of tax issues that may arise in a typical bond transaction. For more information on NGN, please visit our website at www.ngnlaw.com.

Bond Counsel Services

In general, bond counsel is engaged as recognized counsel specially experienced in Florida law and federal tax and securities laws relating to governmental obligations, whose primary responsibility will be to render an objective legal opinion with respect to the authorization and validity of the Bonds and the tax treatment of interest payable on such Bonds under federal income tax laws. As bond counsel, we will examine applicable laws, prepare and/or review various documents required for the successful closing of the transaction, and undertake such additional duties as we deem necessary to render our opinion. The above-described services specifically include, but are not limited, to the following:

- (a) consulting with representatives of the District (including the District's general counsel and the District's financial advisor) concerning all legal questions relating to the Bonds and the security for the payment of debt service on the Bonds;
- (b) assisting counsel to the District with the preparation of validation pleadings in connection with any validation of the Bonds and appearing as attorneys of record with counsel to the District at the validation hearing for the Bonds;
- (c) attending meetings of the District during which the proposed financing will be considered;
- (d) drafting competitive sale documents, if any;
- (e) drafting the required trust indentures, including supplemental trust indentures, certain resolutions of the District authorizing the issuance of the Bonds, and the Arbitrage and Tax Certificate and other related documents, certificates and legal opinions required for closing;
- (f) analyzing and resolving tax problems associated with the financing;

- (g) conducting the preclosing and the closing in connection with the financing;
- (h) reviewing documents drafted by disclosure counsel;
- (i) reviewing documents drafted by the District's financial advisor or general counsel to the District;
- (j) reviewing various reports prepared in connection with the financing, including but not limited to assessment methodology reports; and
- (k) providing the District such other legal services and advice with respect to the financing as are traditionally provided by bond counsel, including, but not limited to, drafting and negotiating required consents or waivers for any proposed amendments to existing bond documents.

Subject to the completion of proceedings to our satisfaction, we will render our opinion for the Bonds addressed to the District, with a reliance letter addressed to the underwriter and the trustee, substantially to the effect that the Bonds are valid, binding and enforceable Bonds of the District and, if the Bonds are tax-exempt, that the interest thereon is excludable from gross income of the owners under the income tax laws of the United States in effect on the date such Bonds are delivered to the underwriter. The opinion will also opine as to such other matters, if any, that are at the date of closing normally included in the opinions of bond counsel for similar transactions.

In rendering the opinions, we will rely upon the certified proceedings and other certifications of public officials, the District representatives and other persons furnished to us without undertaking to verify the same by independent investigation. We do not review the financial condition of the District, the project to be financed with proceeds of the Bonds, or the adequacy of the security provided therefor, and we will express no opinion relating thereto.

We represent that we are currently insured (lawyers professional liability insurance in the amount of \$8,000,000 (total and aggregate)).

Compensation

We typically provide continuing legal advice to our clients at no charge (not to exceed five (5) hours of time) concerning legal questions that may arise with respect to any Bonds we have provided an opinion, including without limitation, questions concerning compliance with the financing documents and any actions necessary to assure that interest on the Bonds will continue to be excluded from gross income for federal income tax purposes. Any hours in excess of that time are billed at our hourly rates (currently \$325.00 per hour for shareholders and \$275.00 per hour for associates).

June 22, 2023

While we understand that the District does not contemplate issuing any Bonds in calendar year 2023, based upon (a) the duties we described in this letter, (b) the typical time we anticipate devoting to a financing, and (c) the responsibilities we assume, our current special district bond counsel fee range would be between \$40,000 to \$60,000, depending on the structure (private placement vs public offering), complexity and size of the Bonds to be issued.

Such fee typically would be subject to adjustment, but only by mutual agreement, if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility (such as litigation or involvement in credit rating or enhancement negotiations). **Please note that in the event a bond issue is not successfully concluded, we would charge no fee.** However, we would charge for our actual out-of-pocket expenses regardless of whether the bonds are issued if such expenses were not de minimis.

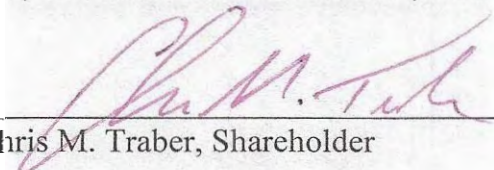
Our practice is to render one statement for professional services at the closing of the issue and to receive payment in full at that time.

If the foregoing terms of this engagement are acceptable to you, please so indicate by returning the enclosed copy of this letter signed by an appropriate officer, retaining the original for your files.

We appreciate the opportunity to be of service to you.

NABORS, GIBLIN & NICKERSON, P.A.

By: _____


Chris M. Traber, Shareholder

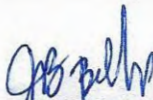
Accepted and Approved:

HERONS GLEN RECREATION DISTRICT

By: _____

Name: _____

Title: _____


JB BELKNAP
GENERAL MANAGER

RESOLUTION NO. 2023-18
A RESOLUTION OF THE HERONS GLEN RECREATION
DISTRICT APPROVING A FINAL BUDGET FOR THE 2023-
2024 FISCAL YEAR; PROVIDING FINDINGS; PROVIDING
CONFIRMATION OF ANNUAL BUDGET; PROVIDING FOR
ANNUAL ASSESSMENTS AND QUARTERLY
INSTALLMENTS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended), Chapter 189, Florida Statutes, Chapter 170, Florida Statutes, and Chapter 197, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS. The Board of Supervisors hereby finds and determines as follows:

A The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Florida Statutes. The District was established for the purpose of acquiring recreational facilities (hereinafter defined). The District is authorized, pursuant to the Act, to acquire recreational facilities, to equip and improve such facilities, to operate and maintain such facilities and to enter into arrangements with others to accomplish such purposes, and to levy non-ad valorem special assessments, among other purposes. In furtherance thereof, the District acquired the Recreational Facilities. For purposes hereof, the term “Recreational Facilities” shall mean the recreational and related facilities comprised of land, improvements, and equipment owned or controlled by the District.

B The District has heretofore determined that the acquisition of the Recreational Facilities, the operation, improvement and maintenance of them, and the levying of the Special Assessments for such purposes serves a proper, essential and valid public purpose.

C On June 16, 2023, the District held a first public meeting wherein, the District, among other matters, considered a preliminary Budget for the District’s 2023-2024 fiscal year which Budget was intended to serve the need to operate and maintain the District’s Recreational Facilities and the District for the period October 1, 2023 to September 30, 2024.

D On July 19, 2023, the District held a second public meeting wherein, the District, among other matters, reconsidered the preliminary Budget for the District’s 2023-2024 fiscal year and adopted Resolution 2023-12 setting forth the District’s 2023-2024 Preliminary Budget, proposed assessments to fund that budget, and set a Public Hearing (the Final Adoption Hearing”)

for August 30, 2023 for the Board's consideration and adoption of the District's final 2023-2024 Annual Budget and special assessments to fund that Budget.

E On the date set forth below, the District held a public meeting and conducted a Public Hearing. At that meeting, the District, among other matters, considered the adoption of a final Budget for the District's 2023-2024 fiscal year which Budget is intended to serve the need to operate and maintain the District and its Recreational Facilities for the period October 1, 2023 to September 30, 2024.

SECTION 3. APPROVAL AND CONFIRMATION OF 2023-2024 ANNUAL BUDGET. The 2023-2024 Budget, attached hereto as **Exhibit A**, including the final per unit annual assessments stated therein, is hereby approved, confirmed and adopted.

SECTION 4. PAYMENT OF SPECIAL ASSESSMENTS. The per unit Special Assessments described in the final approved 2023-2024 Annual Budget shall be payable annually in quarterly installments, or in such other periodic installments, including monthly, as the Board may from time to time determine; except that such assessments on undeveloped lots and including lots the owners of which are two or more quarters delinquent in paying past assessments, may be collected on the County Tax Roll.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a Special Meeting of the Board of Supervisor of the Herons Glen Recreation District this 30th day of August 2023.

**HERONS GLEN RECREATION
DISTRICT**



Peter Overs, Vice-Chair

[SEAL]

ATTEST:


District Secretary

RESOLUTION NO. 2023-19

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT FINDING SPECIAL BENEFITS; APPROVING METHODOLOGY FOR ASSESSMENT AND COLLECTION AND FINAL 2023-2024 ASSESSMENT ROLL; PROVIDING FOR PAYMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended), Chapters 189, 170 and 197, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The Board of Supervisors ("Board") hereby finds and determines as follows:

A The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Florida Statutes. The District was established for the purpose of acquiring recreational facilities (hereinafter defined) for the benefit of residents of the Herons Glen community. The District was authorized, pursuant to the Act, to acquire recreational facilities, to levy non-ad valorem special assessments (the "Special Assessments") and to issue Special Assessment Bonds, which it did as Series 1999 and Series 2006 and Series 2020 (the "Bonds"), payable from such Special Assessments to pay the costs and expenses of such acquisition, among other purposes. In furtherance thereof, the District acquired and is acquiring the Recreational Facilities. For purposes hereof, the term "Recreational Facilities" shall mean the recreational facilities comprised of land, improvements, facilities and equipment located within or without the District which facilities are owned or operated by the District.

B The District has heretofore determined, and had validated by Judicial decree, that the acquisition of said Recreational Facilities, the issuance of the Bonds and the levying of the Special Assessments to repay the Bonds serves a proper, essential and valid public purpose.

C Pursuant to Resolutions No. 99-02, No. 2006-10, and 2020-33, among others, the District approved Special Assessment Methodologies prepared by Fishkind & Associates and PFM Financial which methodology determined that all residential property in the Herons Glen District is specially benefitted by the District's acquisition and operation of the Recreational Facilities, all as is more particularly set forth in Resolution 2020-40.

D. Pursuant to Resolutions 2006-11 and 2006-24, and 2020-33 the District has previously imposed Special Assessments for Bond refunding, which assessments are collected by the Uniform Method described in Sections 197.3632 and 197.3635, Florida Statutes (the "bond debt service").

E. The District hereby finds and determines that the continued payment of bond debt service, the operation, improvement and maintenance of the Recreational Facilities and the operation of the District to carry out such purposes will specially benefit all real property within the Herons Glen community by enhancing the aesthetic qualities and the actual, as well as potential, recreational opportunities of the property owners and their guests and, thereby, will enhance the property values of all real property located within the Herons Glen District.

F. On June 16, 2023, the District adopted, Resolution 2023-12, approving a preliminary budget report for the operation, improvement and maintenance of the Recreational Facilities and the District for the District's 2023-2024 fiscal year and expressing therein its intent to fund the same by the levy of special assessments on all platted lots within the District.

G. On August 30, 2023, the District adopted its Final Budget for the year 2023-2024, pursuant to Resolution 2023-18.

H. As required by Chapters 170 and 197, Florida Statutes, Resolution No. 2023-12 evidenced the District's intent to adopt a non-ad valorem assessment roll levying the Special Assessments and called for a public hearing to be held on August 30, 2023 ("Public Hearing") for the Board to consider the adoption of a final assessment roll. In accordance with Chapter 170 and Section 197.3632, Florida Statutes, at least twenty (20) days prior to the Public Hearing, notice thereof (the "Public Hearing Notice") was given by first-class United States mail and by appropriate publication in a newspaper generally circulated within Lee County, Florida.

I. On this date, at the time and place specified in the August 30, 2023 Public Hearing Notice, the Board met as an equalizing board, conducted a public hearing and heard and considered all comments and complaints as to: (i) the propriety and advisability of operating and maintaining the recreation facilities and District and of the District's related facilities, (ii) the cost thereof, (iii) the manner of payment therefor, (iv) the amount thereof to be assessed against each parcel of specially benefitted property, and (v) the special benefit to each existing and each potential residential lot within the District; and based thereon, has made such modifications in the preliminary assessment roll as it deems just and proper, commensurate with special benefit and fair apportionment.

J. Having considered the bond debt service requirements, the costs of the operation, improvement and maintenance of the Recreational Facilities and all complaints and evidence presented at such public hearing, the Board finds that: (i) each of the platted lots in the Recreation District will derive special benefits as a result of the operation and maintenance of the Recreational Facilities and the District; (ii) the estimated costs are reasonable; (iii) the Special Assessments described herein are an appropriate and reasonable method of paying for those costs; (iv) all of the residential property within the District and the Herons Glen community benefit equally from the operation and maintenance of the Recreational Facilities and the District, with the exception that undeveloped lots are entitled to a discount for the costs of the Common Lot Irrigation System (CLIS) service; (v) the allocation of such expenses on a per lot basis is a fair and reasonable method of allocation; (vi) the payment of the Special Assessments in not more than twelve (12) monthly installments or four quarterly installments, or in the case of the bond debt service assessments and Special Assessments on lots, the owners of which are two or more quarters delinquent, placement

on the lots property tax bill as permitted by the "uniform method" of Chapter 197, Florida Statutes, with interest at the rates established by law, is appropriate; and (vii) the methods established for collecting the Special Assessments, including by direct bill and pursuant to Sections 197.3632 and 197.3635 for bond debt service and lots whose owners are delinquent in paying assessments, are authorized and are appropriate.

K. Pursuant to the Public Hearing and Resolutions 2020-33, 2023-12 and 2023-18, the Special Assessments, all as specified in the **Budget**, Exhibit "A" attached hereto, and bond debt service assessments previously approved, were equalized, approved, confirmed, fairly apportioned and levied and may be reported as the District's Assessment Roll for the designated year.

SECTION 3. APPROVAL AND CONFIRMATION OF ASSESSMENT METHODOLOGY. The 2023-2024 Budget attached hereto as Exhibit "A", including the final per unit Special Assessments, approved pursuant to Resolution 2023-18, is hereby confirmed and ratified. The Special Assessments against each parcel, and interest and penalties thereon, as set forth by law shall be and shall remain a legal, valid and binding obligation of each property owner and a first lien on such owner's lot until paid; such lien shall be co-equal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

SECTION 4. OPERATION AND MAINTENANCE ASSESSMENT RECORD. The Special Assessments described in Resolutions 2020-33, 2023-12, 2023-18, and this Resolution are hereby confirmed and imposed.

SECTION 5. PAYMENT OF SPECIAL ASSESSMENTS. The Special Assessments on developed lots shall be payable in quarterly installments, or in such other manner as the District shall from time to time determine. Unless later revised by the Board, collection of the Special Assessments on lots the owners of which are two or more quarters delinquent in paying past assessments, shall be payable on the property tax bill pursuant to the Uniform Method set forth in Section 197.3632, Florida Statutes and said Special Assessment shall be included on each such bill along with the District's bond debt service special assessments as set forth in Resolutions 2020-33 and 2020-37.

SECTION 6. MISCELLANEOUS. The Chairman, Vice Chairman, Treasurer and Secretary of the Board, the General Manager and the District's legal counsel are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the levy and collection of the Special Assessments which actions are not inconsistent with the terms and provisions of this Resolution.

SECTION 7. SEVERABILITY. Should any sentence, section, clause, provision or part of this Resolution, or the Special Assessments imposed hereby, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 8. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a Special Meeting of the Board of Supervisors of the Herons Glen Recreation District this 30th day of August 2023.

[SEAL]

ATTEST:


District Secretary

**HERONS GLEN RECREATION
DISTRICT**


Peter Overs, Vice-Chair

FY 2022-23 Approved Budget

FY 2023-24 Proposed Budget

	Assessments	Other Revenue	Expenditures	Assessments	Other Revenue	Expenditures	Assessment % Change
HGRD Operations & Maintenance							
Administration	\$ 879,312	\$ 153,009	\$ 1,032,321	\$ 1,099,662	\$ 169,724	\$ 1,269,386	25.1%
Food & Beverage	491,766	1,314,443	1,806,209	433,760	1,545,429	1,979,189	-11.8%
Clubhouse	888,694	11,600	900,294	964,839	11,800	976,639	8.6%
Fitness	70,205	2,400	72,605	85,685	4,200	89,885	22.0%
CLIS	288,922	234,645	523,567	303,316	242,364	545,680	5.0%
Pro Shop	-	2,358,395	695,620	-	2,540,985	727,839	
Golf Maintenance	-	-	1,662,774	-	-	1,813,146	
<i>Total Operations (rounded)</i>	<u>\$ 2,618,899</u>	<u>\$ 4,074,492</u>	<u>\$ 6,693,391</u>	<u>\$ 2,887,262</u>	<u>\$ 4,514,502</u>	<u>\$ 7,401,764</u>	<u>10.2%</u>
Deferred Maint Reserve Fund	\$ 381,928			\$ 381,928			0.0%
Capital Reserve Fund	\$ 293,893			\$ 325,000			10.6%
<i>Total Annual Assessment</i>	<u>\$ 3,294,720</u>			<u>\$ 3,594,191</u>			<u>9.1%</u>
Losses Reserve Fund (FY 2023-24 only)*	\$ -			\$ 390,000			
TOTAL HGRD	<u>\$ 3,294,720</u>			<u>\$ 3,984,191</u>			

	(pre-tax)	2022-23	2023-24	% Change
Golf Membership Fees				
Resident Household		\$ 5,280	\$ 5,438	3.0%
Resident Single		3,300	3,399	3.0%
Tennis Association Fee		\$ 10,000	\$ 10,000	0.0%

	2022-23 Annual	2023-24 Annual	2023-24 Quarterly	\$ Δ Annual	% Change
O&M Assessment per lot: (rounded)	-	-	-		
O&M	\$ 2,015	\$ 2,221	\$ 555	\$ 206	10.2%
Capital Replacement Reserve**	226	250	63	24	10.6%
Deferred Maint Reserve***	294	294	73	0	0.0%
Total O&M, Cap & Def Asmnt:	2,534	2,765	691	230	9.1%
Losses Reserve Replenishment Asmnt	-	300	75	300	
Total O&M, Cap, Def & Loss Spec Asmnt:	<u>\$ 2,534</u>	<u>\$ 3,065</u>	<u>\$ 766</u>	<u>\$ 530</u>	

* Losses Reserve Fund Assessment is a one-time only assessment

** Capital Reserve calculated based on incremental increase according to the Long Range Plan

*** Deferred Maintenance Reserve calculated on a 10-yr annual needs according to the Long Range Plan

Debt service (bond payments) are an amount of \$1,424.58 per year, which will appear on your Lee County Property Tax bill.

HERONS GLEN RECREATION DISTRICT 2023-2024 PROPOSED CONSOLIDATED BUDGET

	Forward/Rsv from FY2022-23	Assessments	Other Revenue	Appropriated Expenditures	Forward/Rsv to FY2024-25
HGRD Operations & Maintenance					
Administration		\$ 1,099,662	\$ 169,724	\$ 1,269,386	
Food & Beverage		433,760	1,545,429	1,979,189	
Clubhouse		964,839	11,800	976,639	
Fitness		85,685	4,200	89,885	
CLIS		303,316	242,364	545,680	
Pro Shop		-	2,540,985	727,839	
Golf Maintenance		-	-	1,813,146	
Total Operations		<u>\$ 2,887,262</u>	<u>\$ 4,514,502</u>	<u>\$ 7,401,764</u>	
Deferred Maint Reserve Fund	\$ 413,623	\$ 381,928	\$ -	\$ 795,551	\$ -
Capital Reserve Fund	\$ 4,024,193	\$ 325,000	\$ -	\$ 3,349,193	\$ 1,000,000
Losses Reserve Fund	\$ -	\$ 390,000	\$ -	\$ 390,000	\$ -
Total Reserves & Expenditures	<u>\$ 4,437,816</u>	<u>\$ 1,096,928</u>	<u>\$ -</u>	<u>\$ 4,534,745</u>	<u>\$ 1,000,000</u>
Held by HGRD		<u>\$12,936,508</u>		<u>\$12,936,508</u>	
Series 2020 Bonds					
Construction and Acquisition Fund	\$ 4,000,000	\$ -	\$ -	\$ 4,000,000	\$ -
Bond Payment - <i>Lee County Tax Collector</i>	\$ -	\$ 1,851,954	\$ -	\$ -	\$ -
Lee County Collections and	-	-	-	68,729	-
Debt Service	-	-	-	1,783,225	-
	<u>\$ 4,000,000</u>	<u>\$ 1,851,954</u>	<u>\$ -</u>	<u>\$ 5,851,954</u>	<u>\$ -</u>
Held by Bond Trustee - US Bank		<u>\$5,851,954</u>		<u>\$5,851,954</u>	
TOTAL FY2024 HERONS GLEN RECREATION DISTRICT	<u>\$ 8,437,816</u>	<u>\$ 5,836,145</u>	<u>\$ 4,514,502</u>	<u>\$ 17,788,462</u>	<u>\$ 1,000,000</u>
GRAND TOTAL		<u>\$18,788,462</u>		<u>\$18,788,462</u>	

RESOLUTION NO. 2023-20

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2020 BOND FUNDS FOR CLUBHOUSE ROOF PROJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District's Bond funds for furniture, equipment and related items for restaurant/lounge improvements are necessary and proper and in the best interests of the District.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, District Manager after review and approval of the contract by District Counsel, are authorized and directed to expend the funds in an amount not to exceed those described for the following items or services:

A. **Expend from the Bond Acquisition and Construction fund a not to exceed amount of \$990,000.00 for the District's Clubhouse roof Project to be performed by CMM Roofing, Inc.**

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the

District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 11th day of September 2023.

**HERONS GLEN RECREATION
DISTRICT**



Peter Over, Vice Chair

ATTEST:



District Secretary

RESOLUTION NO. 2023-21

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING AND RESTATING THE DISTRICT'S RULES AND REGULATIONS; AMENDING AND RESTATING ITS POLICIES AND PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

- A. Pursuant to the Act, the District shall set its rules for use of the District facilities.
- B. The District has previously adopted from time to time its Rules and Regulations.
- C. District now desires to ratify its prior adoption of amended and restated Rules and Regulations, as described in the attached exhibit "A."
- D. The District has previously adopted from time to time its Policies and Procedures.
- E. District now desires to ratify its prior adoption of amended and restated Policies and Procedures, as described in the attached exhibit "B."

SECTION 3. ADOPTED RULES AND REGULATIONS. The District hereby adopts its restated and amended Rules and Regulations, specifically as more particularly described in the attached Exhibit "A."

SECTION 4. ADOPTED POLICIES AND PROCEDURES. The District hereby adopts its restated and amended Policies and Procedures, specifically as more particularly described in the attached Exhibit "B."


SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this resolution or the attachments hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole or any part thereof other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 11th day of December 2023.

DISTRICT

ATTEST:



District Secretary

HERONS GLEN RECREATION



Howard Young, Chair

EXHIBIT A

Amended Rules and Regulations

Permission to use any of the Herons Glen Recreation District Facilities and Services is granted only on the condition that the user has unconditionally agreed to do so in Compliance with these Rules and Regulations.



RULES AND REGULATIONS



Updated 11/20/2023

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I. ADMINISTRATIVE CODE AND STATUTES

A. District Purpose

The Herons Glen Recreation District (the “District”) is an Independent Special District of the State of Florida created pursuant to Chapter 418, Florida Statutes (the “Act”), Ordinance No. 98-08 enacted by Lee County, Florida on April 28, 1998 (the “Charter”), a referendum of the qualified electors of the District and other applicable law. The purpose of the District is to finance, acquire, plan, improve, own, operate, equip, maintain and manage recreational facilities within the District, as more fully set in, and subject to the provisions of, the Act and the Charter.

B. District Mission Statement

Herons Glen Recreation District is a Florida Special District, a community that provides quality recreation, activities, and programs for all residents. We strive to provide excellent financial value and well-maintained facilities to satisfy varied interest groups and promote healthy lifestyles.

C. District Vision Statement

Continue to be one of the premier active adult communities in Southwest Florida that provides an excellent value for our current and future residents.

D. Alcohol

All alcohol consumed on District property must be purchased from the District in accordance with the District’s liquor license. No person under the age of twenty-one years or anyone that is intoxicated will be served any alcoholic beverages by the District on the premises of the District.

E. Firearms

Residents, their guests and Permitted Nonresidents shall abide by Florida law and the Declaration of Community Covenants as they pertain to Firearms and all other weapons. State law defines some carry restrictions; A person may not carry in any meeting of a governing body or its committees or in an establishment primarily devoted to dispensing alcoholic beverages for consumption on the premises such as our lounge area.

F. Gambling and Games of Chance

In general, Florida law prohibits gambling including raffles on District properties. There are some exceptions, including BINGO and penny-ante card games. Exceptions must be conducted in strict compliance with the applicable law to retain their status as District sanctioned activities. All use of District facilities and all District activities, whether conducted by District sanctioned activities or otherwise, must comply with Florida Statute Chapter 849, pertaining to gambling; and all District Staff Members, Committees Members, Guests, and any others using District facilities shall conduct their activities and events including drawings by chance (raffles) in conformance with Florida Statute Chapter 849.

G. Polling

Herons Glen may be designated as a polling place. When used as a polling place, Florida Statutes governing polling places will prevail.

H. Smoke-Free

The Facilities shall be smoke-free in compliance with Florida Statutes. This shall be interpreted to include any device with a heating element, a battery or an electronic circuit that provides nicotine or other vaporized liquid to the user in a manner that simulates tobacco.

II. GENERAL STATEMENTS AND DEFINITIONS

A. Definitions

Terms used in these Rules and Regulations shall have the meaning set forth in the Herons Glen Recreation District (District) Operating Policies and Procedures.

1. Policies are meant as a guide to the Board and Management. Policies put forth the considerations and boundaries which must be taken into account when decisions regarding the operation of the District are made.
2. Rules are made to inform residents what they can or cannot do. Rules state the acceptable behavior along with the consequences of unacceptable behavior.

B. Statements

1. All District Policies and Procedures statements are applicable to the Rules & Regulations.
2. The Board of Supervisors and Management have full authority to enforce these Rules and Regulations in accordance with Board policy. Management may, when confronted with exceptional circumstances, use its discretion in the enforcement of the Rules.
3. The Board of Supervisors or management with Board notification may amend and modify these Rules and Regulations when deemed appropriate.
4. The Facilities are governed by the District through its lot owner elected Board of Supervisors and use is available to all Residents, their Guests, and Permitted Non-Residents subject to conditions, Rules & Regulations, and District Policies & Procedures.
5. Residents of Herons Glen, their guests, and Permitted Non-Residents shall abide by all Rules and Regulations of the District or be subject to discipline as defined in the Policies & Procedures Manual.
6. Tenants leasing a Resident's unit within the District will be designated as the beneficial user of the Resident's use of the Facilities with the exception of Golf Memberships. Prior to use of such Facilities, the tenant shall submit an information statement, together with a copy of the fully executed lease to Management. Any changes or amendments to the lease agreement must be reported immediately to Management. The rights of the tenant will terminate upon the expiration of the lease term. During the period that the tenant is designated as the beneficial user of the Facilities, the Resident shall not be entitled to use of the Facilities; however, the Resident shall be responsible for all of the tenant's charges, and/or damage to the Facilities, which remain unpaid or not repaired after the customary period. The Resident shall also be responsible for the conduct of their tenant.
7. Any Resident, Permitted Non-Resident, Guest, or other person who in any manner makes use of, or accepts the use of any apparatus, appliance, facility, privilege or service whatsoever owned, leased or operated by the District, or who engages in any contest, game, function, exercise, competition or other activity operated, organized, arranged or sponsored by the District, either on or off the Facilities, shall do so at their own risk, and shall release and hold the District, its Supervisors, officers, employees, representatives, and agents harmless from any and all loss, cost, claim, injury, damage or liability sustained or incurred by such person, resulting therefrom and/or from any act or omission of any Supervisor, officer, employee, representative or agent of the District. Any Resident shall have, owe and perform the same obligation as described above, to the District, its Supervisors, officers, employees, representatives, and agents hereunder in respect to any loss, cost, claim injury, damage or liability sustained or incurred by any Guest of the Resident.
8. Should any party bound by these Rules and Regulations bring suit against the District, its Supervisors, officers, employees, representatives or agents in connection with any event operated, organized, arranged or sponsored by the District or on any other claim or matter in connection with use of Facilities, and fail to obtain a settlement or judgment thereon against the District, its Supervisors, officers, employees, representatives or agents, said party shall be liable to the District, its Supervisors, officers, employees, representatives, and agents for all costs and expenses incurred by it in the defense of the suit (including court costs and attorney's fees incident to appeals).
9. The Board shall be the sole interpreter with respect to any question of the construction or meaning of the provisions of these Rules and Regulations and the determination of the Board shall be final and binding.

III. OTHER ADMINISTRATIVE RULES

A. Animals

Pets are not allowed in any District buildings or on any recreation facilities, including covered outside areas and including but not limited to the enclosed or improved play areas, such as pool and deck, tennis, bocce, shuffleboard and pickleball courts, golf course and practice facilities.

1. When on other District property, per the Declaration of Covenants, all animals outside a unit shall be confined on a leash held by a responsible person.
2. Persons walking pets shall be responsible for removing all solid pet waste and properly disposing of it.
3. Service animals are not defined as pets by the Federal Americans with Disabilities Act and Florida Statute. According to definitions within these laws, emotional support animals are not service animals.

B. Automated External Defibrillation (AED)

AED units are utilized to provide early intervention for cardiac emergencies to increase survival rate.

AED's are available in strategic areas as defined by management. You must dial 911. Do not rely on the AED box to dial 911 for you.

1. In the Promenade outside the Restaurant and the Lobby
2. Off of Hole # 13 - Corner of Via Montana Way and Skyler Drive.
3. Fitness Center Lobby – Inside left wall.
4. Pickleball Courts – On the Northern facing fence.
5. Tennis, Bocce, Shuffleboard Restroom Area.
6. Golf Shop - Starter Shack.

C. Communication

1. All complaints, criticisms or suggestions of any kind relating to any District staff must be in writing, signed, dated, and addressed to the Board of Supervisors and/or General Manager.
2. All communications to the Board of Supervisors, individually or as a Board, should be sent to the designated email address hgrdnfm.com.
3. Each lot owner shall be responsible for sharing the mailing address on file with the Lee County Property Appraiser with the District as state statute requires the District to send official communications, such as ballots and budget, by USPS first class mail. ,
4. Information that is not required by statute to be sent USPS is often communicated by email. Therefore, it is important to keep an up-to-date email address on file with the District Administration Office as well.
5. Each lot owner shall be responsible for keeping residents' names listed as living at their address up-to-date. This can be done through the District Administration Office.

D. Conduct

1. All persons who use District Facilities, whether Resident, Permitted Non-Resident, Guest or other, shall at all times and places within the District properties conduct themselves in a manner that is compatible with the welfare, character and best interests of the District and the Herons Glen community, as determined in the sole and absolute discretion of the District. Any action or conduct which is counter to this standard is a violation of these Rules and Regulations.
2. Offensive, lewd, or illegal conduct is a violation of the above-described standard. Such conduct includes, but is not limited to: physically or verbally aggressive behavior towards another person; reprimanding or attempting to discipline District employees; harassment of a sexual nature; threats or implied threats of bodily harm; crude, vulgar or otherwise language considered offensive in polite society; use of illegal substances; and excessively loud language, music or noises.
3. District employees are under the supervision of Management. Residents, their Guests or Permitted Non-Residents shall not reprimand or discipline any employee, nor shall Residents, their Guests, or Permitted Non-Residents request an employee to leave the premises for any reason or purpose whatsoever.
4. Any employee not rendering courteous and prompt service, or acting outside the scope of their employment, should be reported in the manner described under "Communication" in this document.
5. Residents, their Guests or Permitted Non-Residents shall not request special personal services from employees who are on duty or the personal use of the Facilities' furnishings or equipment which are not ordinarily available for use by Residents or Permitted Non-Residents.
6. Residents, Guests or Permitted Non-Residents are not allowed in service or posted restricted areas unless

authorized by management.

7. Other than the 1-step stools provided by the District, only Management may use or assign staff to use ladders, step stools, lifts, etc. due to the liability issues.
8. Permission of Management must be obtained prior to removing any District property for use outside the Facilities.

E. Charity Events

1. District policy does not allow Management, Board, or any District committee to sponsor an activity that supports, or makes a donation of District property to any charity or other organization outside the District.
2. Residents may not solicit donations for any purpose from Management, the Board, any committee or department of the District including but not limited to the Food & Beverage Department and the Golf Department.

F. District Sponsored Ticketed Activities and Events

The District provides a variety of ticketed recreational activities through its committees and the Food & Beverage Department. All tickets are nonrefundable.

1. Ticketed Activities and/or Events
 - a. Management will set the initial date for ticket sales to Herons Glen residents as well as the method of obtaining them.
 - b. If the event offers table reservations, a resident may reserve up to one table.
 - c. At the time the table reservation is made, the resident will be asked to provide their house account number and the house account numbers of the other residents who wish to share their table.
 - d. A limit of two seats may be reserved for each event on each house account number. Residents with additional people living at the residence or overnight guests may get approval from management to reserve more than two seats.
 - e. Tickets reserved with a house account number must be picked up and signed for, by a signatory on that house account.
 - f. A standby list will be created for sold out events and tickets will be offered to those on the standby list in the order in which they were placed on the list.
 - g. Two weeks after the initial sale date, if tickets are remaining, nonresidents may purchase tickets and residents may use their house account to purchase additional tickets.
 - h. These events may not be appropriate for anyone 12 years of age or younger. Management may exercise its discretion in allowing attendance by children.
 - i. Resident Events Committee members shall have an opportunity to purchase tickets to events that the committee initiates and runs 3 business days prior to tickets being offered for sale to the remainder of the community. These advance ticket sales shall not exceed 10 tables. Items c, d, and e above apply to these sales.
2. Concert Series Tickets
 - a. Management selects the Concert Series talent in conjunction with the Concert Series ad hoc Committee.
 - b. Management sets the process annually for Concert Series ticket sales.

G. Donations including Memorials

Details and forms are included in the Policies & Procedures Manual

1. Donations may be monetary or property.
 - a. Monetary donations shall be given to Management along with the completed donation form. This may include donations for memorials as well as for targeted activity/facility funds.
 - b. Donations of targeted funds must include reference to the desired area where funds are requested to be accumulated or spent.
2. Donors of property must complete the donation form and present proof of acceptance prior to delivering the donation.

H. Fireworks

Fireworks are not permitted anywhere on or within the facilities or adjacent areas unless part of a fireworks exhibit authorized by the Board of Supervisors.

I. Hazardous Weather Conditions

1. When the automated lightning prediction system siren is sounded warning of hazardous weather, all those using any of the outdoor recreational facilities must immediately leave the outdoor facilities and seek shelter.
2. One long, continuous siren alerts that lightning is in the area. Three short, separate siren sounds signal that lightning has cleared the immediate area.
3. Following the lightning warning siren, outdoor activity must not resume until the three short separate siren sounds signaling that lightning has cleared the area has sounded.

J. Proper Attire

1. Throughout the Facilities and Amenities
 - a. Residents, Resident's guest and Permitted Non-Residents are expected to dress in a fashion befitting the surroundings and atmosphere provided by the setting and appropriate for the activity or occasion while utilizing the facilities..
 - b. Uncovered bathing suits are not permitted inside the Facilities.
 - c. Shirts and shoes must be worn at all times when inside the Facilities due to health reasons.
 - d. "Resort casual" attire includes dress jeans as follows: Acceptable dress jeans of any color are permitted in the dining facilities ONLY but must not be torn or faded.
2. Fitness Center
 - a. Muscle shirts may be worn in the Fitness Center but nowhere else in the Facilities.
 - b. Appropriate workout attire including proper footwear is required.
3. Golf
 - a. Herons Glen is a soft spike facility.
 - b. All players must wear footwear.
 - c. Men are to wear proper golf attire. This includes traditional golf shirts, slacks or shorts. Golf shorts must be a maximum of five (5) inches from the top of the kneecap. Mock turtle neck shirts or shirts with ribbon collars containing no descriptive writing are permitted. No tank tops, tee shirts, fishnet tops, cut-offs, jams, sweatpants, denim, bathing suits, tennis shorts, or other athletic shorts are permitted. .
 - d. Women are to wear proper golf attire. This includes traditional golf shirts, slacks, Capri's, dresses, skorts, or shorts. Golf shorts must be a maximum of five (5) inches from the top of the kneecap. Women's traditional golf shirts must have collars or sleeves and must not be low cut. Mock turtle neck shirts or shirts with ribbon collars having no inappropriate writing, as determined by management, are permitted. No halter tops, tank tops, fishnet tops, bathing suits, denim, tennis dresses, athletic shorts, or cut-offs are permitted.
 - e. Children have the same dress code requirements as Men and Women.
4. In the Formal Dining Room
 - a. Men are required to wear shirts with sleeves.
 - b. Pool attire, bare feet, and t-shirts are not allowed.
 - c. Slacks or shorts of an appropriate length, as determined by management, are considered to be proper attire.
 - d. The wearing of baseball caps or visors is not allowed in the Formal Dining Room unless part of a sports outing.
 - e. The attire for children under the age of 13 may be informal at Management's discretion.
5. In the Lounge
 - a. Apparel should be appropriate to the surroundings and atmosphere of casual dining in a resort setting.
 - b. Baseball caps, hats, and visors are acceptable.
 - c. T-shirts are acceptable as long as no offensive language or printing is on them.
 - d. Muscle shirts, tank tops, halter tops, cut-offs, and short shorts are not permissible.
6. Poolside when ordering
 - a. Bathing suits must be covered prior to entering a dining area to order.
 - b. Due to health reasons, bare feet are not allowed.

Management in all situations shall have the final responsibility and authority for determining what attire may be deemed inappropriate. Failure to comply with the attire requirements above may cause the person to be asked to change their attire or result in refusal of admission, service, or use of the Golf Course.

K. Recreational Use of Lakes and Ponds

1. Swimming, playing or wading in any of the lakes on the premises is not permitted.
2. Walking, climbing, sitting, fishing or any other activity on rip rap (rocks) is not permitted.
3. Entering the waters of the lakes on the premises, other than by Management employees, is not permitted.
4. Residents are authorized to use a District designated lake for the sailboat club with access via the cart path.
5. Residents are authorized to use lakes for fishing; however access to the water body must be reached without trespassing on the golf course, the rip rap or private property, such as via road or multi-purpose path.
6. No other use of District designated lakes is permitted.

L. Vehicles

1. Vehicles include automobiles, carts, mopeds, bicycles, motorcycles, RV's and all other modes of transport.
 - a. All vehicles must obey traffic signs and/or other posted traffic and parking instructions.
 - b. There will be no parking of vehicles (golf carts, bicycles, autos, motorcycles, etc.) under the front entrance portico at any time. All vehicles shall park in areas designated as parking areas. The entrance to the lobby must be available for emergency vehicles and vehicles dropping off passengers.
 - c. No vehicles of any kind, may be driven or parked on pavers at any time anywhere within the District without specific management approval. This includes, but is not limited to the pavers adjacent to the ballroom and those near the sports complex. Parking in these areas inhibits ingress/egress from the facilities and creates broken pavers and battery acid stains during rain events.
 - d. Neither Residents nor their guests are permitted to park vehicles overnight on District property without prior approval of Management. Approval cannot be given to park any vehicle on District property for more than 7 days during any 30 day period.
 - e. The District will not be responsible for any damages or theft that may occur to any parked vehicle.
2. Privately owned or leased golf carts
 - a. Residents may use their privately owned or leased golf carts on District property which includes the golf course, outdoor amenities and parking areas; however, all carts driven on any District property **must** be registered.
 - 1) Each privately owned golf cart will be assigned a registration number that will coincide with the owner's lot number.
 - 2) Multiple golf carts owned by a resident will be given the same registration number, which will be the resident's lot number.
 - 3) Registration numbers must be clearly visible on both sides of the golf cart, underneath the seating area.
 - 4) Registration will be handled by the designated District department, currently the Golf Shop.
 - 5) Custom numbering applied or painted on the cart by other than the Golf Shop must be a minimum of 3 inches high.
 - b. Residents with privately owned or leased golf carts are required to ensure that the use of their cart is restricted to individuals who will operate the cart in a safe, prudent manner and in accordance with all regulations.
 - c. Residents using a privately owned or leased golf cart will be held fully responsible for any and all damages caused by the golf cart used by the Member or Guests. The Member will reimburse the District for any and all damages including damage to other golf carts and any property of the District. (Private insurance is generally available for golf carts through an insurance agent.)
 - d. Anyone operating a golf cart within the District, including on the Golf Course, must be at least eighteen (18) years of age or have a valid automobile driver's license.
 - e. Privately owned or leased carts must meet (ANSI) Safety Standards for golf carts.
 - f. Privately owned or leased carts must be electrically powered and equipped with headlights and taillights or reflectors if used after dusk. Parking of golf carts is allowed in designated parking areas only.
 - g. Golf carts operated within the District must be free of commercial advertisements. Corporate logos or other business markings may be applied as long as the logo or markings do not contain any contact information.
 - h. No golf carts are permitted on the Golf Course when the course is posted closed.
 - i. No privately owned or leased golf carts will be stored, charged or maintained by the District.

3. Violators of vehicle rules are subject to towing, fines, or loss of golf privileges,
 - a. Management may issue a warning or fine to the lot owner for violation of rules.
 - 1) The first citation may result in a warning to the lot owner.
 - 2) A second citation may result in a \$25 fine to the lot owner.
 - 3) Additional citations may result in a \$25 fine to the lot owner each time a citation is issued.
 - b. Violations of the rules governing the ownership and use of golf carts within the District, including on the Golf Course could result in the suspension of private cart use privileges and/or suspension or termination of Golf Course membership or playing privileges.
 - c. Further, vehicles in violation of the Governing Documents may be towed or booted by the District at the Owner's expense. No notice is required prior to towing or booting other than the existence of appropriate signage as may be required by Florida Statutes.

M. Wildlife

Wildlife located on the premises shall not be fed or teased per Florida Chapter 379 and the Florida Fish and Wildlife Commission rules.

IV. BUILDING/FACILITIES

A. General Statements

1. The Facilities provide a variety of social, cultural, and recreational events in which all Residents and Permitted Non-Residents may participate.
2. Every Resident or Permitted Non-Resident, shall be liable for any property damage and/or personal injury occurring on/or in the Facilities, or at any activity taking place in/or on the Facilities, caused by such Resident, their Guests, or Permitted Non-Resident, The cost of damage shall be charged to the Resident or Permitted Non-Resident.
3. Persons under the age of 18 are not permitted to use the Facilities or equipment thereof, unless accompanied by and supervised by an adult.
4. Persons 12 years of age or under may not enter the Fitness Center or participate in playing billiards or darts.
5. Management shall be responsible for scheduling the use of the facilities, including the Ballroom, in accordance with the District Policies & Procedures Manual and as amended from time to time by the Board of Supervisors.
6. The Facilities shall not be used for any function which is, in any way, related to fundraising efforts for the benefit of a political cause, except as specifically allowed by Management.
7. The Facilities shall not be used in connection with organized religious services unless otherwise allowed by Management.
8. Only authorized persons may remove from the room in which it is placed or from the Facilities, any property or furniture belonging to the District. Anything removed from a room must be returned. The room must be returned to the same condition as that in which it was found.

B. Activities/Clubhouse Rooms

1. General Statements
 - a. Activity must not take place prior to scheduling with Management.
 - b. All regular use room scheduling must be renewed on an annual basis.
 - c. The Activity/Clubhouse Rooms will be left in the same state of cleanliness as when the resident or group entered the room.
 - d. Users must clean the tables, countertops and surrounding areas and discard debris and litter at the conclusion of use.
 - e. Signs shall not be posted in these rooms without management approval.
 - f. Any refuse or lack of good housekeeping shall be noted when a group or resident arrives in the room. If at all possible, the Management will be notified immediately of the problem to verify and so appropriate action can be taken.
 - g. New groups wishing to be sanctioned in order to use the Activities/Clubhouse Rooms on a continuing scheduled basis must follow the established procedure as described in the Policies & Procedures.
 - 1) Submit in writing their request to Management.
 - 2) Present their request to the Facilities & Amenities Advisory Committee if requested to do so by management.
 - 3) Final approval will rest with Management and be based on room availability, size of the group and other factors as necessary.
2. Use of Activities Rooms Equipment
 - a. Kilns Guidelines
 - 1) There are two large kilns. Firing schedules are established by Management.
 - 2) Kiln room hours of operation are from 7:30 a.m. until 4:00 p.m. Monday through Friday only if attended by an authorized operator. There shall be no firing from 4:00 p.m. until 7:30 a.m.
 - 3) As per the manufacturer's recommended guidelines and the Fire Department's recommendations, the kilns must never be left unattended during the firing process.
 - 4) At daily closing, the authorized operator will turn off the master switches and after cool down, close the door.
 - 5) Authorized operators are defined by Board policy.
 - 6) The exterior kiln room door is to remain closed at all times.
 - b. Kiln Courtesy:
 - 1) Do not open the kiln while it is in use by another group or Resident.
 - 2) No one may remove another group's or resident's fired items without the owner's permission.

- 3) Every attempt will be made by the resident doing the firing to remove fired items as soon as possible in order to free up the kiln for another resident's use.
- c. Maintenance Required by User After Each Use:
 - 1) If a piece has exploded, all shards must be removed and the kiln inspected for damage. Any damage will be reported to the Management who will arrange for repairs if necessary.
 - 2) Vacuum the kiln after each use when firing greenware, making sure the kiln floor, inside lid and grooves holding oils are clean.
 - 3) Vacuum periodically if firing glaze.
 - 4) All glazed items will be placed on the shelves with stilts so as to prevent glaze "run-over" as much as possible.
 - 5) After use, if there is a glaze "run-over" on the shelves, remove the glaze by chipping off and applying two coats of kiln wash to the affected shelves. Apply to the top of shelves only. Allow the first coat to dry before applying a second coat in a crosshatch manner.
3. Potter's Wheel
 - a. Authorized operators are defined by Board policy.
 - b. Maintenance required after use:
 - 1) The wheel will be completely cleaned of all clay residues and returned to its original condition.
 - 2) The area around the wheel will be cleaned and left in its original condition. This could entail mopping the floor in the immediate area.
 - 3) Sweeping, or whatever else is needed for good housekeeping for the entire room, must also be accomplished.
 - 4) Care must be taken to ensure that nothing is put into the sink drain that might create a blockage.
4. Billiards
 - a. Anyone under the age of 12 may be in the room in the company of an adult, but may not play billiards.
 - b. Herons Glen Teams approved by the local Billiards League may play Permitted Non-Resident Teams through the process designated by the Board of Supervisors on a home and away basis and may conduct league tournaments.
5. Darts
 - a. The dartboards are available for play at any time the room is not scheduled for use by another activity. Use of the room for darts may be scheduled in advance through the normal room scheduling procedures.
 - b. Anyone under the age of 12 may be in the room in the company of an adult but may not play darts.
 - c. Herons Glen Teams approved by the local Darts League may play Permitted Non-Resident Teams through the process designated by the Board of Supervisors on a home and away basis and may conduct league tournaments.
6. Ping Pong
 - a. The Ping Pong tables are available for play at any time Activity Room B is not scheduled for use by another activity. Use of the room for Ping Pong may be scheduled in advance through the normal room scheduling procedures.
 - b. Players are required to carefully fold the tables and return them to their storage locations at the end of the play.

C. Courts

1. General Rules
 - a. The Courts include tennis, bocce, pickleball, and shuffleboard.
 - b. These facilities are open during the posted hours daily when lighting is available. They may be closed for maintenance purposes or the General Manager may change the posted hours of operation.
 - c. Normal court etiquette and fair play are expected of all players. Use of privileges may be withdrawn by the General Manager in the event of gross and/or continued misconduct.
 - d. Dress, including shoes must be in good taste and appropriate to the sport and surface.
 - e. Food or beverages in glass containers are not allowed on the court playing surfaces,
 - f. Pets, skateboards, rollerblades or bicycles are not allowed in the area of the courts.
 - g. District equipment must be returned to its proper storage in good condition after play.

- h. District equipment that needs repair or replacement should be reported to Management..
- i. Reservations for regularly scheduled group play and tournaments should be made through the process designated by the Board of Supervisors.
- j. Players are required to rake and/or brush the courts after use and leave the court area free of debris. Equipment for this purpose must be returned to its proper storage area.
- k. When lighting is provided for night play, it must be switched off at the conclusion of such play.
- 2. Bocce
 - a. Herons Glen Teams approved by the local Bocce League may play Permitted Non-Resident teams through the process designated by the Board of Supervisors on a home and away basis and may conduct league tournaments.
 - b. Players may sign up for court time around regularly scheduled group play and tournaments. If no playing time is scheduled, the courts are available for play.
- 3. Pickleball
 - a. If all courts are in use, a limit of one game may be played. Following their game, the player(s) may return to the queue awaiting a court opening.
 - b. There are no pickleball reserved court times other than clinics and tournaments as posted on the bulletin boards at the courts.
 - c. All residents may play anytime other than tournaments.
 - d. Herons Glen Teams approved by the local Pickleball League may play Permitted Non-Resident Teams through the process designated by the Board of Supervisors on a home and away basis and may conduct league tournaments.
- 4. Shuffleboard
 - a. Scoreboards are provided.
 - b. If all courts are in use, a time limit of ninety (90) minutes per player or group shall apply.
 - c. Herons Glen Teams approved by the local Shuffleboard League may play Permitted Non-Resident Teams through the process designated by the Board of Supervisors on a home and away basis and may conduct league tournaments.
- 5. Tennis
 - a. Individuals and groups may sign up for court time fourteen (14) days in advance using the process designated by the Board. A daily sign-up sheet will be posted on the Court Bulletin Board by the HGRD management for the next day's play. The preferred reservation method to reserve courts up to 15 minutes prior to playing is to use the online court reservation system. The posted daily sign-up sheet is used as a secondary and subordinate method of reserving courts. All players must be available to play within fifteen (15) minutes of their scheduled time. When the 15-minute waiting time is reached without all players available, the next foursome or pair may occupy the court for the balance of the time reserved.
 - b. Players other than those playing as part of the designated Round Robin play must not assume the courts during those Recreation District designated play times.
 - c. Players may schedule court time before or after the designated Round Robin play times so as not to interfere with that play period.
 - d. Round Robin Play
 - 1) Tuesday of each week from 8:00 a.m. to 9:30 a.m. is reserved for ladies' play. Round Robin rules shall take precedence. All ladies, regardless of the level of play, are welcome to play in this period.
 - 2) Wednesday of each week from 8:00 a.m. to 9:30 a.m. is reserved for men's play. Round Robin rules shall take precedence. All men, regardless of level of play are welcome to play in this period.
 - e. Round Robin Play takes precedence over HGTA scheduling.
 - f. Courts must be vacated promptly at the end of the reserved time period, even though the players may not have started using the court time.
 - g. Individuals or groups of players may not sign up for longer than ninety (90) minutes per day.
 - h. A maximum of two courts can be reserved by any one individual or group of players for a given slot and multiple slots cannot be reserved in any given day.

D. Fitness Center

- 1. Hours of operation are 5 A.M. to 10 P.M.
- 2. Persons aged 12 and under are not permitted in the Fitness Center. Those between 13 and 18 must be

accompanied and supervised by an adult.

3. Any guest must sign the "Sign-In-Sheet" agreeing to release District on the day they are present and before using any of the facility or equipment. Residents must use an access control card or fob which must be obtained from the office. Residents must sign the liability release when they get their card or fob.
4. Only water or sports drinks are allowed.
5. Do not attempt to use, move or fix any piece of equipment that is not functioning properly.
6. Report any piece of equipment that is not functioning properly to Management using the email posted.
7. Prior to using the equipment, read any available warning or instruction placards on each machine.
8. Wipe down equipment when exercise is completed.
9. Return any equipment to the proper location when you are finished using it.
10. Equipment must not be removed from nor added to the Fitness Center.

E. Notices, Easels, Postings, Pamphlets, Displays, etc.

1. There may be no commercial, political, religious or similar promotions, pamphlets or other materials of any kind placed, posted or circulated in the Facilities. No solicitations of any kind may be made within the Facilities without the prior approval of Management.
2. No collection containers of any kind from any individual or organization may be placed on District property without prior approval of Management.
3. A petition shall not be originated, solicited, circulated or posted within the Facilities without the prior approval of Management.
4. Signs, easels, or similar items may not be placed or displayed on District property except as specifically allowed by Management.
5. Ticket sales must be conducted in accordance with District policies.
6. All bulletin board items, approved by Management, must bear on the face of the items, the name and phone number of the Resident or sanctioned group requesting the posting and the date.
 - a. Only postings for trips or travel sponsored by a Resident or sanctioned Resident group or activity may be posted. Postings relating to trips or travel shall not display any advertisement of any travel agent or company thereon.
 - b. Only notices or materials that originate with a sanctioned Resident group or activity and have been approved by management may be displayed anywhere on District property. Residents or sanctioned Resident groups or activities are not allowed multiple postings for the same event or item.
 - c. Residents, or Sanctioned groups and/or activities may not post anything that directly, indirectly or by implication, indicates that the activity is sponsored by, approved by, or presented by the District.
 - d. Personal postings shall not be larger than 3" x 5"
 - e. Personal postings will be allowed to remain for a period of thirty (30) days. They may be renewed if space is available, up to a maximum of 90 days.
 - f. Sanctioned Resident group activity/event postings may have a maximum size of 8.5 x 11
 - g. Sanctioned Resident group activity/event postings will be allowed to remain for a period of thirty (30) days. They may be renewed if space is available, up to a maximum of 90 days.

F. Spa

1. Persons under the age of eighteen (18) are not permitted in the Spa.
2. Pregnant women, people with health problems, and people using alcohol, narcotics or other drugs that cause drowsiness should not use the Spa without first consulting a doctor.
3. The maximum time of use shall be fifteen 15 minutes.
4. ADA lift equipment is to be used only when required to assist a person to enter or exit the water.

G. Swimming Pool and Pool Deck

To access the pool area, you will need to use either your fitness center access control card or a FOB specifically designed for the pool gate entry and fitness center. If you already have a fitness center card, you can use it directly at the pool gate. If not, please visit the District Administration Office during business hours to obtain an access control card or FOB. You can get a release online prior to your office visit. The gate is on a timer and will only operate during times the pool is scheduled to be open.

1. Swimming and use of the pool deck are permitted between 6 a.m. and 7 p.m. daily, or when lights are provided by the District.
2. The pool is closed Thursday morning for cleaning and maintenance. Management may close the pool or

change the hours at its discretion.

3. Management may close the pool and pool deck due to inclement weather.
4. The pool is not tended by a lifeguard. Use of the pool is at the swimmer's own risk.
5. Showers are required before entering the pool to remove all suntan oils and lotions. This is a Health Department Regulation.
6. When using suntan oils and lotions, you must place a towel on the pool chairs/loungers so as not to stain the furniture.
7. Food and soft drink items must be purchased from the District Food & Beverage Operation if it is open.
8. Glass objects, drinking glasses and sharp objects are not permitted in the pool area. Only non-breakable plastic or paper containers are permitted in the pool area..
9. Swimmers must wear attire specifically designed for swimming.
10. Anyone under the age of eighteen (18) must be accompanied and supervised by an adult.
11. Babies and small children using the pool must wear approved swimming diaper suits.
12. Running, ball playing, diving, or jumping into the pool or any noisy or hazardous activity is not permitted.
13. Rafts and similar large flotation devices are not permitted.
14. Snorkeling equipment, other than a mask, is not to be used in the pool except as part of an organized course of instruction.
15. Portable music/news/podcast devices may be used only with personal earphones. Piped-in music may be provided by the District.
16. All umbrellas must be closed prior to leaving the pool deck or patio area.
17. The Food & Beverage Department has the exclusive right to reserve tables, chairs and or loungers. Residents may not reserve tables or loungers for the exclusive use of individuals or groups.
18. ADA lift equipment is to be used only when required to assist a person to enter or exit the water.

H. Storage Areas

1. Loft Storage
 - a. Management controls access and must approve all items stored in this area.
 - b. Management or its designee oversees the organization and maintenance of this area.
 - c. All items stored become the property of the District.
 - d. New items brought for storage must be in clear plastic, transparent, storage tubs only. Items brought without a container or in other types of containers such as cardboard boxes, opaque tubs, and plastic bags may be discarded.
 - e. All stored items must be placed on the shelving. No items are to be placed on the floor where they may become a safety hazard.
 - f. Eighteen inches of clearance from the ceiling must be maintained per fire marshal.
 - g. If you use materials from the storage tubs – please return the materials to the same tub and return the tub to its marked location or place them on the “return shelf” for volunteer re-shelving.
 - h. There are also bins containing items that can be used to create unique centerpieces or table decorations for your function. You are welcome to use these. When your function is over, all created items must be dismantled and the parts deemed reusable, placed in the appropriate tubs or on the return shelf for a volunteer to re-shelve.
 - i. Table decoration containers must be emptied of their contents (sand, confetti, marbles, etc.) and the containers stored clean ready for reuse.
 - j. Items in this area have been purchased throughout the years by various organizations. The District allows all District sanctioned organizations to use all items stored in this area. If an organization has items it is unwilling to share, it should not store them in this shared area.
 - k. Items are for use in the clubhouse only.
 - l. It is understood that there will be some loss due to use and damage.
 - m. Items stored here are subject to periodic review and possible removal due to storage limitations.
 - n. Absolutely no food or drink is to be stored.
2. Maintenance Building Storage
 - a. Storage of any items in this area must have the approval of Management.
 - b. All stored items become the property of the District except those items owned by the HOA.
 - c. It is understood that there will be some loss due to use and damage.
 - d. Items stored here are subject to periodic review and possible removal due to storage limitations.
 - e. Absolutely no food or drink is to be stored.

3. Personal Lockers
 - a. Lockers and/or cabinets are available for personal and group storage in the clubhouse.
 - b. These may be rented for a nominal annual fee in the District office.
 - c. Personal or group items may not be left unlocked in Activity or Clubhouse Rooms.

V. FOOD AND BEVERAGE OPERATION

A. General Rules

1. Food and beverages consumed within the Clubhouse Facilities must be furnished by the Herons Glen Food & Beverage Operation or in accordance with the District Policies & Procedures Manual.
2. At Resident functions where food is provided by either the District or residents, alcoholic beverages must be purchased through the Food & Beverage Department.
3. Outside catering may be permitted by written permission from Management in accordance with the District Policies & Procedures Manual.
4. Children under the legal drinking age may be seated at a table in the lounge area, but are not permitted to sit at the bar.
5. The 18% gratuity applied to the chit is subject to the diner's discretion.

B. Dress Code

1. Residents, Residents' guests and Permitted Non-Residents will dress in a fashion befitting the surroundings and atmosphere provided at the Facilities, all as determined by management.
2. This is more fully detailed in Proper Attire section.

C. Reservations

1. Dining Reservations:
 - a. Reservations are requested for Evening Dining, Sunday Brunch, and Breakfast. It is helpful if names of all the parties who will be seated at the table are provided at the time of making the reservation. Attaching a name to a reservation ensures that everyone has a clear understanding of the reservation details and allows the reservation system to send each person a confirmation email.
 - b. Lunch reservations are required for parties of 8-12 if they wish to sit at one table. Please call the Food & Beverage Reservation Desk during business hours at (239) 731-4545 to make a reservation. Reservations may also be made online at heronsglenncc.com or by using the Herons Glen Mobile App.
2. District Event Reservations:
 - a. Event reservations are accepted thirty (30) days in advance unless an exception is specified. Valentine's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Holiday Dinner, New Year's Eve, Easter, & End of Season Celebration will open for reservations six weeks in advance.
 - b. Each attendee is limited to reserving a maximum of one (1) table seating up to eight (8) people. For some events, a limited number of larger tables for twelve (12) people are available on a first-come, first-served basis. Names of all the parties who will be seated at the table must be provided at the time of making the reservation.
 - c. Most events will have seating that is "Banquet/Function Style" at tables of eight (8) people. If a reservation does not have eight people, the attendees may be paired together.
3. Cancellations:
 - a. The District will always offer a waiting list to Residents for a sold-out event.
 - b. Residents on the waiting list will be called in order of their reservation requests as seating opens.
 - c. If a Resident needs to cancel a reservation, the person who submitted the reservation must notify the Food & Beverage Department as soon as possible. This allows others on the waiting list to be notified and offered the reservation. An attempt will be made to fill all spots as they become available.
 - d. District Events have a 72-hour cancellation policy and events will be billed in full to the owner's account if not canceled at least 72 hours prior to the event. If the vacated spot is able to be filled, the owner will not be charged for the event.

VI. GOLF COURSE

It is in the best interest of the Golf Membership as a whole, that the District maintain a “NO REFUNDS, NO EXCEPTIONS” policy for club membership. This policy is detailed in the District Policies and Procedures Manual.

A. General Rules

1. Use of the golf course is available to individuals playing golf and paying a fee, either an Annual Golf Membership (prepaid greens fees) or a daily greens fee. No other use of the golf course is permitted without management approval.
2. Questions regarding the use of the Golf Course should be directed to Management.
3. Management is responsible for the conduct and appearance of the employees.
4. Management has put in place a training program for Outside Service Staff (Rangers). Questions or concerns regarding this training should be addressed to management.
5. Outside Service Staff are on duty to help regulate pace of play and enforce Golf rules of play. The Outside Service Staff has full authority to enforce golf rules of play.
6. Violators of rules of play are subject to disciplinary action in accordance with the Policies and Procedures.

B. Adopt a Hole Program

Herons Glen Golf members and residents are encouraged to select a particular hole on the golf course and improve the conditions on that hole. This program is administered through the Golf Shop. Details of the program are available upon request. Improvements made by members and residents are limited to the following:

1. Filling divots with sand on tees and fairways...basically everywhere.
2. Repairing ball marks everywhere, but more specifically on the greens, and on the apron in front of the green.
3. Picking up tees, broken and otherwise on the teeing area, especially on the par 3 holes.
4. Picking up other trash that may be in the area.
5. Keeping a log sheet of work performed and returning it to the captain in a timely manner (captain will provide the forms).

C. Golf Association Days

1. Men's regular season play is held on Tuesday mornings with a shotgun start.
2. Ladies regular season play is held on Wednesday mornings with a shotgun start for the LGA 18 Association. The LGA 9 Association is normally assigned morning tee times off either #1 or #10.
3. In order to accommodate the number of golfers wishing to play on Association days, the Golf Professional will have the discretion to:
 - a. Assign tee times or require shotgun starts
 - b. Adjust starting tee times
 - c. Adjust shotgun starting times
 - d. Suggest game formats designed to speed play including playing against “Par” during high subscription Association days
 - e. Limit the number of players during high subscription Association days
4. Golf Course Attire
 - a. Proper golf attire must be worn by all golfers on the Golf Course or when using any of the practice facilities. This is more fully detailed in the Proper Attire section.
 - b. In all cases of questionable attire, Management shall have the final responsibility and authority for determining what attire may be deemed inappropriate. Failure to comply may cause the person to be asked to change or denied use of the golf facilities will result.

D. Golf Course Rules

1. General
 - a. The Rules of Golf of the USGA, together with the Rules of Etiquette as adopted by the USGA shall apply, except when in conflict with local rules or with any of the Rules and Regulations contained herein.
 - b. Jogging, bicycling, skating or walking are not permitted on the Golf Course or cart paths at any time. However, jogging, bicycling, skating and walking are permitted on the Multi-Use Paths

- along Herons Glen Boulevard.
- c. If the hazardous weather siren sounds all play is to cease and players are to take safe cover.
2. Checking in
 - a. All Members must check in with the Starter and present their current Member Bag Tag.
 - b. All non-members must have a receipt dated with the day's date, showing each person has paid the Pro Shop for the day and present the receipt to the Starter.
 - c. All players must check in with the Starter at least fifteen (15) minutes prior to their scheduled tee time.
 3. Practice
 - a. Practice is not allowed on the Golf Course. All practice should occur at the practice facility.
 - b. The Practice Facility includes the driving range, chipping area and practice putting green and is open during the hours designated by the Golf Shop.
 - c. Practice Facility fees are included in Annual Golf Membership fees. Practice Facility fees are also included in the daily green fee paid by nonmembers. Resident nonmembers may purchase an Annual Practice Facility Membership. Any non-member must pay a daily fee as posted in the Golf Shop to use the Practice Facility.
 - d. Guests under 18 are permitted to use the Practice Facility at no charge as long as he/she is accompanied and supervised by the member.
 - e. The golf facility is closed to nonmember use on Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and any day that management schedules special maintenance.
 4. On the Course
 - a. No activities other than golf are permitted on the Golf Course at any time the course is open.
 - b. Neither persons nor golf carts are permitted on the Golf Course when the course is posted closed. "Course Closed" or "Hole Closed" signs are to be strictly adhered to without exception.
 - c. Players must observe all signs/instructions regarding use of the golf carts on the course.
 - d. Only two (2) persons and two (2) sets of golf clubs are permitted per golf cart. Only two (2) golf carts are permitted per foursome. Each player must have their own set of golf clubs.
 - e. The Pro Shop reserves the right to pair up any single riders together, whether a private cart owner or not, to preserve the two carts per foursome rule. The District will retain all fees in the case of a non-private cart owner riding with a private cart owner.
 - f. Keep up with the group in front of you or allow faster players to play through during play.
 - g. The action of hitting a ball into the group ahead to signal them to speed up play is strictly forbidden and an obvious threat to the players' safety. Any instance of this behavior should be reported to the Outside Service Staff or Golf Shop as quickly as possible.
 - h. Play "Ready Golf" See our website for details. A round of golf at Herons Glen Golf Course should take approximately 4 hours and 10 minutes, no matter the player's skill level. If you feel this is too fast, then we recommend you play at a time when overall play is light.
 - i. If a group of players fails to keep their place on the course and loses more than one clear hole on the players ahead, an Outside Service Staff member will ask them to move ahead in order to get back into position to help keep an acceptable pace of play.
 - j. Players who suspend play for any reason and want to resume must get permission from the Outside Service Staff before resuming play.
 - k. "Cutting-in" is not permitted at any time. Players are not permitted to start play from residences.
 - l. Range balls are not permitted on the Golf Course.
 - m. Ball hawking is not allowed on the course at any time.
 - n. Golf cart paths are to be used where provided especially near tees and greens,
 - o. The ninety-degree rule applies when crossing fairways. Golf carts are required to remain on cart paths, on Par 3 holes.
 - p. A golf cart must not be driven within thirty (30) feet of a green or tee unless on a cart path.
 - q. Private property surrounding the course, must be respected by golfers and guests..
 5. Course Care Requires that Golfers Must:
 - a. Avoid areas Management has designated as "No Carts" or soft areas on the course.
 - b. Enter and leave bunkers at the nearest level point to the green. Smooth sand over with a rake.
 - c. Repair all ball marks on the green.
 - d. Fill all divots with sand.
 - e. After finishing a hole, leave the flag in the hole and exit the green area immediately.

E. Handicaps

Golf Course Members are responsible for turning in all their scores on a daily basis.

F. Operation of a Cart with a Medical Handicap Flag

1. To obtain the privileges of using a District Handicap/Medical Flag, Members (including all guests) must provide sufficient written documentation of such disability.
2. The use of a Handicap/Medical Flag is a privilege and any misconduct or abuse of the rules will result in a suspension or loss of your Handicap/Medical Flag privilege and/or playing privileges.
3. Only flags purchased through the District Golf Shop are afforded these privileges.
4. Individuals with a documented permanent handicap may purchase a Blue Handicap/Medical Flag from the Pro Shop to be displayed on their private cart.
5. Individuals who are in need of a temporary Handicap/Medical Flag will be issued a temporary Blue Flag on a daily basis.
6. Carts bearing these flags may leave the cart path and travel on the golf course as needed to go to a golf ball. The 90-degree rule is in effect unless the course superintendent has deemed the course to be Cart Path Only for maintenance or weather conditions. If the course is Cart Path Only, no cart including those with handicap flags will be permitted to travel off the cart path.
7. Carts may NOT travel within 30 feet of any teeing ground or green. During the months of October through April, blue stakes will be located near each green for handicap parking. Carts bearing handicap flags must park in close proximity to the blue stakes.
8. If two Members that have Handicap/Medical Flag privileges are paired in the same group, they must ride together.
9. Management has the right to approve the use of a privately-owned single-user golf cart manufactured for the purpose of use by a handicapped person while playing golf. Such golf cart may be used anywhere on the golf course, including tees and greens, but is still subject to the course conditions of the day.
10. Any use of carts off the cart path is at the golfer's own risk, and any problems or injuries resulting from such use are the golfer's responsibility. For safety reasons, the use of the golf cart on severe slopes is forbidden.
11. Violation of these rules will result in the following:
 - a. First violation - Verbal warning.
 - b. Second violation - Written warning and possible suspension.
 - c. Third violation - Loss of Handicap/Medical Flag privileges and possible suspension of playing privileges.

G. Operation of a Golf Cart on the Golf Course

1. Residents may use a privately owned or leased golf cart while playing golf on the Herons Glen Golf Course. These carts must be electrically operated and equipped with a sand rake and sand container.
2. Carts used to play golf must be manufactured for that purpose and equipped with tires that are standard for use on golf courses.
3. Operation of a golf cart is at the risk of the operator. Players will be held responsible for any damages caused by the misuse of a golf cart. Players renting/using a District golf cart will be held responsible for damages to the golf cart that are caused by the misuse of the golf cart. Cost of repair to a golf cart damaged by a player, will be charged to the player.
4. In addition, all rules regarding Vehicles apply to golf carts and penalties for violations of these rules are included in the section covering Vehicles.

H. Rainchecks

1. If a player paying an 18-hole fee has played less than four (4) holes when it begins to rain, the player may receive an 18-hole rain check, with a value amount based on the fee paid.
2. If a player plays from four (4) to thirteen (13) holes before rain begins, the player may receive a 9-hole rain check.
3. A rain check will not be issued if a player plays past thirteen (13) hole.
4. There will be no rain checks issued to players beginning play after 1:00 p.m.
5. Management may use discretion in issuing rain checks.

I. Tee Time Reservations

The Chelsea Tee Time Advance Request Program is used to assure fairness in assigning tee times to Golf Course members. The Advance Request Program, Tee time reservation priority is as follows:

1. Golf Course Members may request tee times seven (7) days in advance.
2. Golf Course Members must enter their Guests' first & last names when making a guest reservation.
3. Resident Non-Members may request a tee time reservation by contacting the Golf Shop after 7:00 a.m., three (3) days in advance of the day they wish to play. Requests for open slots will be filled from the "request for tee time" sheet on a first come/first served basis.
4. The Public may request tee times two (2) days in advance of the day they wish to play.
5. Management has the authority to adapt Resident Nonmember and Public play advance reservation times to meet seasonal needs.

EXHIBIT B

Amended Policies and Procedures

Permission to use any of the Herons Glen Recreation District Facilities and services is granted only on the condition that the user has unconditionally agreed to do so in compliance with these Policies and Procedures.

**HERONS
GLEN**
Recreation District
POLICIES & PROCEDURES
Revised
April 24, 2023

Updated November 20, 2023

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I. ADMINISTRATIVE CODE AND POLICIES

A. Herons Glen Recreation District Purpose

The Herons Glen Recreation District (the “District”) is an independent special district of the State of Florida created pursuant to Chapter 418, Florida Statutes (the “Act”), Ordinance No. 98-08 enacted by Lee County, Florida on April 28, 1998 (the “Charter”), a referendum of the qualified electors of the District and other applicable law. The purpose of the District is to finance, acquire, plan, improve, own, operate, equip, maintain and manage recreational facilities within the District, as more fully set in, and subject to the provisions of, the Act and the Charter.

B. Herons Glen Recreation District Mission Statement

Herons Glen Recreation District is a Florida Special District, a community that provides quality recreation, activities, and programs for all residents. We strive to provide excellent financial value and well-maintained facilities to satisfy varied interest groups and promote healthy lifestyles.

C. Herons Glen Recreation District Vision Statement

Continue to be one of the premier active adult communities in Southwest Florida that provides an excellent value for our current and future residents.

D. Herons Glen Recreation District Location

The District is located in Lee County, Florida. The boundaries of the District are set forth in the Charter.

E. Purpose of Policies and Procedures: Definitions

The purpose of these Policies and Procedures is to describe the general operations of the District. Definitions set forth within any section hereof shall be applicable within all other sections, unless specifically stated to the contrary.

F. General Information Concerning the District

1. District Principal Office - The District’s principal office shall be that of the General Manager located at 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917, or such other address as the Board may designate. The principal office is open for business during the posted hours on all weekdays, except State holidays and declared emergencies or posted closures.
2. Fiscal Year -The fiscal year of the District shall begin October 1 of each year and end September 30 of the following calendar year.
3. District Depository - The Board is authorized to select, from time to time, as a depository of funds any qualified public depository as defined in Florida Statutes. Surplus funds may be invested in accordance with District financial policies and procedures.
4. Records - All minutes, including Resolutions and all documents evidencing ownership of District property or rights in other property shall be retained in accordance with Florida General Records Schedule Gs1-SI for state and local government agencies. This general records schedule is issued by the Department of State’s Division of Library and Information Services, in accordance with the statutory provisions of Chapters 119 and 257, Florida Statutes. Public Records - All public records of the District shall be available for public inspection pursuant to Chapter 119, Florida Statutes, except those specifically exempted by Florida Statutes. Any person wishing to examine public records of the District may do so during normal business hours at the office of the General Manager.
5. Copying of Public Records -. Copies of public records shall be made available to the requesting person at the rates provided in FL statutes Chapter 119.
6. District Audit - In accordance with Chapter 218, Florida Statutes, the Board must cause an annual financial audit of the District’s accounts and records. The financial audit of the District must be performed by an independent certified public accountant and completed within 9 months after the end of the fiscal year. The District is required to comply with the rules of the auditor general. The Board will establish an

Auditor Selection Committee as required by FL statutes Chapter 218. As specified in the statute, the chair of the committee must be a Supervisor and no District employee may be a member of the committee. This committee solicits bids from qualified CPA firms and recommends an auditor to the Board.

G. Meetings

1. General Meetings.
 - a. The Board shall hold regular meetings. At a minimum, the meetings of the Board will comply with the provisions of Chapters 189, and 286, Florida Statutes. All meetings of the Board shall be open for public access under the provisions of Chapter 286, Florida Statutes.
 - b. A meeting may be canceled, provided that notice of cancelation shall be given by means calculated to give the best reasonable notice possible of such cancelation.
2. Special Meetings; Emergency Meetings
 - a. Special meetings of the Board may be held at any time upon the written or oral call of the Chairman, Vice-Chairman, or any three (3) members of the Board.
 - b. Notice of any such special meeting shall be given personally to all members of the Board by means calculated to provide the best opportunity to inform each Board Member of the time, place and date of such meeting. Seven days' notice shall be given except in cases of emergency, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as any action taken at the meeting is subsequently ratified by the Board. The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear.
3. Meeting notices shall state at a minimum:
 - a. the date, time and place of the meeting;
 - b. a brief description of the purpose of the meeting;
4. Conduct of Business
 - a. The conduct of all business at regular meetings shall be governed by Florida Statute and the usual rules of parliamentary order. Roberts Rules of Order, current edition, shall be the guide for such usual rules of parliamentary procedure.
 - b. The procedure for all items to be voted on at a regular meeting shall be as follows: Once a motion on a matter has been made and seconded, all Board members will be afforded the opportunity to fully discuss the matter. After all Board discussion, and prior to taking a vote, the floor may be opened for resident comments on the matter. Upon conclusion, the matter shall be put to a vote of the Board.
 - c. Any New Business to be voted on at a regular Board meeting should be presented to the Supervisors three (3) business days prior to the meeting to allow sufficient time to review but the Board by unanimous consent may shorten that time.
5. Quorum
 - a. No decision or action of the Board shall be effective unless a quorum is present. A quorum shall consist of three (3) physically present members of the Board.
 - b. No decision or action of the Board shall be effective unless approved by at least three (3) physically present members of the Board.

H. The District Governing Body: Officers

1. District Governing Body - The District is governed by a five (5) member Board (the "Board") which shall exercise all powers granted to the District by the Charter and the laws of Florida.
2. Organization of Board - Annually, the Board shall, at a minimum, select a Chair and Vice-Chair of the Board and a Treasurer and an Assistant Treasurer and a Secretary and an Assistant Secretary of the District. Each of the persons selected to hold such positions shall serve for a term of one (1) year or until their successor is elected or until their earlier resignation, removal from office or death.
3. District Chair - The Chair shall be a member of the Board with full rights of participation to make, second, and discuss a motion as any other Board member. The Chair shall convene and conduct all meetings of the Board and shall have such other authority and responsibilities as specifically delegated by the Board from

time to time, including the authority to call a member, or other attendee, to order for lack of proper decorum. The Chair shall sign resolutions and other legislative documents for the Board and all contracts and instruments to which the District is a party, on behalf of the District. If the Chair ceases to be a member of the Board, the Board shall select a Chair to serve the remainder of the term, after filling the Board vacancy.

4. District Vice-Chair - The Vice-Chair shall be a member of the Board and shall perform all duties of the Chair in the absence of the Chair and such other duties and responsibilities as specifically delegated by the Board from time to time. If the Vice-Chair ceases to be a member of the Board, the Board shall select a Vice-Chair to serve the remainder of the term, after filling the Board vacancy.
5. District Secretary - The District Secretary shall be a member of the Board. The District Secretary shall attest the signature of the Chair on all resolutions and other documents to which the District is a party.
6. Assistant District Secretary - The Assistant District Secretary shall perform all duties of the District Secretary in the absence of the District Secretary.
7. District Treasurer - The District Treasurer shall be a member of the Board. The District Treasurer shall have charge of the funds of the District and such other duties as may be assigned by the Board from time to time.
8. Assistant District Treasurer - The Assistant District Treasurer shall be a member of the board. The Assistant District Treasurer shall perform the duties of the District Treasurer in the absence of the District Treasurer or with specific written authorization of the District Treasurer.
9. Other District Officers - The Board may appoint assistants and other officers of the District and give to such officers such powers and duties as the Board may deem appropriate.

I. Vacancies of Board

If during the term of office of a Board member a vacancy occurs, the remaining members of the Board shall fill the vacancy by appointment of a qualified person residing in the District for the remainder of the unexpired term. If three or more vacancies occur at the same time a quorum is not required to fill vacancies.

J. Compensation

Members of the Board serve without compensation. However, the members of the Board are entitled to per diem and travel expenses using the same reimbursement policies as employees. The General Manager's compensation and salary ranges for employee positions are approved by the Board.

K. Legal Services

A "continuing contract" for legal services may be entered into between the District and a firm whereby the firm provides professional legal services to the District for work outlined in the contract with no time limitation, except that the contract shall provide a termination clause.

L. Committees

The Board may establish committees in order to perform specifically designated functions. These committees may be standing or ad hoc. Committee members are individuals who are not members of the Board except for the Auditor selection committee and the Audit committee. Committee duties are further defined in committee charters. Charters for committees, both ad hoc and standing are included in the appendix.

M. Election Procedures

In connection with elections of the Board, the following procedures shall apply:

1. Establishing the Election

- a. At the first meeting of the Board in January of each year, the HGRD will call for an election of Board members to fill the positions of any Board members whose terms of service will expire on March 31st of that year. In its Resolution the Board will set the dates for the election and the qualifying period, and procedures by which qualified residents of the HGRD may become a candidate for the soon to be open Board positions.

- b. A Notice of Election and Candidate Qualifying will be published in a newspaper of general circulation in the County on or about the first date of candidate qualifying and during the 5th and 3rd weeks prior to the election and it shall be posted on the HGRD's bulletin board. The notice will provide the dates for qualifying to commence and end as well as the name and address of the person to whom nominations for the open positions must be provided, in writing.
- c. Counsel for the District will serve as qualifying officer for candidates. Nominations by any person for the position of Supervisor will be accepted at the Counsel's office, in writing, beginning on date set by the Board. Counsel will inspect the statement of qualification of each nominee and inquire of the nominee, if unclear, whether they are qualified, i.e. 18 years old, a resident of Florida, own property in the District, resides in the District at least 90 days out of the year, has signed a notarized candidate's oath included in the appendix, and whether they wish to have their name placed on the ballot.

2. Preparation and Distribution of Ballots

- a. After the close of nominations/qualifying for candidates, a ballot listing alphabetically the names of all persons who have qualified shall be prepared. The Ballot Instructions will say to vote for no more candidates than there are open positions.
- b. One ballot will be mailed to each property owner within the District boundaries as determined from the records of the Lee County Property Appraiser. The voting instructions will tell each recipient that an election will be held at the District's Clubhouse on the established election date, the time after which Ballots will no longer be accepted and that the owner may attend and vote in person, or may vote by the absentee method outlined in the included instructions.
- c. The records of the Lee County Property Appraiser will be the official records of eligible voters within the District unless an owner provides alternate proof of ownership, acceptable to District Counsel. District Counsel may order the Property Appraiser's list of owners in Herons Glen, i.e. eligible voters, at his discretion but not earlier than eight (8) weeks prior to the election.
- d. Included with the mailed ballots, if provided by or for the candidate by the end of the qualifying period, will be one 8 ½ in. by 11 inch page, but not more, of candidate biographical and/or qualifications information. Also a "Meet the Candidates" notice may be provided in the envelope containing the ballot.
- e. The instructions will direct each voter to insert his or her marked ballot into an envelope (enclosed with the initial mailing) labeled "BALLOT." The "BALLOT" envelope is then to be placed into a second envelope ("Mailing Envelope") addressed on the front to Herons Glen Recreation District, 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917.
- f. Instructions to each voter will state that only those ballots delivered within a Mailing Envelope, with the Voter Certificate on the back having been signed by the voter and received by 4:00 p.m. on the day of the election (the "Close of Election") will be counted.
- g. The Mailing Envelope will contain on the back a line for the voter's signature swearing to the following certification. In this way, all voters will be required to sign the certification and there will be no way to link a voter's signature to his or her ballot. The following will be printed on the back of the mailing envelope:

Under penalty for false swearing, pursuant to Florida Statutes, I do solemnly swear or affirm: that I am a qualified voter in the Herons Glen Recreation District because I own property in the District; that I will not vote more than one ballot in this election; that I understand that a failure to sign this certificate will invalidate my BALLOT.

- h. Directions for Voting on the back of Mailing Envelope will also state:

"NO BALLOT WILL BE COUNTED UNLESS VOTER'S CERTIFICATE IS PROPERLY SIGNED AND COMPLETED."
- i. The voter's signature will not be required to be notarized, but the instructions will also contain the following notice:

Pursuant to Chapter 104, Florida Statutes, a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, commits a felony of the Third Degree punishable as provided in Florida Statutes.

- j. Voters are responsible to ensure that their properly completed Mailing Envelope (with ballot) is either mailed or hand-delivered to the District at the above-stated address and received prior to “Close of Election” established by the Board’s Resolution. All Mailing Envelopes received prior to the Close of Election must be kept in a locked receptacle which is securely maintained until opened by the Election Committee for counting on the date of the Election.

3. Conduct of Election

- a. Prior to the annual election, The Board shall appoint a Supervisor of Elections, an Election Committee consisting of seven members and two alternates, and shall designate a Board member to act as liaison to the Committee. The Supervisor of Elections shall solicit volunteers for the Election Committee. If greater than seven Residents volunteer, the Committee shall be selected by the Supervisor of Elections in a random drawing and approved by the Board. The committee shall perform its duties at the direction of the Supervisor of Elections. The Election Committee shall be responsible both for assisting at the “Meet the Candidates” event and overseeing the tabulation of ballots cast.
- b. The Supervisor of Elections, in addition to any other duties, shall be responsible for the certification of each ballot. The name on each ballot received shall be compared to the listing of names supplied by The Lee County Property Appraiser Office to verify the voter’s eligibility. During this process, the Mailing Envelopes will be sorted alphabetically, and names checked for ownership rights against the Property Appraiser’s Lists and for duplicates. Only the first ballot received from any qualified voter will be counted. Any duplicate ballots received will be marked as such and not counted. Once verified by the Supervisor of Elections, ballots in the unopened Mailing envelopes shall be placed in a locked cabinet until 9:00 a.m. on the day of the Election.
- c. Beginning at 9 A.M. on the day of the election, the Supervisor of Elections and the District’s staff volunteers will open the Mailing Envelopes, take out ballot envelopes and mix the unopened ballot envelopes together.
- d. After the Close of Election on the day of the election any ballots received before the Close of Election will be brought to a convenient place in the Clubhouse where the Supervisor of Elections and District employees will open and count the ballots in the presence of any members of the public wishing to observe. If there are not enough District employees, members of the Election Committee may help open and count the ballots.

4. Method of tabulation:

- a. There will be several counting stations each consisting of tables with two District employees and one member of the Election Committee. One employee will open the ballot and read aloud the votes on each ballot. The other employee will record the vote on tally sheets. The member of the Election Committee at each station shall observe the process of tallying in order to ensure that votes recorded for each ballot are correctly checked and tabulated. Once all the ballots at each station have been recorded and counted, the tally sheets shall be given to the Supervisor of Elections who will be responsible, in coordination with the District’s Counsel, to accurately total all of the votes and determine preliminary results of the election.
- b. Such results are preliminary results. They are not final until the Board has heard and determined any voter qualification questions and the Board has officially accepted the final vote tally.
- c. Any vote tally which reflects that a candidate was defeated by a margin of less than one-half of one percent of the total votes cast shall be recounted. These elections are determined by a plurality, meaning the candidate(s) with the highest vote total(s) win the open position(s). There are no runoffs. In the event of a tie vote, the two candidates shall draw lots or flip a coin to determine the winner.
- d. The Supervisor of Elections may publicly report the result of the election immediately after counting all ballots. The official report of election results will be presented to the Board by the

District's counsel and made a part of the Minutes at the next Board meeting and the Board shall declare the official election results at that meeting.

- e. The ballots and mailing envelopes will be retained for a minimum of one year and shall be available for inspection by the public after they have been counted, but they may not be handled by anyone other than the Elections Supervisor or Elections Committee members. If requested, the Elections Committee will determine a reasonable time and place for the inspection of ballots and mailing envelopes.

N. Meet the Candidate Procedures

Meet the Candidates is held in early March only when there are more qualified candidates than open Board positions.

1. Questions for the Candidates must be printed or typed and submitted to the District office by 12 P.M. on the date of the program. No question will be directed to only one candidate.
2. The submitted questions will be placed in a locked box and remain there until the election committee begins the process of reviewing the questions. This process will begin at a time designated by the Supervisor of Elections on the date of the program.
 - a. The committee will consolidate the questions from multiple Residents that are essentially the same.
 - b. The committee will provide questions to the moderator at the beginning of the program.
3. The program will begin with each candidate seated in alphabetical order, giving an opening statement not to exceed three minutes.
4. The Media Resources committee in the sound room will track the time and give each candidate a 15 second warning prior to the conclusion of the candidate's allotted time so that he/she may conclude his/her thoughts.
5. Each candidate will be asked the same question in alternating order so the same candidate isn't the first to respond to each question.
6. Each candidate will have up to 2 minutes to answer each question.
7. Two hours will be allotted for those questions that were submitted with closing statements to follow.
8. Each candidate will be allotted 1 minute for a closing statement.

O. Term of Office of Board Members

Supervisors shall serve for staggered three year terms. Each Supervisor shall serve a full three-year term, beginning April 1 of the year in which he or she is elected.

P. Indemnification

Each person (including the heirs, executors, administrators, or estate of such person): (i) who is or was a Board member or officer of the District; or (ii) who is or was an agent or employee of the District other than an officer; and as to whom the District has agreed to grant such indemnity shall be indemnified, defended and held harmless by the District as of right to the fullest extent permitted or authorized by current or future law against any fine, liability, cost or expense, including attorneys' fees, asserted against such person or incurred by such person in the capacity of a member of the Board, officer, agent or employee of the District or arising out of or relating in any way to their status as a member of the Board, officer, agent or employee of the District unless such Board member, officer, agent or employee acted intentionally, in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property. The District may maintain insurance to protect itself and any such person against any such fine, liability, cost or expense.

Q. General Description of Administration

1. General Manager - The Board will appoint a General Manager under the direction and supervision of the Board. The General Manager shall be responsible for the day-to-day operations of the District and shall have the authority to expend District funds for proper District expenditures that are consistent with the District Budget. The General Manager shall timely submit the proposed annual budget to the Board; shall

make regular reports to the Board on District affairs; and shall keep the Board fully advised on the financial condition and future needs of the District and make such recommendations on District affairs as deemed appropriate by the General Manager.

2. Consultants - The Board shall have the power to appoint and fix the compensation of attorneys, accountants, professional advisors and such other consultants as it may, from time to time, deem necessary, subject to compliance with any applicable law relating to competitive bidding and negotiation, and such persons or entities shall have such professional duties as may be delegated to them by the Board from time to time.

R. Voting Conflict of Interest and Ethics

The Code of Ethics (Chapter 112, Part III, Florida Statutes - Code of Ethics for Public Officers and Employees), was created to help:

1. Prevent conflicts between public duty and private interests; and ensure that public sector employees and officers will not use government office for private gain. All special district local officers and special district employees must comply with Florida's ethics laws.
2. Special district local officer must abstain from voting on the following measures:
 - a. One that inures to his or her special private gain or loss
 - b. One that inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained
 - c. One that could result in special private gain or loss to a relative
 - d. One that could result in special private gain or loss to a business associate. Special district local officers of community redevelopment agencies and special district local officers of independent special districts elected on a one-acre, one-vote basis, are not prohibited from voting in that capacity, but still must file Form 8B
 - e. For more information, see Chapter 112 Florida Statutes - Voting conflicts
3. Filing Notice of Voting Conflict
 - a. Appointed and Elected Supervisors must abstain from voting in the above-described voting conflict situations but may participate in discussion of such matters.
 - b. Appointed and Elected Supervisors must disclose the nature of the conflict on Form 8B immediately after any participation in the matter. If a Supervisor participates in the decision before or during the meeting in which the vote takes place, the Supervisor first must complete this form, which must be immediately provided to the other governing body members of the special district and read publicly at the next meeting.
4. Where to file
 - a. With the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes, provide a copy to the other members of the special district and read the form at the next meeting.
 - b. If the special district local officer does not try to influence the decision except by discussion at the meeting in which the vote will take place, they must disclose orally the nature of the conflict in the measure before participating. The form must be:
 - 1) Completed and filed within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting.
 - 2) Incorporated in the minutes.
 - 3) Copied immediately for the other members of the governing body.
 - 4) Read publicly at the next meeting after the form is filed.
5. All Board members present at a Board meeting must vote on items properly before the Board, unless the member has a conflict of interest. Any board member present may request a roll call vote, the results of which shall be recorded in the minutes.
6. In the event of a tie vote the motion shall be ruled as having failed.

S. Alcohol

The District abides by all laws of the State of Florida regarding the purchase, sale, and consumption of alcoholic beverages on the District's property. Due to state and local liquor laws, all alcoholic beverages to be served and consumed on the District's premises must be purchased from District and Residents or guests may not bring alcoholic beverages on District property, including the District parking areas.

T. Gambling and Games of Chance

In general, Florida law prohibits gambling including raffles on District properties. There are some exceptions, including BINGO and penny-ante card games. Exceptions must be conducted in strict compliance with the applicable law to retain their status as District sanctioned activities. All use of District facilities and all District activities, whether conducted by District sanctioned activities or otherwise, must comply with Florida Statute Chapter 849, pertaining to gambling; and all District Staff Members, Committees Members, Guests and any others using District facilities shall conduct their activities and events including drawings by chance (raffles) in conformance with Florida Statute Chapter 849.

U. Purchasing

1. General

- a. When reasonably possible the District will attempt to obtain three bids for all significant purchases of goods and services where the expense for any single purchase, is between \$10,000 to \$20,000. In such cases, two verbal or email quotes are to be obtained and the results documented. If a single purchase is greater than \$20,000, two written quotes must be attempted to be obtained (this may be email) and results documented.
- b. The District's Finance Committee will review all bids received by the District for goods and services where the expense is in excess of \$35,000.
- c. Except in the case of an Emergency Purchase, prior to purchasing goods or services estimated to cost in excess of \$35,000 the District Representative shall make a good faith estimate of the probable cost of the Project, Services, or Commodities intended to be purchased and determine whether Competitive Bidding is required.
- d. The "District Representative" means the Board, or person, firm or group designated by the Board to administer the purchasing process.

2. Competitive Bidding

- a. In addition to the Finance Committee review, the District will utilize Competitive Bidding procedures for the purchase of goods and services as required by Florida law.
- b. "Competitive Bidding" means the awarding of District contracts and agreements for purchase of goods, i.e. Commodities, and services to the lowest responsible and responsive bidder best able to supply the goods or complete the project in a manner financially most advantageous to the District, after solicitation of bids by public announcement and review by the District's Representative of the timely received, responsive bids.
- c. The District must use Competitive Bidding for its purchases when the estimated cost for such goods and/or services exceeds the following thresholds:
 - 1) \$35,000 for Services (other than Construction and Professional Services).
 - 2) \$35,000 for Commodities (goods and equipment, etc.)
 - 3) \$35,000 for Professional Services in the nature of planning and study:
 - 4) \$325,000 for Professional Services where the construction or improvement project exceeds that value. Note: this threshold refers to the estimated overall construction cost, not to the professional's expected fees.
 - 5) \$200,000 for Construction Services where the construction or improvement is a building or structure. Note: this threshold refers to the estimated overall construction cost, not to the contractor's fees.
 - 6) \$75,000 for Electrical Services where the deliverable is solely an electrical project. Note: this threshold refers to the estimated overall project cost, not to the contractor's fees.

3. Bidder Qualifying

To be eligible to submit a bid or proposal, an individual or firm must, at the time of District's receipt of the bid or proposal:

- a. Hold the required applicable federal, state and county license(s) in good standing.
- b. Be authorized to do business in Florida in accordance with Florida law.
- c. Meet any additional pre-qualification requirements established by the District, or set forth in the bid specifications. Failure to provide evidence of such compliance when requested by the District will disqualify the bidder.

4. Procedures for Competitive Bidding

- a. If the intended purchase is subject to Competitive Bidding and not otherwise exempt from such procedures due to emergency or other provisions of the law, the District will utilize the following procedures:
 - 1) The District shall designate a District Representative to administer the Competitive Bidding process and set a deadline for receipt of bids and responses.
 - 2) The District shall publish, in a newspaper of general circulation in Lee County, a Notice with a general description of the goods or services to be purchase and including a deadline date, time and address for receipt by the District Representative of all bids and other responses, and the date, time and place where bidders may attend the bid opening.
 - a) The Notice must appear at least one time and at least 21 days prior to the deadline for receipt of bids, and at least 5 days prior to any pre-bid conference.
 - b) The Notice must appear at least 30 days prior to the deadline for receipt of bids if the purchase is estimated to exceed \$500,000.
 - 3) The Board reserves the right, until a contract is signed, to reject all bids and revise or abandon the Project or purchase for which the Competitive Bidding process was undertaken. This reservation shall be included in the published Notice.
 - 4) Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.
- b. Review and Selection
 - 1) The District Representative shall review and evaluate the data submitted in response to the notice described above regarding qualifications and performance ability, as well as any statements of qualifications. The District Representative shall conduct discussions with, and may require public presentation by firms regarding their qualifications, approach to the Project, and ability to furnish the required service and any other aspect of the purchase, including price and alternative products and methods.
 - 2) The District Representative shall, following the review and/or public presentation, select and list the Responsive Bidders in order of preference deemed to be the most highly capable and qualified to perform the required services, after considering these and other appropriate criteria:
 - a) The experience, ability and adequacy of the professional personnel.
 - b) Past performance for the District and other professional employment
 - c) Willingness to meet time and budget requirements.
 - d) Geographic location of the firm's headquarters or office in relation to the District project.
 - e) Recent, current and anticipated workloads of the bidder.
 - f) Volume of work previously awarded to the bidder.
 - 3) All selections are subject to Board approval. If the Competitive Bidding process is administered by persons other than the full Board, the selection made will be presented to the full Board with a recommendation that negotiations be instituted with the selected bidders in order of preference listed.
 - 4) The Board has the right to reject any and all bids and such reservations shall be included in the public announcement.

- 5) Nothing in this Rule shall prevent the District from evaluating and eventually selecting any bidder if less than three Responsive Bids or Proposals are received.

5. Continuing Contract

- a. Nothing herein shall prohibit a continuing contract between a firm or an individual and the District.
- b. “Continuing Contract” means a contract for Professional Services which is entered into by and between the District and a Professional Services firm whereby the services to the District are for construction projects in which estimated construction costs do not exceed \$4,000,000 and for planning activities in which the estimated Professional Services costs do not exceed \$500,000 on any one project.

6. Requests for Proposals

- a. “Request for Proposal” means a written or electronically posted solicitation for competitive sealed proposals.
- b. The District may use Requests for Proposals as needed in the best interests of the District.
- c. If a Request for Proposal is issued for a purchase which would otherwise, or is later determined to, require Competitive Bidding, the District shall either follow the procedures described herein for Competitive Bidding in the process of issuing its Request for Proposal, or shall follow up the receipt of proposals by initiating the Competitive bidding process for the purchase contemplated.

7. Purchases Statutorily Exempt From Competitive Bidding.

- a. Emergency purchases.
- b. Purchases below the thresholds set forth herein
- c. Purchases after receiving less than 2 responsive bids.
- d. Purchases for repair or maintenance of existing District facilities
- e. Purchases from vendors pursuant to contracts by other government agencies which followed the Competitive Bidding process.
- f. Purchases from a single or sole source.
- g. Projects undertaken by the District using only its own services, employees and equipment.
- h. Legal services, including engagement of legal counsel.
- i. Artistic and Health services
- j. When the time needed to Competitively Bid the Project will jeopardize the available funding for the Project, Services or Commodities involved.

8. Definitions

Certain additional terms referred to in this Policy shall have the following meanings:

- a. “Contractor” means a person or licensed business which contracts to sell services or commodities.
- b. “Commodity” means any of the various supplies, materials, goods, merchandise, food, equipment, technology and other personal property purchased by the District.
- c. “Emergency purchase” is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riot, fires, floods, hurricanes, accidents or any circumstances or cause beyond the control of the District in the normal conduct of its business) and where the Board determines that there is an immediate danger to the public health, safety or welfare, or potential significant loss of District assets, such that the delay incident to competitive bidding would be detrimental to the best interests of the District.
- d. “Professional Services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture or registered surveying and mapping, as defined by the laws of Florida, or those performed by any architect, professional engineer, landscape architect or registered surveyor, in connection with the firm’s or individual’s professional employment or practice.
- e. “Project” as used in this Policy means:

- 1) with respect to Professional Services, a proposed capital outlay study or planning activity for construction or improvement of a District building or structure the basic construction cost is estimated by the District to be more than \$450,000, (or \$110,00 for electrical projects) and \$35,000 for a planning or study activity; and
 - 2) with respect to construction of District structures, a proposed improvement whose estimated cost exceeds \$35,000.00.
- f. “Responsive bid” and “Responsive proposal” mean a bid or proposal submitted by a bidder which bid, or proposal conforms in all material respects to the District’s solicitation.

II. GENERAL STATEMENTS AND DEFINITIONS

A. Definitions

Whenever used herein the term “District” means the Herons Glen Recreation District. The purpose of these Policies and Procedures is to describe the general operations of the District. Definitions set forth within any section hereof shall be applicable within all other sections unless specifically stated to the contrary.

1. The term “Facilities” wherever used herein shall mean the land, water (lakes) and all the buildings and improvements thereon that are owned or controlled by the District, including but not limited to the: golf course and practice areas, Clubhouse, Maintenance areas, offices, Ballroom, Verandah, Gazebo, Picnic Areas, Activities Rooms, Card and Meeting Rooms, Billiards Room, Restrooms, Pool & Spa, Pump Houses, Storage Rooms, leased space, offices, stage etc., Fitness Center, Tennis Courts, Shuffleboard Courts and Bocce Courts, Pickleball Courts, all Parking lots, the Maintenance Buildings, the CLIS lakes and system and Golf Course Restrooms and attendant areas; the premises upon which said buildings are located and all attendant appurtenances including the bridge and all other District property.
2. For the purposes of these policies, “Resident” means any owner or other person who resides for at least 90 days within the boundaries of the District.
3. A Nonresident is any person who resides outside the boundaries of the District as established by Lee County Ordinance No. 98-08 pursuant to Chapter 418, Part II, Florida Statutes and as amended by Lee County Ordinance No. 98-18.
4. A Permitted Nonresident is any person, residing outside the boundaries of the District who has paid the requisite fees and complied with the District’s Rules and Regulations and is thereby permitted to use the Facilities in accordance with the said Rules and Regulations. This includes those who have purchased an Annual Nonresident Membership and those who have paid the requisite fee to use a single amenity.
5. A Guest is an individual who visits a property owner and is thereby permitted to use the Facilities in accordance with the said Rules and Regulations. The types of Guests are:
 - a. Day Guest – An individual who visits a property owner but does not spend the night. This guest can use Herons Glen amenities while accompanied by the property owner. Day guests are limited to no more than four (4) per day.
 - b. Overnight Guest – An individual who visits a property owner and spends the night. This guest can use Herons Glen amenities while accompanied by the property owner or with the property owner’s authorization.
 - c. Tenant – A tenant is a person who resides in Herons Glen under a lease with a term of less than 90 days. As used herein the term “Guest” includes such short term tenants.
6. Resident events are defined as any non-business related social event which is sponsored, hosted, and attended by a Herons Glen Resident and where all of the charges for the event are charged to the Resident’s house account or personal credit card. Resident events may also include events of groups sanctioned by the District. A Resident event would also include a Resident family event such as a wedding or celebration of life.
7. Nonresident events are defined as any event which is sponsored or hosted by a group from outside Herons Glen, or by any group or activity not on the list of sanctioned District activities or by any group that promotes ticket sales to persons residing outside Herons Glen. .
8. As defined in the Community Declaration of Covenants, Conditions and Restrictions for Herons Glen, Governing Documents shall mean the “Declaration, the Articles of Incorporation and Bylaws of the Association, approved or adopted from time; and the Rules and Regulations of the Association adopted by the Board of Directors.” The District’s governing documents shall also include the Board Policies and Procedures contained herein and the Management’s Rules and Regulations adopted by the Board.
9. Whenever used herein the term “Board” means the Herons Glen Board of Supervisors.
10. A “special district local officer” means a Herons Glen Recreation District “Supervisor”.

11. The term "Management" used herein refers to the Herons Glen Recreation District's General Manager, and his or her designated staff.

B. Statements

The Facilities are governed by the Herons Glen Recreation District through its elected Board and Facility use is available to all Residents, their Guests, and Permitted Nonresidents but only in compliance with the District governing documents.

1. Management is authorized and directed to implement and effectuate District policies.
2. Management has the right to request any person to leave an amenity should they be in violation of the District Policies, Rules and Regulations or Community Covenants as they pertain to that particular amenity.
3. Management will use the established methods of communication to notify residents of any change to the Rules and Regulations prior to the change being put into effect.
4. Management will use the established methods of communication to notify residents of any proposed change to the Policies and Procedures not less than 10 calendar days prior to the Policy being placed on the Board agenda for discussion and/or a vote. The details of the change may be presented to residents as a red-line version.
5. During a period of declared public emergency all persons using the facilities of the District must comply with county, state and federal regulations and guidelines pertaining to the said declared emergency.
6. Any Resident, Permitted Nonresident, Guest, or other person who in any manner makes use of, or accepts the use of any apparatus, appliance, facility, privilege or service whatsoever owned, leased or operated by the District, or who engages in any contest, game, function, exercise, competition or other activity operated, organized, arranged or sponsored by the District, either on or off the Facilities, shall do so at his or her own risk, and shall release and hold the District, its Supervisors, officers, employees, representatives and agents harmless from any and all loss, cost, claim, injury, damage or liability sustained or incurred by such person, resulting therefrom and/or from any act or omission of any Supervisor, officer, employee, representative or agent of the District. All Residents shall have, owe and perform the same above-stated obligations in respect to any loss, cost, claim, injury, damage or liability sustained or incurred by any Guest of the Resident.
7. Should any party bound by the District Policies and/or Rules and Regulations bring suit against the District, its Supervisors, officers, employees, representatives or agents in connection with any event operated, organized, arranged or sponsored by the District or on any other claim or matter in connection with use of Facilities, and fail to obtain judgment thereon against the District, its Supervisors, officers, employees, representatives or agents, said party shall be liable to the District, its Supervisors, officers, employees, representatives and agents for all costs and expenses incurred by it in the defense of the suit (including court costs and attorney's fees at all levels).
8. Herons Glen may be designated as a political polling place. When used as a polling place, Florida Statutes governing polling places will prevail.

Updated at the October 30, 2023 Board Meeting.

Updated at the November 20, 2023 Board Meeting

III. OTHER ADMINISTRATIVE POLICIES

A. Communication

1. The Board has established the following methods for communicating official information to our Residents:
 - a. Regularly scheduled Workshops and Board Meetings
 - b. Special Workshops or Special Meetings for specific topics
 - c. Bulletin board near Restaurant entrance
 - d. District email notices and the weekly District newsletter
 - e. Letters or messages to our Residents (U.S. Mail)
 - f. District website: heronsglence.com
2. The recommended methods of communication from Residents to the Board Supervisors are as follows:
 - a. Attendance at Committee Meetings, Workshops, Special Workshops or Meetings, Monthly Board Meetings.
 - b. Emails addressed to the District BOARD OF SUPERVISORS and sent to: hgrdbord@hgrdnfm.com.
 - c. Signed letters sent or delivered to the District Administration Office.
3. The Board has agreed that the following methods are not to be considered a means for exchanging official information:
 - a. The GOOGLE GROUP or similar types of electronic communications.
 - b. Emails sent to Supervisors at their personal email addresses.
 - c. Committee members may not direct District Management and/or staff. All requests for information or reports from staff members are to be requested through the General Manager.
 - d. In addition, contacts made directly by our Residents to our District Counsel are not appropriate. Our District Counsel is on retainer and reports directly to the Board.
4. The guidelines for communications between the Board, the General Manager and also District Staff Members are:
 - a. When Management receives a request from a Board member to investigate potential projects, complete some specific tasks or prepare reports, Management will share the request with other Board members at his/her earliest convenience so that all Board members are aware of what Management has been asked to work on and, consequently, devote a portion of his/her time to completing.
 - b. Individual board and committee members should not make requests directly of staff. All requests shall be made to the General Manager. Staff Members receiving such requests from an individual Board member are directed to communicate the nature of the request to the General Manager as soon as reasonably possible and, notwithstanding any one Supervisor's request, staff is expected to take direction from the General Manager as to the timing and handling of all such special requests.
 - c. When an individual Board member communicates a question or request to the General Manager or Staff Members through email, the return email will be copied to all Board members so that the same set of information is available during discussions and the decision-making process on an issue.
5. The District provides several means for Residents to communicate information on events to other Residents.
 - a. To qualify for inclusion in a District publication information must:
 - 1) be from sanctioned groups or activities,
 - 2) be about activities or events that take place in the Glen, and
 - 3) not be of a commercial nature i.e., real estate ads, products or services for sale, etc.
 - b. Non-commercial messages and official announcements will be accepted for inclusion if received at least one week prior to the requested publication date.

- c. Submissions Management deems to be for the personal gain of the provider will be considered commercial.
- d. Details on ticketed events will be published no more than six (6) weeks prior to the event. Simple "Save the Date" announcements are not subject to this time restriction and may be posted earlier at the discretion of Management.
- e. The District will not publish material Management deems to be an opinion piece or information that expresses a particular political position.

B. Cashless Policy

Herons Glen is a cashless facility. Cash payments will not be accepted. Charges may be paid through the Residents' house accounts, debit or credit cards. Personal or commercial checks will be accepted with proper identification. This cashless policy applies to Residents and all other customers.

C. Animals

No pets are allowed in any District buildings or on any recreation facilities, including covered outside areas and including but not limited to the enclosed or improved play areas, such as pool and deck, tennis, bocce, shuffleboard and pickleball courts, golf course and practice facilities.

- 1. When on other District property, pets shall be confined on a leash held by a responsible person.
- 2. Persons walking pets shall be responsible for removing all solid pet waste and properly disposing of it.
- 3. Service animals and animals that are part of educational programs and accompanied by handlers, subject to the approval of Management are the exception.
- 4. Service animals are defined by the Federal Americans with Disabilities Act and Florida Statute. According to definitions within these laws, emotional support animals are not service animals.

D. Vehicles

Vehicles include automobiles, carts, mopeds, bicycles, motorcycles, RV's and all other modes of transport.

- 1. All must obey traffic signs and/or other posted traffic and parking instructions.
- 2. All vehicles must use caution when in the area of other vehicles or pedestrians.
- 3. No vehicles may be stored or left overnight on any District property without prior approval of Management. Such approval is not to exceed 7 nights.
- 4. Parking citations will be issued by HOA Roving Patrol Officer. Citations will be placed on the vehicle with a copy provided to Management.
- 5. Management may issue a warning or fine to the lot owner in accordance with the Rules & Regulations.
- 6. Additional action may be taken by the Board as allowed by Governing Documents of Herons Glen, including towing and booting. No prior notice is required other than the existence of appropriate signage as may be required by Florida statutes.
- 7. Owners will be held fully responsible for any and all damages caused by the owner or the owner's guest. The costs resulting from any and all such damages, including legal fees incurred by the District, will be charged to the Owner.

E. Privately owned or Leased Golf carts

- 1. Residents of the District may privately own or lease one or more golf carts. Each privately owned or leased golf cart will be assigned a registration number that is the same as the Resident's lot number. Numbers shall be affixed on both sides of the cart, a minimum of two inches high and in a contrasting color so as to be easily readable.
- 2. Residents may use their golf carts on District Property, however all carts driven onto the golf course or any district facilities or property must be registered. Management designates the District department responsible for the registration of all privately owned or leased golf carts.
- 3. Privately owned or leased carts must be electrically powered and equipped with headlights and taillights or reflectors if used after dusk.
- 4. Privately owned or leased carts must meet (ANSI) Safety Standards for golf carts.

5. Each operator of a private cart must be at least 18 years old or have a valid driver's license.
6. Residents using a privately owned or leased golf cart within the District, including on the Golf Course, will be held fully responsible for any and all damages caused by the golf cart during its use by the Resident or their guests. The Resident will reimburse the District for any and all damages, including damage to other golf carts and any property of the District. Golf cart liability insurance may be available through the Resident's Homeowner's insurance policy.

F. Recreational Use of Lakes and Ponds

1. In accordance with Herons Glen Country Club Covenants, Article XVI, the Board may permit use of wetlands, lakes, ponds, and streams within the Recreational Facilities for recreational use.
2. The District shall not be responsible for any loss or injury incurred as a result of such use.
3. Residents are authorized to use a District designated lake for the sailboat club with access via the cart path.
4. Residents are authorized to use District designated lakes for fishing; however access to the water body must be reached without trespassing on other District, or private property, such as via road or multi-purpose path.
5. No other use of District designated lakes is permitted.

G. Irrigation

1. As outlined in Herons Glen's Community Covenants, the District owns the Common Lot Irrigation System (CLIS) and provides irrigation to all Lots and Common Areas.
 - a. No sprinkler or irrigation systems may be installed, constructed, or operated within the District, other than by the District.
 - b. Some of the Recreational Facilities are irrigated with effluent.
 - c. CLIS charges are part of the District's annual budget and Operations and Maintenance assessments billed to owners.
2. The District has a blanket easement over all properties within Herons Glen for ingress and egress and for designing, studying, mapping, engineering, improving or adding to, maintaining, operating and servicing the CLIS.
 - a. The District is responsible to:
 - 1) Maintain, replace and repair the CLIS.
 - 2) Keep the CLIS in good working order sufficient to provide irrigation service.
 - 3) The District may be able to provide additional irrigation water for new plantings and sod. However, no additional water will be provided during periods of drought or during the months of February, March and April. Homeowners are encouraged to hand water their new landscaping in accordance with Lee County water restrictions.
 - b. Owners are responsible for:
 - 1) Edging the grass around the sprinkler heads so the grass does not interfere with the operation of the sprinkler head.
 - 2) Trimming landscape plants so as not to interfere with the operation of the CLIS sprinkler system.
 - 3) Contacting the District concerning sufficient irrigation.
 - 4) Ensuring their new plants and sod are getting adequate water.
 - 5) Keeping lawns and landscaping bug free, disease free, weed free and fertilized year-round.
 - 6) Per the HOA Standards, all lawns must be maintained with St. Augustine Floratam grass.
3. Damages
 - a. The Owner is responsible for the reasonable and actual costs of any damage to the CLIS on the Owner's Lot caused by Owner's actions or by acts of any landscape maintenance person, or some other service provider, which caused the damage.
 - b. The District is responsible for providing notice to the Owner or The Herons Glen HOA for common areas, documenting the damage, the cause of the damage, and the costs to repair such damage.
4. Limitation of Liability

Provided: the irrigation water meets all applicable standards for irrigation water in Lee County, the District acts in reasonable good faith to fulfill its responsibilities with regard to the CLIS as provided herein; then the District will not be responsible for any damage that may be caused to any landscaping or sod on any Lot or Common Area resulting from failure of the system or use of water supplied by the District.

5. New Construction or Landscaping Additions
 - a. After receiving HOA approval and prior to new construction, the Owner or their contractor is required to contact the CLIS Department.
 - b. The Owner is responsible for any costs associated with movement, addition, or installation of the irrigation, including the pipes, sprinklers or mainlines. The District shall provide the name of an approved Contractor for such work. If the homeowner chooses to utilize the services of a different contractor, the following must be submitted to the District for approval: 1) an irrigation plan; 2) a construction start date and completion date; 3) license and insurance information. Work must conform to the District's specifications and an inspection of the work will be required. The cost of the inspection shall be the responsibility of the resident. The fee for such inspection shall be set by Management.

H. Hazardous Weather Conditions

1. As lightening approaches, the District lightning prediction system activates a warning and the use of all outdoor recreational facilities must be suspended.
2. The audible warning is: one long, lightning in the area; 3 short, all clear.

I. Volunteer Appreciation Reception

In order to promote committee volunteerism, each spring the District will host or co-host with the HOA a volunteer appreciation reception. Residents who served on the Board or a Board appointed ad hoc or standing committee during the previous Board term will be invited. Other volunteers may be included if approved by the Board.

J. Disciplinary Action

Disciplinary action is initiated and carried out at the sole discretion of Management.

1. Any person who engages in conduct while on District property or participating in District sponsored events, which is deemed, to be offensive, disorderly, a threat to good order or in violation of District Policies & Procedures, District Rules & Regulations or otherwise detrimental to the best interests of the District, shall be subject to disciplinary action.
2. Disciplinary action may include, at Management's discretion, any or all of the following:
 - a. a warning that such future conduct may result in suspension;
 - b. the immediate revocation of access privileges and/or suspension of further guest privileges, including denial of access to all or any District property, programs and functions, for any reasonable period, not exceeding six (6) months.
3. The General Manager shall send an email in addition to a certified, return-receipt requested mail to the alleged violator when a violation has occurred. A written Notice of Disciplinary Action ("Notice") will include the alleged violation facts, date of violation, and any further discipline to be imposed.
 - a. If an alleged violator is a Resident or Resident's guest, the Notice shall be sent to the Resident's home address in Herons Glen.
 - b. If an alleged violator is a not the guest of a Resident, or is a Nonresident whose address is known, the Notice shall be mailed to that person's address.
 - c. If the alleged violator is unknown to Management or their address is not ascertainable with reasonable efforts then the Notice shall be kept on file and delivered personally, or mailed at such time as the violator becomes known.
 - d. The Notice shall provide a start date for any suspension imposed.

- e. The Notice shall also provide a statement that the alleged violator may appeal the suspension by providing a certified, return-receipt requested letter, signed by a person to whom the suspension will apply, requesting an appeal of the suspension to the Board, which letter must be received in the District office within 14 days of the date of the Notice of Disciplinary Action.
 - f. The appeal request must include a written statement specifying which facts in the Notice of Disciplinary Action are being disputed. Any facts not disputed will be presumed at the appeal hearing to be accurate. If ONLY the scope or duration of the suspension is being disputed, a statement to that effect is required. It must be included in the appeal request.
 - g. Notwithstanding any other provision set forth herein, if the District does not receive a written request for an appeal hearing ("Hearing") within 14 days of the postage date set forth on the Notice of Disciplinary Action, all rights of appeal by all persons subject to the Disciplinary Action shall terminate.
4. Pursuing an Appeal: If a request to appeal is timely and properly made the following shall apply:
 - a. The appeal is to the Board, and a Board Meeting to hear the appeal, open to the public (the "Hearing"), will be held and duly noticed, as soon as practical.
 - b. Disciplinary action may be fully suspended until the Hearing is concluded, at the discretion of management.
 - c. At the Hearing, the Board shall at the Special Board Meeting: take relevant testimony from the District Representative, the person appealing, any witnesses for either side; view any evidence, including documents, photos, and recordings; and by majority vote of the Board members present, uphold, modify, or overturn the proposed disciplinary action.
 5. Nothing herein shall prevent or be deemed a defense to the District filing a police report, complaint or other legal action against any Resident, guest or other person who commits a criminal act or civil violation of law while on District property or while participating in an District-sponsored activity, including but not limited to, actions which constitute trespass, fraud, and nuisance.
 6. Suspensions and proposed suspensions on hold awaiting appeal hearings do not diminish or in any other way affect a Resident's legal obligation to timely pay all Bond assessments, Operation and Maintenance assessments, membership fees, account charges, installments due or any other legal obligations owed to the District.

IV. PERSONNEL POLICIES

A. Employee Manual

Management is responsible for developing an Employee Manual with policies approved by the Board and operating the District within the guidelines of the manual. The Board must approve any change to employment policies including benefits, contained in the Employee Manual.

It is also the policy of the District that Residents and Permitted Nonresidents or the immediate family of Residents and Permitted Nonresidents are not eligible for employment.

B. Employee Performance Payments and New Positions

1. No bonus or loan may be made to any employee without Board approval.
2. Pay increases for non-management employees may be made within the approved budgetary parameters.
3. Performance increases may be made by the General Manager within the budget approved by the Board through the budget process. The Board approves performance increases for the General Manager. Performance increases may be through salary increases and/or performance based lump sums.
4. No contract/agreement will be issued with a provision to pay a bonus, loan, payment or special privileges other than the negotiated salary.
5. No new positions may be created or filled, even though such positions may be budgeted, unless and until the position and position description have been discussed with and approved by the Board.

C. Travel

Florida Statutes Chapter 112 defines travel periods and class of official travel. The rate of reimbursement for official travel per diem (mileage and incidentals), subsistence, and transportation (mileage) allowance will be as General Services Administration (GSA) defines the standard per diem and mileage rates. These rates are generally updated each October by the US General Services Administration and IRS.

D. Use of Amenities other than Food & Beverage

1. As part of their employment, District employees may request to use the District facilities during their free time. Any such approval is limited to the employee only.
2. Employees may play golf during their free time on a space available basis but only with prior approval of Management. Such play shall be scheduled so as not to impact member play.
3. All use of the District facilities and events by employees is subject to prior approval of and at the discretion of the General Manager.

E. Use of Food and Beverage amenity

Prior to making dining reservations, District employees must obtain concurrence from the General Manager.

V. FINANCIAL POLICIES

A. General Statements

1. Prior to the start of each fiscal year, at its Public Hearing, the Board adopts the budget for the upcoming fiscal year. The adoption of assessments is used to defray the cost of the bond debt service, operating and maintaining the facilities and funding working capital and deferred maintenance reserve accounts. In accordance with Florida statutes, Chapter 189, expenditures are appropriated and the adopted budget regulates expenditures of the District.
2. Adopted annual District owner operation, maintenance, and reserve assessments are usually billed by and paid quarterly to the District. The debt service (Bond) assessment is billed by and paid to the Lee County tax collector. The “Bond” assessment is included on the owner’s property real estate tax bill.
3. After the completion of the annual fiscal year audit, the Board may allocate any budgetary surplus earned by the District. The District determines the fiscal year surplus by comparing operating results with the approved District-wide operating budget. The surplus may be allocated to the golf special improvement fund and/or the long term capital reserve.
4. Bank fees incurred by the District resulting from bank processing of a Resident’s financial instrument(s), other than routine credit card transactions, will be charged back to the account of the Resident presenting the financial instrument. Bank fees to be charged back include, but are not limited to, returned checks or automatic debits/EFT fees, fees to process non-US financial instruments, and fees for emergency electronic funds transfers.
5. Any Owner suspended due to non-payment of any financial obligation to the District may not charge to their house account or enjoy any other resident benefit until all delinquencies are paid. Suspension means that the owner may not use any District facility. However, an Owner suspended for non-payment of dues or assessments may, as a member of the general public, use the dining room, lounge or golf course by making payment with a valid credit or debit card. The suspension and this rule are applicable to all members of the delinquent Owner’s household, as well as to such Owner’s tenants and guests.
6. Assessments, fees and house accounts are subject to interest penalties and late fees. A \$20 late fee per statement will be added for new charges on the above if not paid by the due date. In addition, interest on any unpaid balance will be charged at the highest annual percentage rate allowed by law.

B. Assessments

1. General Statements

- a. It is the policy of the District (“District”) that all bills for Operation and Maintenance Assessments are due as outlined below and prompt payment of such assessments is expected. Management will implement the following procedures for rendering, collecting, and handling such payments:
 - 1) Payments for assessments may be made by: pre-authorized auto debit EFT/ACH on-line payments through the District’s website member portal (preferred method) or via check. The District does not accept cash. Owners are liable for all costs of collection including interest and attorney fees.
 - 2) Assessments will be billed the last day of September, December, March and June and will be mailed or electronically transmitted to the Owners at that time.
 - 3) Assessments will be due the last day of the month following the quarterly statement date; for example, October, January April and July. Auto-pay fees will be debited on this day.
- b. Owners’ privilege to use any of the District facilities will be suspended if a balance remains at the last day of November, February, May, or August
- c. Any assessment not paid by the last day of December, March, June or September (90 days after due date) will be considered seriously past due and those Owners will have a lien placed against their property by the District..

- d. Owners with a lien placed against their property, as described above, may have foreclosure action initiated against the property. This action will be initiated by the District Board Treasurer, with the notification of the District Finance Committee and the approval of the Board.
- e. The sanctions described above, will be imposed at the direction of the District Treasurer with the notification of the District Finance Committee.

2. New Owner Working Capital Assessment

- a. The Working Capital Assessment shall be established by the Board at the Public Hearing to adopt the Annual Budget.
- b. The New Owner Working Capital Assessment shall not be levied in the following circumstances:
 - 1) The conveyance of a lot in the community when the Owner or Owners of Record (“Owners”) of the lot conveyed simultaneously, meaning within 90 days, acquire fee title to and move into another home within the District.
 - 2) The conveyance of a lot in the community by Owners to a trust in which the Owners are the Trustee or Beneficiary of such trust.
 - 3) The conveyance of a lot in the community to Owners from a trust in which the Owners are the Trustee or Beneficiary of such trust.
 - 4) The conveyance of a lot in the community by an Owner or such Owner’s estate to the Owner’s spouse and/or children.
 - 5) The conveyance of an undivided interest in a lot by the Owner thereof to any then-existing Co-Owner(s) of such lot.
- c. Allocation of New Owner Working Capital Assessment
 - 1) Monies received as “New Owner Working Capital Assessment” are non-operating income to the District.
 - 2) These assessments may be used to supplement the annual working capital reserve assessment required for the improvement and replacement of District capital assets.
 - 3) All assessments received during a fiscal year shall be recorded in a separate account identified as the New Owner Working Capital Assessment account. At the end of each quarter, new owner capital funds received shall be moved to the Long-Term Capital Reserve Account.
 - 4) New Owner Working Capital Assessment monies received in a fiscal year shall not be spent during that fiscal year.
 - 5) Annually, at fiscal year end, the Board and Management shall allocate the New Owner Capital Assessment between the Losses Reserve Fund and the Long-Term Capital Reserve Fund based on goals set for each fund.
 - 6) Until the Losses Reserve Fund reaches its goal, the allocation shall be at least 50% of the long term reserve.

3. Delinquent Assessments

- a. The Treasurer is empowered to take whatever steps necessary to enforce the collections policies, including the placing of liens on the properties.
- b. Additionally, the District will use Chapter 170 and/or Chapter 197, Florida statutes, as a method of collecting assessments.
- c. The District retains the option of collecting its future assessments from those Owners who are two or more quarters delinquent, by including such assessments on the Owner’s annual tax bill to be collected by the Lee County Tax Collector.

C. Other Reserve Funds

1. Losses Reserve Funds

- a. The District has established a Losses Reserve Fund to satisfy, or partially satisfy, storm, emergency or other claims and losses incurred by the District, including:
 - 1) Deductible to meet insurance loss policy claim.

- 2) Losses not covered by insurance due to policy deductible.
 - 3) Claims/losses based on risk assessment and with documentation of district liability. Such risk assessment will be made by General Manager in conjunction with District Counsel, with input by Insurance Broker, and approved by the Board.
 - 4) Other contingencies approved by the Board.
- b. Management shall determine and recommend to the Board the amount needed in the Losses Reserve Fund. This determination shall be based on expenditures made during the current fiscal year, interest earned in the account during the current fiscal year and the amount of insurance deductibles projected to be required for the new fiscal year. The amount required must always be at least \$350,000 or the total insurance deductible, whichever is greater.
 - c. If the amount of additional funds for the minimum losses reserve requires less than 50% of the new owner capital assessment received during the fiscal year, the Board shall determine the allocation.
 - d. If the amount of additional funds required is more than 50% of the new owner capital assessment received during the fiscal year, the Board shall determine the allocation
 - e. If the amount of funds needed in the Losses Reserve Fund is less than the fiscal year-end balance in the Losses Reserve account, Management shall move excess monies into the Long-Term Capital Reserve Fund.

2. Long-Term Capital Reserve Fund

- a. The Long-Term Capital Reserve Fund is intended to fund capital items for:
 - 1) New or improved community-wide amenities that have been on the Long-Term Plan for at least a year or
 - 2) Capital assets that need to be replaced before their useful life has been completed.
- b. The monies in the Long-Term Capital Reserve Fund shall continue to grow without limit.
- c. When an item on the Master Capital List comes into the 10-year averaging window in the reserve, the Board will decide how much of the unreserved balance, if any, should be considered in the annual assessment calculations and how much should be relied on from the Long-Term Capital Reserve Fund.

3. Golf Special Improvement Fund

The golf special improvement is intended to fund items which benefit the golf course. It may be funded by any budget surplus attributable to golf operations when a District-wide budget surplus is achieved for the fiscal year.

D. House Accounts

1. It is the policy of the District that all bills for House Account charges are due at the end of the month following the statement date. Auto-debit payment of the bill is the preferred method of payment. Management will implement the following procedures for rendering, collecting and handling such payments:
 - a. A Statement ("Statement") showing House Account charges due will be mailed or electronically transmitted to the Owner, Owners or those with House Accounts monthly as long as there is a balance due. The owner is responsible for all costs of collection, including interest and attorney fees.
 - b. Payment is due the last day of the month following the mailing or electronic transmission e.g., a May 31st statement is due June 30th.
2. If a balance remains on the last day of the following month, i.e., July 31st in the previous example, the holder of the house account's privilege to use any of the District facilities will be suspended as described in the Financial General Statements.

E. Fees

1. Golf

- a. The Board establishes the annual membership fee as part of the fiscal year budget process. Golf Membership rates are posted in the Golf Shop. All annual Golf Memberships expire September 30th of each calendar year.
- b. Annual Golf Memberships may be purchased by:
 - 1) Property Owners – Payment for membership fees are due by the close of business September 30th. Late fees will apply to renewals. New Golf Members may be eligible for prorated memberships the first year purchasing an Annual Golf Membership. The new Golf Member prorating is only available once regardless of the number of years of non-renewals.
 - 2) Renters/Tenants – Individuals leasing a house/unit may purchase an annual membership at an owner's rate. However, only one annual owner's membership may be in effect for each house/unit. There are no pro-rated or part-year discounts. If a property owner's membership is not available, then a renter/tenant may purchase a "Public membership".
 - 3) Public – Annual Golf Memberships are available to Nonresidents. There are no prorated or part-year public memberships. From time to time, the Board may establish a "Golf Special." If a membership is purchased under the Golf Special, the golfer may renew the membership by paying the annual membership fee prior to the close of business September 30th. Renewals paid prior to the close of business September 30th will be guaranteed a renewal regardless of a membership ceiling established by the Board.
- c. The District has established the following rate categories for annual golf memberships.
 - 1) Owner's Rates:
 - a) Household memberships – may be purchased for use by TWO named golfers residing at the same physical address.
 - b) Single memberships – may be purchased for one golfer.
 - 2) Public Rates:
 - a) Public memberships are always available at twice the owner's rates for either a single or household membership.
 - b) Golf Special Rates – If approved by the Board and memberships are available, a member of the public may purchase at the rate established by the Board at the Annual Budget Meeting.
- d. Memberships are non-assignable and non-transferable
- e. Payments
 - 1) It is the policy of the District that all bills for Annual Golf Membership Fees are due as described below and prompt payment of such fees is expected. On-line payment is the preferred method of payment.
 - 2) Payment of the Fee for the renewal of Annual Golf Membership is due not later than the last business day of September each year (Due Date), and if payment is not received, golf privileges will be suspended at the close of business September 30th. There will be no pro-rated renewals.
 - 3) No Annual Golf Membership fee will be accepted and no golf privileges associated therewith will be afforded until the applicant has paid all past due amounts for all charges and assessments.
 - 4) Annual Golf Members are subject to suspension of all golf course privileges for failure to pay charges for assessments or house accounts within thirty (30) days of their due date.
 - 5) Resident Non-Members may pay an annual fee or daily fee to use the practice facilities as posted in the Pro Shop.
 - 6) It is the District's policy that no person will be permitted to play golf on the District's course unless all fees have been paid to the District. No credit privileges for golf play will be granted to any person or entity.
- f. Non-Member Daily Fees

- 1) While it is important to remember that use of the Herons Glen Golf Course is primarily designed for Members, it is also necessary to allow and attract outside use to achieve the financial performance consistent with the District's budget and to comply with Florida law.
- 2) The General Manager may adjust daily fees consistent with market conditions. The General Manager must communicate any rate adjustments to the Board.
- g. Herons Glen is considered an active adult community. Golf Members may periodically suffer debilitating injuries or other events, which interfere with their ability to utilize their annual membership. It is in the best interest of the District, as a whole, to maintain a "No Refunds, No Exceptions" policy.
- h. However, the District is sensitive to special circumstances; therefore, after paying the Annual Golf Membership fee and prior to playing a single round on October 1st or later, a member may request a refund. All refund requests must be verified by Management and must be requested prior to September 30th of the membership year.
 - 1) Upon death of the purchaser of a Single Member Annual Golf Membership, the Member's estate will be refunded the pro-rated portion of the current year's annual unused membership fee. If membership payment was made for the following fiscal year, that prepayment will be refunded.
 - 2) In the case of a the death of one of the designated golf members of a Household Membership, the membership fee will be adjusted pro-rata to that of a Single Membership.
 - 3) All requests for refund of membership fees must be approved by Management.

2. Tennis Association (HGTA)

- a. The Board establishes the annual HGTA fee as part of the annual budget process.
- b. The HGTA fee is due by close of business September 30th, of each year and is subject to all District late fees and interest payment policies.
- c. Upon payment in full of the annual fee, the HGTA receives rights and privileges to accommodate its approved league and intramural match schedules including:
 - 1) The right to reserve courts seven (7) days in advance using the process designated by the Board.
 - 2) The right to reserve immediately adjacent courts, regardless of actual number needed for the league and intramural matches, to prevent interference from casual play.
 - 3) The right to use the District tennis courts as its home court in order to host HGTA approved league tennis matches.
 - 4) The right to field a Herons Glen team supplemented with Nonresident players if there are not enough Residents to fully field a team. This privilege is authorized for a Nonresident per player fee that is established as part of the annual budget process,
- d. No other individual, group or association is granted the HGTA privileges.

3. Nonresident Social Membership

- a. The District's facilities and recreational activities, such as the tennis courts, bocce courts, shuffleboard courts, pickleball courts, billiards, darts, card rooms, artists' facilities and groups, quilting facilities and groups, pool and spa, dance classes and groups, various clubs, various activities, etc. are for the primary use and enjoyment of District residents.
- b. The Clubhouse facility and the recreation facilities and activities may be utilized by Nonresidents for an annual fee as provided for by law and in our Policies & Procedures and Rules & Regulations.
 - 1) Application may be made by Nonresidents to the Board, District, to be accepted as Social Members for the purpose of access to and the use of the recreational facilities other than golf.
 - 2) The number of such Social Memberships will not exceed the level which can reasonably be accommodated by these facilities.
 - 3) The annual fee for Social Members will be set by the Board through the budget process.
 - 4) Social Memberships are personal and non-transferable. No Guest privileges or group events or group usage are permitted.

- 5) Social Members must abide by all conditions, Policies & Procedures, and Rules and Regulations which are authorized and published by the Board. Gross and/or continued non-compliance will result in cancelation of membership rights, without refund of fees or other recompense for any unexpired time of membership.
- 6) Social Members will be provided with a copy of the applicable Rules and Regulations and will be issued a membership card which will serve as authority to be admitted by security personnel.
- 7) Golf is specifically excluded in this membership.

F. Capital Projects/Assets

1. From time-to-time various capital projects/assets will need to be proposed and approved, which will be funded from the District Capital Reserves Fund. Capital Assets are defined as all tangible personal property with a value of \$5,000 or more and having a projected useful life greater than one year and shall be recorded as property for inventory purposes. "Cost" is used if the property is purchased and represents the purchase price of the property item; "value" is used if the property is donated and represents the worth or acquisition value of the property item at the date of the donation. Items with a value or cost of less than \$5,000 may be recorded as property for inventory tracking purposes, at the discretion of the General Manager.
2. In order for the Board and Management to adequately assess these proposed projects/assets, a number of criteria need to be defined by the proposer(s) of the projects/assets. Generally, but not always, these proposals will originate in the Facilities & Amenities Committee or Long Range Planning Committee.
3. In order for the Board and Management to determine whether these projects/assets should be approved for inclusion in the District's Long Range Plan, the project/asset proposal is to include information on the reason for and scope of the project/asset, the requested priority of the project/asset, the initial cost, continuing cost and benefits with this proposal. Alternate solutions should also be provided. This information must be submitted to the Long Range Planning Committee for review and recommendation to the Board.
4. Priorities of Funding Project: Critical, Important or Desirable.
 - a. Critical: required for safety, health or regulatory reasons, or if it is not done there would be irreversible and significant damage to community property.
 - b. Important: prevent damage to community property or large costs for not doing, a large community impact or high-cost benefit.
 - c. Desirable: moderate community impact or good cost benefit.

G. Financial Internal Controls

Detailed financial internal controls policies can be found in the Internal Controls Policy Manual located with Management.

H. Check Signing Authorization

1. It is the policy of the District that invoices must be presented for review along with the checks that are provided for signature. All invoices must be approved by the Department Manager and authorized for payment by the General Manager.
2. The Treasurer should, at least annually, review the documentation of a sampling of invoices signed by the General Manager for payments under \$2500 and to recurring vendors.
3. At the beginning of each fiscal year Management's recommended list of recurring vendors must be presented to the Board for its consideration and approval.

I. Operating Accounts:

1. Checks for \$2500 or less and for any amount for Board-approved recurring vendors may be signed by the General Manager, the Treasurer or a Board member authorized as a signer on the account.
2. All checks over \$2500 or payable to the General Manager must be signed by either the Treasurer or a Board member authorized as a signer on the account.

3. All virtual credit card payments must be authorized by either the Treasurer or a Board member authorized as a signer on the account prior to the transfer of the funds.
4. Reserve Accounts (Restricted – Capital, Deferred Maintenance, Losses, etc.)
 - a) All checks on this account must be signed by either the Treasurer or a Board member authorized on the account.
 - b) All transfers between the checking and investment accounts for reserve/restricted accounts must be approved by either the Treasurer or a Board member authorized as a signer on the account.

J. Investments

1. The District elects not to adopt a detailed written investment policy and follows Florida Statue 218.415.(17) for investing surplus funds.
2. The District Treasurer is authorized to invest available funds of the District.

K. Donations including Memorials

District may accept donations for purposes that will help the District further and fulfill its mission. Decisions on the acceptance or refusal shall be made by Board. Management is responsible for issuing donation receipts and acknowledgments. Only a memorial bench may have markings and all such markings are subject to District approval. No other donation or memorial may be marked in any way.

1. Donations

- a) Donations become the property of the District. The District accepts no responsibility for replacement if a donation is damaged, destroyed, removed or becomes otherwise inoperable.
- b) Donations may be monetary or property.
 - 1) Monetary donations shall be given to Management along with the completed donation form. This may include donations for memorials as well as for targeted activity/facility funds.
 - 2) Donations of targeted funds must include reference to the desired area where funds are requested to be accumulated or spent.
 - 3) Donors of property must complete the donation form and present proof of acceptance prior to delivering the donation.
 - 4) The General Manager may consult with the Facilities & Amenities committee or the applicable activity before accepting donations. No donation is permitted to be left on District property until the request has been accepted.
 - 5) The District donation form is available in the appendix. This form must be printed and submitted to the General Manager.

2. Memorials

The District has a Memorial Program to honor our deceased Residents. This program is available to the entire community. This memorial may be represented by a tree, a palm or a bench. The individual making the memorial request will complete a District donation form available in the appendix. This form should be printed and submitted to the General Manager. Memorials become the property of the District.

- a) Tree(s) or palm(s);
 - 1) This cost will be the actual cost to include the tree(s) or palm(s), delivery, planting and the leaf for the memorial plaque. The amount of a required deposit is determined before the order is placed. The final cost must be paid with installation.
 - 2) Per our Declaration of Covenants, no identification will be placed on any tree or palm.
 - 3) The District reserves the right to move a tree or palm and is not responsible to replace or maintain a tree or palm that becomes infected with a disease, insects and/or damaged.
 - 4) Management has a plan drawing designating where trees or palms may be placed throughout the property.
- b) A bench

- 1) This cost will be the actual cost of the bench to include the bench, shipping, assembly and the personalized plaque. The amount of a required deposit is determined before the order is placed. The final cost must be paid with installation.
- 2) The personalized plaque may be no larger than 8 inches by 3 inches with no more than 3 lines of text.
- 3) The District reserves the right to move a bench and is not responsible to replace or maintain a damaged bench.
- 4) Management has a plan drawing designating where benches may be placed throughout the property.

VI. BUILDING/FACILITIES POLICIES

A. Participation

1. The facilities shall be open on the days and during the hours as may be established by the Board or as directed by Management. Areas of the facilities may be closed from time to time for scheduled maintenance and repairs.
2. Use of the facilities may be restricted or reserved from time to time by either the Board or Management.
3. Each Resident or Permitted Nonresident as a condition of use of the Facilities and each Resident's guest as a condition of invitation to the facilities assumes sole responsibility for his/her property. The District shall not be responsible for any loss or damage to any private property used or stored on or within the facilities.

B. Swimming Pool

Management is responsible for posting the rules and maintaining this area.

C. Room Use Priority List Including Ballroom

1. The following groups receive top priority and may schedule the ballroom up to two years in advance on a first-come, first-served basis, except that Halloween, New Year's Eve and Mardi Gras actual dates are reserved for the Resident Events Committee. Also, scheduling a Resident event on the regular monthly meeting dates of the District Board and/or the HOA Board must be avoided.
 - a. Food & Beverage Operations
 - b. Resident Events Committee
2. After transferring the events from the two-year calendar, the Management will use the following priority order in preparing the annual calendar:
 - a. District Meetings
 - b. Homeowners Association Meetings
 - c. Food & Beverage Operations
 - d. Resident Events Committee
 - e. Resident Events
 - f. Nonresident Events other than those Scheduled by Food & Beverage Operations
3. Once Management has prepared the annual calendar all further requests for activities are scheduled on a first-come, first-served basis. Management may on occasion deviate from this in order to accommodate a group's size or special needs. Regularly occurring weekly activities may be rescheduled from time to time in order to accommodate a revenue producing event or a Board request.

D. Areas Where Food May Be Served

1. Any Resident or Resident organization may reserve the Ballroom, Verandah, Gazebo or Activity Rooms, by completing the appropriate reservation form and receiving Management's approval. Management will be responsible for the reservation requests, approval and usage schedule for the Ballroom, Verandah, Gazebo and Activity Rooms. Residents and Resident organizations are completely responsible for their own and the conduct of their guests as participants, as well as for the cleanup and final condition of the area used, and for any setup and cleanup fees applicable.
2. When catered food is served, the caterer shall be the District Food & Beverage operation, except in extraordinary circumstances as determined by the District. However, if the District permits the group to provide its own personal catered food, Management must approve that in advance. Residents may not provide their own personal food during the regular business hours of the District's Food & Beverage Operations without the expressed consent of Management. Management may, under extraordinary circumstances, such as the extended closing of the Food & Beverage Operations, allow outside catering.
3. The liquor license of the District requires that all alcoholic beverages consumed on the premises of the District properties, including parking lots, be purchased from the District.

4. If a Ballroom event is scheduled, the Verandah will be unavailable for a separate function.

E. Waiver of Rental Fees

1. No Rental fees will be charged for the following categories:
 - a. District Board events
 - b. HOA Board events
 - c. District committee events, and those of District sanctioned associations, clubs, and activities (e.g. golf leagues, Bocce Association, Veterans of the Glen, craft fair, Travel Club)
 - d. HOA committee events (e.g. ice cream socials, BINGO)
 - e. A Resident's family event (e.g. celebration of life, and wedding)
2. However, there may be charges assessed for actual costs of setup and cleaning, etc., at the discretion of Management.
3. For all other events Room Rental will be charged as part of the Event Order.

F. Fitness Center

1. The building is only available during posted open hours. The doors automatically lock and unlock. Anyone inside when the doors lock will be able to exit the building.
2. The District is not responsible for any injury which may result from the use of any equipment.
3. No equipment may be removed from the building.
4. All guests must abide by the age requirements and sign the release by signing the guest book.

G. The Courts

Scheduling of the tennis, bocce, shuffleboard or pickleball courts is handled through the process designated by the Board.

1. Tennis

- a. Individuals or groups may reserve court times up to seven days in advance.
- b. Round Robin Play is open to players of all skill levels and is more fully described in the Rules and Regulations.
- c. Players may schedule court time before or after the reserved Round Robin play so as not to interfere with that play period.
- d. Round Robin Play takes precedence over HGTA scheduling.
- e. All tennis schedules, rules and approved equipment lists are subject to review and approval of Management.

2. Pickleball

- a. Court schedules will be posted at the pickleball courts.
- b. A list of paddles and balls approved for use will be posted at the Pickleball Courts. Only such approved paddles and balls are permitted on the courts.
- c. Court rules and playing order rules will be posted at the Pickleball Courts. These rules apply to all players.
- d. All pickleball schedules, rules and approved equipment lists are subject to review and approval of Management.

3. Bocce

- a. Court schedules will be posted at the bocce courts.
- b. Court rules will be posted at the Bocce Courts.
- c. These rules apply to all players.
- d. Equipment is provided by the District.
- e. All bocce schedules, rules and approved equipment lists are subject to review and approval of Management.

4. Shuffleboard

- a. Court schedules will be posted at the bocce courts.
- b. Court rules will be posted at the Bocce Courts.

- c. These rules apply to all players.
- d. Equipment is provided by the District.
- e. All shuffleboard schedules, rules and approved equipment lists are subject to review and approval of Management.

H. Activities/Card Rooms

1. Room use

- a. Scheduling of the Activities/Card Rooms will be the responsibility of Management. Management will advise Residents of the need to sign up for Activity/Card Room use.
- b. A list of sanctioned groups authorized to use the Activities Rooms will be maintained by Management.
- c. Final approval for new sanctioned groups will be the responsibility of Management and will be based on the "Sanctioned Group Application Form" located in the appendix, room availability, size of group, enhancement to Residents' lives and other factors as necessary.
- d. Incidental use by Residents will be scheduled at the discretion of Management, based on availability of the room, appropriateness of the activity and appropriateness of the room for the activity.
- e. Any disagreement with Management's decision with regard to suitability or availability will be presented to the General Manager in writing for a final decision.
- f. Food may be served or eaten in Activities Rooms A and B in conjunction with a function being held outdoors in accordance with adopted policies.
- g. Continued violations of room use rules will result in the activity being eliminated from the "sanctioned" list by the General Manager.

2. Equipment Use

- a. Rules for use of the kilns and the potter's wheel shall be posted near the equipment and they must be complied with by all users.
- b. Management shall maintain a list of those Residents authorized to use the kilns and potter's wheel.
- c. A list of authorized operators and hours will be posted outside the kiln room and next to the potter's wheel.
- d. Additional Residents may be trained to use the kiln or potter's wheel by a knowledgeable Resident authorized by the General Manager.

3. Assignment of Keys

- a. Door Keys
 - 1) Management has the responsibility for controlling and issuing of all keys.
 - 2) At a minimum, a two-step issuance policy is required. Management shall authorize the issuance and a second member of Management will handle the actual logging of the assigned keys. Recipients must sign for keys.
 - 3) A Resident who accepts a key also accepts responsibility for seeing that the area is kept clean and orderly.
- b. Locker Keys
 - 1) Management is responsible for distribution of all locker keys.
 - 2) Any Resident requesting a key must present his or her request to Management in writing.
 - 3) The applicable locker fee will be charged to the Resident's house account.

I. Storage Areas

Management is responsible for the organization and maintenance of all storage areas. All items placed in District storage become the property of the District except for those items belonging to the HOA.

J. Resident Notices, Displays & Events

- 1. Bulletin boards

- a. Resident community bulletin boards and activity displays are under and subject to the direction and control of Management. Items for the bulletin boards and the displays must be approved, displayed and organized on a weekly basis as determined by Management.
 - b. Bulletin boards are for the use of Residents and Resident sponsored activities only. No notices for Nonresident events or advertisements for services providing personal financial gain to the advertiser will be displayed anywhere on District property.
 - c. Resident community bulletin boards are located on the exterior of the clubhouse.
 - d. No political advertising including those materials relating to District or HOA election campaigns may be placed on bulletin boards. The exception to this would information from the District regarding an upcoming election.
2. Displays/Easels/Signs/Posters
 - a. Displays for special charitable events organized by a District sanctioned group, may be placed in the lobby annually, for a period not to exceed 30 days, with the written approval of Management.
 - b. No other unattended displays, easels, signs or posters will be allowed in the clubhouse or on District property without the written approval of Management.
3. Events
 - a. The Board has designated the lobby alcove for ticket sales for Resident sponsored events. Ticket sales may also be conducted at the Ballroom door on the day of the event. Management is responsible for scheduling these locations.
 - b. On the day of the approved event, directional signs may be allowed upon approval of their location and format by the General Manager. No other displays for Resident sponsored events will be allowed on the District property.
4. The display limits defined in this section do not apply to the District.

K. Holiday Decorations

During the period between Thanksgiving and New Year's Day, the District is extensively decorated for the holidays. The District's decorations may not be moved, removed, or in any way altered for any event during that period of time.

L. Charity Events

1. Our Residents are well recognized in the community for their generous support of charitable events and causes. Each Resident individually supports the charity of his/her choice. Therefore, neither Management, nor the Board, nor any District committee will sponsor an activity that supports, or makes a donation to any charity or other organization.
 - a. District staff will only sell tickets for events that are District sponsored events.
 - b. All food and beverage items served in the District must be purchased at the price established by the District.
 - c. If a charity has an item of food or beverage donated by a vendor, the District retains full rights to reject such food and beverage items, but will charge a reasonable fee for the preparation and service of those items if it decides to accept and use them.
 - d. There may be charges assessed for actual costs of setup, cleaning, damage repair etc. at the discretion of Management.
2. Charity Events sponsored by sanctioned District activities or groups (Resident events) are accorded the following:
 - a. Events sponsored by and attended solely by District residents may use the usual publicity outlets to promote their event as long as it is clearly stated on all material that there is no District sponsorship.
 - b. The recipient charity may have representation at the event.
 - c. If using the District publicity outlets, all promotional materials must state clearly the 501c3 charity that will benefit from the event and comply with Florida statutes and federal law regarding charity events, donations and gambling (raffles).
 - d. Rental fees will be waived in accordance with the Waiver of Rental Fee policy.

- e. Ticket sales may be conducted in accordance with the policy for Resident sponsored event ticket sales.
- 3. Charity events sponsored or hosted by a group from outside the Glen or by any group or activity not on the list of sanctioned District activities, or by any group that promotes ticket sales to persons residing outside the Glen (Nonresident events), are subject to the following limitations:
 - a. District publicity outlets may not be used to promote the event.
 - b. The District will not provide a location for ticket sales.
 - c. Promotional materials may not be placed on District property.
 - d. A room rental fee as contracted in the Banquet Event Order will be charged.

M. Automated External Defibrillation (AED)

AED units are utilized to provide early intervention for cardiac emergencies to increase survival rate. AED's are available in strategic areas as identified by Management.

VII. FOOD AND BEVERAGE OPERATION POLICIES

A. Resident Rewards Program

Residents who charge purchases to their house account will receive a 10% discount. This includes food and drink at ballroom events such as dances, luncheons and concert series programs where the Resident's house account number is recorded at the event and the purchases later charged to the Resident's house account. Only those who use their house accounts will be provided the 10% discount. Charges for events that are booked with a set negotiated menu price on a Banquet Event Order do not receive the 10% discount.

B. Gratuity

As a convenience, a suggested 18% gratuity on the "gross" amount (excludes tax) of an individual's check will be added to each bill in all dining areas. The payment of this gratuity is subject to complete discretion and may be increased, decreased, or eliminated entirely.

C. Dining Reservations

The Herons Nest encourages but does not require reservations for dining during its regularly scheduled business hours. Reservations are helpful to better serve our Residents.

D. Herons Glen Recreation District Banquet Policies

Any event to be defined as a banquet and therefore subject to these policies is an event at which:

1. All attendees have agreed in advance to purchase a meal for themselves; or
2. A host has agreed in advance to pay the entire cost of the event; and
3. The District's Food & Beverage Operation is the primary caterer of the food consumed at the event.

E. Banquet Events

All reservations and agreements for Banquet Events are subject to the Rules and Policies of the District, its Management's policies and the following conditions:

1. Use of District Facilities

- a. A Banquet Event Order must be completed.
- b. The area reserved for the event is the only area that is to be used for the party.
- c. Attendees at Nonresident events will not be permitted access to other areas of the District.

2. Decorations and Event Set-Up

- a. Hosts of parties must have all decorations approved by Management. Nothing may be nailed or affixed to the walls, ceilings, or floors of the District. No tape, nails, or staples are permitted to attach pictures, signs, banners, or posters to the walls. No open flames are allowed.
- b. Only Management may use lifts, ladders, step stools, etc. due to the liability issues.
- c. All decorations, including flowers, risers, band equipment, or anything of any nature that is brought onto the District premises must be delivered on a schedule approved by Management.
- d. Set up times requested beyond a 2 hour timeframe may require an additional room rental fee.
- e. As other groups may follow your function, all articles must be promptly removed at the conclusion of the event unless otherwise approved by Management.

3. Food and Beverage Provided by the District

- a. All food and beverages for banquets to be held on the premises of the District must be provided by the District with the exception being wedding cakes or specialty birthday cakes, which may be provided by an outside vendor if approved by Management.
- b. Management may apply a service fee on cakes not provided by the District.

4. Alcoholic Beverages

- a. No person under the age of twenty-one years or anyone that is intoxicated will be served any alcoholic beverages on the premises of the District. The District will not serve any alcoholic beverages beyond 11:00 p.m. and all persons must vacate the premises by 12:00 a.m. with an

exception for certain District sanctioned events. The District reserves the right to refuse alcohol or service to anyone deemed to be intoxicated or disruptive. Management reserves the right to close the bar and cease all sales of alcohol should it be determined that such sales cannot be carried out safely and within state and local laws regarding alcohol service.

- b. At functions where the majority of the guests are under the age of 21, the District requires the following:
 - 1) Guests leaving the inside of the Clubhouse will not be permitted to return to the party.
 - 2) If there will be more than fifty persons attending the party under the age of 21 and alcoholic beverages will be served at the function, the District will require the host to provide one or more off duty police officers to monitor the event at the expense of the host.
 - 3) Identification measures must be established to ensure that persons under the age of twenty-one years of age are not served alcoholic beverages on the premises of the District. When required, at the discretion of the District, the host is responsible for the cost of additional labor to implement the extra identification and protection measures.

5. Guests

- a. Attendees at any banquet in the District are by invitation only.
- b. The Host must provide Management with a list of guest names at least 72 hours prior to the event for use by Management and security to grant guests entrance to the property for the event.
- c. All guests attending a banquet in the District must be invited by the host. Examples of invitations that are not permitted by the District include:
 - 1) A Resident or Nonresident host may not use purchased mailing lists or invitations addressed to "Resident".
 - 2) A Resident or Nonresident host may not advertise the event in print or broadcast media.

6. Valet Parking

At the discretion of the District, events exceeding 100 guests may require valet parking at the expense of the host.

7. Security

For parties in excess of one hundred persons, the District may require one or more off duty police officers at the discretion of Management and at the expense of the host.

8. Deposits

- a. Payment of the room rental fee if applicable and security deposit is required at the time of booking.
- b. The security deposit will be refunded only in accordance with the District's contract with the host. The nonrefundable security deposit will be applied to the final cost of the event if there are no damages to the facilities or other District expenses caused by or related to the event caused by the host, the host's guests, and/or the host's contractors.
- c. Room rental fees are waived for Resident events. However, a Resident host will be responsible for a cancellation fee when canceling an event with less than two weeks' notice. The cancellation fee will be set by Management, but in no event more than 10% of the contracted price.

9. Guarantee

- a. For Nonresident events, pre-payment of expected charges is required as agreed to in the contract with the Banquet Event Order. It is the host's responsibility to contact Management with the final participant count at least 72 hours prior to the function.
- b. The host's guaranteed guest count or the number of guests that actually attend the event, whichever is greater, is the number for which the host will be billed.
- c. Nonresident events are subject to a mandatory service charge at the contracted percentage rather than an optional gratuity.
- d. Payment must be made in accordance with the District Cashless Policy.

10. Liability and Damage

- a. The District does not assume responsibility for personal property and equipment brought on the premises by the event host or his/her agents. The District is not responsible for damage, loss or theft of any articles or merchandise left on the premises prior to, during or following a function.
- b. Performance of the event is contingent upon the ability of Management to complete the same, and is subject to labor troubles, restrictions upon travel, transportation of foods, beverages or supplies, and other causes whether enumerated herein or not, beyond the control of Management preventing or interfering with performance. The District reserves the right to employ a caterer, as deemed necessary by Management should the District not be able to provide such services for any reason. In no event shall the District be liable for the loss of profit or for other similar or dissimilar collateral or consequential damages, whether based on breach of contract, warranty, or otherwise.
- c. The District reserves the right to inspect and control all events, but is not responsible or liable for any injury or damage to persons or property not caused directly by the District or its employees. Expenses of damages to District property caused by the host or his/her guests will be charged to the host after deduction on any paid deposit.

VIII. GOLF POLICIES

A. General

Use of the golf course is available to individuals playing golf and paying a fee, either an Annual Golf Membership (prepaid greens fees) or a daily greens fee.

B. Hours of Play

1. The hours of play, Golf Shop hours and Practice Facility hours will be posted in the Golf Shop.
2. The golf course will be closed at the discretion of Management. No one will be allowed on the course until Management reopens the course.
3. The golf course will be closed for maintenance every Monday from May 1 through September 30th, except for holidays when the course will be closed on the Tuesday following the holiday. Members may use the course in the afternoon on these days, after the maintenance effort is completed for the day, but only after Management opens the Course and posts "OPEN" signage has been posted.
4. The golf course will be closed for maintenance during October through April as designated by Management.

C. Handicaps

1. Handicaps are computed under the supervision of Management in accordance with the current USGA Handicap System.
2. The service of providing handicaps for Members is provided as part of their Membership Fees. Handicaps can be provided for Non-Members for a fee.

D. Handicap Flags

1. The District encourages golfers with disabilities to participate in the game and therefore special considerations are given to these golfers.
2. Management has established the requirements for use of Handicap flags. The Golf Shop can be contacted for details.

E. Hazardous Weather Conditions

1. If the lightning prediction system activates a warning, play must stop.
2. Management will have the exclusive authority to resume play or to close the golf course, as conditions warrant.
3. Rain checks will be issued as described in the Rules & Regulations..

F. Pace of Play

Management has procedures in place to manage and monitor the pace of play. Depending on the volume of play, all players are expected to play "Ready Golf" in order to finish in 4 hours and 15 minutes.

G. Tee Times

1. The Herons Glen Golf Course utilizes a computerized tee time reservation system for Golf Members' use. Instructions explaining the system and its use are available in the Golf Shop and on the website.
2. No golf foursomes will be permitted to "Link" through the computerized tee time reservation system during the period January 1st through April 15th of each year.
3. Tee Time Priorities:
 - a. Golf Members
 - b. Guests of Golf Members (During January, February, March and through April 15th, a nonmember may only play 14 times as a guest. A golf member may have a maximum of 14 Guests.
 - c. Resident Non-Members
 - d. Public

4. Tee Time Requests
 - a. Management will determine how far in advance tee time requests may be made.
 - b. Management will inform the Board of changes made in the timing of advance tee time requests.
 - c. Golf members are allowed tee time requests in advance of Resident nonmembers and Resident nonmembers are allowed tee time requests in advance of the public.
5. If a Golf Member reserves a tee time using the Guest function and then substitutes a Golf Member in place of the guest without permission of the Golf Shop, a Guest fee will be charged to the member making the reservation for every such substitution. This policy is to ensure that substitutions are made from the stand-by list to be fair to all.
6. A Golf Member who signs up a Resident Non-Member as a Guest, or substitutes another member after the tee time is made without the permission and approval of Management, whether using the computerized tee time reservation system or not, will be charged a Guest Fee (at the rate in effect at that time) and receive a warning from Management. Continued violation of this policy by a Member will be referred to the General Manager for possible discipline, including suspension of privileges.

H. Tee Time Cancelations

1. All Members of the Herons Glen Golf Course must notify the Golf Shop at least 24 hours in advance to cancel an assigned tee time. It is understood that certain events can occur where 24 hours' notice is not possible.
2. If a Member does not cancel an assigned tee time at least 24 hours in advance and does not have a valid reason (e.g., illness, emergency, weather), it will be considered a violation. A sanction will be imposed against the Member as described in the Rules & Regulations.

I. Summer Reciprocals

The District participates in a Summer Reciprocal program managed by the Golf Shop.

J. Non-Member Play

There are a certain number of tee times reserved for non-member and outside paid play. These tee times are referred to as set-asides.

1. In conjunction with the annual golf budget, Management proposes "set-asides". These "set-asides" are used to determine the daily golf revenue, and the number of "set-asides" is approved by the Board with the budget.
2. It is the policy of the District that Management shall have the authority to use discretion from time to time to modify the number of set-aside tee times during season as economic conditions warrant. The Board is to be notified of changes.

K. Outings

1. District reserves the right for the golf course to host outings.
2. Management may negotiate fees for outings, which are in the best interests of the District.
 - a. Outing sponsors must purchase non-donated golf merchandise from the District.
 - b. Outing sponsors must purchase non-donated food and all drinks from the District. No alcoholic drinks donated or otherwise may be brought into the District. All alcoholic drinks consumed on District property must be purchased from the District.
3. While it is important to remember that the Herons Glen golf course is primarily designed for use by Members, it is also important to recognize that some outside use by the public must be permitted. Such outside use, particularly during the less busy summer months when many Members are away from the community, can substantially enhance the financial position of the District. This policy is designed to comply with our legal requirements and to provide all groups the opportunity to play, without denying a great deal of play time to Members. The following criteria will prevail:
 - a. There may be outside play groups scheduled at any time.

- b. Members will be allowed to sign up for any openings not used by the outside play group.
- c. Every effort will be made to impress upon the organizers of the outside play groups the importance of providing the Herons Glen Golf Shop with an accurate count of golfers for a given event and a firm commitment for the outing with a signed contract outlining the details.

L. Rain Checks

The District issues Rain checks as described in the Rules & Regulations.

M. Association Golf Events

1. Men's Day will be held on Tuesdays.
2. Ladies' Day will be held on Wednesdays.
3. Between November 1st and April 30th each Association may sponsor one tournament to which they may invite outside participants.
4. All Association tournaments will be held on Tuesdays and Wednesdays except for the final round(s) of the HGMGA & HGLGA Championship which may be played on Saturday.
5. Nothing in this section precludes the Golf Staff from conducting tournaments.

N. Association Day

During the months of October through April on shotgun starts if the respective fields do not fill Management has the option to fill with non-association play.

O. Tees

The Golf Professional will determine tournament play qualifications for the assigned tees.

P. Adopt-A-Hole Program

The District may establish an adopt-a-hole program for the community. Program details are available from Management.

Q. Hole-In-One Program

1. A Hole-in-One Program is available to all Herons Glen Golf Members.
2. Management has established operating procedures. The Golf Shop is responsible for the operation and rules.

IX. COMMITTEE POLICIES

A. General Policies Concerning All Committees

1. The Board appoints all committees and committee members. All committee members serve at the pleasure of the Board.
2. The Board may, if needed, create standing committees, ad hoc committees and sub-committees. The ad hoc and sub-committees may be authorized to report either directly to the Board or through a standing committee based on the charter of the committee. Committee members may be asked to serve on special committees and/or perform special studies. The Board may appoint alternate members of committees.
3. All appointees and/or members of any committee must be an owner in the District. Committee applications are strongly considered when making committee appointments.
4. The committee chair must promptly notify the Board of any resignation or vacancy on the committee. Vacancies on or seats created by expansion of any committee will be filled at the Board's discretion, with preference given to Residents who have requested and been vetted for service on that particular committee.
5. Committees serve only in an advisory capacity. Committees may recommend, but do not approve or take action pertaining to the District. Committee members may not direct District Management and/or Staff Members. All requests for staff to provide information must be requested through the General Manager. All Committee recommendations are subject to Board approval.
6. After each meeting, the Committee Chair will prepare a brief written report providing any recommendations that were approved by a vote of the committee membership. This written report will be verbally presented to the Board at a scheduled workshop or meeting.

B. Standing Committee Policies

1. All standing committee appointments begin on the first day of May. All standing committee appointments expire on April 30th the following year. Committee members must re-apply for membership annually.
2. Each standing committee will have a Supervisor from the Board to serve as the committee's liaison.
3. The General Manager will be liaison to all standing committees.
4. All standing committees will meet minimally once per calendar quarter. An organizational meeting shall be held during May to select the Chair, the Vice-chair and review the charter. Regular quarterly meetings will be scheduled each calendar quarter. The Board Liaison will establish initial meeting times, dates and locations when Management requests dates for room scheduling. Additional meetings or modifications may be scheduled by the committee chair.
5. All standing committees will consist of no less than five (5) nor more than seven (7) members in good standing. Additional person(s) may be appointed as a nonvoting, alternate member(s). In the absence of a regular member at any meeting the alternate member's status would change to that of a regular member for the duration of that meeting. In the case of a committee member's resignation, the alternate member would become the regular member. Committee members are expected to attend the quarterly meetings and are invited to participate in the budget workshops.
6. The General Manager will designate a recording secretary for Standing Committees for purposes of minutes only. All other correspondence is the responsibility of the committee chair. Draft minutes should be posted on the website prior to the next meeting of the committee.
7. Committee scope may be expanded by the Board.

C. Ad Hoc Committee Policies

1. Ad hoc committees and their membership are appointed by the Board as the need arises and are discharged after the task for which they were formed has been completed.
2. Ad hoc committees should select a chair or coordinator. The chair or coordinator is responsible for setting meeting times, locations and dates.
3. The committee's minutes or notes are the responsibility of the committee.

4. The membership of an ad hoc committee is largely dependent upon its purpose and area of study/work.
5. Alternate members may be appointed to an ad hoc committee
6. Serving on a standing committee does not preclude a person from serving on one or more ad hoc committees at the same time.
7. Any proposed change to committee membership is to be promptly submitted to the Board for approval.
8. The District Board of Supervisors may remove a committee member at any time.
9. The Board may assign a member of the Board to serve as a liaison to these committees.

X. APPENDIX

A. Facilities & Amenities Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Facilities & Amenities Standing Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all Standing Committees.

Definition: Facilities shall be those defined in the District policies and procedures. In addition, included are the Food & Beverage operations, CLIS operations and recreational activities in or upon these facilities, but not including golf.

Purpose

The Facilities & Amenities Standing Committee's advisory responsibility is limited to receiving and reviewing Resident or Board concerns and requests in the following areas:

1. Maintenance, improvements, logistics, and safety of all buildings and grounds including, as examples, lighting, heating & cooling, cleaning, landscaping, etc.
2. Recreational Activities provided by the District except golf.
3. Proposals for new activities.
4. Recurring problems in the general operations of Food & Beverage and Common Lot Irrigation System (CLIS).

Scope of Responsibilities

After reviewing a concern or request, the committee may:

1. Have its chair make a request of Management, with an informational copy to the Board.
2. Have its chair make a recommendation to the Board concerning the issue. The recommendation may include the request that the Board establish an ad hoc committee with the needed expertise to evaluate the issue.
3. Decide to study the issue further, including creating a subcommittee if needed, and notify the Board of its intent.
4. Decide to take no further action on the concern or request.

Recommendations that are made for the short and long-term needs of the District must identify the impact of operating, capital and deferred budgets. New items must be coordinated with Long Range Planning before submitting to the Board.

B. Finance Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Finance Standing Committee is subject to the General Policies which apply to all of District's committees and those policies which apply to all Standing Committees.

Purpose:

The Finance Standing Committee is responsible for recommending financial policies, financial goals and plans, budgets, and District fees that support the mission, vision, and values of the District in providing excellent financial value. The committee reviews the financial statements, financial reporting processes, and financial controls.

Scope of Responsibilities

1. May attend the budget presentations to review the proposed budget and provide input and comments as requested.
2. Review annual amounts needed for long-term maintenance of facilities and equipment for the annual budget in conjunction with the Long Range Planning committee.
3. Recommend funding options for major capital expenditures or repairs not adequately funded Coordinate with Long Range Planning committee.
4. May Participate with Bank and Bond representatives to review terms for financing, and provide recommendations on the terms and appropriate financing methods.
5. Recommend policies that maintain and improve the financial health and integrity of the District.
6. Review and recommend changes to financial plans and investments to ensure that the fiscal integrity, short and long term, of the District is maintained.
7. Review the financial reports as required against approved budgets. Review with the Board and Management the mid-year results and year-end projections.
8. Review the financial projections of major proposed transactions, new programs, amenities, activities, and services as well as proposals to discontinue services, amenities, Work in conjunction with the Facilities and Amenities and Long Range Planning Committees to make recommendations to the Board.
9. Reviews recommendations of bid oversight and make recommendations to the Board.
10. Review with the Board of supervisors, Audit committee, Management, and the external auditors' significant changes to the financial statements, changes in accounting principles, and accuracy of the District's financial statements.
11. May review the external auditor's annual management letter and monitor Management's implementation of corrective action plans.

Finance Subcommittee on Bid Oversight Responsibilities

This subcommittee will review proposed purchases for expenditures for Category 2 or higher as outlined in Section 287 of FL statutes and the Purchasing section of these policies.

In addition the Subcommittee shall review Management's analysis and proposals for:

1. New contracts for leases of equipment for the District use greater than \$5,000 and multi-year operating leases. Note: Management should provide the lease vs. buy analysis.
2. All insurance policies and employee insurance benefits.

The Subcommittee's review is to:

1. Ensure all bid requirements are met.
2. Ensure all bids offer comparable requirements.
3. Evaluate Management's determination of the company's ability to perform work or provide product based on references and/or prior work with the District.
4. Evaluate "best value" for the District.
5. Make recommendations to the Finance committee as to offerings and preferred providers.

C. Golf Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Golf Standing Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all Standing Committees.

Purpose

The Golf Standing Committee will act in an advisory capacity to the Board regarding golf course maintenance, playing condition standards, golf policies, yearly planning, and overall upkeep for the Herons Glen Golf Course.

Scope of Responsibilities

Management, not the Committee, is responsible for direct oversight and seeing that the golf course is maintained to the desired standards.

1. Rely heavily on the Management's knowledge and experience for agronomic opinion, advice, and answers
2. At Management's request, seek advice and opinions from unbiased, independent consulting agronomists, or equal, as necessary, and appropriate.
3. Submit recommendations to the Board including maintenance schedules, boundaries of play/course playing conditions, golf course operating outlays and equipment needs, for example, fairways, greens, landscaping, cart paths, and so forth
4. Assist with capital and infrastructure recommended requirements for renovations and upgrades to the Board/Long-Range Planning Committee prior to Management's annual budget preparation.
5. Assist Management, as necessary, for their response to any requests or complaints from the golf course members/Residents
6. Identify and assist in resolving issues by providing constructive feedback related to operations and playing condition standards.
7. Refer to the USGA's Glossary of golf Turfgrass Terms to understand the agronomy practices being discussed
8. In April of each year, present a year-end report to the Board that includes unfinished projects and outstanding issues.

Qualifications and Skills

To ensure that decisions benefit the majority of the golfing membership, committee members should be representative of varying golf skills and should include a representative from each of our Golf Associations if possible.

D. Long Range Planning Standing Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Long Range Planning Standing Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all Standing Committees.

Purpose

The Long Range Planning Standing committee is responsible for reviewing the requirements and future needs of the District to ensure assets are adequately maintained and replacement planned. It also reviews strategic plans and the annual community survey to identify needs of the community.

Scope of Responsibilities

1. Review current Capital Expenditures and Master plan, evaluating estimated costs and useful life. Review as needed with the Finance committee funding options.
2. Review current Deferred Maintenance expenditures and Master plan, evaluating estimated costs and useful life.
3. Review the District Strategic Plan and current Survey recommending items for inclusion or removal from the plans.
4. Identify ongoing costs for potential impact on insurance or claims.
5. Review recommendations for short and long term needs of the community provided by the Facilities and Amenities committee. Additionally review parking.
6. Provide recommendations to the Board prior to the expiration of the term.

Qualifications and Skills

The committee should consist of individuals with a background in business, engineering, construction, architecture, safety & security and/or planning.

E. Audit ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Audit ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Audit Committee helps ensure that Management properly develops and adheres to a sound system of internal controls and provides oversight of and communication with the independent auditors. The committee reports to the Board.

Scope of Responsibilities

1. May review the annual work plans of the District's auditors, including timelines for work completion.
2. May review the District's financial audit process, including timeliness of Management responses.
3. May review the District's financial reporting processes, internal controls, and any changes needed with Management and the District's financial auditors.
4. May meet with the District financial auditors with and without Management for updates on work performed, changes in the operating environment, difficulties encountered, and opportunities for improvements.
5. Discuss with the District financial auditors and Management changes in Government Accounting Standards Board and progress on implementation.
6. May review complaints regarding accounting, internal controls, or auditing matters. Provide for the confidential review of such concerns.
7. May provide follow-up review to determine Management's resolution of audit findings, working with Finance Committee.
8. The chairperson will schedule meetings as the audit progresses, or as required.

Qualifications and Skills

The committee should consist of individuals who possess an understanding of financial reporting and auditing. Financial experience in preparing or auditing financial statements, experience in financial and/or government operations and internal controls are highly desirable. The Audit Committee will be comprised of between three (3) and five (5) voting members, including the Treasurer and at least one (1) member of the Finance Standing Committee. The District Treasurer serves as chair.

F. Concert Series Selection ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Concert Series Selection ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

This committee reviews entertainment performers at live showcases as well as web site videos and recommends shows for the District's concert series.

Scope of Responsibilities

1. Annually, Management advises Residents of the committee establishment as well as timeframes for showcases. Interested volunteers must be available to attend the showcases.
2. The committee consists of five Residents.
3. The committee reviews and recommends the entertainers for the concert series commencing in January two years hence. (Ex. Committee selected in November 2023 will recommend the 2025 Concert Series.)
4. Management will be responsible for all contacts, scheduling, arrangements, negotiations, and contracts,
5. Management is responsible for processes and dates for sales of tickets.
6. Pricing is established during the budget approval process.
7. Management is the Committee Coordinator.

G. Library ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Library ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Library ad hoc Committee is charged with keeping the print and non-print media collections of the District organized and updated.

Scope of Responsibility

This includes:

1. Hardback and paperback books.
2. Magazines and other print periodicals.
3. Puzzles and Games not to exceed the number that can be attractively shelved in bookcases designated for puzzles and games.
4. Using the Collection Development Document determine the appropriateness of the material to be included in the District collection.
5. Using the Collection Development Document weed and discard items as needed to keep the District collection serviceable.

This committee is required to hold one meeting annually in March for the purpose of creating a budget request for the following fiscal year. This budget request shall be turned in to Management prior to the end of April. A written report shall be presented in conjunction with the budget request.

This committee's coordinator schedules committee members.

This committee's liaison is Management.

The Collection Development Document is appended.

HGRD LIBRARY COLLECTION DEVELOPMENT DOCUMENT

This document is intended to guide the library committee in the selection of materials for inclusion in the collection that are appropriate for the District's demographic. It is also the purpose of these guidelines to assist the library committee in selecting materials for withdrawal from the collection.

RESPONSIBILITY FOR COLLECTION DEVELOPMENT

The Library committee has established the collection development document within the limits of its charter and with agreement from the board.

BUDGET ALLOCATIONS

The Board will establish the annual allocation of funds for purchasing library supplies and materials during the budget process.

PRINCIPLES OF SELECTION

The HGRD Library is intended to provide recreational materials for our residents. It is not the purpose of the Library to educate or instruct. To that end, print items will include both fiction and limited non-fiction titles. Donated material becomes the sole property of the District.

SELECTION CRITERIA FOR ADDING PRINT MATERIALS

Print materials include books and magazines. Print materials are to be selected in accordance with the following criteria:

- A book's original copyright date should be no more than 10 years in the past with the following exceptions:
 - Currently popular authors as determined by the committee
 - Large print items
- Duplicate titles are allowed but should not exceed two copies per room.
- Non-fiction subjects are limited to: Biography, True Crime and World or American History or commentaries.
- The cover must be in good condition, include all pages and not contain added comments or markings on the pages.
- Materials the committee deems to promote hate will not be included.
- Magazines on various subjects are accepted but are to be no more than 3 months old.

SELECTION CRITERIA FOR ADDING NON-PRINT MATERIALS

Non-print materials include puzzles and games. Materials are to be selected in accordance with the following criteria:

- Materials must be intact and have all pieces.
- The case or box must be in good condition.
- Non-print materials should make up a small percentage of the collection.

CRITERIA FOR COLLECTION MAINTENANCE

Both Print and Non-Print Materials are reviewed regularly to assure they still meet the Selection Criteria.

- The library committee will be responsible for reviewing the library collection for the purposes of weeding materials. In addition to continual review of items, over the summer there will be a review of the entire collection.
- Materials no longer useful to the library's collection will be donated to a local charity or discarded as having no value.

H. Media Resources ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Media Resources ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Media Resources Committee provides media resources for sanctioned events.

Scope of Responsibility

The Media Resources ad hoc Committee's responsibility is limited to providing media resources services in the following priority order, and as resources are available.

1. Meetings of the HOA or District Boards.
2. Activities sponsored by the District.
3. Activities sponsored by the HOA.
4. Any other special function as requested by District Management.
5. Resident groups presenting a program in the District facilities that have received prior Management approval to use sound and/or light.

This committee is required to hold one meeting annually in March for the purpose of creating a budget request for the following fiscal year. A written report along with the budget request shall be turned in to Management prior to the end of April.

This committee shall also designate a coordinator who can determine volunteer availability. The committee coordinator has the option to refuse service and notify Management of the refusal if there are no committee members to work a function.

Management is the liaison for this committee.

I. Problem Solving ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Problem-Solving ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

The Problem-Solving ad hoc Committee is responsible for assisting the Board, Management, and other District committees in identifying solutions to unique issues that require specific thought, examination, and resolutions.

Scope of Responsibilities

The ad hoc Committee shall provide recommendations for the sourcing of the resources to assist with the successful implementation, monitoring and completion of the suggested solutions.

1. The Problem-Solving ad hoc Committee shall consist of a minimum of five (5) members to a maximum of seven (7) members.
2. All recommendations will be delivered to the entity requesting assistance and shall also be made available to the District Board for their review, support, and/or implementation as required.
3. This Committee, through Management, may request access to District resources.
4. The Committee shall elect a Chair and Vice Chair. The Chair will establish the next meeting and advise Management and the Board.
5. The General Manager shall serve as Management liaison to the Committee. A member of the Board will also serve as liaison to the committee.

The Committee shall meet as needed.

J. Resident Events ad hoc Committee

CHARTER HERONS GLEN RECREATION DISTRICT

The Resident Events ad hoc Committee is subject to the General Policies which apply to all of the District's committees and those policies which apply to all ad hoc committees.

Purpose

To create a proposed schedule of special functions and events in the ballroom or other facilities as proposed to or requested by and coordinated through Management.

Scope of Responsibility

This committee will meet as needed to:

1. Work in conjunction with Management in planning and executing events for the benefit of Residents.
2. Complete the proposed schedule of dates and locations for the upcoming fiscal year by May 1st of each year. This does not preclude the addition of events or details at a later date as long as they fit into the budget.
3. Work with Management to define facility set-up and create event menus as needed.
4. Create a budget for all events. The annual budget must ensure ticket prices cover the direct costs over the course of the fiscal year.
5. Select the appropriate entertainment for the committee's ballroom events and recommend to Management possible entertainment for the lounge. The committee may propose entertainers to Management however Management retains final approval and will obtain any needed contracts for entertainment.
6. Recommend to Management appropriate vendors for Food Truck Festivals, and Farmer's Market and work with Management to define facility set-up as needed.
7. Provide information about the scheduled events to available outlets including social media and encourage Residents to attend these functions.
8. Follow the Policies and the Rules & Regulations governing the Food & Beverage Operations and their facilities as they pertain to Resident events, decorations and event set up.
9. Follow the Rules and Regulations governing the storage areas. All items the committee places in District storage become the property of the District and may be used by all District sanctioned groups as well as the District.
10. If appropriate, provide coverage after the event for the community newspaper.
11. The Committee Chair will present a brief written report to the Board in November, February, April and May. The committee's final report in May must include an annual Profit and Loss statement and inform the Board as to how the committee has spent or allocated any excess funds.
12. In April of each year any excess funds from the years' events will be used to purchase an item or items for the District. As an alternative, the committee may, working with Management, retain and allocate the funds toward a larger purchase for the District to be made at a later date.
13. If the money is not spent or allocated by Sept 30 of each year it will be recorded as income to the District and be unavailable to the committee.

Resident Events Committee members shall have an opportunity to purchase tickets in advance 3 days prior to ticket sales being offered to the remainder of the community. Such advanced sales are not to exceed 10 tables.

Management is the liaison for this committee.

K. Candidate Oath and Qualifying

STATE OF FLORIDA)

COUNTY OF LEE)

Before me, an officer authorized to administer oaths, personally appeared the undersigned, to me well known, who, being sworn, says:

- I am a candidate for the office of Supervisor of Herons Glen Recreation District;
- I am a qualified elector of (i.e., registered to vote in) _____ County, Florida;
- I am qualified under the Constitution and the laws of Florida to hold the office to which I am seeking to be elected;
- I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office I seek;
- I have resigned from any office from which I am required to resign pursuant to § 99.012, Florida Statutes;
- I will support the Constitution of the United States and the Constitution of the State of Florida.
- I am over the age of 18;
- I am an owner of property in the Herons Glen Recreation District;
- I reside in the District for at least 90 days each year;
- My name, as it is to appear on the ballot, is: _____

Signature of candidate

Residence address of candidate

City, State, Zip Code

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____, at Lee County, Florida, appeared

_____ who ☐ is known to me or who ☐ has produced
_____, as identification.

Signature of Notary Public – State of Florida

Printed Name of Notary Public

My Commission Expires: _____

L. Sanctioned Group/Activity Application Form

What is the name of the group or activity? _____

Please provide a contact person. _____

Phone Number and/or email _____

Please provide an alternate contact? _____

Phone Number and/or email _____

Will you require meeting space in the Clubhouse? _____

If so, how often do you plan to meet? _____

What is your estimated occupancy need? _____

Will you require any additional services from staff? _____

Do you intend to raise money other than through dues? _____

Please explain the benefit this group will provide to the District or the Residents of Herons Glen. To be sanctioned the Group's primary purpose must benefit the District or the Residents of Herons Glen.

I understand that being named a sanctioned group does not obligate the District to provide services or special facilities beyond those available to all District Residents. It simply allows the group to schedule District space and use District publicity outlets.

Group representative signature _____

M. Donation Form

Member # _____

District Donation Form

When making monetary or property donations this form documents your contribution. Please complete and return this form to the District Administration Office.

Heron's Glen Recreation District may accept donations for purposes that will help the District further fulfill its mission. Decisions on the acceptance or refusal shall be made by the General Manager. Management is responsible for issuing donation receipts and acknowledgments. Only a memorial bench may have markings and all such markings are subject to District approval. No other donation or memorial may be marked in any way.

Donor's Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Monetary Donation: _____

Memorial Tree(s)/Palm(s)*: Select from GM plan designating location and types of plantings.

Memorial Bench*: Select from GM plan showing the location and styles available for benches.

Other: Designate the desired area where funds are requested to be spent or accumulated.

* Cost of tree includes leaf for Tree of Life plaque. Cost of bench includes personalized plaque. Please provide details (plaque will be no more than 8 inches by 3 inches, with a 3-line maximum).

Property Donation: GM may consult with committee(s) before accepting donations.

Description of item: _____

Estimated Fair Market Value of the item shown in the donation above. _____

GM's signature signifying acceptance of the donation: _____

All donations are the property of District. The District accepts no responsibility for the replacement and may move or remove items as needed. The timing for the installation of your donation is at the discretion of GM. Weather, delivery times, and work schedules all may influence the installation timing.

The District will issue receipts for gifts to donors.

Signature: _____ Date: _____

Thank you so much for supporting the District with your donation.

Adopted at the December 8, 2023 April 2023 District Board Meeting

For District staff use:

Actual Location of Donated Item: _____

Date Ordered: _____

Date Received: _____

Date Installed: _____

Amount of Deposit \$ _____

Actual Final Cost (including leaf or plaque for memorials) \$ _____

Date Paid: _____

District Staff Member Overseeing the Donation Position _____

__Accounting __Activities __HOA
01/31/2023

Form Creation Date:

RESOLUTION 2023-22

A RESOLUTION CALLING AND FIXING THE DATES OF REGULARLY SCHEDULED MEETINGS OF THE BOARD OF SUPERVISORS OF HERONS GLEN RECREATION DISTRICT FOR THE CALENDAR YEAR 2024; DESIGNATING THE TIME AND PLACE OF SAME; AND, DIRECTING PUBLICATION OF NOTICE OF SAME.

BE IT RESOLVED by the Board of Supervisors of the Herons Glen Recreation District that:

1. The Herons Glen Recreation District will hold its Regular Board Meetings in the calendar year 2024 pursuant to the following schedule:
 2. January 15, 2024
 - February 5, 2024
 - February 19, 2024
 - March 4, 2024
 - March 7, 2024 @ 4:00 p.m. (Meet the Candidates Forum)
 - March 27, 2024 (Certification of previous day's Election)
 - April 1, 2024 (Board Reorganization Meeting)
 - April 22, 2024
 - May 13, 2024
 - June 10, 11, 12 and 13, 2024 (Budget workshops/meetings)
 - June 14, 2024
 - July 15, 2024 @ 9:30 a.m.
 - August 19, 2024 @ 9:30 a.m.
 - September 5, 2024 @ 6:00 p.m. (Annual Budget- Public Hearing)
 - September 16, 2024
 - October 21, 2024
 - November 18, 2024
 - December 16, 2024

2. All meetings will be held in the Herons Glen Clubhouse at 2250 Herons Glen Boulevard, North Fort Myers, Florida, 33917. All meetings will begin at **9:00 a.m.**, unless otherwise noted, above.

3. Counsel for the District is authorized and directed to publish notice of said election as required by law.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 20th day of November 2023.

ATTEST:


District Secretary

**HERONS GLEN RECREATION
DISTRICT**


Howard Young, Chair

RESOLUTION NO. 2023-23

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT APPROVING EXPENDITURES FROM 2022/2023 GOLF COURSE IMPROVEMENT BUDGET FOR HOLE 17 BULKHEAD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the “Board”) of the Herons Glen Recreation District (the “District”) is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, its Charter (Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended by Ordinances 98-18 and 2- 25), Chapters 418, 197 and 189, Florida Statutes and other applicable provisions of law (collectively, the “Act”).

SECTION 2. FINDINGS.

A. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 418, Part II, Florida Statutes and the Act.

B. The District was established for the purpose of acquiring, purchasing, constructing, improving and equipping recreational facilities of all types, including land, improvements, and equipment such as golf, tennis, restaurant, and club facilities, which are owned or operated by the District for the benefit of the community.

C. The Board hereby determines that expenditures described below to be made from the District’s Gold Course Improvement Account are necessary and prudent and in the best interests of the District.

D. This action ratifies Board action approved unanimously by voice vote at the Board’s November 20, 2023, meeting.

SECTION 3. AUTHORIZATION. The Chairman, Vice-Chairman, other officers of the District and the District Manager are authorized and directed to expend the funds from the 2022-2023 Golf Course Improvement Budget for the following items or services:

A. Bulkhead construction and installation for Hole 17 by Artistic Structures in an amount not to exceed \$77,000.00 from Golf Course Improvement Account; and

B. Plans, permit and oversight by Grady Minor Engineering in amount not to exceed \$17,000.00 for above-described bulkhead from Golf Course Improvement Account.

SECTION 4. MISCELLANEOUS. The Chairman, Vice-Chairman, other officers of the District and the District Manager, are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the District that are necessary or desirable in connection with the authorization granted herein if not inconsistent with the terms and provisions of this Resolution.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this 11th day of December 2023.

ATTEST:



District Secretary

**HERONS GLEN RECREATION
DISTRICT**



Howard Young, Chair