

RESOLUTION 12-08

A RESOLUTION ADOPTING A RULE OF THE BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT ADOPTING CHAPTER II; PROVIDING FOR THE OPERATING POLICIES AND PROCEDURES FOR THE OPERATION AND MAINTENANCE OF FACILITIES, SYSTEMS AND SERVICES; PROVIDING FOR THE ASSESSMENT SCHEDULE; PROVIDING FOR THE ASSESSMENT METHODOLOGY; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ADOPTION OF THE RULE.

WHEREAS, Brownwood Community Development District (District) has advertised its intent to adopt a rule implementing the operating policies and procedures for the operation and maintenance of facilities, systems and services and the assessment methodology, and has held the public hearing for such adoption in compliance with all applicable statutes and rules, and

WHEREAS, the District Board of Supervisors in a Public Hearing on September 20, 2012 has considered public input of staff and the public and has determined it is in the best interests of all persons and entities to be served by the District and to adopt a rule establishing the operating policies and procedures for the operation and maintenance of facilities, systems and services and the assessment methodology.

NOW, THEREFORE, BE IT RESOLVED by the BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT as follows:

1. There is hereby adopted a rule establishing the operating policies and procedures for the operation of maintenance of facilities, systems and services and the assessment methodology.
2. This rule, upon adoption, shall become effective on October 1, 2012.

DONE AND RESOLVED at The Villages, Sumter County, Florida, this 20th day of September 2012.

ATTEST

BROWNWOOD COMMUNITY
DEVELOPMENT DISTRICT

By: _____

Janet Y. Tutt, Secretary

Lester Coggins, Chairman

**A RULE OF THE
BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT (District)
CHAPTER II
ESTABLISHING A STRUCTURE FOR EQUITABLY DISTRIBUTING COSTS
FOR OPERATING AND MAINTAINING DISTRICT FACILITIES, SYSTEMS
AND SERVICES AND OPERATING POLICIES AND PROCEDURES FOR THE
OPERATION AND MAINTENANCE OF
FACILITIES, SYSTEMS AND SERVICES PROVIDED TO
PROPERTIES WITHIN THE DISTRICT
AND SUCH PROPERTIES FOR WHICH THE DISTRICT
HAS ACCEPTED MAINTENANCE RESPONSIBILITY FROM THE PROPERTY
OWNER, AND PROVIDING FOR AN EFFECTIVE DATE**

PART 1: GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO PROPERTIES WITHIN AND WITHOUT BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING AN OPERATION AND MAINTENANCE FEE, AND OPERATING PROCEDURES FOR SERVICES PROVIDED BY BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT.

SECTION 1: Operation and maintenance services shall be provided by the District in accordance with the operating policy of the District which is attached hereto and made a part hereof and an operation and maintenance assessment shall be applicable to Brownwood Community Development District and such other properties owned by the District or dedicated for the use and benefit of areas within the District.

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SECTION 3: PURPOSE: The purpose of this Rule is to establish an operation and maintenance assessment, and operating policies for the District to provide operation and maintenance services to properties within the District and common areas to preserve the public health, safety, welfare and enjoyment of the area. The operation and maintenance assessment will generate sufficient revenues from users benefiting from District facilities, systems and services to pay the expenses of same, and other improvements of the District; and to provide an effective date.

SECTION 4: NECESSITY: To establish a uniform and comprehensive operation and maintenance assessment and operating policies pertaining to properties within the District for facilities, systems and services provided by the District.

SECTION 5: DEFINITIONS: The following terms and phrases, when used herein, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning. Words used in the present terms shall include the future, and the singular number includes the plural, and the plural the singular.

5.1 CONSUMER: Any person, firm, association, corporation, governmental agency or similar organization supplied with services and affected by the operating procedures, which shall also include the Developer.

5.2 DEVELOPER: Any person, corporation, or other legally recognized entity who engages in the business of making improvements to or upon

real property located within or without the District as owner or legally constituted agent for the owner of such real property.

5.3 DISTRICT: The Brownwood Community Development District as defined in 5.9.

5.4 ENGINEER: The appointed head of the Engineering Department of the District or his authorized representatives or consultant.

5.5 FINANCE DIRECTOR: The appointed head of the Accounting Department of the District, or his authorized representative.

5.6 PROPERTY: The land or improvements upon land of which the consumer is owner or over which consumer has control either by contract, license or possessory interest sufficient to authorize consumer to make application for service, or adjacent right of way which services the land or site being developed. District may require proof of such interest prior to the furnishing of service by copy of an instrument of conveyance, warranty deed, contract or appropriate verified statement contained in the application for service.

5.7 ASSESSMENT SCHEDULE: The schedule or assessments charged for the particular classification of service.

5.8 TERMS "SHALL" AND "MAY": As used herein, the word "may" is permissive, and the word "shall" is mandatory.

5.9 BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT: A unit of special purpose local government authorized pursuant to Chapter 190, Florida Statutes, and created June 25, 2012, by Ordinance Number 02012-20, by the City Commission of the City of Wildwood.

SECTION 6: GENERAL: In the absence of specific written agreement to the contrary entered into prior to the effective date of this Rule, these regulations apply without modification or change to each and every entity to whom the District renders service in accordance with this Rule.

SECTION 7: OTHER USES PROHIBITED WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE DISTRICT

7.1 Boating: power, paddle, or wind driven boats are prohibited. This prohibition includes all personal flotation devices whether mechanically, personally, or wind powered and is applicable to other bodies of water within the District. This prohibition is not meant to prohibit the operation of District owned and/or operated boats or boats required for maintenance of the water body. Radio controlled boats may be authorized in specific areas with the written approval of the District Manager.

7.2 Parades, street festivals, demonstrations, rallies, circus', fairs, carnivals, picket lines, flea markets, street vendors, soliciting of contributions, erecting permanent or temporary structures, and similar activities, are prohibited within the District except with the approval of the District Manager.

7.3 Swimming, scuba diving including the use of helmet diving suits, snorkeling, wading, or fishing in other bodies of water within the District.

7.4 Stocking or releasing of fish or vegetation in bodies of water within the District.

7.5 Use of facilities without prior application and approval.

7.6 Overnight camping in tents or RV's, except with the advanced permission of the District Manager.

7.7 Fixed or rotary wing aircraft capable of landing on water, including radio controlled model aircraft. This prohibition is not meant to prohibit emergency aircraft.

7.8 Skateboarding

7.9 Bicycles, except as operated on road right of ways or parking lots.

7.10 No person may leave, stand or park any motor vehicle, golf cart or merchandise on any District owned public property, including any street, parking lot, alley, or easement, or upon any public place, including vacant land, shopping center parking lots or any other similar area for the purpose of displaying such motor vehicle, golf cart or merchandise for rent or sale without the approval of the District Manager.

7.11 No person may leave, stand or park any motor vehicle or golf cart on any District property other than in designated parking areas without the approval of the District Manager.

7.12 No person or vehicle shall obstruct the free flow of traffic, either vehicular or pedestrian, within the District without the approval of the District Manager.

SECTION 8: BILLING:

8.1 Annual Assessments: At the direction of the Board of Supervisors, the maintenance assessment shall be charged annually and may be incorporated as a non-ad valorem assessment and placed upon the County Property Tax Bill.

8.2 Bills for incidental service shall be rendered monthly or periodically at intervals not to exceed ninety (90) days at the direction of the Board of Supervisors, and shall be due when rendered. A bill shall be deemed rendered when mailed United States mail, postage prepaid, or when delivered to the customer's address.

SECTION 9: ACCESS TO PREMISES: As a condition to providing services, the District or its authorized agents or employees shall have access to all common areas within the District during all reasonable hours and, in the event of an emergency, at any time, for the purposes of maintaining, inspecting, repairing, installing or removing District's property, and for any other purposes incident to performance.

SECTION 10: PROTECTION OF DISTRICT PROPERTY: In the event of any damage to District property located within Brownwood Community Development District Paddock Square which arise out of any act of consumer or agents, employees or independent contractors upon the premises, the cost of repairs or replacement shall be the responsibility of the person or persons causing the damage, and full payment or reimbursement to District shall be required.

SECTION 11: MAINTENANCE AND STANDARDS: All owners of Fee Parcels within the District acknowledge that the assessment imposed by the District shall be the source of revenue to pay for ongoing operation and maintenance of

owned or dedicated District facilities, systems and services not otherwise provided for in the project wide maintenance agreement.

SECTION 12: PRIVATE FIRE SERVICE CONNECTION: A private fire service connection is to be used for fire purposes only and is to have no connection whatsoever with any service lines that may be used for other than fire purposes, and because of the danger of pollution, shall have no connection with any other source of supply with the exception in case a tank or fire pump is installed as secondary supply. There shall be a backflow preventer installed by the consumer at his expense in each District connection to prevent the water from these secondary supplies from flowing into the District mains.

The consumer shall not draw any water whatsoever through this connection for any purpose except the extinguishing of fires, or for periodic tests of the fire system, which tests shall be made upon notification to the District. Any authorized representative of the District shall have free access to the building at any reasonable time for the purpose of inspecting any of the fire service connection equipment.

SECTION 13: ASSESSMENT SCHEDULE:

A. Operation and general maintenance assessment schedule applicable to the Brownwood Community Development District downtown as platted in the Public Records of Sumter County Florida .

1)It is the intent that all owners, invitees and guests, shall commonly utilize all areas outside of the actual building wall and appurtenant features and therefore the District shall maintain all properties outside of the actual building wall and appurtenant features. Where no structure has been constructed upon a Building Area, the District shall have access to maintain the vacant Building Area.

2) For Building Areas, other than those Building Areas designated as hotels, the operation and general maintenance assessment shall be the owners' pro-rata share of the total maintenance costs determined by calculating the proportion of the habitable building area owned in relation to the total habitable building area within the District.

3) For Building Areas designated as hotels, the operation and general maintenance assessment shall be the owner's pro-rata share of the total maintenance costs determined by calculating the proportion of twenty-five percent (25%) of the habitable building area owned in relation to the total habitable area within the District.

B. Road maintenance and storm water system assessment schedule for all properties within the District:

1) The road maintenance storm water system assessment schedule for Building Areas shall be the owners' pro-rata share of the total maintenance costs determined by calculating the proportion of the habitable building area owned in relation to the total habitable building area within the District.

C. The operation and general maintenance and road maintenance assessment may be adjusted annually by the Board of Supervisors based upon its adopted Budget. The Budget shall be adopted annually as provided for in Section 190.008 F.S.

SECTION 14: EFFECTIVE DATE: This Rule shall become effective upon its approval by the Board of Supervisors of the District.

Specific Authority: 190.035 F.S., 190.011(5) F.S., 120.54 F.S.

Law Implemented: 190.035 F.S., 190.011(5) F.S., 120.54 F.S.

History:

ECONOMIC IMPACT STATEMENT

A RULE OF THE BROWNWOOD COMMUNITY DEVELOPMENT DISTRICT (District) CHAPTER II ESTABLISHING A STRUCTURE FOR EQUITABLY DISTRIBUTING COSTS FOR OPERATING AND MAINTAINING DISTRICT FACILITIES, SYSTEMS AND SERVICES AND OPERATING POLICIES AND PROCEDURES FOR THE OPERATION AND MAINTENANCE OF FACILITIES, SYSTEMS AND SERVICES PROVIDED TO PROPERTIES WITHIN THE DISTRICT AND SUCH PROPERTIES FOR WHICH THE DISTRICT HAS ACCEPTED MAINTENANCE RESPONSIBILITY FROM THE PROPERTY OWNER, AND PROVIDING FOR AN EFFECTIVE DATE.

1.0 Introduction

This Economic Impact Statement was prepared pursuant to Chapter 120.54 F.S. to support the rule making action of the District to establish an operation and maintenance assessment, and operating policies for its facilities, systems, and services.

The sections below track the requirements of Chapter 120.54, F.S. concerning economic impact statements.

2.0 Estimated Costs to the District to Implement the Proposed Rule.

2.1 The proposed rule will have little if any cost impact on any federal, state or local agency outside of the District. The cost to the District in terms of paper work and similar processing fee is considered to be an insignificant amount when compared to the overall capital and operating costs of the District.

District costs to enact the proposed rule include:

1. Attorney's Fees.

2. Consulting Engineering Fees.
3. Advertising costs associated with the adoption of this rule.
4. Copying costs for any interested persons requesting this rule, economic impact statement or the notices of the adoption of said rule.

2.2 Operations and Maintenance

The cost of maintaining District facilities, systems, and services will vary from year to year and are estimated in the annual budget. The adoption of this rule and the establishment of the operation and maintenance assessment are meant to address the revenue requirement of said budget.

3.0 Economic Costs and Benefits to all Affected Parties.

3.1 Factors governing economic impacts through the imposition of rates, fees and charges.

The operation and maintenance assessment is meant to recover the costs identified under paragraph 2.0 of this economic impact statement. Through the adoption of this rule, the District will be able to provide operation and maintenance services to properties located within the District that will permit the utilization of said property to its highest and best use. The market place will determine the actual value of the property but clearly, the economic benefit exceeds the costs that are anticipated to be incurred through the adoption of this rule and the establishment of the operation and maintenance assessment and operating policies.

3.2 Impacts on Visitors, Citizens of Florida, and Local Residents and Business.

The development of properties within the District will enhance the areas' economy. In so doing, visitors, citizens, local residents and business should benefit. The monetary amount of these benefits is difficult to measure but they are real and are believed to be positive.

4.0 Impact on Competition and the Open Market for Employment.

The adoption of this rule and the implementation of the operation and maintenance assessment will have a positive impact on competition and the open market for employment. The utilization of properties within the District for commercial and community facility activities will stimulate the local economy creating jobs and income.

5.0 Small Business Impacts

There is no estimated adverse impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985.

6.0 Data and Methodology

The data and method used in preparing the Economic Impact Statement are contained within the above description of the various impacts that were analyzed in accordance with Section 120.54 F.S.