

RESOLUTION 2021-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LAKES BY THE BAY SOUTH COMMUNITY DEVELOPMENT DISTRICT ADOPTING REVISIONS TO THE GATE FACILITIES RULES RELATING TO THE FEES AND ADMINISTRATION FEES TO BE CHARGED FOR REMOVAL OF OR DAMAGE TO GATE ARM OR FACILITIES; ADOPTING REVISIONS TO THE ISLES AT BAYSHORE CLUB RULES AND REGULATIONS RELATING TO PERSONAL TRAINERS, SWIMMING INSTRUCTORS, PROHIBITED SMOKING DEVICES, USE OF INDOOR CLUB FACILITIES AFTER POOL USE, SNACKS AND BEVERAGES IN POOL AREAS, AND CHANGES TO THE HOURS OF OPERATION, AMONG OTHER NECESSARY CHANGES; ADOPTING REVISIONS TO THE AMENDED AND RESTATED SCHEDULE OF HOURS OF OPERATION, DUES, FEES AND CHARGES, AREAS & FEES FOR RENTAL, RENTAL POLICIES, PROCEDURES AND REGULATIONS, AND ADDITIONAL RULES PERTAINING TO FACILITY RENTAL, PROVIDING FOR REVISIONS TO EACH OF THESE CATEGORIES AND FOR REVISED SCHEDULES OF CLUB FEES AND FACILITY RENTAL FEES; ADOPTING REVISIONS TO THE FORM OF THE ISLES AT BAYSHORE CLUB FACILITY RENTAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Lakes By The Bay South Community Development District (the "District") is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in the Town of Cutler Bay, Miami-Dade County, Florida; and

WHEREAS, the District owns and operates certain "soft-gate" entry and exit security gates and guardhouses located at the two entrances to the District (the "Gate Facilities"); and

WHEREAS, the District has previously adopted pursuant to applicable Florida law, Gate Facilities Rules pursuant to Resolution 2019-01, adopted by the Board of Supervisors on October 8, 2018 (the "Gate Facilities Rules"); and

WHEREAS, the District owns and operates certain clubhouse and recreational amenity facilities within the District located on Tract A, Lakes By The Bay Amber Plat, as recorded at Plat Book 161, Page 80 of the Public Records of Miami-Dade County, Florida and known as the Isles at Bayshore Club (the "Club"); and

WHEREAS, the District has previously adopted and amended pursuant to applicable Florida law, the Isles at Bayshore Club Rules and Regulations, as revised or amended pursuant to Resolution 2012-09, adopted by the District Board of Supervisors on August 6, 2012, Resolution 2018-03, adopted by the Board of Supervisors on July 23, 2018, Resolution 2019-10, adopted by the Board of Supervisors on June 25, 2019, and Resolution 2020-04, adopted by the Board of Supervisors on September 22, 2020 (the “Club Rules and Regulations”); and

WHEREAS, the District has previously adopted and amended pursuant to applicable Florida law, the Isles at Bayshore Club Amended and Restated Schedule of Hours of Operation, Dues, Fees, and Charges, Areas and Fees for Rental, and Rental Policies, Procedures and Regulations, as revised or amended pursuant to Resolution 2012-09, adopted by the Board of Supervisors on August 6, 2012, Resolution 2019-10, adopted by the Board of Supervisors on June 25, 2019, and Resolution 2020-04, adopted by the Board of Supervisors on September 22, 2020 (the “Club Schedule”); and

WHEREAS, in adopting the Club Schedule, as amended, the District approved the form of the Isles at Bayshore Club Facility Rental Agreement (the “Facility Rental Agreement”) for use by the Clubhouse Director; and

WHEREAS, pursuant to Section 190.011, Florida Statutes, the District is authorized to adopt and modify rules, regulations, and rates pursuant to the provisions of Chapter 120, Florida Statutes, prescribing the conduct of the business of the District; and

WHEREAS, Section 190.035, Florida Statutes, authorizes the District to prescribe, fix, establish, modify, and collect rates, fees and other charges for facilities and services furnished by the District; and

WHEREAS, the District has complied with the provisions of Chapter 120, Section 190.011, and Section 190.035, and has conducted a public hearing to address the adoption of the changes and revisions to the Gate Facilities Rules, the Club Rules, the Club Schedule, and the Facility Rental Agreement, as contemplated herein, and as determined to be necessary by the Board of Supervisors of the District; and

WHEREAS, after a duly advertised public hearing on the proposed amendments, the District Board of Supervisors finds it to be in the best interests of the District, the integrity and maintenance of its Gate Facilities and Club, and the residents and property owners of the District to adopt the amendments to the Gate Facilities Rules, the Club Rules and Regulations, the Club Schedule, and the Facility Rental Agreement, as provided for herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LAKES BY THE BAY SOUTH COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The foregoing recitals are hereby incorporated as the findings of fact of the District Board of Supervisors.

Section 2. The following are hereby adopted by the Lakes By The Bay South Community Development District:

1. Revisions to the Lakes By The Bay South Gate Facilities Rules, a copy of which is attached hereto and incorporated herein as Exhibit "A" (the "Gate Facilities Rules");
2. Revisions to the Isles at Bayshore Club Rules and Regulations, a copy of which is attached hereto and incorporated herein as Exhibit "B" (the "Club Rules");
3. Revisions to the Isles at Bayshore Club Amended and Restated Schedule of Hours of Operation, Dues, Fees, and Charges, Areas and Fees for Rental, and Rental Policies, Procedures and Regulations, attached hereto and incorporated herein as Exhibit "C", which includes revisions to the rates and fees associated with membership, rental, and use of the Club Facilities (the "Club Schedule"); and
4. An updated and revised version of the Isles at Bayshore Club Facility Rental Agreement, attached hereto and incorporated herein as Exhibit "D" (the "Facility Rental Agreement").

(collectively referred to as the "Rules").

Section 3. The revised form of the Facility Rental Agreement, a copy of which is attached hereto and incorporated herein as Exhibit "D", is approved for use by the Clubhouse Director.

Section 4. District Counsel is hereby directed to produce an amended/updated version of the Rules, implementing the changes set forth in the Resolution, and is further directed to forward the revised Rules (as defined above) to the District Manager to be included in the Official Records of Proceeding of the District and posted on the District's website.

Section 5. The District Manager is hereby directed to take all actions consistent with this Resolution.

Section 6. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. If any clause, section or other part or application of this Resolution is held by a court of competent jurisdiction to be unconstitutional or invalid, in part or as applied, it shall not affect the validity of the remaining portions or applications of this Resolution.

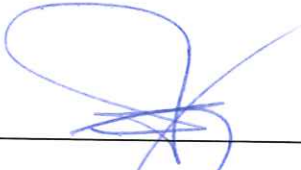
Section 8. This Resolution shall take effect immediately upon adoption.

[The remainder of this page is intentionally left blank. The signature page follows.]

PASSED AND ADOPTED in Public Session of the Board of Supervisors of the Lakes
By The Bay South Community Development District, this **24th day of August, 2021.**

Attest:

**LAKES BY THE BAY SOUTH COMMUNITY
DEVELOPMENT DISTRICT**



Print name: Juliana Duppe
Secretary/Assistant Secretary



Print name: Michele R. Harris
Chairperson