

RESOLUTION NO. 2020-04

A RESOLUTION OF THE FOREST CREEK COMMUNITY DEVELOPMENT DISTRICT REGARDING ENFORCEMENT OF DISTRICT RULES AND REGULATIONS, PROVIDING FOR PENALTIES INCLUDING SUSPENSION AND/OR TERMINATION OF USE RIGHTS FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The District owns, manages, and maintains certain property in the Forest Creek Community including an irrigation system, roadways, gates, fences, docks, pavilions, boardwalks, bridges, landscaping, lighting, surface water management system, and recreation facilities including play areas, a clubhouse, pool, and fitness center (collectively, "District Facilities"); and

WHEREAS, the District is authorized to impose and to enforce rules and regulations for the use of District Facilities pursuant to sections 190.041, 190.007, 190.011, and 190.012, Florida Statutes; and

WHEREAS, the District desires to impose penalties to enforce compliance with its rules and regulations; and

WHEREAS, the Board hereby determines that the adoption of this Resolution is in the best interests of the residents and citizens of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FOREST CREEK COMMUNITY DEVELOPMENT DISTRICT as follows:

Section 1. The foregoing recitals are ratified and incorporated herein by reference.

Section 2. The Board of Supervisors hereby approves the imposition of suspensions of the right to use District Facilities and/or gate fob access for a period of up to one year depending on the nature of the violation of any rules or regulations imposed by the District.

Section 3. Suspensions may be imposed for violations of any rules and regulations regarding use of District Facilities and/or property, including the following:

- a. Submission of false or misleading information on any application for use of any District Facilities.
- b. Permitting unauthorized use of or access to District Facilities.
- c. Exhibiting inappropriate and/or offensive behavior, deportment, or appearance.
- d. Failure to pay timely any amount owed to the District.
- e. Failure to abide by any District rules, regulations, policies, or directives.
- f. Treatment of any District supervisors, staff, employees, contractors, representatives, residents or guests in any unreasonable, offensive, threatening, and/or abusive manner.
- g. Damage to or destruction of District Facilities or property.
- h. Engaging in any improper conduct, including any conduct likely to endanger the health, safety, or welfare of the District, or its supervisors, staff, employees, contractors, representatives, residents or guests.

Section 4. The Board of Supervisors shall impose suspensions pursuant to the following procedure:

- a. Upon notice and evidence of a violation by any resident or any guest or invitee of any resident of any rule or regulation imposed by the District, the Board shall review such information at a noticed meeting of the Board. If the Board by majority vote determines that a violation occurred and a suspension should be imposed, the Board shall direct the District Manager to send written notice of the violation to the resident. The Board, at its discretion, may direct the District Manager to issue a warning notice to a violator prior to imposing a suspension.
- b. The written notice shall state the nature of the violation, rule violated, and the suspension levied by the Board. The notice shall provide the resident at least 14 days' notice and an opportunity to request a hearing before the Board.
- c. If the suspension is upheld by the Board following the hearing or if no hearing is requested within 14 days of the notice, the Board shall direct the District Manager to send the resident a notice that the suspension has been imposed and the effective date and length of the suspension.

Section 5. The District Manager and/or Operations Manger are authorized to immediately suspend access to any District Facilities on a temporary basis for any violation described herein until the matter can be reviewed at a Board meeting. The District Manager and/or Operations Manager shall contact law enforcement in the event of any actual or suspected violation of any local, state, or federal law or any actual or perceived threat to persons or property.

Section 6. The Board of Supervisors may deviate from the foregoing procedure whenever it deems necessary or appropriate in its sole discretion. The Board of Directors may refer violation matters to District Counsel at any time whenever the Board of Directors deems necessary appropriate in its sole discretion. The suspensions authorized herein are not exclusive and are in addition to any and all other remedies available to the District to enforce its rules and regulations and to operate, maintain, and manage District property.

Section 7. The District shall maintain records and copies of all violation notices and related documents which shall be part of the official records of the District.

Section 8. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.


Section 9. This Resolution shall be effective immediately upon adoption.

ADOPTED this 7th day of January, 2020.

**FOREST CREEK COMMUNITY
DEVELOPMENT DISTRICT**

By: 
Chairman

[SEAL]
Attest:

By: 
Ass. Secretary

Adopted: 7 January, 2020
Effective: 7 January, 2020