



Rizzetta & Company

Portico Community Development District

Board of Supervisors' Meeting February 17, 2022

**District Office:
9530 Marketplace Road, Suite 206
Fort Myers, Florida 33912
(239) 936-0913**

www.porticocdd.org

PORTICO COMMUNITY DEVELOPMENT DISTRICT

Rizzetta & Company, Inc., 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912

Board of Supervisors	Russell Smith	Chairman
	Barry Ernst	Vice Chairman
	Chris Hasty	Assistant Secretary
	Scott Edwards	Assistant Secretary
	VACANT	Board Supervisor
District Manager	Belinda Blandon	Rizzetta & Company, Inc.
District Counsel	Tucker Mackie	Hopping Green & Sams, P.A.
District Engineer	Brent Burford	Johnson Engineering, Inc.

All cellular phones must be placed on mute while in the meeting room.

The Audience Comment portion of the agenda is where individuals may make comments on matters that concern the District. Individuals are limited to a total of three (3) minutes to make comments during this time.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (239) 936-0913. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) 1-800-955-8770 (Voice), who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

PORTICO COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913

Mailing Address · 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614

www.porticocdd.org

February 9, 2022

Board of Supervisors
**Portico Community
Development District**

AGENDA

Dear Board Members:

The regular meeting of the Board of Supervisors of the Portico Community Development District will be held on **Thursday, February 17, 2022 at 10:00 a.m.**, at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912. The following is the agenda for this meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENT**
- 3. BUSINESS ADMINISTRATION**
 - A. Consideration of the Minutes of the Board of Supervisors Meeting held on November 18, 2021..... Tab 1
 - B. Consideration of Operations and Maintenance Expenditures for the Months of October, November, and December 2021 .. Tab 2
- 4. BUSINESS ITEMS**
 - A. Consideration of Earth Tech Environmental 2022 Renewal for Preserve Quarterly Maintenance..... Tab 3
 - B. Consideration of Johnson Engineering Proposal for Stormwater Management Needs Analysis..... Tab 4
- 5. STAFF REPORTS**
 - A. Solitude Lake Management
 - B. District Counsel
 - C. District Engineer
 - D. District Manager Tab 5
 1. Review of December 2021, 4th Quarter Website Audit
- 6. SUPERVISOR REQUESTS AND COMMENTS**
- 7. ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (239) 936-0913.

Very truly yours,
Belinda Blandon
Belinda Blandon
District Manager

cc: Tucker Mackie, Kutak Rock, LLP

Tab 1

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

PORTICO COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Portico Community Development District was held on **Thursday, November 18, 2021 at 10:14 a.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.

Present and constituting a quorum:

Russell Smith	Board Supervisor, Chairman
Barry Ernst	Board Supervisor, Vice Chairman
Scott Edwards	Board Supervisor, Assistant Secretary
Chris Hasty	Board Supervisor, Assistant Secretary (via speaker phone)

Also present were:

Belinda Blandon	District Manager, Rizzetta & Company, Inc.
Tucker Mackie	District Counsel, Kutak Rock, LLP (via speaker phone)
Brent Burford	District Engineer, Johnson Engineering, Inc.

FIRST ORDER OF BUSINESS

Call to Order

Ms. Blandon called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

Public Comment

Ms. Blandon stated for the record that no members of the public were present.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Audit Committee Meeting held on
August 19, 2021**

Ms. Blandon presented the Minutes of the Audit Committee meeting held on August 19, 2021 and asked if there were any questions or comments related to the minutes. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Board Accepted the Minutes of the Audit Committee Meeting held on August 19, 2021, for the Portico Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting held on
August 19, 2021**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on August 19, 2021 and asked if there were any questions or comments related to the minutes. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on August 19, 2021, for the Portico Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of the Operations and
Maintenance Expenditures for the
Months of July, August, and
September 2021**

Ms. Blandon advised the expenditures for the period of July 1-31, 2021 total \$18,276.33, the expenditures for the period of August 1-31, 2021 total \$15,254.45, and the expenditures for the period of September 1-30, 2021 total \$21,056.22. She asked if there were any questions regarding any item of expenditure. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Board Approved the Operations and Maintenance Expenditures for the Month of July 2021 (\$18,276.33), the Month of August 2021 (\$15,254.45), and the Month of September 2021 (\$21,056.22), for the Portico Community Development District.

SIXTH ORDER OF BUSINESS

**Ratification of Special Assessment
Project Fund Requisitions**

Ms. Blandon reviewed the series 2020-01 project fund requisition number one and the series 2020-02 project fund requisition number one and asked if there were any questions. There were none. Ms. Mackie advised that there are funds remaining in the 2020-02 funds for the acquisition of improvements.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Board Ratified Payment of Series 2020-01, Project Fund Requisition 1 and Series 2020-02 Project Fund Requisition 1, for the Portico Community Development District.

SEVENTH ORDER OF BUSINESS

**Ratification of District Counsel
Transition Letter**

Ms. Mackie spoke regarding the transition from Hopping, Green & Sams to Kutak Rock and asked if there were any questions. She advised that a fee letter will be presented to the Board at its next meeting.

On a Motion by Mr. Edwards, seconded by Mr. Ernst, with all in favor, the Board Ratified Execution of the District Counsel Transition Letter from Hopping Green & Sams to Kutak Rock, for the Portico Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Consent to
Assignment of the Technology
Services Agreement**

Ms. Bandon provided an overview of the Consent to Assignment advising that all services will be provided by Rizzetta & Company.

On a Motion by Mr. Smith, seconded by Mr. Ernst, with all in favor, the Board Approved the Consent to Assignment of the Technology Services Agreement, for the Portico Community Development District.

NINTH ORDER OF BUSINESS

**Discussion Regarding Littorals Along
Lake Banks**

Ms. Bandon advised of homeowner concerns related to littorals and lake banks in the new construction areas of the community; she recommended having the District Engineer provide an inspection. Discussion ensued. The Board asked that Solitude attend the next meeting to discuss as they do not intent to remove littorals. Ms. Bandon advised that she will ask that Solitude review the lakes and be ready to discuss at the next meeting.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Ms. Mackie advised that she had no report and will email her new contact information to the Board.
- B. District Engineer
Mr. Burford advised that he had no report.

C. District Manager

Ms. Blandon asked if there were any questions related to the District Management report contained within the agenda. There were none.

Ms. Blandon advised that an encroachment request was received from 14343 Vindel Circle in order to accommodate fencing at the rear of the lot. She advised that the District Engineer has reviewed the request. Mr. Burford advised of his concern related to encroachment on the drainage easement at the side of the property. Mr. Burford advised that if the Board would like to approve the request, he would recommend that the District require a gate at the front and rear of the property in order to allow for lake access for the District.

On a Motion by Mr. Smith, seconded by Mr. Ernst, with all in favor, the Board Approved the Encroachment Agreement, Subject to Language Requiring Rear Lot Access, for the Portico Community Development District.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Blandon opened the floor for Supervisor requests or comments. There were none.

TWELFTH ORDER OF BUSINESS

Adjournment

Ms. Blandon advised there is no further business to come before the Board and asked for a motion to adjourn.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Board adjourned the meeting at 10:33 a.m. for the Portico Community Development District.

Secretary/Assistant Secretary

Chairman/ Vice Chairman

Tab 2

PORTICO COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913
Mailing Address · 3434 Colwell Avenue, Suite 200 · Tampa, Florida 33614
www.porticocdd.org

Operation and Maintenance Expenditures October 2021 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from October 1, 2021 through October 31, 2021. This does not include expenditures previously approved by the Board.

The total items being presented: **\$15,602.44**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Portico Community Development District

Paid Operation & Maintenance Expenditures

October 1, 2021 Through October 31, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Florida Power & Light Company	002144	Monthly Summary 10/21	Electric Summary 10/21	\$ 837.97
Hopping Green & Sams	002139	125220	Professional Services 08/21	\$ 2,013.00
Innersync Studio Ltd	002141	19894	CDD Website Services 10/21	\$ 384.38
Rizzetta & Company, Inc.	002140	INV0000061850	District Management Fees 10/21	\$ 4,071.09
Rizzetta & Company, Inc.	002143	INV0000062018	Assessment Roll 21/22 FY	\$ 5,253.00
Rizzetta Technology Services, LLC	002142	INV0000007987	Website Hosting Services 10/21	\$ 175.00
Solitude Lake Mgmt, LLC	002145	PI-A00688717	Lake & Pond Management Services 10/21	<u>\$ 2,868.00</u>
Report Total				<u>\$ 15,602.44</u>

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Operation and Maintenance Expenditures November 2021 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from November 1, 2021 through November 30, 2021. This does not include expenditures previously approved by the Board.

The total items being presented: **\$6,456.15**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Portico Community Development District

Paid Operation & Maintenance Expenditures

November 1, 2021 Through November 30, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Department of Economic Opportunity	002149	84989	Special District Fee FY 21/22	\$ 175.00
Florida Power & Light Company	002154	Monthly Summary 11/21	Electric Summary 11/21	\$ 791.76
Grau and Associates	002150	I52904558K85	Audit FYE 09/30/2021 Confirms	\$ 58.00
Hopping Green & Sams	002151	125658	Professional Services 09/21	\$ 153.00
Hopping Green & Sams	002151	125659	Professional Services 09/21	\$ 535.30
Johnson Engineering Inc	002152	20055880-001 INV#140	Engineering Services Through 10/21	\$ 442.50
Rizzetta & Company, Inc.	002147	INV0000062541	District Management Fees 11/21	\$ 4,071.09
Rizzetta Technology Services, LLC	002148	INV0000008170	Website Hosting Services 11/21	\$ 175.00
Solitude Lake Mgmt, LLC	002153	PI-A00623882 2	Areator Repair Difference 06/21	\$ 0.50
The Daily Breeze	002146	L33614 Ad-121982	Legal Advertising 10/21	<u>\$ 54.00</u>
Report Total				<u>\$ 6,456.15</u>

PORTICO COMMUNITY DEVELOPMENT DISTRICT

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Operation and Maintenance Expenditures December 2021 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from December 1, 2021 through December 31, 2021. This does not include expenditures previously approved by the Board.

The total items being presented: **\$21,402.01**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Portico Community Development District

Paid Operation & Maintenance Expenditures

December 1, 2021 Through December 31, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Earth Tech Environmental, LLC	002160	7757	Preserve Maintenance 12/21	\$ 3,750.00
Florida Power & Light Company	002162	Monthly Summary 12/21	Electric Summary 12/21	\$ 818.03
Hopping Green & Sams	002155	124142	Professional Services 06/21	\$ 1,070.86
Hopping Green & Sams	002155	125219	Professional Services 08/21	\$ 1,552.03
Hopping Green & Sams	002155	126061	Professional Services 11/21	\$ 115.00
Hopping Green & Sams	002155	126062	Professional Services 11/21	\$ 150.00
Johnson Engineering Inc	002156	20055880-001 INV#141	Engineering Services Through 11/14/21	\$ 62.50
Lee County Property Appraiser	002157	010283	2021 Non Ad Valorem Assessment Roll	\$ 890.00
Rizzetta & Company, Inc.	002158	INV0000063122	District Management Fees 12/21	\$ 4,071.09
Solitude Lake Mgmt, LLC	002159	PI-A00696821	Fountain Repair 10/21	\$ 135.50
Solitude Lake Mgmt, LLC	002159	PI-A00699604	Midge Fly Treatment 10/21	\$ 3,051.00
Solitude Lake Mgmt, LLC	002159	PI-A00706815	Lake & Pond Management Services 11/21	\$ 2,868.00

Portico Community Development District

Paid Operation & Maintenance Expenditures

December 1, 2021 Through December 31, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Solitude Lake Mgmt, LLC	002161	PI-A00725165	Lake & Pond Management Services 12/21	\$ <u>2,868.00</u>
Report Total				<u>\$21,402.01</u>

Tab 3

**EARTH TECH ENVIRONMENTAL**

10600 Jolea Avenue
Bonita Springs, FL 34135 US
(239) 304-0030
www.eteflorida.com

Proposal

ADDRESS

Portico CDD
9530 Marketplace Road
Suite 206
Ft. Myers, FL 33912

PROPOSAL # 2773**DATE 12/06/2021****EXPIRATION DATE 12/31/2021****PROJECT****PORTICO CDD****PROJECT MANAGER****donnb@eteflorida.com**

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Preserve Maintenance Quarterly Task 1.0 2022 Preserve Maintenance: Earth Tech Environmental LLC will perform four (4) preserve maintenance events within 37.31 acres of preserve areas (see attached preserve exhibit) at Portico CDD. This task will consist of herbicidal treatment on all FLEPPC category I & II exotic species and selective invasive species within the designated areas. Eradication methods will consist of (1) cutting and stump treatment of all woody exotic/nuisance species; (3) foliar treatment of all saplings and/or herbaceous exotic/nuisance species; and (4) hand pulling material. All treated material will remain within the preserve area. This task will be supervised by a qualified project manager licensed to apply herbicide in aquatic and natural areas will supervise all work. Quarterly Maintenance events will be scheduled for April, June, September and December 2022.	4	3,750.00	15,000.00

Earth Tech Environmental LLC will perform the above-listed environmental services within the designated areas at Portico CDD. If you agree to these services please send a signed copy back to donnb@eteflorida.com for work to be scheduled.

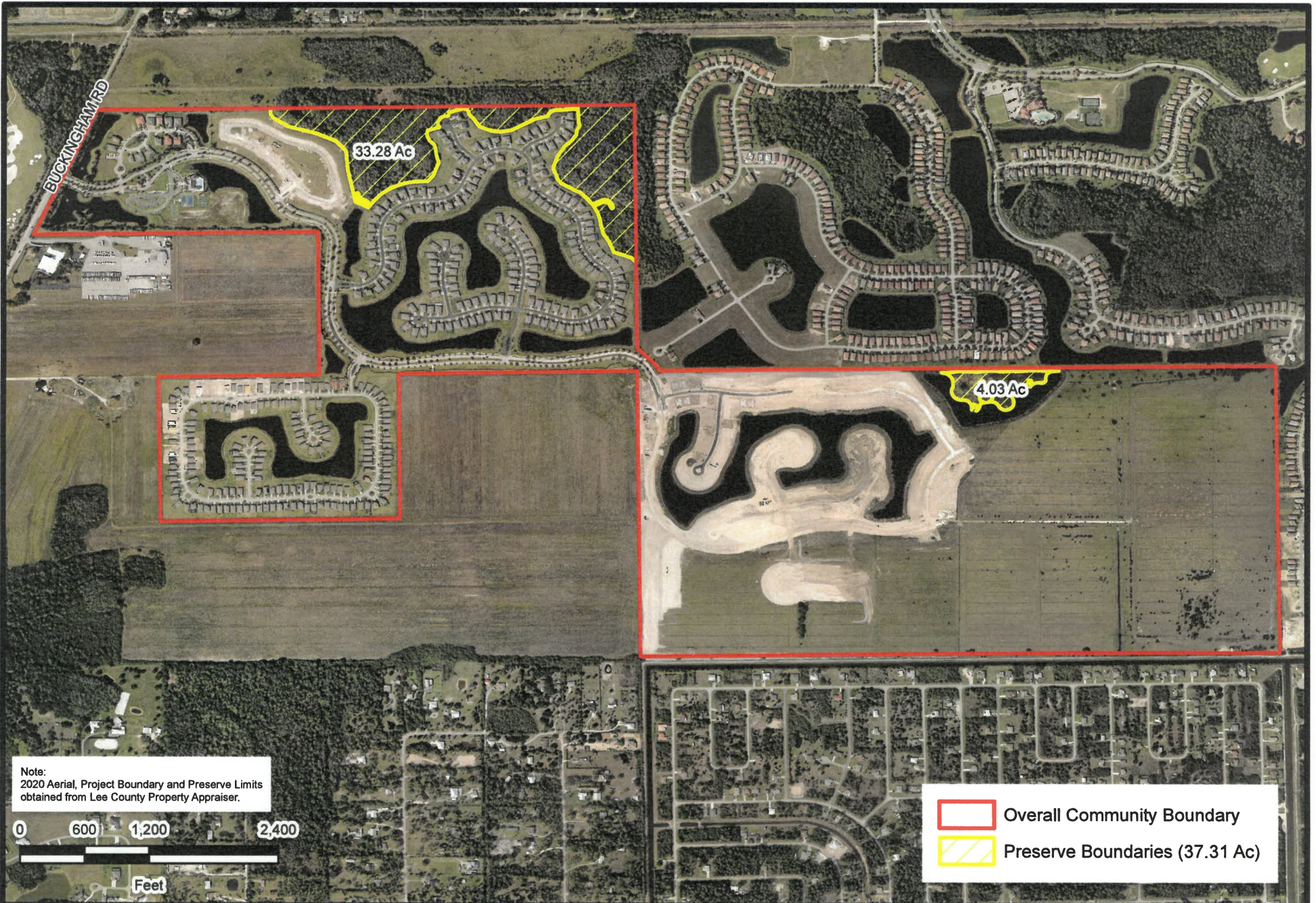
TOTAL**\$15,000.00**

Accepted By

Accepted Date

" Land, Water and the Environment ... Protecting what's important "

Office : 239-304-0030 Fax: 239-324-0054



Portico CDD
Lee County, Florida



EARTH TECH ENVIRONMENTAL, LLC
10600 JOLEA AVENUE
BONITA SPRINGS, FLORIDA 34135
PHONE (239) 304-0030 FAX (239) 324-0054
www.eteflorida.com



Tracking Map

DATE 04/03/20	PROJECT NO. N/A	SCALE AS SHOWN
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Tab 4

PROFESSIONAL SERVICES AGREEMENT

BETWEEN

JOHNSON ENGINEERING, INC.
(CONSULTANT)

AND

PORTICO COMMUNITY
DEVELOPMENT DISTRICT
(OWNER)

PROJECT NAME: Portico CDD Stormwater Management Needs Analysis

Section: 33 and 34 **Township:** 43 South **Range:** 26 East **County:** Lee
Latitude: 26.693371 **Longitude:** -81.715487 **Comments:** _____

CONSULTANT CONTACT INFORMATION

OWNER CONTACT INFORMATION

Project Manager: Andy Tilton
Address: 2122 Johnson Street
City: Fort Myers
State/Zip: Florida, 33901
Phone: (239) 334-0046
Email: ATilton@johnsoneng.com

Bill to the attention of: Belinda Blandon, District Manager
c/o Rizzetta & Company
Billing Address: 9530 Marketplace Road, Suite 206
City/State/Zip: Fort Myers, Florida 33912
Phone: (239) 936-0913
Cell: _____
Email: bblandon@rizzetta.com

SCOPE OF SERVICES (LIMITED TO THE FOLLOWING):

Background

The Florida Legislature passed House Bill 53 related to public infrastructure. A portion of it is shown below relating to stormwater and the requirement to create a 20-year needs analysis. Portico CDD is one of the special districts mentioned in Section (1) below.

403.9302 Stormwater management projections.

(1) The Legislature intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a 20-year needs analysis.

(2) As used in this section, the term:

(a) "Facility" means any equipment, structure, or other property, including conveyance systems, used or useful in connection with providing a stormwater management program or stormwater management system.

(b) "Stormwater management program" has the same meaning as provided in s. 403.031(15).

(c) "Stormwater management system" has the same meaning as provided in s. 403.031(16).

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.

(b) The number of current and projected residents served calculated in 5-year increments.

(c) The current and projected service area for the stormwater management program or stormwater management system.

- (d) The current and projected cost of providing services calculated in 5-year increments.
- (e) The estimated remaining useful life of each facility or its major components.
- (f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.
- (g) The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.
- (4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its stormwater management program or stormwater management system is located. Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document. The county shall file the compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.
- (5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.
- (6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

Task 1 - Analysis

The CONSULTANT will assist the CLIENT the analysis required in 403.9302, Florida Statutes, Section (3) as requested by the Office of Economic and Demographic Research (EDR). Information will be collected by the CONSULTANT from own records and publicly available sources. Analysis of system components will be presented in a narrative format with exhibits as necessary to convey the information in an effective manner. A typical lifespan will be created for each asset along with the existing age and remaining lifespan. Replacement/retrofit costs will be developed for each asset acknowledging that actual asset life will vary from the typical. Revenue determinations (past, present, and future) will require assistance from the District Manager or designee.

Task 2 - Report

The CONSULTANT will compile the narrative, graphs, and tables from Task 1 and populate the spreadsheets created by EDR to be sent to Lee County before June 30, 2022. Lee County will be responsible to compile this report with others and their own information and transmit it to the EDR.

FEE & TYPE:		Lump Sum (LS):	\$8,700.00	LS
	Time & Materials (based on rate schedule in effect at the time service is rendered)	Reimbursables:	\$50.00	T&M
	TOTAL FEES:		\$8,750.00	LS; T&M

OWNER AUTHORIZATION: I warrant and represent I am authorized to enter into this contract for professional services and I hereby authorize the performance of the above services and agree to pay the charges resulting there from as identified in the "FEE TYPE" section above. I have read, understand, and agree to the Standard Business Terms and Conditions, including Limitation of Liability, printed on page 3 of this Agreement.

Authorized Signature: _____ Date: _____

Typed Name & Title: Russell Smith, Chairman, Portico CDD

STANDARD BUSINESS TERMS AND CONDITIONS

These Standard Business Terms and Conditions are attached to, and made a part of, Proposals and Agreements for services by Johnson Engineering, Inc. ("CONSULTANT").

Standard of Care: The Standard of Care for all professional engineering and related services performed or furnished by the CONSULTANT under this Agreement with the care and skill ordinarily used by members of the CONSULTANT's profession practicing under similar conditions at the same time and the same locality.

Information from Owner: OWNER to provide supporting information and extraordinary project considerations or special services, deeds, easements, rights-of-way, etc. needed for CONSULTANT to complete the Scope described herein.

Cooperation with Other Consultants or Owner's Attorney: Due to the various laws, rules and ordinances relating to projects of this nature, legal counsel may be required, which is excluded from this Agreement. OWNER is expected to retain an attorney as needed for advice and participation as a professional team member. OWNER will serve as project coordinator and be responsible for assuring the cooperation of consultants contracting directly with him.

Permit and Application Fees: OWNER shall pay all project-related fees including, but not limited to plan review, platting, permits, DRI, impact fees, etc.

Termination: This Agreement and obligation to provide further service may be terminated by either party upon 30 days written notice in the event of substantial failure by the other party to perform to the terms hereof through no fault of the terminating party.

Billings and Payment: Fixed fees shall be billed monthly for the project portion completed to the billing date, plus reimbursables. Time/Material/Expenses (TME) fees shall be billed monthly based on time, materials, and expenses incurred to the billing date, plus reimbursables. A T/M/E estimate, if provided, is for information purposes only. Actual fee may be more or less and based on the Rate Code Schedule in effect at the time services are rendered. Additional Services mutually agreed upon by CONSULTANT and OWNER shall be billed monthly based on time, materials, and expenses incurred to the billing date plus Reimbursables based on the Rate Code Schedule in effect at the time services are rendered. The continuous progress of CONSULTANT's service requires prompt payment. Payment is due within thirty days of the invoice date. Past due amounts shall include a late charge of 1% per month from said thirtieth day; and, in addition, wemay, after seven days' notice to OWNER, suspend services under this Agreementuntil we have been paid in full for all amounts due for our services and expenses. CONSULTANT is entitled to collect reasonable fees and costs, including attorney fees and interest, if required to obtain collection of any amount due under this Agreement by a court action or settlement without court action.

Reimbursables: Project-related expenses such as transportation, subsistence, long distance communications, postage, shipping, report, drawing, specification reproduction, and OWNER-authorized overtime shall be reimbursable. The amount payable for reimbursables will be the charge actually incurred by or imputed cost allocated by CONSULTANT therefore times a factor of 1.10.

Taxes: Any government imposed taxes or fees shall be added to the invoice for services under this Agreement.

Renegotiation of Fees: CONSULTANT reserves the right to renegotiate fixed fees on an annual basis to reflect changes in price indices and pay scales applicable to the period when services are, in fact, being rendered.

Subconsultant: Subconsultant contracts will be administered at a cost of 10% of the Subconsultant contract fee.

Attorney Fees: Should litigation arise related to services under this Agreement, the prevailing party is entitled to recover reasonable costs including staff time, court costs, attorney fees and related expenses.

Legal Interpretations Clarified: The work proposed herein is based on the services of a professional engineer, professional surveyor, professional land planner, and/or professional landscape architect, and does not constitute the rendering of legal advice or opinion. Interpretations of laws, rules, and ordinances are based solely on the professional opinion of the Design Professional. OWNER is advised to secure adequate legal counsel as needed for the project.

Responsible Party:

PURSUANT TO §558.0035 FLORIDA STATUTE, THE CONSULTANT'S CORPORATION IS THE RESPONSIBLE PARTY FOR THE PROFESSIONAL SERVICES IT AGREES TO PROVIDE UNDER THIS

AGREEMENT. NO INDIVIDUAL, PROFESSIONAL EMPLOYEE, AGENT, DIRECTOR, OFFICER OR PRINCIPAL MAY BE INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF THIS AGREEMENT.

Project Delays: The OWNER recognizes and agrees that various factors both within and without the control of Design Professional can operate to delay the performance of the work, the issuance of permits and licenses, and the overall construction of the project. The OWNER agrees that it shall not be entitled to any claim for damages on account of hindrances or delays from any course whatsoever including, but not limited to: the production of contract documents; issuance of permits from any government or agency; beginning or completion of construction; or performance of any phase of the work pursuant to this Agreement. Permitting is a regulatory function and CONSULTANT does not guarantee issuance of any permit.

Budgetary Limitations: It is necessary that OWNER advise CONSULTANT in writing at an early date if OWNER has budgetary limitations for the overall Project Cost or Construction Cost. CONSULTANT will endeavor to work within those limitations. If OWNER requests, CONSULTANT will submit to OWNER, as an Additional Service, opinions as to the probability of completing construction within OWNER's budget and, where appropriate, request an adjustment in the budget or a revision in the scope of services of the Project. CONSULTANT does not guarantee that opinions of probable cost will not differ materially from negotiated prices, fees or bids. If OWNER wishes greater assurance as to the probable construction costs, or if formal estimates are desired, an independent cost estimator should be employed.

Excluded Services: CONSULTANT will provide services including and limited to those described in the Scope of Services (Scope of Work). All other services are specifically excluded. Listed below are excluded services, unless otherwise specifically included in the Scope, which may be required or desired for the Project: Abstract of Title Review - Geotechnical Services - Materials Testing - Architectural Services - Hazardous Waste Assessments

Mediation: In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the OWNER and the Design Professional agree that all disputes between them arising out of or relating to this Agreement shall be submitted to non-binding mediation unless parties mutually agree otherwise.

Betterment: If CONSULTANT mistakenly leaves out of the Construction Documents, any component or item required for the Project, CONSULTANT shall not be responsible for the cost or expense of constructing or adding the component or item to the extent such item or component would have been required and included in the original construction documents. In no event will the CONSULTANT be responsible for any cost or expense that provides betterment, upgrades or enhances the value of the Project.

Ownership of Instruments of Service: All reports, plans, specifications, field data, and notes or other documents, including all documents on electronic media, prepared by the Design Professional as instruments of service shall remain the property of the Design Professional.

Hazardous Materials: Services related to asbestos, hazardous or toxic materials are excluded. OWNER shall provide a site that complies with applicable laws and regulations. CONSULTANT may, at its option and without liability for consequential or other damages, suspend services until OWNER retains specialist consultants to abate or remove asbestos, hazardous, or toxic materials.

Entire Understanding: This Proposal/Agreement represents the entire understanding between OWNER and CONSULTANT in respect to this Project and may only be modified in writing.

Consultant's Limited Liability: Notwithstanding any other provision of this Agreement and to the fullest extent permitted by law, the total liability, in the aggregate, of CONSULTANT and CONSULTANT's officers, directors, partners, employees, agents and CONSULTANT's Sub-Consultants, and any of them, to OWNER and anyone claiming by, through or under OWNER, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the Project, this Agreement, or any supplemental Agreements written or oral from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability or breach of contract or warranty, express or implied of CONSULTANT or CONSULTANT's officers, directors, partners, employees, agents or CONSULTANT's Sub-Consultants or any of them, shall not exceed \$8,750.00.

Tab 5



Rizzetta & Company

UPCOMING DATES TO REMEMBER

- **Next Meeting:** May 19, 2022
- **FY 2020-2021 Audit Completion Deadline:** June 30, 2022
- **Next Election (Seats 4 & 5):** November 8, 2022

**District
Manager's
Report**

February 9

2022

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FINANCIAL SUMMARY

12/31/2021

General Fund Cash & Investment Balance:	\$145,666
Capital Projects Fund Cash & Investment Balance:	\$507,812
Debt Service Fund Investment Balance:	\$829,591
Total Cash and Investment Balances:	\$1,483,069
General Fund Expense Variance: \$7,363	Under Budget



Rizzetta & Company

Lake Management Report: Solitude has been invited to attend the meeting to report on the condition of the lakes.

May 19th BOS Meeting: This is an important meeting as we will be presenting the proposed budget for consideration by the Board. We will need a quorum of Supervisors present in person for this meeting.



Quarterly Compliance Audit Report

Portico

Date: December 2021 - 4th Quarter

Prepared for: Scott Brizendine

Developer: Rizzetta

Insurance agency:



Preparer:

Jason Morgan - *Campus Suite Compliance*

ADA Website Accessibility and Florida F.S. 189.069 Requirements

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Compliance Audit Overview

The Community Website Compliance Audit (CWCA) consists of a thorough assessment of Florida Community Development District (CDD) websites to assure that specified district information is available and fully accessible. Florida Statute Chapter 189.069 states that effective October, 2015, every CDD in the state is required to maintain a fully compliant website for reporting certain information and documents for public access.

The CWCA is a reporting system comprised of quarterly audits and an annual summary audit to meet full disclosure as required by Florida law. These audits are designed to assure that CDDs satisfy all compliance requirements stipulated in Chapter 189.069.

Compliance Criteria

The CWCA focuses on the two primary areas – website accessibility as defined by U.S. federal laws, and the 16-point criteria enumerated in [Florida Statute Chapter 189.069](#).



ADA Website Accessibility

Several federal statutes (American Disabilities Act, Sec. 504 and 508 of the Rehabilitation Act of 1973) require public institutions to ensure they are not discriminating against individuals on the basis of a person's disability. Community websites are required to conform to web content accessibility guidelines – [WCAG 2.1](#), which is the international standard established to keep websites barrier-free and the recognized standard for ADA-compliance.



Florida Statute Compliance

Pursuant to F.S. [189.069](#), every CDD is required to maintain a dedicated website to serve as an official reporting mechanism covering, at minimum, 16 criteria. The information required to report and have fully accessible spans: establishment charter or ordinance, fiscal year audit, budget, meeting agendas and minutes and more. For a complete list of statute requirements, see page 3.

Audit Process

The Community Website Compliance Audit covers all CDD web pages and linked PDFs.* Following the [WCAG 2.1](#) levels A, AA, and AAA for web content accessibility, a comprehensive scan encompassing 312 tests is conducted for every page. In addition, a human inspection is conducted to assure factors such as navigation and color contrasts meet web accessibility standards. See page 4 for complete accessibility grading criteria.

In addition to full ADA-compliance, the audit includes a 16-point checklist directly corresponding with the criteria set forth in Florida Statute Chapter 189.069. See page 5 for the complete compliance criteria checklist.

* **NOTE:** Because many CDD websites have links to PDFs that contain information required by law (meeting agendas, minutes, budgets, miscellaneous and ad hoc documents, etc.), audits include an examination of all associated PDFs. **PDF remediation** and ongoing auditing is critical to maintaining compliance.



ADA Website Accessibility

Result: **PASSED**

Accessibility Grading Criteria

Passed	Description
Passed	Website errors* 1 WCAG 2.1 errors appear on website pages causing issues**
Passed	Keyboard navigation The ability to navigate website without using a mouse
Passed	Website accessibility policy A published policy and a vehicle to submit issues and resolve issues
Passed	Color contrast Colors provide enough contrast between elements
Passed	Video captioning Closed-captioning and detailed descriptions
Passed	PDF accessibility Formatting PDFs including embedded images and non-text elements
Passed	Site map Alternate methods of navigating the website

*Errors represent less than 5% of the page count are considered passing

**Error reporting details are available in your Campus Suite Website Accessibility dashboard



Florida F.S. 189.069 Requirements

Result: **PASSED**

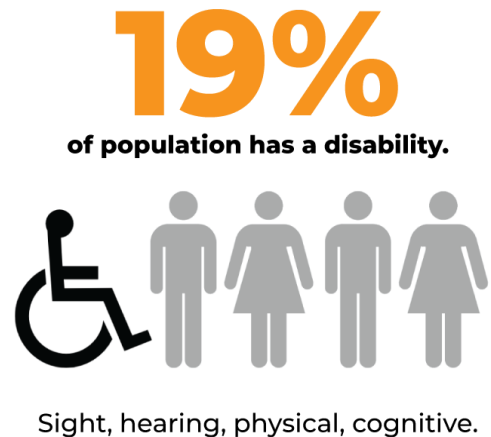
Compliance Criteria

Passed	Description
Passed	Full Name and primary contact specified
Passed	Public Purpose
Passed	Governing body Information
Passed	Fiscal Year
Passed	Full Charter (Ordinance and Establishment) Information
Passed	CDD Complete Contact Information
Passed	District Boundary map
Passed	Listing of taxes, fees, assessments imposed by CDD
Passed	Link to Florida Commission on Ethics
Passed	District Budgets (Last two years)
Passed	Complete Financial Audit Report
Passed	Listing of Board Meetings
Passed	Public Facilities Report, if applicable
Passed	Link to Financial Services
Passed	Meeting Agendas for the past year, and 1 week prior to next

Accessibility overview

Everyone deserves equal access.

With nearly 1-in-5 Americans having some sort of disability – visual, hearing, motor, cognitive – there are literally millions of reasons why websites should be fully accessible and compliant with all state and federal laws. Web accessibility not only keeps board members on the right side of the law, but enables the entire community to access all your web content. The very principles that drive accessible website design are also good for those without disabilities.



The legal and right thing to do

Several federal statutes (American Disabilities Act, Sec. 504 and 508 of the Rehabilitation Act of 1973) require public institutions to ensure they are not discriminating against individuals on the basis of a person's disability. Community websites are required to conform to web content accessibility guidelines, WCAG 2.1, the international standard established to keep websites barrier-free. Plain and simple, any content on your website must be accessible to everyone.



ADA Compliance Categories

Most of the problems that occur on a website fall in one or several of the following categories.



Contrast and colors

Some people have vision disabilities that hinder picking up contrasts, and some are color blind, so there needs to be a distinguishable contrast between text and background colors. This goes for buttons, links, text on images – everything. Consideration to contrast and color choice is also important for extreme lighting conditions.

Contract checker: <http://webaim.org/resources/contrastchecker>



Using semantics to format your HTML pages

When web page codes are clearly described in easy-to-understand terms, it enables broader sharing across all browsers and apps. This ‘friendlier’ language not only helps all the users, but developers who are striving to make content more universal on more devices.



Text alternatives for non-text content

Written replacements for images, audio and video should provide all the same descriptors that the non-text content conveys. Besides helping with searching, clear, concise word choice can make vivid non-text content for the disabled.

Helpful article: <http://webaim.org/techniques/alttext>



Ability to navigate with the keyboard

Not everyone can use a mouse. Blind people with many with motor disabilities have to use a keyboard to make their way around a website. Users need to be able to interact fully with your website by navigating using the tab, arrows and return keys only. A “skip navigation” option is also required. Consider using [WAI-ARIA](#) for improved accessibility, and properly highlight the links as you use the tab key to make sections.

Helpful article: www.nngroup.com/articles/keyboard-accessibility

Helpful article: <http://webaim.org/techniques/skipnav>



Easy to navigate and find information

Finding relevant content via search and easy navigation is a universal need. Alt text, heading structure, page titles, descriptive link text (no ‘click here’ please) are just some ways to help everyone find what they’re searching for. You must also provide multiple ways to navigate such as a search and a site map.

Helpful article: <http://webaim.org/techniques/sitetools/>



Properly formatting tables

Tables are hard for screen readers to decipher. Users need to be able to navigate through a table one cell at a time. In addition to the table itself needing a caption, row and column headers need to be labeled and data correctly associated with the right header.

Helpful article: <http://webaim.org/techniques/tables/data>



Making PDFs accessible

PDF files must be tagged properly to be accessible, and unfortunately many are not. Images and other non-text elements within that PDF also need to be ADA-compliant. Creating anew is one thing; converting old PDFs – called PDF remediation – takes time.

Helpful articles: <http://webaim.org/techniques/acrobat/acrobat>



Making videos accessible

Simply adding a transcript isn't enough. Videos require closed captioning and detailed descriptions (e.g., who's on-screen, where they are, what they're doing, even facial expressions) to be fully accessible and ADA compliant.

Helpful article: <http://webaim.org/techniques/captions>



Making forms accessible

Forms are common tools for gathering info and interacting. From logging in to registration, they can be challenging if not designed to be web-accessible. How it's laid out, use of labels, size of clickable areas and other aspects need to be considered.

Helpful article: <http://webaim.org/techniques/forms>



Alternate versions

Attempts to be fully accessible sometimes fall short, and in those cases, alternate versions of key pages must be created. That is, it is sometimes not feasible (legally, technically) to modify some content. These are the 'exceptions', but still must be accommodated.



Feedback for users

To be fully interactive, your site needs to be able to provide an easy way for users to submit feedback on any website issues. Clarity is key for both any confirmation or error feedback that occurs while engaging the page.



Other related requirements

No flashing

Blinking and flashing are not only bothersome, but can be disorienting and even dangerous for many users. Seizures can even be triggered by flashing, so avoid using any flashing or flickering content.

Timers

Timed connections can create difficulties for the disabled. They may not even know a timer is in effect, it may create stress. In some cases (e.g., purchasing items), a timer is required, but for most school content, avoid using them.

Fly-out menus

Menus that fly out or down when an item is clicked are helpful to dig deeper into the site's content, but they need to be available via keyboard navigation, and not immediately snap back when those using a mouse move from the clickable area.

No pop-ups

Pop-up windows present a range of obstacles for many disabled users, so it's best to avoid using them altogether. If you must, be sure to alert the user that a pop-up is about to be launched.

Web Accessibility Glossary

Assistive technology	Hardware and software for disabled people that enable them to perform tasks they otherwise would not be able to perform (e.g., a screen reader)
WCAG 2.0	Evolving web design guidelines established by the W3C that specify how to accommodate web access for the disabled
504	Section of the Rehabilitation Act of 1973 that protects civil liberties and guarantees certain rights of disabled people
508	An amendment to the Rehabilitation Act that eliminates barriers in information technology for the disabled
ADA	American with Disabilities Act (1990)
Screen reader	Software technology that transforms the on-screen text into an audible voice. Includes tools for navigating/accessing web pages.
Website accessibility	Making your website fully accessible for people of all abilities
W3C	World Wide Web Consortium – the international body that develops standards for using the web