



Rizzetta & Company

Portico Community Development District

**Board of Supervisors' Meeting
November 18, 2021**

**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

November 10, 2021

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, November 18, 2021 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 Audit Committee Meeting held on August 19, 2021 Tab 1
 - B. Consideration of the Minutes of the Board of Supervisors Meeting held on August 19, 2021 Tab 2
 - C. Consideration of Operations and Maintenance Expenditures for the Months of July, August, and September 2021 Tab 3
- 4. BUSINESS ITEMS**
 - A. Ratification of Special Assessment Project Fund Requisitions Tab 4
 1. Series 2020-01, Project Fund Requisition 1
 2. Series 2020-02, Project Fund Requisition 1
 - B. Ratification of District Counsel Transition Letter Tab 5
 - C. Consideration of Consent to Assignment of the Technology Services Agreement Tab 6
 - D. Discussion Regarding Littorals Along Lake Banks
- 5. STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. District Manager Tab 7
- 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, Hopping Green & Sams, P.A.

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 Audit Committee meeting of the Portico Community Development District was held on **Thursday, August 19, 2021 at 10:06 a.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912.

Present and constituting a quorum:

Barry Ernst	Committee Member
Scott Edwards	Committee Member
Chris Hasty	Committee Member

Also present were:

Belinda Blandon	District Manager, Rizzetta & Company, Inc.
Tucker Mackie	District Counsel, Hopping Green & Sams, P.A.
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

**Review and Consideration of
Proposals Received in Response to
the RFP for Audit Services**

Ms. Blandon advised that proposals were received from Berger, Toombs, Elam, Gaines & Frank, Carr, Riggs & Ingram, and Grau & Associates. Discussion ensued. The Board worked together to provide scores to Ms. Blandon. Berger, Toombs, Elam, Gaines & Frank was awarded 97 points, Carr Riggs & Ingram was awarded 94 points, and Grau & Associates was awarded 99 points.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Audit Committee Recommended that the Board of Supervisors' Enter into a Contract with Grau & Associates for Audit Services, for the Audit Committee of the Portico Community Development District.

THIRD ORDER OF BUSINESS

Adjournment

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On a Motion by Mr. Edwards, seconded by Mr. Ernst, with all in favor, the Audit Committee Meeting was Adjourned at 10:13 a.m., for the Audit Committee of the Portico Community Development District.

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DRAFT

Tab 2

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, August 19, 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:

Barry Ernst	Board Supervisor, Vice Chairman
Scott Edwards	Board Supervisor, Assistant Secretary
Chris Hasty	Board Supervisor, Assistant Secretary

Also present were:

Belinda Bandon	District Manager, Rizzetta & Company, Inc.
Tucker Mackie	District Counsel, Hopping Green & Sams P.A.
Brent Burford	District Engineer, Johnson Engineering, Inc.

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

Public Comment

Ms. Bandon 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 May
20, 2021**

Ms. Bandon presented the Minutes of the Audit Committee meeting held on May 20, 2021, and asked if there were any additions, deletions, or corrections 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 Audit Committee Meeting held on May 20, 2021, for the Portico Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting held on
May 20, 2021**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on May 20, 2021, and asked if there were any additions, deletions, or corrections to the Minutes. There were none.

On a Motion by Mr. Edwards, seconded by Mr. Hasty, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on May 20, 2021, for the Portico Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of the Operations and
Maintenance Expenditures for the
Months of May and June 2021**

Ms. Blandon advised the expenditures for the period of May 1-31, 2021 total \$20,102.13 and the expenditures for the period of June 1-30, 2021 total \$11,698.02. 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 May 2021 (\$20,102.13) and the Month of June 2021 (\$11,698.02), for the Portico Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Audit Committee
Recommendation**

Ms. Blandon advised that the Audit Committee met prior to the onset of the Board of Supervisors' meeting and has recommended that the Board of Supervisors enter into a Contract with Grau & Associates for Audit services as they were the highest ranked firm. She asked if there were any questions. There were none.

On a Motion by Mr. Hasty, seconded by Mr. Ernst, with all in favor, the Board Accepted the Recommendation of the Audit Committee to Enter into a Contract with Grau & Associates for Audit Services, for the Portico Community Development District.

SEVENTH ORDER OF BUSINESS

**Ratification of Audit for Fiscal Year
2019/2020 as Prepared by Grau &
Associates**

Ms. Blandon provided an overview of the Audit for Fiscal Year 2019/2020 as prepared by Grau & Associates and asked if there were any questions. There were none. Ms. Blandon further advised that the Chairman previously accepted the Audit so that it would

be submitted in proper time to the State and asked for a motion to ratify the Chairman's acceptance.

On a Motion by Mr. Edwards, seconded by Mr. Ernst, with all in favor, the Board Ratified the Chairman's Acceptance of the Audit for Fiscal Year 2019/2020 as Prepared by Grau & Associates, for the Portico Community Development District.

EIGHTH ORDER OF BUSINESS

Consideration of Second Addendum to Contract for Professional District Services

Ms. Blandon provided an overview of the Second Addendum to the Contract for Professional District Services advising that the two percent increase was previously included in the proposed budget. She asked if there were any questions. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Hasty, with all in favor, the Board Approved the Second Addendum to the Contract for Professional District Services, for the Portico Community Development District.

NINTH ORDER OF BUSINESS

Public Hearing Related to Rules of Procedure

Ms. Blandon provided an overview of the public hearing process and asked for a motion to open the public hearing related to the Rules of Procedure.

On a Motion by Mr. Ernst, seconded by Mr. Hasty, with all in favor, the Board Opened the Public Hearing Related to Rules of Procedure, for the Portico Community Development District.

TENTH ORDER OF BUSINESS

Presentation of Amended Rules of Procedure

Ms. Mackie provided an overview of the updates that have been made to the Rules of Procedure and asked if there were any questions. There were none.

Ms. Blandon stated for the record that members of the public were present and asked for a motion to close the public hearing.

On a Motion by Mr. Ernst, seconded by Mr. Hasty, with all in favor, the Board Closed the Public Hearing Related to Rules of Procedure, for the Portico Community Development District.

ELEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-05,
Adopting Amended and Restated
Rules of Procedure**

Ms. Mackie provided an overview of the resolution and asked if there were any questions. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Hasty, with all in favor, the Board Adopted Resolution 2021-05, Adopting Amended and Restated Rules of Procedure, for the Portico Community Development District.

TWELFTH ORDER OF BUSINESS

**Public Hearing to Consider the
Adoption of the Fiscal Year 2021/2022
Budgets**

Ms. Blandon provided an overview of the public hearing process and asked for a motion to open the public hearing related to the Adoption of the Fiscal Year 2021/2022 Budgets.

On a Motion by Mr. Ernst, seconded by Mr. Hasty, with all in favor, the Board Opened the Public Hearing Related to Adoption of the Fiscal Year 2021/2022 Budgets, for the Portico Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Presentation of the Proposed Final
Budget for Fiscal Year 2021/2022**

Ms. Blandon provided an overview of the proposed final budget for fiscal year 2021/2022 and advised that no changes have been made since the proposed budget was approved; she further advised that there is no increase to the budget.

Ms. Blandon stated for the record that members of the public were present and asked for a motion to close the public hearing.

On a Motion by Mr. Edwards, seconded by Mr. Hasty, with all in favor, the Board Closed the Public Hearing Related to Adoption of the Fiscal Year 2021/2022 Budgets, for the Portico Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-06,
Relating to the Annual Appropriations
and Adopting the Budget for Fiscal
Year 2021/2022**

Ms. Mackie provided an overview of the resolution and asked if there were any questions. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Hasty, with all in favor, the Board Adopted Resolution 2021-06, Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2021/2022, for the Portico Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-07,
Making a Determination of Benefit and
Imposing Special Assessments for
Fiscal Year 2021/2022, Providing for
the Collection and Enforcement of
Special Assessments, Including but
not Limited to Penalties and Interest
Thereon, Certifying an Assessment
Roll**

Ms. Mackie provided an overview of the resolution and asked if there were any questions. There were none.

On a Motion by Mr. Edwards, seconded by Mr. Hasty, with all in favor, the Board Adopted Resolution 2021-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022, Providing for the Collection and Enforcement of Special Assessments, Including but not Limited to Penalties and Interest Thereon, Certifying an Assessment Roll, for the Portico Community Development District.

SIXTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-08,
Adopting a Meeting Schedule for Fiscal
Year 2021/2022**

Ms. Blandon provided an overview of the resolution advising that the schedule being presented is consistent with the current year meeting schedule. She asked if there were any questions. There were none.

On a Motion by Mr. Ernst, seconded by Mr. Edwards, with all in favor, the Board Adopted Resolution 2021-08, Adopting a Meeting Schedule Fiscal Year 2021/2022, for the Portico Community Development District.

SEVENTEENTH ORDER OF BUSINESS Staff Reports

- A. District Counsel
Ms. Mackie advised that she is working with Developers Counsel on the pond swaps and that should be finalized next week.
- B. District Engineer
Mr. Burford advised that he had no report.
- C. District Manager
Ms. Blandon advised the next meeting of the Board of Supervisors is scheduled for Thursday, November 18, 2021 at 10:00 a.m.

EIGHTEENTH ORDER OF BUSINESS Supervisor Requests and Comments

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

NINETEENTH 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. Edwards, seconded by Mr. Hasty, with all in favor, the Board adjourned the meeting at 10:28 a.m. for the Portico Community Development District.

Secretary/Assistant Secretary

Chairman/ Vice Chairman

Tab 3

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 July 2021 For Board Approval

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

The total items being presented: **\$18,276.33**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Portico Community Development District

Paid Operation & Maintenance Expenditures

July 1, 2021 Through July 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	002113	7249	Preserve Maintenance 06/21	\$ 3,750.00
Grau and Associates	002114	21422	Audit for FYE 09/20	\$ 4,200.00
Hopping Green & Sams	002119	123596	Professional Services 06/21	\$ 1,899.50
Hopping Green & Sams	002119	123597	Professional Services 06/21	\$ 60.00
Innersync Studio Ltd	002115	19628	CDD Website Services 07/21	\$ 384.38
Rizzetta & Company, Inc.	002116	INV0000059387	District Management Fees 07/21	\$ 3,991.25
Rizzetta Technology Services, LLC	002117	INV0000007679	Website Hosting Services 07/21	\$ 175.00
Solitude Lake Mgmt, LLC	002120	PI-A00630866	Lake & Pond Management Services 07/21	\$ 2,868.00
Solitude Lake Mgmt, LLC	002120	PI-A00631110	Repair Exhaust Fan 07/21	\$ 896.20
The Daily Breeze	002118	120971 07/14/21	Legal Advertising L33614 07/21	<u>\$ 52.00</u>
Report Total				<u>\$ 18,276.33</u>

PORTICO COMMUNITY DEVELOPMENT DISTRICT

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Operation and Maintenance Expenditures August 2021 For Board Approval

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

The total items being presented: **\$15,254.45**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Portico Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2021 Through August 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	002122	Monthly Summary	Electric Summary 07/21	\$ 870.29
		07/21		
Florida Power & Light Company	002126	Monthly Summary	Electric Summary 08/21	\$ 831.90
		08/21		
Hopping Green & Sams	002127	124647	Professional Services 07/21	\$ 130.50
Johnson Engineering Inc	002123	20055880-001	Engineering Services Through	\$ 1,723.75
		INV#138	07/18/2021	
Passarella & Associates, Inc.	002128	03TWC890 - 7H	Professional Services Through	\$ 2,629.00
			07/31/21	
Rizzetta & Company, Inc.	002124	INV0000060320	District Management Fees 08/21	\$ 3,991.25
Solitude Lake Mgmt, LLC	002129	PI-A00652589	Lake & Pond Management Services	\$ 2,868.00
			08/21	
Solitude Lake Mgmt, LLC	002129	PI-A00656322	Midge Treatment 8/21	\$ 2,010.00
The Daily Breeze	002121	L33614 Ad 120975	Legal Advertising 07/21	\$ 89.00
The Daily Breeze	002125	L33614 Ad 121102	Legal Advertising 08/21	\$ 110.76
Report Total				<u>\$ 15,254.45</u>

PORTICO COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913
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Operation and Maintenance Expenditures September 2021 For Board Approval

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

The total items being presented: **\$21,056.22**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Portico Community Development District

Paid Operation & Maintenance Expenditures

September 1, 2021 Through September 30, 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	002130	7432	Preserve Maintenance 08/21	\$ 3,750.00
Egis Insurance Advisors, LLC	002132	14054	General/POL Insurance Package 21/22	\$ 6,468.00
Florida Power & Light Company	002135	Monthly Summary 09/21	Electric Summary 09/21	\$ 831.22
Johnson Engineering Inc	002136	20055880-001 INV#139	Engineering Services Through 09/12/2021	\$ 1,088.75
Rizzetta & Company, Inc.	002133	INV0000061120	District Management Fees 09/21	\$ 3,991.25
Rizzetta Technology Services, LLC	002137	INV0000007802	Website Hosting Services 08/21	\$ 175.00
Rizzetta Technology Services, LLC	002134	INV0000007894	Website Hosting Services 09/21	\$ 175.00
Solitude Lake Mgmt, LLC	002131	PI-A00661339	Midge Treatment Lake B-2 #8 8/21	\$ 1,709.00
Solitude Lake Mgmt, LLC	002138	PI-A00670475	Lake & Pond Management Services 09/21	<u>\$ 2,868.00</u>
Report Total				<u>\$ 21,056.22</u>

Tab 4

Portico CDD
Special Assessment Project Fund, Series 2020-1
Requisitions for Payment

Requisition No.	Vendor	Amount
1	WCI Communities	\$1,348,445.49
	Total	\$1,348,445.49

Portico CDD
Special Assessment Project Fund, Series 2020-2
Requisitions for Payment

Requisition No.	Vendor	Amount
1	WCI Communities	\$1,384,377.63
	Total	\$1,384,377.63

Tab 5

Hopping Green & Sams

Attorneys and Counselors

October 21, 2021

VIA EMAIL

Belinda Blandon
District Manager
Rizzetta & Company, Inc.
BBlandon@rizzetta.com

RE: Portico Community Development District ("Client")

JOINT LETTER BY HOPPING GREEN & SAMS, P.A. AND KUTAK ROCK LLP, ANNOUNCING THE DEPARTURE OF JONATHAN JOHNSON, KATIE BUCHANAN, MIKE ECKERT, TUCKER MACKIE, WES HABER, LINDSAY WHELAN, JOE BROWN, SARAH SANDY, ALYSSA WILLSON AND MICHELLE RIGONI TO KUTAK ROCK LLP

Dear Ms. Blandon:

As of November 15, 2021, Jonathan Johnson, Katie Buchanan, Mike Eckert, Tucker Mackie, Wes Haber, Lindsay Whelan, Joe Brown, Sarah Sandy, Alyssa Willson and Michelle Rigoni (the "Special District Practice Group") will be withdrawing as attorneys from Hopping Green & Sams, P.A. ("HGS") and will be joining Kutak Rock LLP ("Kutak"). The members of the Special District Practice Group have provided services in connection with HGS's representation of the Client on the above referenced matter(s) (the "Client Matters").

In the coming months, HGS will no longer be providing legal services. Kutak is prepared to continue as the Client's legal counsel with respect to the Client Matters; however, it is the Client's choice as to who should serve as its legal counsel, and whether the Client Matters and all electronic files and active and closed hardcopy files (collectively, the "Files") should be transferred to Kutak.

Please select one of the following alternatives; however, please be advised that as of November 15, 2021, HGS will no longer be competent to provide legal services to the Client; accordingly, representation by HGS will cease on November 15, 2021, whether or not the Client makes an election below:

1. ALTERNATIVE #1. The Client asks that the Client Matters be transferred with the Special District Practice Group to their new firm, Kutak. Please transfer all Files relating to the Client Matters. HGS's legal representation of the Client will cease on the date of HGS's receipt of their written notice. After that date, the Special District Practice Group and their new firm, Kutak, will be responsible for legal representation of the Client in the Client Matters. To the extent that HGS is holding any trust funds or other property of the Client, HGS is further instructed to transfer such funds and/or property to Kutak.

Belinda Blandon

(Please sign if you want Alternative #1;
otherwise, do not sign on this line.)

10/22/2021

[DATE]

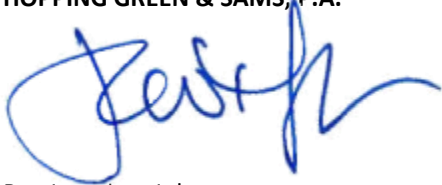
2. ALTERNATIVE #2. If you do not want Alternative #1, please advise us what HGS should do regarding the Client Matters and all Files relating to the Client Matters by December 1, 2021. HGS's legal representation of the Client will cease on November 15, 2021. If HGS does not receive a response by December 1, 2021, that will confirm HGS's understanding that all Files are not needed or desired and HGS will shred them.

(Please sign here if you have [DATE]
given instructions under Alternative
#2; otherwise do not sign on this line.)

After you have completed and signed this form, please send a copy via electronic mail to JasonM@hgslaw.com, MarkS@hgslaw.com, TuckerM@hgslaw.com, and KimH@hgslaw.com.

Thank you for your consideration and assistance.

HOPPING GREEN & SAMS, P.A.



By: Jonathan Johnson

Its: President

Date: October 21, 2021

cc: Russell Smith (seat5@porticocdd.org)

Tab 6

**CONSENT TO ASSIGNMENT OF THE
CONTRACT FOR PROFESSIONAL TECHNOLOGY SERVICES BY
AND BETWEEN PORTICO COMMUNITY DEVELOPMENT AND RIZZETTA
TECHNOLOGY SERVICES, LLC TO
RIZZETTA & COMPANY**

THIS ASSIGNMENT AND AMENDMENT (“Assignment”) is made and entered into this 18th day of November, 2021 by and between, Rizzetta Technology Services, LLC., 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614 (“**Assignor**”); and Rizzetta & Company, a Florida Corporation, whose mailing address is 3434 Colwell Ave, Suite 200, Tampa FL 33614 (“**Assignee**”); and Portico Community Development District, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, located in Lee County, Florida, whose address is 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912 (the “**District**”).

RECITALS

WHEREAS, Assignor and the District previously entered into that certain Contract for Professional Technology Services, dated August 15, 2019, (the “**Agreement**”); and

WHEREAS, on January 1, 2022, Assignee will consolidate multiple legal entities with common and exclusive ownership under the single organization (Assignee) and Assignor is one such entity resulting in Assignor being assimilated into Assignee, and such assignment requires written approval from the District to be effective; and

WHEREAS, Assignor and the District hereby recognize and agree that the Assignor’s rights and obligations under the Agreement could be assigned to a third party pursuant to Section XIV of the Agreement; and

WHEREAS, Assignor desires to assign all of its rights and obligations under the Agreement, as amended by this instrument, to Assignee, Assignee desires to accept such assignment, and the District desires to express that it agrees with and has no objection to such assignment; and

NOW THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the District, Assignee, and Assignor agree as follows:

- 1. INCORPORATION OF RECITALS.** The Recitals stated above are true and correct and are incorporated herein as a material part of this Assignment.
- 2. DISTRICT CONSENT TO ASSIGNMENT OF THE AGREEMENT.** The District consents to Assignor’s assignment of the Agreement to Assignee.



Rizzetta & Company

3. ASSIGNEE'S ACCEPTANCE OF LIABILITY. Assignee agrees to assume any and all debts, obligations and liabilities of Assignor present and future, arising out of or related to the Agreement.

4. NOTICES. Upon this Assignment, notices pursuant to the Agreement shall be in writing and shall be delivered to the Assignee as follows:

A. If to the District: Portico Community Development District
9530 Marketplace Road, Suite 206
Fort Myers, Florida 33912
Attn: District Manager

With a copy to: Kutak Rock, LLP
P.O. Box 10230
Tallahassee, Florida 32302
Attn: District Counsel

B. If to Assignee: Rizzetta & Company, Inc.
3434 Colwell Ave, Suite 200
Tampa, Florida 33614
Attn: CDD Legal

5. COUNTERPARTS. This Assignment may be executed in any number of counterparts, each of which when executed and delivered shall be an original; however, all such counterparts together shall constitute but one and the same instrument. Signature and acknowledgment pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



IN WITNESS WHEREOF, the parties have executed this Assignment effective as of the date set forth above.

Portico Community Development District

By: _____
Print Name: _____
Its: Chairman or Vice Chairman

Assignor: Rizzetta Technology Services, LLC.

By: William J. Rizzetta
Print Name: William J. Rizzetta
Its: President

Assignee: Rizzetta & Company, Inc.

By: William J. Rizzetta
Print Name: William J. Rizzetta
Its: President



Rizzetta & Company

Tab 7



Rizzetta & Company

UPCOMING DATES TO REMEMBER

- **Next Meeting:** February 17, 2022
- **FY 2020-2021 Audit Completion Deadline:** June 30, 2022
- **Next Election (Seats 4 & 5):** November 8, 2022

**District
Manager's
Report**

November 9

2021

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<u>FINANCIAL SUMMARY</u>	<u>9/30/2021</u>
Debt Service Fund Investments	\$805,662
Capital Projects Fund Invesments	<u>\$3,240,601</u>
Total Cash and Investment Balances:	\$4,046,263
General Fund Expense Variance: \$27,853	Under Budget



Rizzetta & Company

Lake Littorals - We continue to receive complaints from homeowners regarding the gulf spike rush in Phase II. The littorals are beneficial to the lake bank. The homeowners are requesting that the Board consider removing it and replacing it with something more appealing.