



Rizzetta & Company

Encore Community Development District

Board of Supervisors' Meeting December 5, 2019

District Office:
9428 Camden Field Parkway
Riverview, Florida 33578
813.533.2950

www.encorecdd.org

ENCORE COMMUNITY DEVELOPMENT DISTRICT AGENDA

Tampa Housing Authority located at 5301 West Cypress Street, Tampa, FL 33607.

Board of Supervisors	Dr. Hazel Harvey Christine Burdick Billi Johnson-Griffin Julia Jackson Teresa Morning	Chairman Vice Chairman Assistant Secretary Assistant Secretary Assistant Secretary
District Manager	Justin Croom	Rizzetta & Company, Inc.
District Attorney	Jennifer Kilinski	Hopping Green & Sams, P.A.
District Engineer	Greg Woodcock	Cardno TBE

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 (813) 533-2950. 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.

Board of Supervisors
Encore Community
Development District

November 27, 2019

AGENDA

Dear Board Members:

The Regular meeting of the Board of Supervisors of the Encore Community Development District will be held on **Thursday, December 5, 2019 at 4:00 p.m.** at the office of Tampa Housing Authority, located at 5301 W. Cypress Street, Tampa, Florida 33607. The following is the agenda for the meeting:

BOARD OF SUPERVISORS MEETING:

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS**
- 3. BUSINESS ADMINISTRATION**
 - A. Consideration of Minutes of the Board of Supervisors' Regular Meeting held on October 3, 2019Tab 1
 - B. Consideration of Operations & Maintenance Expenditures for September 2019 & October 2019Tab 2
 - C. Consideration of Chiller Fund Operations & Maintenance Expenditures for September 2019 & October 2019.....Tab 3
- 4. BUSINESS ITEMS**
 - A. Discussion Regarding Website Agendas
 - B. Consideration of Matters Related to Amended and Restated Rules of Procedure
 1. Review Memorandum on Amended and Restated Rules of Procedure.....Tab 4
 2. Review Amended and Restated Rules of Procedure ...Tab 5
 3. Consideration of Resolution 2020-01, Setting Public Hearing on Amended and Restated Rules of Procedure.....Tab 6
- 5. STAFF REPORTS**
 - A. Field Services Manager
 1. Presentation of Field Services Reports.....Tab 7
 2. Consideration of Landscape Enhancement ProposalsTab 8
 - B. District Counsel
 - C. District Engineer
 - D. Chiller System Manager – Trane
 1. Presentation of September 2019 & October 2019 Central Energy Plant Report.....Tab 9
 2. Discussion Regrading Updates on Solar Park Project
 - E. District Manager
- 6. SUPERVISOR REQUESTS**
- 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 (813) 533-2950.

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.

ENCORE
COMMUNITY DEVELOPMENT DISTRICT

The Regular meeting and Public Hearing of the Board of Supervisors of the Encore Community Development District was held on **Thursday, October 3, 2019 at 4:00 p.m.** at the office of Tampa Housing Authority, located at 5301 W. Cypress Street, Tampa, Florida, 33607.

Present and constituting a quorum were:

Dr. Hazel Harvey	Board Supervisor, Chairman
Billi Johnson-Griffin	Board Supervisor, Assistant Secretary
Teresa Morning	Board Supervisor, Assistant Secretary
Julia Jackson	Board Supervisor, Assistant Secretary

Also present were:

Justin Croom	District Manager, Rizzetta & Company, Inc.
Greg Woodcock	District Engineer, Cardno (via phone)
Lauren Gentry	District Counsel, Hopping Green & Sams
Derek Carter	Trane
Scott Crow	Account Manager, Yellowstone
Nikki Gates	
Lorenzo Reed	THA
Leroy Moore	THA

FIRST ORDER OF BUSINESS

Call to Order

Mr. Croom called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

Audience Comments

No audience comments

48 **THIRD ORDER OF BUSINESS** **Consideration of the Minutes of the**
49 **Board of Supervisors' Regular**
50 **Meeting held on August 26, 2019**
51

On a Motion by Dr. Harvey, seconded by Ms. Johnson-Griffin, with all in favor, the Board of Supervisors approved the minutes of the Regular meeting held on August 26, 2019, as presented for the Encore Community Development District.

52
53 **FOURTH ORDER OF BUSINESS** **Consideration of Operation and**
54 **Maintenance Expenditures for August**
55 **2019**
56

On a Motion by Ms. Morning, seconded by Dr. Harvey, with Ms. Johnson-Griffin opposed, the Board of Supervisors approved the Operation and Maintenance Expenditures for August 2019 (\$16,959.27) as presented for the Encore Community Development District.

57
58 **FIFTH ORDER OF BUSINESS** **Consideration of Chiller Fund**
59 **Operation and Maintenance**
60 **Expenditures for August 2019**
61

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Jackson, the Board of Supervisors approved the Chiller Fund Operation and Maintenance Expenditures for August 2019 (\$57,122.87) as presented for the Encore Community Development District.

62
63 **SIXTH ORDER OF BUSINESS** **Consideration of Electrical Services**
64 **Proposals**
65
66

67 Mr. Croom presented proposals from Electrical Contractor Services for solar park
68 services and quarterly maintenance to the Board.
69

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Jackson, with all in favor, the Board of Supervisors approved the proposal from Electrical Contractor Services for Solar Park Maintenance in at a not-to-exceed cost of \$16,000.00 for the Encore Community Development District.

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79 **SEVENTH ORDER OF BUSINESS** **Consideration of Acquisition of**
80 **Improvements**
81

82 Ms. Gentry presented the acquisition of improvements to the Board for review.
83

On a Motion by Dr. Harvey, seconded by Ms. Johnson-Griffin, with all in favor, the Board of Supervisors approved the acquisition of improvements in substantial form and authorized staff to complete for the Encore Community Development District.

84
85 **EIGHTH ORDER OF BUSINESS** **Consideration of Addendum to**
86 **Contract for Professional Field**
87 **Services**
88

89 Mr. Croom reviewed the addendum to contract for professional field services with
90 the Board.
91

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Morning, with all in favor, the Board of Supervisors approved the addendum to the contract for professional field services from Rizzetta & Company at a monthly cost of \$700.00 for the Encore Community Development District.

92
93 **NINTH ORDER OF BUSINESS** **Consideration of Contract for**
94 **Professional District Services**
95

96 Mr. Croom reviewed the Contract for Professional District Services with the
97 Board.
98

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Morning, with all in favor, the Board of Supervisors approved the addendum to the Contract for Professional District Services from Rizzetta & Company for the Encore Community Development District.

99
100 **TENTH ORDER OF BUSINESS** **Staff Reports**
101

102 **A. Field Services Manager**

- 103 1. Presentation of the Field Services Reports.
104

105 Mr. Croom presented the Field Services Reports to the Board.
106

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Morning, with all in favor, the Board of Supervisors approved the proposal from Yellowstone Landscape for the removal of dead palms at a cost of \$777.13 for the Encore Community Development District.

- 110 **B. District Counsel**
111
112 Ms. Gentry had nothing new to report.
113
114 **C. District Engineer**
115
116 Mr. Woodcock had nothing new to report.
117
118 **D. Chiller System Manager – Trane**
119 1. Presentation of Energy Analysis Report
120
121 Mr. Croom reviewed the Energy Analysis Report for the Board. The Board
122 had no questions on the report.
123
124 **E. District Manager**
125
126 Mr. Croom noted that the next regularly scheduled Board of Supervisors
127 meeting will be held on November 7, 2019 at 4:00 p.m. at the Tampa
128 Housing Authority located at 5301 W. Cypress Street, Tampa, Florida
129 33607.
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131 **ELEVENTH ORDER OF BUSINESS Supervisor Requests**

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133 There were no Supervisor Requests.

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135 **TWELFTH ORDER OF BUSINESS Adjournment**

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On a Motion by Ms. Johnson-Griffin, seconded by Ms. Jackson with all in favor, the Board of Supervisors adjourned the meeting at 4:58 p.m. for the Encore Community Development District.

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Secretary / Assistant Secretary

Chairman / Vice Chairman

ENCORE COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9428 CAMDEN FIELD PARKWAY · RIVERVIEW, FLORIDA 33578

Operation and Maintenance Expenditures September 2019 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from September 1, 2019 through September 30, 2019. This does not include expenditures previously approved by the Board.

The total items being presented: **\$48,432.22**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Encore Community Development District

Paid Operation & Maintenance Expenditures

September 1, 2019 Through September 30, 2019

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Advanced Drainage & Hydro Inc.	001548	09032019	Inspection & Maint of Stormwater Mangement Sys Quarter 3	\$ 5,900.00
Billi J. Griffin	001539	BG082619	Board of Supervisors Meeting 08/26/19	\$ 200.00
Egis Insurance Advisors LLC	001550	9263	Policy #100119614 Insurance FY 19/20	\$ 5,894.00
Hazel S. Harvey	001540	HH 082619	Board of Supervisors Meeting 08/26/19	\$ 200.00
Hopping Green & Sams	001551	109891	General/Monthly Legal Services 08/19	\$ 2,400.00
Illuminations Holiday Lighting	001552	53919	Christmas Lighting and Decoration 12/19- 50% Deposit	\$ 20,662.50
Innersync Studio Ltd	001541	17674	CDD Implementation - Onboarding of ADA Compliant Website	\$ 2,325.00
Julia Jackson	001542	JJ082619	Board of Supervisors Meeting 08/26/19	\$ 200.00
Olin Plumbing Inc	001544	6140	Remove Pipe off Meter Box	\$ 250.00
Rizzetta & Company, Inc.	001545	INV0000043074	District Management Fees 09/19	\$ 3,479.58
Rizzetta Technology Services	001546	INV0000004666	Website Hosting Service 09/19	\$ 100.00
TECO	001549	Summary 08/19	Electric Summary 08/19	\$ 1,235.14
Teresa Morning	001543	TM082619	Board of Supervisors Meeting 08/26/19	\$ 200.00

Encore Community Development District

Paid Operation & Maintenance Expenditures

September 1, 2019 Through September 30, 2019

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Times Publishing Company	001547	0000003112	Legal Advertising 08/19	\$ 92.00
		08/02/19		
Times Publishing Company	001547	0000003112	Legal Advertising 08/19	\$ 90.00
		08/09/19		
Yellowstone Landscape	001553	TM 53200	Monthly Landscape Maint 09/19	\$ <u>5,204.00</u>
Report Total				\$ <u>48,432.22</u>

ENCORE COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9428 CAMDEN FIELD PARKWAY · RIVERVIEW, FLORIDA 33578

Operation and Maintenance Expenditures October 2019 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from October 1, 2019 through October 31, 2019. This does not include expenditures previously approved by the Board.

The total items being presented: **\$18,924.44**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Encore Community Development District

Paid Operation & Maintenance Expenditures

October 1, 2019 Through October 31, 2019

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Billi J. Griffin	001560	BG100319	Board of Supervisors Meeting 10/03/19	\$ 200.00
Electrical Contractor Services, Inc.	001554	4300	Repairs	\$ 2,719.65
Hazel S. Harvey	001561	HH100319	Board of Supervisors Meeting 10/03/19	\$ 200.00
Hopping Green & Sams	001566	110436	General/Monthly Legal Services 09/19	\$ 710.00
Julia Jackson	001562	JJ100319	Board of Supervisors Meeting 10/03/19	\$ 200.00
Office Dynamics	001557	00029693	Bind & Ship 5 Agenda Booklets 09/19	\$ 188.30
Prismatic	001564	8154	Banners 10/19	\$ 1,925.00
Rizzetta & Company, Inc.	001558	INV0000043691	Assessment Roll Preparation FY 19/20	\$ 5,000.00
Rizzetta & Company, Inc.	001567	INV0000043812	District Management Fees 10/19	\$ 3,653.75
TECO	001565	Summary 09/19	Electric Summary 09/19	\$ 1,062.05
Teresa Morning	001563	TM100319	Board of Supervisors Meeting 10/03/19	\$ 200.00
Times Publishing Company	001555	0000017003 09/20/19	Legal Advertising 09/19	\$ 128.00
Yellowstone Landscape	001556	TM 54327	Irrigation Repairs 09/19	\$ 81.03
Yellowstone Landscape	001559	TM 55607	Fall Annual Rotation 09/19	\$ 1,080.00
Yellowstone Landscape	001559	TM 56174	Tree & Plant Installation 09/19	\$ 1,515.13
Yellowstone Landscape	001568	TM 60050	Irrigation Repairs 10/19	\$ 61.53
Report Total				<u>\$ 18,924.44</u>

ENCORE COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9428 CAMDEN FIELD PARKWAY · RIVERVIEW, FLORIDA 33578

**Operation and Maintenance Expenditures
September 2019
For Board Approval
Chiller Fund**

Attached please find the check register listing the Operation and Maintenance expenditures paid from September 1, 2019 through September 30, 2019. This does not include expenditures previously approved by the Board.

The total items being presented: **\$65,393.00**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Encore Community Development District Chiller Fund

Paid Operation & Maintenance Expenditures

September 1, 2019 Through September 30, 2019

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
City of Tampa Utilities	001328	2175375 08/19	1237 E Harrison St 08/19	\$ 1,067.79
City of Tampa Utilities	001328	2175376 08/19	1304 N Nebraska Ave 08/19	\$ 50.98
Egis Insurance Advisors LLC	001329	9263	Policy #100119614 Insurance FY 19/20	\$ 39,708.00
Frontier Florida LLC	001325	813-223-7101-092412-5 09/19	Acct 813-223-7101-092412-5 09/19	\$ 296.31
Rizzetta & Company, Inc.	001324	INV0000043074	District Management Fees 09/19	\$ 833.33
Tampa Bay Trane	001326	231553	HVAC Asset Management Contract 09/19	\$ 14,000.00
TECO	001327	211006278348 08/19	1004 Nebraska Ave N C 08/19	<u>\$ 9,436.59</u>
Report Total				<u>\$ 65,393.00</u>

ENCORE COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9428 CAMDEN FIELD PARKWAY · RIVERVIEW, FLORIDA 33578

**Operation and Maintenance Expenditures
October 2019
For Board Approval
Chiller Fund**

Attached please find the check register listing the Operation and Maintenance expenditures paid from October 1, 2019 through October 31, 2019. This does not include expenditures previously approved by the Board.

The total items being presented: **\$86,331.66**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Encore Community Development District Chiller Fund

Paid Operation & Maintenance Expenditures

October 1, 2019 Through October 31, 2019

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
City of Tampa Utilities	001330	2175376 09/19	1304 N Nebraska Ave 09/19	\$ 74.77
Frontier Florida LLC	001332	813-223-7101-092412-5 10/19	Acct 813-223-7101-092412-5 10/19	\$ 296.58
Raftelis Financial Consultants, inc.	001333	12696	Chilled Water Rate Study 08/19	\$ 2,813.78
Raftelis Financial Consultants, inc.	001333	13005	Chilled Water Rate Study 09/19	\$ 2,630.00
Rizzetta & Company, Inc.	001335	INV0000043812	District Management Fees 10/19	\$ 875.00
Tampa Bay Trane	001334	234007	HVAC Asset Management Contract 10/19	\$ 14,000.00
TECO	001331	211006277308 08/19	1200 Nebraska Av N 08/19	\$ 29,377.44
TECO	001336	211006277308 09/19	1200 Nebraska Av N 09/19	\$ 22,624.70
TECO	001336	211006278348 09/19	1004 Nebraska Ave N C 09/19	<u>\$ 13,639.39</u>
Report Total				<u>\$ 86,331.66</u>

Hopping Green & Sams

Attorneys and Counselors

MEMORANDUM

TO: Encore Community Development District
Board of Supervisors

FROM: Jennifer Kilinski

RE: Updated Provisions of the District's Rules of Procedure

DATE: November 25, 2019

Please find attached to this memorandum an updated version of the Encore Community Development District's (the "District's") Rules of Procedure (the "Rules"). Several substantive revisions were made to maintain consistency between the Rules and the current Florida Statutes, including changes implemented in the most recent legislative session, as well as to facilitate greater efficiency in the operation of the District. An explanation of each material change to the Rules is provided below. Minor formatting changes and edits are not discussed. Should you have any questions regarding the revisions to the Rules, please do not hesitate to contact me via e-mail at jenk@hgslaw.com or via phone at 850-222-7500.

Costs Associated With Public Records Requests

Language was added to Rule 1.2(4) to reflect statutory language regarding calculation of special charges for responding to certain public records requests, and to state that the District is under no duty to produce requested records if the requestor has not paid the required costs or has outstanding charges. The language will help minimize expenses incurred by the District in responding to public records requests.

Financial Disclosure Coordination

Rule 1.2(7) was added to maintain consistency with legislation that was passed during the 2019 legislative session. The rule designates the Secretary as the District's Financial Disclosure Coordinator (the "Coordinator") (unless the District designates otherwise by resolution) and requires the Coordinator to create, maintain, and update certain records and provide them to the Florida Commission on Ethics by certain deadlines. Each Supervisor or other Reporting Individual must notify the Coordinator in writing if there are changes to his or her name, e-mail address, or physical address, and must notify the Commission on Ethics of changes to his or her e-mail address.

Agenda and Meeting Materials

Rule 1.3(3) was amended to reflect statutory requirements that the agenda and meeting materials available in an electronic format, excluding confidential and exempt information, shall be

made available to the public at least seven days before a meeting, hearing, or workshop. The amended rule also clarifies circumstances in which the agenda may be amended or additional materials added after initial posting. It additionally specifies which documents constitute “meeting materials.” Documents that do not meet the definition of “meeting materials” may still be provided to the Board, but will be considered supplementary materials and are not required to be made available to the public before the meeting. Supplementary materials may include, but are not necessarily limited to, the following: financial statements, informational reports, and copies of receipts and invoices.

Flexibility for Board Authorization

Language was added to Rule 1.3(11) to allow the Board to waive formal approval or disapproval procedures. This will allow the Board flexibility to use different procedures when necessary and will protect the validity of the Board’s actions where there is a technical irregularity but the Board has otherwise made its decision clear.

Security and Firesafety Board Discussions

Rule 1.3(14) was added to reflect the fact that portions of a meeting which would reveal a security or firesafety system plan or portion thereof made confidential and exempt by Florida law are exempt from Florida’s statutory public meeting requirements. Including this rule will clarify the procedures the Board should use to ensure that confidential and exempt information is not made public.

Internal Controls to Prevent Fraud, Waste and Abuse

Rule 1.4 was added to reflect legislative changes enacted in the 2019 legislative session requiring special districts to establish and maintain internal controls to prevent fraud, waste, and abuse. Our office plans to work with the District Manager and auditor to develop the internal controls, which the Board will adopt in the same manner as it does policies.

Notice of Competitive Solicitation

Rules 3.1(3) and 3.3(2)(c) have been amended to state that when a consultant has asked to be provided with notice of the District’s competitive solicitations, the District Manager’s failure to provide them with a copy of the notice will not give them bid protest rights or otherwise disqualify the District’s otherwise valid procurement. This will reduce the District’s exposure to potential bid protests and decrease the likelihood of a procurement being considered invalid due to a technical irregularity.

Procedure Regarding Auditor Selection

Language has been added to the introductory paragraph to Rule 3.2 to clarify that the District need not use the procedures set out by the Rule for audits required under Chapter 190 of the Florida Statutes but which do not meet the thresholds of Chapter 218 of the Florida Statutes.

Additionally, the requirements for composition of the Auditor Selection Committee in Rule 3.2(2) have been amended to reflect legislation passed during the 2019 legislative session. Now, at

least one individual on the Committee must be a member of the Board; the Chairperson of the Committee must be a member of the Board; and an employee, chief executive officer, or chief financial officer of the District may not be a member of the Committee but may serve in an advisory capacity.

Contract Periods

Rules 3.2(8)(d), 3.8(5), and 3.9(4) have been amended to set the maximum contract period for auditing services, the maximum renewal period for contracts for the purchase of goods, supplies, materials, and the maximum renewal period for contracts for maintenance services at five (5) years. This will provide greater specificity to guide contract terms.

Suspension, Revocation, or Denial of Qualification

Rule 3.4(3) has been added to specify the procedures to be used if the District wishes to suspend, revoke, or deny a pre-qualified vendor's pre-qualified status. It specifies what constitutes good cause for such suspension, revocation, or denial; the effect of the suspension, revocation, or denial; hearing procedures the District must follow; and factors influencing the time period of the suspension, revocation, or denial.

Protest Bonds

Rule 3.11(1)(c) has been amended to require that both the requirement for and the amount of the protest bond be disclosed in the competitive solicitation documents, and to allow the amount of the bond to be any amount within the limits imposed by Florida law.

Minor Changes

The following minor changes have also been made to the Rules:

Rule 1.1(1): This Rule has been amended to clarify requirements for Board members appointed or elected to elector seats.

Rule 1.1(2)(c) and (d): These Rules have been amended to include the words “at least” before the required amounts of the Secretary’s or Treasurer’s fidelity bonds or employee theft insurance policies to accommodate the possibility of greater amounts.

Rule 1.1(6): This Rule has been amended to include the Florida Constitution as a governing authority on voting conflicts of interest. This change reflects the recently passed Amendment 12 to the Florida Constitution.

Rules 1.3(1)(e), (1)(d) and (1)(f): These Rules were amended to allow inclusion of language substantially similar to that recited in the Rules.

Rule 1.3(6): This Rule was amended to require the chair or vice chair to consult with the District Manager and District Counsel, if they are available, before calling an emergency meeting.

Rule 2.0(12)(d): This Rule has been amended to allow 90 days instead of 60 days for the Board to announce a decision on a petition for variance or waiver of its Rules.

Rule 3.0(3)(b): The dollar thresholds in this Rule have been increased to \$2,000,000 for a study activity when the fee for such Professional Services to the District does not exceed the increased amount of \$200,000, to reflect the current statutory thresholds.

Rules 3.1(4)(b), 3.6(2)(c)(ii)6., and 3.8(2)(k): The word “responsive” has been added to allow the Board to proceed with evaluating and selecting a proposal from the submissions if it receives fewer than three responsive proposals.

Rule 3.2(3)(b): “Understanding of scope of work” has been removed from the list of required factors used to evaluate auditing proposals. The District may still include this as an evaluation criterion if it wishes, but it is not required to do so.

Rule 3.2(7)(b): Language has been added to specify that if the Board does not select the highest-ranked qualified auditing firm, it must document in its records its reason for not doing so.

Rules 3.5(2)(e) and 3.6(2)(c)(ii)3.: “Reemployment assistance” has been added to the non-exclusive list of subjects of federal labor or employment laws of which violation may render a contractor ineligible to submit a bid, response, or proposal for a District project.

Rule 3.11(6): Language was added specifying that the District may reject all qualifications, proposals, replies, or responses and start the competitive solicitation process anew if all of the bids, proposals, replies, and responses are too high.

meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

- (b) The Vice-Chairperson shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. The Vice-Chairperson has the authority to execute resolutions and contracts on the District's behalf in the absence of the Chairperson. If the Vice-Chairperson resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairperson. The Vice-Chairperson serves at the pleasure of the Board.
- (c) The Secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. An employee of the District Manager may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (d) The Treasurer need not be a member of the Board but must be a resident of the State of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3) of the Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (e) In the event that both the Chairperson and Vice-Chairperson are absent from a Board meeting and a quorum is present, the Board may designate one of its members or a member of District staff to convene and conduct the meeting. In such circumstances, any of the Board members present are authorized to execute agreements, resolutions, and other documents approved by the Board at such meeting. In the event that the Chairperson and Vice-Chairperson are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.
- (f) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing documents on behalf of the District.

(g) The Chairperson, Vice-Chairperson, and any other person authorized by District Resolution may sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board.

(3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, review of bids, proposals, and qualifications, contract negotiations, personnel matters, and budget preparation.

(4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.

(5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.

(6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by [the Florida Constitution and Chapters 112 and 190 of the Florida Statutes](#), as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.

(a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board

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member is prohibited from voting on the matter at issue. In the event that the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.
- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

(14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.069(2)(a)16, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

- (1) Internal Controls. The District shall establish and maintain internal controls designed to:
- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), Florida Statutes; and
 - (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
 - (c) Support economical and efficient operations; and
 - (d) Ensure reliability of financial records and reports; and
 - (e) Safeguard assets.
- (2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 218.33(3), Fla. Stat.

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District.— A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date

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RESOLUTION 2020-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ENCORE COMMUNITY DEVELOPMENT DISTRICT TO DESIGNATE DATE, TIME AND PLACE OF PUBLIC HEARING AND AUTHORIZATION TO PUBLISH NOTICE OF SUCH HEARING FOR THE PURPOSE OF ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Encore Community Development District (the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Hillsborough County, Florida; and

WHEREAS, the District's Board of Supervisors (the "Board") is authorized by Section 190.011(5), *Florida Statutes*, to adopt rules and orders pursuant to Chapter 120, *Florida Statutes*; and

WHEREAS, the Board has previously adopted Rules of Procedure to govern the administration of the District; and

WHEREAS, to provide for efficient and effective District operations and to maintain compliance with recent changes to Florida law, the Board of Supervisors finds that it is in the best interests of the District to adopt an Amended and Restated Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ENCORE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. A Public Hearing will be held to adopt Amended and Restated Rules of Procedure on _____, at _____m., at the Tampa Housing Authority, 5301 West Cypress West Cypress Street, Tampa, Florida 33607.

SECTION 2. The District Secretary is directed to publish notice of the hearing in accordance with Section 120.54, *Florida Statutes*.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 5th day of December, 2019.

ATTEST:

**ENCORE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary

Chairman, Board of Supervisors



Proposal #37006

Date: 11/14/2019

From: Scott Crow

Proposal For

Rizzetta & Company, Inc.
 9428 Camden Field Pkwy
 Riverview, FL 33578

main:
 mobile:

Location

1004 N Nebraska Ave
 Tampa, FL 33602

Property Name: Encore CDD

Promenade End Beds Jasmine

Terms: Net 30

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
General Labor	40.00	\$51.63	\$2,065.00
Variegated Confederate Jasmine, 3 gal	265.00	\$22.50	\$5,962.50
Pine Bark Mini Nuggets	35.00	\$8.13	\$284.38

Client Notes

Installation of empty bed space located on the ends of the promenade park intersections. 4 beds in total will have Variegated Confederate Jasmine installed. These beds are located along Ray Charles Blvd, where it intersects at Blanchę Armwood & Governor. All necessary labor, material, and irrigation adjustments are included in the proposed price.

	SUBTOTAL	\$8,311.88
Signature	SALES TAX	\$0.00
x	TOTAL	\$8,311.88

Signature above authorizes Yellowstone Landscape to perform work as described above and verifies that the prices and specifications are hereby accepted. All overdue balances will be charge a 1.5% a month, 18% annual percentage rate.

Limited Warranty: All plant material is under a limited warranty for one year. Transplanted plant material and/or plant material that dies due to conditions out of Yellowstone Landscape's control (i.e. Acts of God, vandalism, inadequate irrigation due to water restrictions, etc.) shall not be included in the warranty.



Proposal #34678
 Date: 10/25/2019
 From: Scott Crow

Proposal For

Location

main:
 mobile:

1004 N Nebraska Ave
 Tampa, FL 33602

Property Name: Encore CDD

Chiller Park Irrigation Repair and Conversion Part 1

Terms: Net 30

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
Irrigation Labor	35.00	\$59.15	\$2,070.25
1 1/2" PVC pipe	160.00	\$1.13	\$180.00
6" Spray Head	16.00	\$12.30	\$196.80
1 1/2" T	16.00	\$2.48	\$39.60
1/2" Swing Pipe	200.00	\$0.40	\$80.00

Client Notes

Cost to install spray heads and repair drip tubing around new art structures on west end of park. Not including unfinished art work on east end of park, within silt fence.

Signature

x

SUBTOTAL	\$2,566.65
SALES TAX	\$0.00
TOTAL	\$2,566.65

Signature above authorizes Yellowstone Landscape to perform work as described above and verifies that the prices and specifications are hereby accepted. All overdue balances will be charge a 1.5% a month, 18% annual percentage rate.

Limited Warranty: All plant material is under a limited warranty for one year. Transplanted plant material and/or plant material that dies due to conditions out of Yellowstone Landscape's control (i.e. Acts of God, vandalism, inadequate irrigation due to water restrictions, etc.) shall not be included in the warranty.



Proposal #34890

Date: 11/01/2019

From: Scott Crow

Proposal For

Location

main:
mobile:

1004 N Nebraska Ave
Tampa, FL 33602

Property Name: Encore CDD

Chiller Park Restoration Part 1

Terms: Net 30

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
General Labor	24.00	\$51.63	\$1,239.00
Coontie Palm, 7 gal	5.00	\$100.00	\$500.00
Variegated Glossy Abelia, 3 gal	23.00	\$13.75	\$316.25
Mondo Grass, 1 gal	100.00	\$9.38	\$937.50
Pine Bark Mulch, 3 cf Bag	50.00	\$8.75	\$437.50
Sod Installation (Sub)	850.00	\$1.23	\$1,048.05

Client Notes

Proposal for new sod, and plant replacements at Chiller Park, per on site discussion. All necessary labor, material, and equipment have been included in the proposed price. Please note, this does not include any work to be done around the shade structure currently within the silt fence.

Signature

x

SUBTOTAL \$4,478.30

SALES TAX \$0.00

TOTAL \$4,478.30

Signature above authorizes Yellowstone Landscape to perform work as described above and verifies that the prices and specifications are hereby accepted. All overdue balances will be charge a 1.5% a month, 18% annual percentage rate.

Limited Warranty: All plant material is under a limited warranty for one year. Transplanted plant material and/or plant material that dies due to conditions out of Yellowstone Landscape's control (i.e. Acts of God, vandalism, inadequate irrigation due to water restrictions, etc.) shall not be included in the warranty.