



Rizzetta & Company

Encore Community Development District

**Board of Supervisors' Meeting
February 6, 2020**

**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

January 29, 2020

AGENDA

Dear Board Members:

The Regular meeting of the Board of Supervisors of the Encore Community Development District will be held on **Thursday, February 6, 2020 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 December 5, 2019.....Tab 1
 - B. Consideration of Operations & Maintenance Expenditures for November 2019 & December 2019.....Tab 2
 - C. Consideration of Chiller Fund Operations & Maintenance Expenditures for November 2019 & December 2019.....Tab 3
- 4. BUSINESS ITEMS**
 - A. Public Hearing on Amended and Restated Rules of Procedure
 1. Presentation of Rules of ProcedureTab 4
 2. Consideration of Resolution 2020-02, Adopting Rules of ProcedureTab 5
 - B. Discussion of Pavers around Chiller Park Shade Structure
 - C. Discussion of Chiller Park Landscaping
 - D. Consideration of Resolution 2020-03, Adopting Internal Controls PolicyTab 6
- 5. STAFF REPORTS**
 - A. Field Services Manager
 1. Presentation of Field Services Reports.....Tab 7
 - B. District Counsel
 - C. District Engineer
 - D. Chiller System Manager – Trane
 1. Presentation of November 2019 & December 2019 Central Energy Plant Report.....Tab 8
 - 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.

Sincerely,

Justin Croom

Justin Croom
District Manager

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 of the Board of Supervisors of the Encore Community Development District was 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.

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.
Brian Kimble	District Manager, Rizzetta & Company, Inc.
John Toborg	Field Service Manager, Rizzetta & Company, Inc.
Jozette Chack-On	Developer Counsel
Lauren Gentry	District Counsel, Hopping Green & Sams
Derek Carter	Trane
Scott Crow	Account Manager, Yellowstone
Lorenzo Reed	Tampa Housing Authority
David In	Tampa Housing Authority

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 Board**
49 **of Supervisors' Regular Meeting held on**
50 **October 3, 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 October 26, 2019, as presented for the Encore Community Development District.

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53 **FOURTH ORDER OF BUSINESS** **Consideration of Operation and**
54 **Maintenance Expenditures for September**
55 **2019 & October 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 September 2019 (\$48,432.22) & October 2019 (\$18,924.44) as presented for the Encore Community Development District.

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58 **FIFTH ORDER OF BUSINESS** **Consideration of Chiller Fund Operation**
59 **and Maintenance Expenditures for**
60 **September 2019 & October 2019**
61

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Morning, the Board of Supervisors approved the Chiller Fund Operation and Maintenance Expenditures for September 2019 (\$65,393.00) & October 2019 (\$86,331.66) as presented for the Encore Community Development District.

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63 **SIXTH ORDER OF BUSINESS** **Discussion Regarding Website Agenda**
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66 Mr. Croom informed the Board of the ADA changes to the District website and asked for
67 direction from the Board on what they would like to include on the agendas that get posted to
68 the website. There was a direction from the Board to remove reports and O&M invoices from
69 the agendas that get posted to the website.
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71 **SEVENTH ORDER OF BUSINESS** **Consideration of Matters Related to**
72 **Amended and Restated Rules of**
73 **Procedure**
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- 75 **1. Review of Memorandum on Amended and Restated Rules of Procedure**
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- 77 **2. Review Amended and Restated Rules of Procedure**
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79 Ms. Gentry answered general questions from the Board members regarding the
80 restated rules of procedure that were presented.
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83 **3. Consideration of Resolution 2020-01, Authorizing Public Hearing for**
84 **Amended and Restated Rules of Procedure**
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86 Mr. Croom presented Resolution 2020-01, which will set the date for the public
87 hearing on amended and restated rules of procedure for February 6, 2020 at
88 4:00 p.m. at the office of Tampa Housing Authority, located at 53001 W.
89 Cypress Street, Tampa, Florida 33607.
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On a Motion by Ms. Jackson, seconded by Ms. Johnson-Griffin, with all in favor, the Board of Supervisors adopted Resolution 2020-01, for the Encore Community Development District.

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92 **EIGHTH ORDER OF BUSINESS**

Staff Reports

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94 **A. Field Services Manager**

95 1. Presentation of the Field Services Reports.
96

97 Mr. Toborg reviewed the Field Services Report and answered general questions
98 from the Board. The Board addressed the issue of the weeds at the entrances
99 and would like to see improvements. There was a discussion regarding annual
100 flower choices and the seasonal options. The Board also discussed the oaks at
101 Nebraska and would like proposals to add mulch and flowers.
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103 2. Consideration of Landscape Enhancement Proposals
104

105 Mr. Toborg reviewed the landscape enhancement proposals from Yellowstone
106 with the Board. The Board would like to table these until the next regular
107 meeting.
108

109 **B. District Counsel**

110 Ms. Gentry had nothing new to report.
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113 **C. District Engineer**

114 Mr. Woodcock had nothing new to report.
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117 **D. Chiller System Manager – Trane**

118 1. Presentation of Energy Analysis Report
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120 Mr. Croom reviewed the Energy Analysis Report from September 2019 &
121 October 2019 for the Board. The Board had no questions on the report.
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123 2. Discussion regarding Updates on Solar Park Project
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E. District Manager

Mr. Croom noted that the next regularly scheduled Board of Supervisors meeting will be held on January 2, 2020 at 4:00 p.m. at the Tampa Housing Authority located at 5301 W. Cypress Street, Tampa, Florida 33607.

Mr. Croom reviewed the amendment to the energy management agreement from Enel X that was presented under separate cover.

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Morning with all in favor, the Board of Supervisors adopted Amendment #2 to the energy management agreement from Enel X for the Encore Community Development District.

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NINTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor Requests.

TENTH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Johnson-Griffin, seconded by Ms. Morning with all in favor, the Board of Supervisors adjourned the meeting at 4:46 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 November 2019 For Board Approval

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

The total items being presented: **\$16,112.31**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Encore Community Development District

Paid Operation & Maintenance Expenditures

November 1, 2019 Through November 30, 2019

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Department of Economic Opportunity	001574	74513	Special District Fee FY 19/20	\$ 175.00
Grau & Associates PA	001575	18782	Audit Services FYE 09/30/19	\$ 500.00
Rizzetta & Company, Inc.	001571	INV0000044433	District Management Fees 11/19	\$ 3,653.75
Rizzetta Technology Services	001569	INV0000004751	Website Hosting Service 10/19	\$ 100.00
Rizzetta Technology Services	001572	INV0000004835	Website Hosting Service 11/19	\$ 100.00
TECO	001573	Summary 10/19	Electric Summary 10/19	\$ 1,175.56
Yellowstone Landscape	001570	TM 57208	Monthly Landscape Maint 10/19	\$ 5,204.00
Yellowstone Landscape	001576	TM 63146	Monthly Landscape Maint 11/19	\$ <u>5,204.00</u>
Report Total				\$ <u>16,112.31</u>

ENCORE COMMUNITY DEVELOPMENT DISTRICT

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

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

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

The total items being presented: **\$40,089.85**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Encore Community Development District Chiller Fund

Paid Operation & Maintenance Expenditures

December 1, 2019 Through December 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	001347	2175375 11/19	1237 E Harrison St 11/19	\$ 369.85
Frontier Florida LLC	001344	813-223-7101-092412-5 12/19	Acct 813-223-7101-092412-5 12/19	\$ 296.58
Rizzetta & Company, Inc.	001343	INV0000045133	District Management Fees 12/19	\$ 875.00
Tampa Bay Trane	001345	239351	Select Quarterly/Bill Qtrly Contract From 12/01/19	\$ 14,000.00
TECO	001346	211006277308 11/19	1200 Nebraska Av N 11/19	\$ 16,126.34
TECO	001346	211006278348 11/19	1004 Nebraska Ave N C 11/19	\$ <u>8,422.08</u>
Report Total				\$ <u>40,089.85</u>

RESOLUTION 2020-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ENCORE COMMUNITY DEVELOPMENT DISTRICT ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Encore Community Development District (“**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, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, the District 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 by resolution the Amended and Restated Rules of Procedure attached hereto as **Exhibit A** for immediate use and application; and

WHEREAS, the Board of Supervisors has complied with applicable Florida law concerning rule development and adoption.

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

SECTION 1. The attached Amended and Restated Rules of Procedure are hereby adopted pursuant to this resolution as necessary for the conduct of District business. These Amended and Restated Rules of Procedure replace all prior versions of the Rules of Procedure, and shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*.

SECTION 2. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this ____ day of _____, 2020.

ATTEST:

**ENCORE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary

Chairman, Board of Supervisors

Exhibit A: Amended and Restated Rules of Procedure

EXHIBIT A:
AMENDED AND RESTATED RULES OF PROCEDURE

RESOLUTION 2020-03

A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE ENCORE COMMUNITY DEVELOPMENT DISTRICT ADOPTING AN INTERNAL CONTROLS POLICY CONSISTENT WITH SECTION 218.33, FLORIDA STATUTES; 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, consistent with Section 218.33, *Florida Statutes*, the District is statutorily required to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse as defined in Section 11.45(1), *Florida Statutes*; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets; and

WHEREAS, to demonstrate compliance with Section 218.33, *Florida Statutes*, the District desires to adopt by resolution the Internal Controls Policy attached hereto as **Exhibit A**.

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

SECTION 1. The attached Internal Controls Policy attached hereto as **Exhibit A** is hereby adopted pursuant to this Resolution.

SECTION 2. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED THIS 6TH DAY OF FEBRUARY, 2020.

ATTEST:

**ENCORE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairman, Board of Supervisors

EXHIBIT "A"

ENCORE COMMUNITY DEVELOPMENT DISTRICT INTERNAL CONTROLS POLICY

1. Purpose.

- 1.1. The purpose of this internal controls policy is to establish and maintain internal controls for the Encore Community Development District.
- 1.2. Consistent with Section 218.33(3), *Florida Statutes*, the internal controls adopted herein are designed to:
 - 1.2.1. Prevent and detect Fraud, Waste, and Abuse (as hereinafter defined).
 - 1.2.2. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.
 - 1.2.3. Support economical and efficient operations.
 - 1.2.4. Ensure reliability of financial records and reports.
 - 1.2.5. Safeguard Assets (as hereinafter defined).

2. Definitions.

- 2.1. "Abuse" means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.
- 2.2. "Assets" means District assets such as cash or other financial resources, supplies, inventories, equipment and other fixed assets, real property, intellectual property, or data.
- 2.3. "Auditor" means the independent auditor (and its employees) retained by the District to perform the annual audit required by state law.
- 2.4. "Board" means the Board of Supervisors for the District.
- 2.5. "District Management" means (i) the independent contractor (and its employees) retained by the District to provide professional district management services to the District and (ii) any other independent contractor (and its employees) separately retained by the District to provide amenity management services, provided said services include a responsibility to safeguard and protect Assets.

- 2.6. “Fraud” means obtaining something of value through willful misrepresentation, including, but not limited to, intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity’s assets, bribery, or the use of one’s position for personal enrichment through the deliberate misuse or misapplication of an organization’s resources.
- 2.7. “Internal Controls” means systems and procedures designed to prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets.
- 2.8. “Risk” means anything that could negatively impact the District’s ability to meet its goals and objectives. The term includes strategic, financial, regulatory, reputational, and operational risks.
- 2.9. “Waste” means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

3. Control Environment.

3.1. Ethical and Honest Behavior.

- 3.1.1. District Management is responsible for maintaining a work environment that promotes ethical and honest behavior on the part of all employees, contractors, vendors and others.
- 3.1.2. Managers at all levels must behave ethically and communicate to employees and others that they are expected to behave ethically.
- 3.1.3. Managers must demonstrate through words and actions that unethical behavior will not be tolerated.

4. Risk Assessment.

- 4.1. Risk Assessment. District Management is responsible for assessing Risk to the District. District Management’s Risk assessments shall include, but not be limited to:
 - 4.1.1. Identifying potential hazards.
 - 4.1.2. Evaluating the likelihood and extent of harm.

- 4.1.3. Developing cost-justified precautions and implementing those precautions.
- 4.1.4. Documenting the Risk assessment process and its findings.

5. Control Activities.

- 5.1. Minimum Internal Controls. The District hereby establishes the following minimum Internal Controls to prevent and detect Fraud, Waste, and Abuse:
 - 5.1.1. Preventive controls designed to forestall errors or irregularities and thereby avoid the cost of corrections. Preventive control activities shall include, but not be limited to, the following:
 - 5.1.1.1. Identifying and segregating incompatible duties and/or implementing mitigating controls.
 - 5.1.1.2. Performing accounting functions in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.
 - 5.1.1.3. Requiring proper authorizations to access and/or modify accounting software.
 - 5.1.1.4. Implementing computerized accounting techniques (e.g. to help identify coding errors, avoid duplicate invoices, etc.).
 - 5.1.1.5. Maintaining a schedule of the District's material fixed Assets.
 - 5.1.1.6. Maintaining physical control over the District's material and vulnerable Assets (e.g. lock and key, computer passwords, network firewalls, etc.).
 - 5.1.1.7. Retaining and restricting access to sensitive documents.
 - 5.1.1.8. Performing regular electronic data backups.
 - 5.1.2. Detective controls designed to measure the effectiveness of preventive controls and to detect errors or irregularities when they occur. Detective control activities shall include, but not be limited to, the following:
 - 5.1.2.1. Preparing financial reports in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.

- 5.1.2.2. Reviewing financial statements and investigating any material variances between budgeted expenses and actual expenses.
- 5.1.2.3. Establishing and implementing periodic reconciliations of bank, trust, and petty cash accounts.
- 5.1.2.4. Establishing an internal protocol for reporting and investigating known or suspected acts of Fraud, Waste, or Abuse.
- 5.1.2.5. Engaging in periodic physical inventory counts and comparisons with inventory records.
- 5.1.2.6. Monitoring all ACH (electronic) transactions and the sequencing of checks.

5.2. Implementation. District Management shall implement the minimum Internal Controls described herein. District Management may also implement additional Internal Controls that it deems advisable or appropriate for the District. The specific ways District Management implements these minimum Internal Controls shall be consistent with Generally Accepted Accounting Principles (GAAP) and otherwise conform to Governmental Accounting Standards Board (GASB) and American Institute of Certified Public Accountants (AICPA) standards and norms.

6. Information and Communication.

- 6.1. Information and Communication. District Management shall communicate to its employees (needing to know) information relevant to the Internal Controls, including but not limited to any changes to the Internal Controls and/or changes to laws, rules, contracts, grant agreements, and best practices.
- 6.2. Training. District Management shall regularly train its employees (needing the training) in connection with the Internal Controls described herein and promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

7. Monitoring Activities.

- 7.1. Internal Reviews. District Management shall internally review the District's Internal Controls at least once per year. In connection with this internal review, District Management shall:
 - 7.1.1.1. Review its operational processes.

- 7.1.1.2. Consider the potential risk of Fraud, Waste, or Abuse inherent in each process.
 - 7.1.1.3. Identify the controls included in the process, or controls that could be included, that would result in a reduction in the inherent risk.
 - 7.1.1.4. Assess whether there are Internal Controls that need to be improved or added to the process under consideration.
 - 7.1.1.5. Implement new controls or improve existing controls that are determined to be the most efficient and effective for decreasing the risk of Fraud, Waste or Abuse.
 - 7.1.1.6. Train its employees on implemented new controls or improvements to existing controls.
- 7.2. External Audits and Other Reviews. Audits and other reviews may be performed on various components of the District's Internal Controls by the Auditor consistent with Government Auditing Standards (GAS). Audits may identify material deficiencies in the Internal Controls and make recommendations to improve them. District Management shall communicate and cooperate with the Board and the Auditor regarding the potential implementation of Auditor recommendations.

Specific Authority: §§ 190.011(5), 218.33(3), *Florida Statutes*
Effective date: February 6, 2020