

# MINUTES OF SPECIAL MEETING OSCEOLA CHAIN OF LAKES COMMUNITY DEVELOPMENT DISTRICT

A special meeting of the Board of Supervisors of the Osceola Chain of Lakes Community Development District was held Wednesday, June 5, 2019, at 1:30 p.m. at the District office, 313 Campus Street, Celebration, FL 34747.

Present and constituting a quorum were:

Anthony Iorio	Chairman
Ryan Kahn	Vice Chairman
Kimberly Locher	Assistant Secretary
Jason Lonas ( <i>by phone</i> )	Assistant Secretary

Also present were:

Gary Moyer	Manager: Moyer Management Group
Sarah Sandy ( <i>by phone</i> )	Attorney: Hopping Green & Sams
Nicole Stalder	Engineer: Dewberry
Brenda Burgess ( <i>by phone</i> )	Moyer Management Group

## FIRST ORDER OF BUSINESS

### Call to Order

Mr. Iorio called the meeting to order at 1:30 p.m.

## SECOND ORDER OF BUSINESS

### Roll Call

Mr. Iorio called the roll and stated a quorum was present for the meeting.

## THIRD ORDER OF BUSINESS

### Public Comment Period

There being none, the next order of business followed.

## FOURTH ORDER OF BUSINESS

### Approval of May 1, 2019, Regular Meeting Minutes

Mr. Iorio reviewed the minutes, which are included in the agenda package and are available for public review in the District Office during normal business hours or on the website, and requested additions, corrections, or deletions.

On MOTION by Ms. Locher, seconded by Mr. Kahn, with all in favor, unanimous approval was given to accept the minutes of the May 1, 2019, regular meeting, as presented.
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## FIFTH ORDER OF BUSINESS

### Action Items

#### A. Agreement with Down to Earth for Pond Bank Mowing

Mr. Moyer reviewed the agreement with Down to Earth for pond bank mowing.

Ms. Burgess stated I would like to review the monthly dollar amount since they are currently charging us only for the ponds that are complete, and the number provided might be for total completed ponds.

On MOTION by Mr. Kahn, seconded by Ms. Locher, with all in favor, unanimous approval was given to the agreement with Down to Earth for pond bank mowing, with the monthly amount to be confirmed by staff.

**B. Proposals for Website Remediation**

Mr. Moyer reviewed proposals from ADA Site Compliance and VGlobal Tech for website remediation.

Ms. Burgess stated in comparing the two firms, ADA Site Compliance charges per page to convert each pdf document to be compliant, which is included in the proposal from VGlobal Tech. The price difference between the two proposals would equal about 630 pages to pay to be converted, and we will have more than 630 pages on the website, which is just the agenda packages, not including minutes, budgets, and other documents on the website.

Ms. Sandy stated many districts are taking down information that is not required to be on the website pursuant to Florida Statutes. Separate and apart from the agendas, minutes are not required to be on the website. At the end of the summer, we are looking to roll out revised rules of procedures based on various statutory updates that have occurred over the past few years. One of those updates will be to further refine what meeting material is and what the District is required to post on the website for the past year. We can focus the agenda packages to include only the meeting materials, which is the agenda, minutes, pertinent resolutions and agreements. Anything else, such as invoices, could be provided to Supervisors and be included in the District's records but not necessarily posted on the website.

Ms. Burgess stated we do not include invoices in the agenda package currently, just the check register and financial statements. It is pretty limited information, but in the early meetings of the District, the agendas included rules of procedure and other documents that are fairly lengthy, which will be more than 637 pages.

Mr. Moyer stated it sounds like staff is recommending VGlobal Tech's proposal because it is more inclusive than ADA Site Compliance.

Mr. Iorio asked in working with other special districts, has Mr. Moyer worked with them before?

Mr. Moyer stated no, we are just going through this process with all the districts we represent. The Board for Viera Stewardship District decided a week ago to go with VGlobal Tech for the same reason. That district has been in existence since 2006, so that was a pretty easy decision to make. If we are going to have more than 600 or 700 pages to remediate, then it is in the District's best interest to go with VGlobal Tech.

Mr. Iorio stated at this point, I think there is little option in choosing not to bring the website into compliance.

Ms. Locher stated the unfortunate thing about this is that fewer things will be posted on the website. It increases the cost to the District in requirements in other ways. The unintended consequences are substantial.

Mr. Iorio asked aside from the website being in total compliance, if we are not in compliance, can we post something or have some availability that minutes will be available in braille or a different format if someone wants it? We may never get an inquiry from someone with a disability who wants to see it, and we are paying this annually. It is not just a one-time commitment.

Ms. Sandy stated ADA website accessibility is dictated currently by a universal standard of web content accessibility guidelines on what we have to do with what is on the website. In terms of items we take down that are no longer on the website, we could certainly post something to contact the District Manager for these various documents. I do not know that I would suggest leading someone to request documents in various other accessible options, such as braille. Certainly, someone who needs the records in some kind of other format than we typically provide them can request them. I do not know that I would offer for people to request other forms because it might open the District to more requests than we would otherwise receive, and those items could be rather costly.

Mr. Iorio stated I was just trying to think what other districts are doing. We are a new District with limited outside exposure. It is not unlike going to a gas station and pushing a button for ADA assistance where someone comes out and helps you pump fuel. I do not want to skirt the ADA issue, but are there any cheaper alternatives? Right now, we have a commitment to spend \$3,000 to \$4,000 per year to a company, and we may never have the need for anyone from an ADA perspective to utilize that information.

Ms. Sandy stated I understand what you are saying, and unfortunately the answer is “no.” What is on the website needs to be accessible at that point in time, not after a request is made, which has been determined by case law and the standards for the insurance company to provide coverage. The thought is, the website is a service that needs to be accessible at the time of access, not after something is requested. Through our agreement with the contractor we would hire, we would still post an accessibility policy on the website stating the efforts the District has taken in order to remediate the website, as well as additional documents that are not accessible, and provide contact information to receive accessible documents. That has been the approach to this point. Unfortunately, we cannot just post a statement that we have not remediated the website and it might be accessible, with contact information if they want an alternative. So far, the Department of Justice has said that is only acceptable if the alternative is available as often as the website, meaning you would need someone to staff the phone or an email 24/7 in order to respond to those requests as a proposed alternative to them being on the website.

Ms. Burgess stated the proposals for remediation of the website are one-time fees to get the website rebuilt. It may not necessarily be remediated since they might create a new website. The annual fee we would have going forward in order to have the insurance company cover us in case there is some sort of lawsuit is \$1,600. This year is the building year to get the website into compliance.

Ms. Sandy stated VGlobel Tech has a fee to provide monthly maintenance, in the annual amount of \$1,440, plus \$1,600 annually to perform quarterly audits. The monthly maintenance will include ongoing conversion of pdf documents, that we will need.

Ms. Burgess stated I did not realize the \$1,440 was an annual cost; that will be easier. We would need both since the monthly maintenance would not include quarterly audits.

Ms. Sandy stated yes, we would need to do both since we will need pdf conversion.

Ms. Locher stated I defer to Mr. Moyer’s recommendation to go with VGlobel Tech. Their proposal seems to be more comprehensive. The proposal from ADA Site Compliance would end up costing more because it is less inclusive.

Mr. Iorio asked is there any leniency where you would get a warning for the first time, or would we be hit with a lawsuit right off the bat because the website is not ADA compliant?

Ms. Locher stated I seem to recall the fines being pretty hefty.

Mr. Moyer stated plus attorney's fees.

Ms. Sandy stated there are two ways for an ADA claim to be made, either through a federal lawsuit or with the Department of Justice. I have not seen any claims involving CDDs filed with the Department of Justice. In terms of federal lawsuits, several CDDs were sued last year. All of them were represented by Egis Insurance & Risk Advisors, and they ended up settling. I do not remember how much, but it was around \$15,000 to \$20,000 per district. There have been a few additional filings since then.

Mr. Lonas asked for the VGlobal Tech proposal, if quarterly audits are required for insurance and that cost is not included in annual maintenance, can we get a cost for that?

Ms. Sandy stated it is a separate fee of \$1,600 per year.

Mr. Moyer stated it would be about \$3,000 per year for quarterly audits of \$1,600 and monthly maintenance at \$1,440.

Mr. Lonas asked ADA Site Compliance is willing to do that same work for \$1,280?

Ms. Sandy stated their pricing is that, plus a per-page fee to remediate pdf documents.

Ms. Locher stated by the time we add the per-page price to the annual fee, chances are we will pay more than the VGlobal Tech proposal amount.

Mr. Iorio asked is this something we should explore annually as more companies come on board for this service? I think it will become more and more competitive.

Mr. Moyer stated yes, we can do that.

<p>On MOTION by Ms. Locher, seconded by Mr. Kahn, with all in favor, unanimous approval was given to accept the proposal from VGlobal Tech for website remediation in the amount of \$4,750, quarterly auditing of \$1,600, and monthly maintenance of \$1,440, as presented.</p>
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## **SIXTH ORDER OF BUSINESS**

### **Action Items**

#### **A. Discussion of Proposed Budget for Fiscal Year 2020**

Mr. Iorio stated an updated version of the budget was emailed to everyone and copies provided at today's meeting.

Mr. Moyer stated the one correction I would make to the budget is professional fees – manager. The proposed budget shows \$54,000, and I have a contract with this District for \$48,000. I do not see any reason why I would increase where we are in the history of the District.

Ms. Burgess stated pursuant to Exhibit B of the contract, the proposed budget amount includes \$3,500 for debt accounting plus 1% of the gross tax roll if assessments are placed on the tax bills. Those amounts are included in the proposed budget figure, but I will need to revise the 1% amount since it will decrease some. If you prefer, I can change that amount and go with an even \$48,000.

Mr. Moyer stated where we are this year, we can budget \$48,000.

Ms. Sandy stated we discussed the assessment methodology hearing and how it would be levied across the various lots. I apologize for missing the call yesterday with staff and the Chairman to discuss this. I want to make sure the assessments on platted lots are assessed on both administrative and field costs, and undeveloped acreage will be assessed for only administrative costs.

Mr. Moyer stated that is correct.

Ms. Sandy stated I was under the impression they were done the other way.

Mr. Moyer stated yes, they were, but Ms. Burgess and Mr. Iorio discussed it, and we are proposing just as you described.

Ms. Sandy asked for the undeveloped acreage assessment amount, is that shown per ERU? Usually we show it on a per-acre basis. Would it be the total of \$75,000 divided by 92.21 undeveloped acres?

Ms. Burgess stated I did it strictly on an ERU basis. I showed all platted lots with total ERUs being 541, and I calculated platted lots on 1.0 and 1.2 ERUs as part of the total ERU.

Ms. Sandy asked the assessments are shown per ERU for each product type?

Ms. Burgess stated yes.

Ms. Sandy stated we might change that to be on a per-unit basis. I think we are fine as long as we know what the number represents.

Ms. Burgess stated the reduction in the manager's fee changes the bottom line, so now I have a surplus of about \$3,400, which will reduce the assessment amounts. The numbers in the chart are grossed up, but the \$421.76 for 50-foot lots, for example, will go down if you want me to get to a net zero budget and have no surplus.

Ms. Sandy asked would the Board prefer to put that into a different line item or take it out?

Mr. Iorio stated it is a small amount, so we can keep it in the budget and put it in a different line item.

Mr. Moyer stated we will add it to a contingency line item.

On MOTION by Mr. Kahn, seconded by Ms. Locher, with all in favor, unanimous approval was given to accept the amended proposed budget for fiscal year 2020, subject to revisions to the assessment schedule, as discussed.
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**B. Consideration of Resolution 2019-07 Setting a Public Hearing on Special Assessments and Authorizing Staff to Notice Same**

Mr. Moyer read Resolution 2019-07 into the record by title.

Mr. Moyer stated the Resolution calls for a meeting in July. Should we postpone it to permit the proposed assessments to be on the trim notice?

Ms. Burgess stated now that we have an agreement with the property appraiser, we are supposed to have our assessments on their trim notice, which is not mailed until August 16, 2019. In order to advertise and put our assessments on the trim notice, we want our hearing to be after August 16.

Mr. Moyer stated generally some of this information has to be posted at least two days prior to the public hearing, in addition to the 60 days we give to the County to respond. I would try to keep it as close to August 16 as we can.

Ms. Burgess stated they need our final roll by August 26, so that gives us a 10-day window in which to have the budget hearing. I need to provide what we are coming up with today to the property appraiser by July 5, which is not a problem. But I recommend we schedule the public hearing after the trim notices are mailed.

*After a brief discussion, the Board chose Wednesday, August 21, 2019, at 10:00 a.m.*

Ms. Sandy stated at the last meeting, the Board adopted a resolution to set the budget hearing for July 10. We will need to ask the Board to revise that resolution to change the date to August 21.

Ms. Burgess asked is everyone of the opinion we should cancel the July 10 meeting that is scheduled and have it all in August?

Mr. Moyer stated yes, unless the developer has something we need to address.

Mr. Iorio stated no, we can cancel the July meeting.

On MOTION by Ms. Locher, seconded by Mr. Kahn, with all in favor, unanimous approval was given to Resolution 2019-07 setting a public hearing on special assessments for Wednesday, August 21, 2019, at 10:00 a.m. at the District Office, and authorizing staff to notice same.

**C. Consideration of Resolution 2019-08 Resetting the Public Hearing for Adoption of the Budget for Fiscal Year 2020**

Mr. Moyer read Resolution 2019-08 into the record by title.

On MOTION by Ms. Locher, seconded by Mr. Kahn, with all in favor, unanimous approval was given to Resolution 2019-08 amending the budget hearing date to Wednesday, August 21, 2019, at 10:00 a.m. at the District Office.

**SEVENTH ORDER OF BUSINESS**                      **District Manager Report**

**A. Financial Statements** (*April 2019*)

Mr. Moyer reviewed the financial statements, which are contained in the agenda package and available for public review on the website or at the District office during normal business hours.

**B. Check Register**

Mr. Moyer reviewed the check register contained in the agenda package and available for public review on the website or at the District office during normal business hours.

**C. Approval of Funding Request #14**

Mr. Moyer reviewed funding request #14 in the amount of \$12,589.08, as contained in the agenda package and available for public review on the website or at the District office during normal business hours.

On MOTION by Mr. Kahn, seconded by Ms. Locher, with all in favor, unanimous approval was given to the check register, and to funding request #14 in the amount of \$12,589.08, as presented

**EIGHTH ORDER OF BUSINESS**                      **Staff Reports**

**A. Attorney**

Ms. Sandy stated as mentioned earlier, we will be looking at revising the District's rules of procedure later this summer. With session ending, it is quiet again. There were not many large changes to CDDs. We will need to do some adjusting in terms of our audit committees and who can be appointed. The auditor general will be developing more internal controls to be sure there is no fraud when it comes to public entities. I do not think those changes will have a large impact on how the District will be operating.

**B. Engineer**

There being nothing to report, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next order of business followed.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests**

There being none, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

- The next meeting is scheduled for August 21, 2019, at 1:30 p.m.

On MOTION by Ms. Locher, seconded by Mr. Kahn, with all in favor, the meeting adjourned at 2:10 p.m.
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Gary L. Moyer, Secretary

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Anthony Iorio, Chairman