

MINUTES OF MEETING
TOHOQUA
COMMUNITY DEVELOPMENT DISTRICT

The Regular meeting of the Board of Supervisors of the Tohoqua Community Development District was held on Wednesday, September 2, 2020 at 9:00 a.m., via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69, 20-112, 20-150 and 20-179 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, June 23, 2020 and July 30, 2020 respectively, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

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| Andre Vidrine | Chairman |
| Marcus Hooker | Vice Chairman |
| Jason Good | Assistant Secretary |
| James Dowd | Assistant Secretary |

Also present were:

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| George Flint | District Manager |
| Jan Carpenter | District Counsel |
| Kristen Trucco | Latham, Shuker, Edan & Beaudine, LLP |
| Larissa Diaz | CALM |
| Marcia Calleja | CALM |
| Alan Scheerer | Field Manager |

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order at 9:02 a.m. and called the roll. A quorum was present.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: Only Board Members and Staff are present.

THIRD ORDER OF BUSINESS

Organizational Matters

- A. Appointment of Individual to Fulfill the Board Vacancy with a Term Ending November 2021**

Mr. Flint: You have a current vacancy with a term ending November 2021. Are there any nominations at this time to fill the vacancy?

Mr. Vidrine: John Droor.

Mr. Flint: Are there any other nominations? Hearing none,

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor the appointment of John Droor to fill the Board vacancy with a term ending November 2021, was approved.

B. Administration of Oath of Office to Newly Elected Supervisor

Mr. Flint: Since we are meeting via Zoom, I am unable to swear him in. He can participate in discussions, but he's not an official member of the Board until the Oath of Office is administered, which can be administered by any Notary. We will send John the Oath and the other information he needs as far as the Financial Disclosure Forms, Sunshine and Public Records Laws. We will do that after the meeting. Before the next meeting, hopefully we will get that back and he can participate.

C. Consideration of Resolution 2020-12 Electing Assistant Secretary

Mr. Flint stated since you appointed John, we have a resolution in your agenda to elect him as an Assistant Secretary, which is what his successor in that seat was, or the Board could reconsider your officers. It's up to the Board at this point. If you want to place him in the spot of his predecessor, then a motion to adopt that resolution designating him an Assistant Secretary would be in order. Are there any questions?

Mr. Vidrine: We can place him in his previous spot. So, he will be an Assistant Secretary as evidenced by Resolution 2020-12.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor Resolution 2020-12 Electing John Droor as an Assistant Secretary, was approved.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the August 5, 2020 Meeting

Mr. Flint: Did the Board have any comments or corrections to the minutes?

Mr. Vidrine: They look good.

Mr. Flint: If there are no changes, we would ask for a motion to approve the minutes as presented.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the August 5, 2020 Meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2020-13 Setting a Public Hearing to Adopt Chapter IV, Chapter V and Chapter VI Rules

Mr. Flint: Resolution 2020-13 sets the date, place and time for a rate hearing to consider Chapters IV, V and VI of the District's rules. We are suggesting that rule hearing be held on October 7th, which is your regular October meeting. A 29- and 28-day notice must be published, but you have time between now and the October meeting to advertise the rule hearing. Chapter IV deals with what we are calling, "Non-resident numbers." The CDD as a government entity is required to have its amenity open to the public; however, the District is able to establish what is called a, "Non-resident fee," which would be required to be paid by any non-resident to use the facility. This fee must be set through a rate making under the Florida Statutes. We have taken the highest operation & maintenance (O&M) improvement, plus the highest debt per unit amount, which is \$2,000. That's the fee in Section 1.4a, which would be required if someone was a non-resident and they wanted to use the pool or the clubhouse. They must pay a \$2,000 annual fee, unless they are a resident or renter. Jan or Kristen, do you want any more detail than that?

Ms. Trucco: You will see that there is a defined term in here that distinguishes the non-resident from the renter. A renter under the rules as currently drafted, is a "Tenant residing in a resident's home with a valid lease agreement with a term of 12 months or more." So that's something the Board can consider if they would like it to be less than 12 months. We thought 12 months was a good standard amount of time for someone to be a renter. So, if you do not want short-term renters to use the facilities, but that's up to the Board to decide if they want more or less time to constitute a renter. That's the only thing I have to add. Jan, do you have anything to add?

Ms. Carpenter: Yes. The fee that was set, GMS looked at the cost that the residents are paying and the benefit the non-resident user would get. That's where the fee came up to make that an equivalent fee, so they are being charged pursuant to the statute.

Mr. Flint: To clarify what Kristen just referenced, if there is a renter in Tohoqua, they are not going to have the ability to use the amenities. What happens in the case of a renter, is basically the owner of that unit assigns the right to the renter. So, if someone owns property in there and they choose to rent their home, the renter basically is assigned the rights and would be able to use the clubhouse. In this case, the initial draft limits renters with a lease of 12 months or having greater access. For purposes of today, if the Board wants to think about it, we can also set this at 12. Then at the rule hearing, the Board can reduce that down if they choose to. Correct?

Ms. Carpenter: That is correct.

Mr. Flint: We don't need to decide right now, but if it's something you want to think about, we can discuss it at the workshop.

Ms. Carpenter: George is right. The purpose today is to adopt the proposed rule, set a public hearing and in the meantime, if you change something at the public hearing, we can talk about the changes.

Mr. Vidrine: Just one quick question. If it is less time, is it a pro-rated monthly fee or the full amount?

Mr. Flint: No, it would be the full amount. The renter would not have to pay the fee.

Mr. Vidrine: Good point.

Mr. Flint: The fee is for non-residents. Renters would be in a situation of assigning the right to the renter if they rent for 12 months.

Mr. Vidrine: Thank you.

Mr. Flint: So, if the Board wants to think about that, we can advertise it as is and at the rule hearing, if the Board wants to change that, you would have the ability to do that in October for adoption.

Mr. Vidrine: We can leave it as is for 12 months.

Mr. Flint: So that's Rule 4. Next is proposed Rule 5. These are the proposed fees for use of the facility. It looks like we left the access to the renter. Basically, for the District to charge any fees, whether it be for an access card, they have to set a rate hearing again under the statute. This Chapter accepts the fees that the District proposes. Again, this is a proposed rule. You will

see a blank at the top of Page 2. We are still trying to get verification of the clubhouse capacity. We received some information that we believe, may affect the clubhouse and Fitness Center capacity, so we left that blank. Marcia, what is the recommendation on the security deposit?

Ms. Calleja: Typically, I recommend \$250, which is the amount of the rental fees.

Mr. Flint: It would be a refundable security deposit. If there is no damage to the facility or any additional staff time incurred, it would be refunded. For the access card fee, we are recommending \$25. We would provide two access cards to each household at no charge, and they can purchase additional access cards for \$4 each. In the event that they lost their card or it was stolen, there would be a \$25 replacement charge. The Board could always decide to charge something else if you wanted to. Is there anything else?

Mr. Vidrine: Sounds reasonable.

Mr. Flint: So, we will insert \$25 for purposes of the notice and hearing. Are there any other questions on the proposed fees? Chapter VI deals with suspension or termination. We like to do that by rule, if you are faced with a situation where you need to change a fee or suspend a non-resident user. If you need to suspend privileges, it should be done by rule. That way if it's a challenge, it would be defended. But this basically lays out the process and the circumstances under which privileges could be suspended or terminated. There is a progressive disciplinary process, but it can be circumvented in the event the offense is so egregious that you don't want to give a verbal suspension. For example, if someone assaulted one of the staff members. You obviously don't want to give them a verbal warning versus suspending. Jan or Kristen, do you have anything to add?

Ms. Trucco: No, I think you covered it all. If the Board has any questions, please send them our way.

Mr. Flint: Again, you are not adopting these rules. All you are doing is setting the public hearing. If there are questions, we can discuss it. Resolution 2020-13 is for the Board's consideration, recommending that the hearings be held on October 6, 2020. Are there any questions? If not, we need a motion to adopt Resolution 2020-08.

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| On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor Resolution 2020-13 Setting a Public Hearing to Adopt Chapter IV, Chapter V and Chapter VI Rules for October 6, 2020 at this location, was approved. |
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SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2020-14
Adopting Amenity Center Policies**

Mr. Flint: The Amenity Policy is Exhibit 'A', which sets out the policy for how we propose to operate the amenities and the guidelines and rules that residents would have to follow. Are there any questions and comments on the Amenity Policy? This is a public hearing. So, if you adopt the resolution today, you are adopting these Amenity Policies. Are there any questions on the amenity policies?

Mr. Vidrine: No questions.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor Resolution 2020-14 Adopting the Amenity Center Policies, was approved.

SEVENTH ORDER OF BUSINESS

**Consideration of Agreement with Grau &
Associates to Provide Auditing Services
for Fiscal Year 2020**

Mr. Flint: Fiscal Year 2020 ends on September 30th. This agreement engages Grau & Associates to require an annual independent audit for the District. The fee is a not-to-exceed of \$3,000. Are there any questions on the Engagement Letter? If not, we need a motion to approve it.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the agreement with Grau & Associates to provide auditing services for Fiscal Year 2020 in a not-to-exceed amount of \$3,000, was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Kirsten or Jan?

Ms. Trucco: It has been relatively quiet from the legal department. We just worked on the rules that you presented this morning. Otherwise, we have nothing new to report to the Board.

B. Engineer

Mr. Flint: It doesn't look like the Engineer is present. He doesn't need to be on unless he has something specific to report.

C. District Manager's Report**i. Approval of Check Register**

Mr. Flint: The Check Register in your agenda package was for the General Fund and Payroll totaling \$22,534.59. The detailed register is behind the summary. Are there any questions or comments on the check register? If not, we would ask for a motion to approve it.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor the Check Register from July 28, 2020 through August 24, 2020 in the amount of \$22,534.59, was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: The Balance Sheet and Income Statement is through July 31st. No action is required by the Board, but if the Board has any questions, we can discuss those. Under our prorated and operating budgets, we are fully collected as well as our direct assessments.

- **Field Report** (*Added*)

Mr. Flint: Alan, do you a Field Manager Report?

Mr. Scheerer: At a prior meeting, we discussed an email received on the 18th about some street flooding off of Felicity Land and Volunteer Avenue. Just for the Board and Staffs benefit, I met onsite with Lane Register, from Lennar. A lot of silt came from all the mass grading on Phase 2. They came out immediately and reset all of the silt fences around that project. I was out there again recently. It looks really good. The pond doesn't appear to be too effective. Also, tomorrow morning at 7:00 a.m., I have an onsite meeting with Earth Tech to perform a site visit. So, if there's anything, Marcia, that you need me to do while I'm there in the morning, please let me know. Other than that, everything looks good.

Mr. Flint: Marcia, do you want to give an update on the status of the opening of the amenities?

Ms. Calleja: We are still on track to open on September 18th as requested. Everything is functional at the moment as far as internet. We are still testing the access cards. They did come in, we have them in the office. We have the printer for the access cards. The refrigerator was ordered for the clubhouse. The furniture is being assembled and installed today. There are just a few ins and outs, but overall, everything looks beautiful.

Mr. Flint: So, what's the date again for the opening?

Ms. Calleja: September 18th.

NINTH ORDER OF BUSINESS

Other Business

Mr. Flint: Is there any other business? Hearing none,

TENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: Is there anything else from the Board? Hearing none,

ELEVENTH ORDER OF BUSINESS

Adjournment

Mr. Flint: If there's nothing further, we need a motion to adjourn.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the meeting was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman