

**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, **August 3, 2022** at 9:00 a.m., at Tohoqua Amenity Center, 1830 Fulfillment Drive, Kissimmee, Florida.

Present and constituting a quorum:

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|---------------|---------------------|
| Andre Vidrine | Chairman |
| Marcus Hooker | Vice Chairman |
| Rob Bonin | Assistant Secretary |

Also present were:

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|---------------------------------|-------------------|
| George Flint | District Manager |
| Kristen Trucco | District Counsel |
| Jay Lazarovich | District Counsel |
| Eric Warren (<i>by phone</i>) | District Engineer |
| Alan Scheerer | Field Manager |
| Marcia Calleja | CALM |
| Larissa Diaz | CALM |

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order at 9:00 a.m. and called the roll. A quorum was present.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: We only have Board Members and staff present.

THIRD ORDER OF BUSINESS

**Approval of Minutes of the June 1, 2022
Board of Supervisors Meeting**

Mr. Flint: We'll move on to approval of the minutes from the June 1, 2022 meeting. Did the Board have any comments or corrections?

Mr. Vidrine: No comments.

Mr. Flint: Then we need a motion to approve.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the April 6, 2022 Board of Supervisors Meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Consideration of Acquisition Agreement for Phase 4B/5B

FOURTH ORDER OF BUSINESS

Consideration of Acquisition Agreement for Phase 3/6 - Added

Mr. Flint: The next two items are Acquisition Agreements. The first one is an Acquisition Agreement for Phases 4B/5B. These are the phases that are currently under development with Pulte. Then we have the Acquisition Agreement for Phases 3 and 6, which Lennar is currently developing. Kristen?

Ms. Trucco: You've seen these forms of Acquisition Agreement before. Like George said, these are agreements between the District and the developer. The District is acknowledging that it intends to issue a Series 2022 bond for each respective project. That's the Phase 3/6 and Phase 4B/5B Projects. The bond funds will be used to construct each respective project in accordance with the Engineer's Reports that will be attached to the Acquisition Agreements. This Acquisition Agreement also states that the District will reimburse developers for the construction of the public infrastructure detailed in the Engineer's Report. Those Engineer's Reports are still being compiled right now, but we'd like to have this on the agenda for approval in advance of the Engineer's Reports being completed. So that there's an understanding that the developer is anticipating constructing the project in accordance with those reports and the District will reimburse the developer using the bond funds. It also lays out the process that's required for the District to accept any real property or public infrastructure improvements that the developer constructs. The requirement is that the District Engineer certify that the public infrastructure is completed in accordance with the Engineer's Report and that it meets all the requirements for convenience to the District. There are two identical Acquisition Agreements, one for the Phase 3/6 Project and one for the Phase 4B/5B Project.

Mr. Flint: Are there any questions on the agreements? The other bond issues have the same agreement that has been approved on the other phases.

Mr. Vidrine: It's easy to follow and it was used several times.

Mr. Flint: The developers are getting ahead of the bond issue. A lot of times, we'll do this in conjunction with approval of the bond documents, but in this case, we want to make sure that we have it in place.

Ms. Trucco: We'll bring back an Amended and Restated Acquisition Agreement, once we actually issue the bonds. This is just something that the Board can approve now so that there's an understanding between all of the parties on what the game plan is.

Mr. Vidrine: That makes sense.

Mr. Flint: We need a motion to approve the Acquisition Agreement for Phase 4B/5B.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Acquisition Agreement for Phase 4B/5B was approved.

Mr. Flint: Then we have the Acquisition Agreement for Phase 3 and 6. We need a motion to approve.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Acquisition Agreement for Phase 3/5 was approved.

SIXTH ORDER OF BUSINESS

Review and Acceptance of FY 2019 Draft Audit Report

Mr. Flint: The CDD as a government entity, is required to have an annual independent audit performed. The Board selected Grau & Associates as your independent auditor. The audit was required to be filed with the State by June 30th and was completed and filed. So, we're asking the Board to accept the report and ratify its transmittal to the State of Florida. On Page 76 of the PDF or Page 20 at the end of the audit, is the Report to Management. If there were any findings or recommendations or compliance issues, they would be noted in that report. You can see that there are no current or prior year findings and recommendations and we've complied with the provisions of the Auditor General that they are required to review. So, it is a clean audit.

Mr. Vidrine: That's great.

Mr. Flint: Are there any questions on the audit? If not, we need a motion to accept it and ratify its transmittal to the State?

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor accepting the Fiscal Year 2021 Audit Report and ratifying its transmittal to the State of Florida was approved.

SEVENTH ORDER OF BUSINESS

New Business

A. Public Hearing

Mr. Flint: This is the public hearing to consider adoption of the Fiscal Year 2023 budget. The Board previously approved a Proposed Budget and set the public hearing for today for its final consideration. I would ask for a motion to open the public hearing.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the public hearing on the Budget for Fiscal Year 2023 was opened.

Mr. Flint: The public hearing is open for the record. There are no members of the public present to comment and testimony, so we'll bring it back to the Board.

i. Consideration of Resolution 2022-09 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations

Mr. Flint: The first resolution is Resolution 2022-09, adopting the proposed budget. Attached to the resolution is the proposed budget. We've updated it for actuals through June 30th of the current year. If you look at the General Fund, it's a combination of on-roll, off-roll and developer contributions to balance the budget. There's a detailed schedule on Page 3. If the phases are platted, they're going to be on the tax bill, but if they're unplatted, they're going to be direct billed based on planned units. The only two areas that are not being assessed for operation and maintenance (O&M) are Phase 8 and the commercial property that is in the process of being removed from the District. But other than that, all of the other phases are being assessed. Then for the administrative expenses, which are spread across the entire District, a portion of those are being assessed to Phase 8 and the commercial property. You will see that prorated portion based on planning units is \$81,731. All of the land, with the exception of Phase 8 and the commercial, are paying the O&M and admin. The commercial and Phase 8 are just paying a prorated portion of the admin. We've also budgeted a small amount for special event revenue of \$12,000. On the expense side, which we talked about at the last meeting, there's a 5% proposed increase for the management fee. The insurance in all of the Districts have been increasing, so there is some

increase there. We've budgeted for landscape maintenance and pond maintenance for all the phases, except Phase 8 and the commercial property. So, we have apples-to-apples of expenses and revenue in this budget. Are there any questions on the proposed budget? If not, we need a motion to adopt Resolution 2022-09.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Resolution 2022-09 Adopting the Fiscal Year 2023 Budget was adopted.

ii. Consideration of Resolution 2022-10 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Flint: Resolution 2022-10 imposes the O&M assessments associated with the budget that you just approved. There are two exhibits; one is the budget that you just approved and the other is the Assessment Roll listing the individual properties and the assessment amounts. Those are in accordance with the budget that you just approved and the schedule. Are there any questions on the assessment resolution? For the record, we don't have any members of the public present to provide comment or testimony. We need a motion to adopt Resolution 2022-10.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Resolution 2022-10 Imposing Special Assessments and Certifying an Assessment Roll was adopted.

The public hearing was closed.

B. Approval of Fiscal Year 2023 Meeting Schedule

Mr. Flint: Each year, the Board is required to approve an annual meeting schedule. We've provided a recommended schedule based on the current meeting frequency, date, and location. This has the Board meeting at 9:00 a.m. at this location on the first Wednesday of each month. It looks like there is a potential conflict with April 5th, which is Passover. It would be up to the Board whether you want to reschedule or cancel that meeting.

Mr. Vidrine: What is the conflict?

Mr. Flint: April 5th conflicts with Passover. You can always leave that date and then if for some reason we need to cancel it, we can do that.

Mr. Vidrine: Okay.

Mr. Flint: This gives you the option of meeting every month. If we don't have a need to meet on January 4th, with its proximity to New Year's Day, we could cancel it, but we have the option if we need to. Are there any questions on the meeting schedule? If not, if the Board's okay with it, we need a motion to approve it.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Fiscal Year 2023 meeting schedule as presented was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Deficit Funding Agreement - Added

Mr. Flint: We added Item 8, a Deficit Funding Agreement to the agenda. As I mentioned, the budget that you approved is balanced by a developer contribution because not all of the land is being assessed for O&M. My recommendation would be to have two funding agreements: one with Pulte for Phase 8 and one with Tohoqua Development Group for the mixed-use area. It's likely that these agreements won't come into play because we budgeted a full year of expenses in a lot of areas where we're likely not going to experience that. But in order to balance the budget, we need to have these agreements in place. This was added and indicated under separate cover, so I think the motion would be to ask District Counsel to prepare the agreements and delegate authority to the Chair to execute them. They would be with Pulte for Phase 8 and Tohoqua Development Group through the mixed-use area. They would be based on an allocation. Any funding request that was submitted for any shortfall would be allocated to each party based on the planned units in each development.

Ms. Trucco: We'll bring that back to the Board for ratification.

Mr. Vidrine: That makes sense.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor authorization for District Counsel to draft the Deficit Funding Agreements and provide to the Chair for execution was approved.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2022-08
Authorizing the Use of Electronic
Document Signatures**

Mr. Flint: Kristen, do you want to present this item?

Ms. Trucco: Absolutely. The Florida Legislature recently passed a law allowing for an electronic signature when a contract provision or other provision of law requires a signature. Based on that and the fact that other CDDs are adopting similar policies to allow for an electronic signature, we put together a resolution approving that policy to allow this CDD to implement electronic signatures when signatures are required. However, I will say that we will still require printed signatures on things like a deed because a deed transfers real property, because of their recording statutes in Florida. So, I just recommend approval of Resolution 2022-08 and can take any questions that the Board may have.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor adopting Resolution 2022-08 Authorizing the Use of Electronic Document Signatures was adopted.

Mr. Flint: The nice thing about this is that after the meeting, you can just DocuSign all of the documents. Today we still need a printed signature, but after today this folder will be mostly empty.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Trucco: I don't have any updates for the Board today. We'll go ahead and move forward with the Developer Funding Agreements. We don't anticipate they'll take that long. They will be required to be reviewed by both of those developers. Depending on how many comments were received from them, it could extend the length of time to prepare them. Other than that, we are working on a contraction with the District Engineer. I'm just trying to confirm the legal descriptions for that moving forward. Otherwise, I don't have any other updates for this Board. Thank you.

B. Engineer

Mr. Flint: Eric, do you have a report for the Board?

Mr. Warren: We're currently working on some drainage updates and defining the limits of that contraction for an existing pond. We're working on that and in a few weeks' time, we should have that as you get that legal description for the contraction. Otherwise, I'm available for questions.

Mr. Flint: I think I saw a draft of your Supplemental Engineer's Report for Phase 4B/5B.

Mr. Warren: We did distribute that for review, comment, and input.

Mr. Flint: We're starting to work on the next two bond issues, which would be Phase 4B/5B and then Phase 3/6 as we talked about with the Acquisition Agreement. Eric is preparing a Supplemental Engineer's Report and working on the Pulte issue right now. The Lennar bond issue will be right behind that.

C. District Manager's Report

i. Approval of Check Register

Mr. Flint: You have approval of the Check Register for April 27, 2022 through July 26, 2022 in the amount of \$158,140.19. Are there any questions on the Check Register? If not, we need a motion to approve it.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Check Register from March 30, 2022 through April 26, 2022 in the amount of \$51,622.33 was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: You also have the Unaudited Financial Statements through June 30th. If there are any questions, we can discuss those. No action is required.

iii. Presentation of Number of Registered Voters – 455

Mr. Flint: Each year we're required to announce the number of registered voters as of April 15th. You can see from the Supervisor of Elections, as of April 15th there were 455 registered voters. So, once the District hits six years and 250 registered voters, the Board starts to transition to General Election. The District was created in 2017. So, we'll need to go ahead and have Kristen prepare a resolution shifting the terms forward a year to even years.

Ms. Trucco: To be in conjunction with the General Election.

Mr. Flint: Yeah. Right now, the Board seats expire in odd years because the District was created in an odd year, but they'll need to be shifted forward a year. It looks like the first two seats are going to transition in 2024.

Ms. Trucco: Yeah. That's a statutory requirement. Once, the District has been in existence for six years and there are more than 250 qualified electors living in the boundary, the seats would be determined by General Election, which of course, only happens in November of an even number year. The Statute requires that this Board approve a resolution extending those terms.

Mr. Flint: So, in November of 2024, two of the five seats will end up being resident Board seats.

iv. Amenity Manager's Report

Mr. Flint: Larissa or Marcia?

Ms. Diaz: Good morning. A new bike rack was installed by the Central Park Playground. We had two rentals in July. There's the recap of the June and July events. I wanted to add that 17 residents participated in the summer Mexican feast. We have events scheduled for this month. The gym usage is almost up to 1,000. We have pictures of the summer spaghetti feast and Father's Day continental breakfast, which were held in June as well as the Independence Day celebration and summer kids paint party, which were held in July. Are there any questions?

Mr. Flint: Are there any questions from the Board? Looks good.

v. Field Manager's Report

Mr. Flint: Alan?

Mr. Scheerer: Thank you. Good morning. A couple of things are going on and will be going on. We had some trees replaced at no cost to the District by United Land that failed along Cross Prairie Parkway. We also had some sod damage between Felicity Lane and the Fulfillment Drive median. Two pallets were installed recently. We have another pallet coming. We had some firebush installed in the median on Cross Prairie Parkway. We're going to bring back some recommendations and proposals to the Board in the fall, probably in the November timeframe when the pool usage goes down, to replace the palm trees on the pool deck. We're going to have to close the pool deck to maybe remove a section of fence in order to get the equipment and pull those palms out. That will be happening later on in the year. The Tohoqua sign was out because

the GFI was tripped. We went ahead and reset that. Lifting up of the Oak trees between the sidewalk curb on Cross Prairie West, will be done later on the fall. We tentatively have a turnover meeting scheduled for August 9th at 8:30 a.m. for Phase 6. We're hoping to get all of the hardscape and stuff installed prior to that turnover. So, we have that. I did receive the as-built drawings from United Land electronically. We have some society garlic and core grass installed, at the end of the island on Tohoqua Boulevard between Neptune Road and Cross Prairie Parkway. So that will be happening.

Mr. Flint: Good. Those empty spots?

Mr. Scheerer: Yes, sir.

Mr. Flint: Okay.

Mr. Scheerer: A bunch of plans were just delivered this morning by United Land and we hope that we get those in relatively quickly. It was pointed out to us that we had some palms here next to the transformer. We are facilitating our plan with United Land to get that filled in with something that does better with wet feet. I had a great meeting this morning with Andre. We ran into each other driving down the neighborhood. There is some silt fence still in Phase 3. So, I'll get with either United Land and Lennar to get that removed as well as the Maple tree that's failing there. That should be done as well. There's still some Bahia grass in the newly constructed medium between Macy Island that dissects Macy Island from Kindred in Tohoqua. I'll get with them as well about getting that corrected. It looks like there are some trees missing between the right-of-way on Cross Prairie Parkway in front of Lennar Homes. I'll get with Rob and his team on that. I'm assuming it was done due to construction and I'll have to get those replaced. There are a couple of tracks that didn't get developed on the backside of the Phase 2 pond that goes next to Macy Island Road. One of them is an open space track, so we're going to have to get that cleaned up along with a C2 conservation track. That should get everything cleaned up that Andre and I spoke about this morning. That's all I have for right now.

Mr. Vidrine: The park looks good up front here.

Mr. Scheerer: Yes, sir.

Mr. Vidrine: Thank you for persevering through that.

Mr. Scheerer: Yes, sir. We'll continue to persevere until it's all correct. Thank you for your time this morning. That's all I have.

Mr. Flint: We're trying to get the window contractor to take the old windows that are sitting out there.

Mr. Scheerer: They're going to need to replace those.

Mr. Flint: These are actually replaced, but they need to be cleaned. The old ones are in the parking lot. Are there any questions for Alan? Hearing none,

vi. Reminder to File Form 1 with Supervisor of Elections

Mr. Flint: Just a reminder. I don't have a list, but if anyone hasn't filed their Form 1 yet, the annual financial disclosure form that would have been sent by the Supervisor of Elections to you, was due on July 1st. So, if you haven't filed it, make sure you do. They make it easier now. You can email a PDF to Orange County, if you live in Orange County. I think the other counties probably also have that option. There's a grace period until September 1st, but after that, you will be fined \$25 a day.

Mr. Vidrine: Did you confirm that they received the package?

Mr. Flint: Yeah. You can go on the Commission on Ethics website and it'll show it, but we'll do that. I should have a list here, but I don't see the list, so after the meeting I'll get with Kerry. If anyone has not filed, we'll email you directly. We'll also send you a link.

Mr. Bonin: I've done it.

Mr. Flint: I need to reach out to Mr. Jon Droor. I think we have a vacancy.

ELEVENTH ORDER OF BUSINESS

Other Business

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

TWELFTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: Are there any Supervisor's requests? If not, we need a motion to adjourn.

THIRTEENTH ORDER OF BUSINESS

Adjournment

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| <p>On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the meeting was adjourned.</p> |
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August 3, 2022

Tohoqua CDD



Secretary / Assistant Secretary



Chairman / Vice Chairman