

**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 2, 2023** at 9:00 a.m. at Tohoqua Amenity Center, 1830 Fulfillment Drive, Kissimmee, Florida.

Present and constituting a quorum:

Marcus Hooker	Vice Chairman
Rob Bonin	Assistant Secretary
Jon Droor	Assistant Secretary

Also present were:

George Flint	District Manager
Kristen Trucco	District Counsel
Eric Warren ( <i>via phone</i> )	District Engineer
Alan Scheerer	Field Manager
Marcia Calleja	CALM
Larissa Diaz	CALM
Chris Horter	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: No members of the public were present other than staff and Board Members.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the May 3, 2023  
Board of Supervisors Meeting**

Mr. Flint: Were there any comments or corrections to those? If not, we need a motion to approve them.

On MOTION by Mr. Bonin seconded by Mr. Droor with all in favor the Minutes of the May 3, 2023 Board of Supervisors Meeting were approved as presented.

**FOURTH ORDER OF BUSINESS**

**Public Hearing**

Mr. Flint: This is the public hearing to consider the adoption of the Fiscal Year 2024 budget. We need a motion to open the public hearing.

On MOTION by Mr. Bonin seconded by Mr. Droor with all in favor the public hearing on the budget for Fiscal Year 2024 was opened.

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

**A. Consideration of Resolution 2023-10 Adopting the Fiscal Year Budget and Relating to the Annual Appropriations**

Mr. Flint: The Board previously approved the Proposed Budget and set the public hearing for today. We complied with all of the statutory notice requirements. The budget was substantially the same as the prior one. We updated the actuals and refined the expense and revenue line items that were necessary. There are no significant changes. Did the Board have any questions on the budget or the resolution? If not, we need a motion to adopt Resolution 2023-10.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor Resolution 2023-10 Adopting the Fiscal Year 2024 Budget was adopted.

**B. Consideration of Resolution 2023-11 Imposing Special Assessments and Certifying an Assessment Roll**

Mr. Flint: The next public hearing is to impose assessments related to the budget that was just adopted. There are two exhibits; Exhibit A is the budget that you just approved and Exhibit B is the Assessment Roll listing the individual properties and the assessment amounts that fund the budget. Are there any questions on the resolution? If not, we need a motion to adopt Resolution 2022-11.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor Resolution 2023-11 Imposing Special Assessments and Certifying an Assessment Roll was adopted.

Mr. Flint: We need a motion to close the public hearing.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor the public hearing on the Budget for Fiscal Year 2024 was closed.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-12  
Approving the Conveyance of Real  
Property to Lennar Homes, LLC**

Ms. Trucco: We were going to table this item as I had some questions, but the District Engineer is present. This is a resolution for the Board to approve the conveyance of a sliver of property in Phase 7.

Mr. Warren: Correct.

Ms. Trucco: It looks like the county was requesting a PID or a Quit Claim Deed from the CDD back to Lennar on that sliver.

Mr. Warren: Correct.

Ms. Trucco: I don't know if it's still needed or not, but the title work came back showing that it's in the name of the City of St. Cloud via the recorded plat. We did see that the last actual deed was from the District to Lennar.

Mr. Warren: The county may be mistaken.

Mr. Bonin: What was the problem this was creating?

Mr. Warren: There was an underlying sliver that was platted that according to Sarah, Lennar never had the legal ability to plat and convey to the city.

Mr. Bonin: The legal description of our plat?

Mr. Warren: Correct.

Ms. Trucco: I forwarded you the email from the title company and the title work. Even when they see the title work, they realized that it was in Lennar's name.

Mr. Warren: Correct.

Ms. Trucco: The last deed for that sliver was to Lennar and Lennar held the plat.

Mr. Bonin: What problem was that creating for us?

Mr. Warren: I do not recall. We have PIDs and we have addresses.

Mr. Bonin: What instigated us needing to do this? It was holding up something that was now unheld?

Mr. Warren: I don't believe it was holding up anything. Sarah just said, "*Hey, you need to clean this up.*" We had a similar situation in Story Creek, which did not hold the issuance of PIDs, but there were six or eight lots as part of that tract that we needed to clean up.

Mr. Bonin: So, she's the one that told us that we needed to clean it up because it was not in the District's name to plat or get PIDs.

Mr. Warren: Correct.

Mr. Bonin: We have everything that we needed, but we were still trying to satisfy what she was pressing for.

Mr. Warren: Right.

Mr. Bonin: So, we got to the point of transferring this from the CDD's name into Lennar's, but that doesn't appear to be the case.

Mr. Warren: I did get on the phone with her with this information and said, "*Hey, what are you seeing, here's what we are seeing*" and hashed this out. It sounds like it should be pretty simple.

Mr. Bonin: Okay.

Mr. Warren: If she's seeing something different, than we will clarify it.

Mr. Bonin: If this title search is correct and Sarah is wrong, then there's really nothing to do.

Mr. Warren: Correct.

Ms. Trucco: Unless anyone on the Board has an objection and it comes back and there is an issue and the CDD needs to quit claim something back to Lennar, do I have your permission to ask the Chairman to execute that deed and then bring it back for ratification? Obviously, it would be subject to staff signing off on it.

Mr. Flint: Why don't we just do a motion. If necessary, we will bring it back for ratification.

Mr. Bonin MOVED to adopt Resolution 2023-12 Approving the Conveyance of Real Property to Lennar Homes, LLC, subject to authorization by staff to execute and Mr. Hooker seconded the motion.

Mr. Bonin stated I couldn't remember the origin.

On VOICE VOTE with all in favor Resolution 2023-12 Approving the Conveyance of Real Property to Lennar Homes, LLC, subject to authorization by staff to execute was adopted.

**SIXTH ORDER OF BUSINESS**

**Consideration of Cost Sharing Agreement between District and Neptune Road Investments, LLC**

Mr. Flint: We are in the process of de-annexing properties at the front of the project, but in the event that they are de-annexed, the petition has been filed. This would provide for them to share in the cost of maintaining certain infrastructure. Once they are outside of the District, they are no longer being assessed, so this provides the mechanism for them to pay their fair share of the cost of maintenance of some of the infrastructure that they benefit from.

Ms. Trucco: I can go through a couple of terms. Like George said, we have a Cost Sharing Agreement in the agenda and we are looking for approval in substantially final form, subject to District staff sign off. As George noted, the CDD filed a petition to contract and expand the CDD and at some point, the county and city may say, *"We want proof that the Board approved this in substantially final form before we approve your ordinance request to contract the CDD boundary."* So, the petition for the contraction is contracting the parcel that is currently owned by Neptune Road Investments, LLC (Neptune). They are contributing to operation and maintenance (O&M) of things like the irrigation system, master stormwater system and drainage system. Once the petition is approved, it would be outside of the CDD and they won't have an obligation to pay those O&M assessments to the CDD any longer and they agreed to enter into this Cost Sharing Agreement with us, which is nice and a perfect world scenario. We worked with the District Engineer and District Manger to come up with a proportionate representation of the benefit that they were receiving from this infrastructure from the CDD's O&M of it. It was computed as 7.3% of the budget, which they agreed to pay moving forward. Once they contracted adding parcels and received their Certificate of Occupancy, they would be paying

approximately \$100. Long term, we are looking at 7.3%. There's a cap on how much that may include. Its set forth that it can't be greater than 7% for what they paid the previous year. They are permitted to assign the payment obligation to an association, but if the association fails to pay this proportionate share to the CDD, then we have the right to put a lien on Neptune as the parcel owner. As far as termination, in the event that the District fails to perform for greater than 12 months, then Neptune can be relieved of their obligation to pay the CDD for their proportionate share and vice versa, if Neptune fails to pay for 12 months, then the District can be relieved of our obligation to perform those maintenance services that is benefitting Neptune. If you have any questions, we can try to answer them now. Otherwise, we're looking for approval of the Cost Sharing Agreement in substantially final form in case it is requested by the city or county during the contraction proceeding.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor the Cost Sharing Agreement between the District and Neptune Road Investments, LLC in substantial final form, subject to execution by District staff was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Drainage Easement  
between District and Neptune Road  
Investments, LLC**

Ms. Trucco: This is related to the Cost Sharing Agreement. Neptune is currently utilizing the stormwater system and drainage system within the CDD that the CDD pays for. They are agreeing to pay the proportionate share, but they also want something in writing from the CDD, giving them permission to continue draining into the stormwater and drainage systems. So, we have something memorialized here that we can put it into the agenda. Its currently being reviewed by your counsel, but we drafted it. There is a right for the CDD to recuperate any damages from Neptune as a result of the easement, as a result of their draining onto our property. We also have the right to go onto their property, if needed, for purposes of drainage, stormwater management, repairs, etc. Again, we're just looking for approval in substantially final form, subject to District staff execution.

Mr. Flint: Are there any questions or comments? If not, we need a motion to approve it in substantially final form, subject to execution by District staff.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor the drainage easement between the District and Neptune Road Investments, LLC in substantial final form, subject to execution by District staff was approved.

**EIGHTH ORDER OF BUSINESS**

**Presentation of Fiscal Year 2022  
Financial Audit**

Mr. Flint: The District as a Government entity, is required to have an annual independent audit performed. The Board selected Grau & Associates as your independent auditor. They prepared the audit for Fiscal Year 2022, which was included in your agenda and transmitted to the State of Florida as required. If there were any findings or recommendations, they would be reflected in the Report to Management, on Page 29 of the audit or Page 179 of the PDF. You can see that there are no current or prior year findings and recommendations and we've complied with all of the provisions of the Auditor General that they are required to review. So, it is a clean audit. If there are questions, we can discuss those? If not, we need a motion to accept the audit and ratify its transmittal to the State of Florida.

On MOTION by Mr. Hooker seconded by Mr. Droor with all in favor accepting the Fiscal Year 2022 Financial Audit and ratifying its transmittal to the State of Florida was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Landscape & Irrigation  
Maintenance Agreement with United  
Land Services**

Mr. Flint: The Landscape and Irrigation Maintenance Agreement with United Land Services, updates the landscape maintenance for the CDD and carries us through the next fiscal year. Alan?

Mr. Scheerer: Yes. In the agenda, is an extension of the agreement for landscape services that are currently under contract. The dollar amounts remain the same for Fiscal Year 2024. The agreement will start on October 1, 2023 and expires on September 30, 2024. There is a 30 day out clause in their agreement, but I'm sure that we want legal to go ahead and ratify the agreement to make sure that we have all of the protections necessary. There is no increase contemplated for next year. That was also anticipated in the budget that was recently adopted by the Board. Of course, all of the remaining areas as they come online remain the same dollar

amounts as we have budgeted for Fiscal Year 2024 as well. Again, this is just an extension for one year from October 1, 2023 to September 30, 2024. I'll try to answer any questions that the Board might have.

Mr. Flint: We would want counsel to prepare the front-end agreement to go with this proposal. Are there any questions on the agreement? If not, we need a motion to approve it.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor the Landscape and Irrigation Maintenance Agreement with United Land Services was approved.

**TENTH ORDER OF BUSINESS**

**Consideration of Coverall Service Agreement**

Mr. Flint: The agreement with Coverall is for janitorial. Larissa?

Ms. Diaz: This would be for Coverall to come onsite and perform the same services that they were previously providing, but it would be less expensive for the District. It would be the same schedule and same services.

Mr. Flint: Actually, they agreed to do some things.

Ms. Diaz: They added some additional responsibilities on the pool deck. They are organizing the pool chairs and tables for us.

Mr. Flint: Its basically an upgrade in the scope and a decrease in cost. We based the Fiscal Year 2024 budget based on this proposal and we recommend that it be approved. Are there any questions on the agreement? We want counsel to prepare an agreement.

Ms. Trucco: We prepared it. I don't think their contract expires, but I believe that we have a 30-day termination clause.

Mr. Flint: The motion would be to authorize staff to send a letter terminating the current agreement and approving the proposed agreement with Coverall. Are there any questions? If not, we need a motion to approve it.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor authorizing staff to send a letter terminating the current agreement and approving the proposed agreement with Coverall as stated was approved.



**ELEVENTH ORDER OF BUSINESS**

**Ratification of Series 2022 Phase 3/6 Requisition No. 3**

**TWELFTH ORDER OF BUSINESS**

**Ratification of Series 2022 Phase 3/6 Requisition No. 4**

Mr. Flint: We have two requisitions to be ratified. Requisition #3 is for the Phase 3/6 bond issue with Poulos & Bennett in the amount of \$56.25 and Requisition #4 is for the Phase 3/6 bond issue with Poulos & Bennett in the amount of \$1,001.25. These requisitions have already been transmitted to the Trustee and we are asking the Board to ratify them. I think you can approve them in one motion. Is there a motion to ratify Requisitions #3 and #4?

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor Requisition No's. 3 and 4 for Series 2022 Phase 3/6 were approved.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

**i. Discussion of Momo Regarding Ethics Training**

Ms. Trucco: I have a couple of updates. Since the last meeting, we filed a petition to expand and contract the CDD boundaries. We filed it with the county and city. They are currently reviewing that it, but we don't expect any issues. Another update is we started the process to issue bonds for Phase 4C, which is currently owned by Pulte. Those bonds are anticipated to close the week of September 25<sup>th</sup>. You will see a Delegation Resolution to kick up that process at the next Board Meeting. That's something we are monitoring. The only other update that I have, is the Memorandum that we included in the agenda that provides Legislative updates. The most important one was an Amendment to Section 112 of the Florida Statutes that will require each Board of Supervisor to complete four hours of ethics training each year. It has to cover certain subjects like the Ethics Code, public records, Sunshine Law and Constitutional Sections that are applicable to Government. It became effective on July 1<sup>st</sup> of this year and starts on January 1, 2024. The requirement is for all Supervisors to self-certify that you completed the four hours of ethics training on your Form 1. We are recommending that you complete it by July 1<sup>st</sup>. We'll have more information as it gets closer to January 1<sup>st</sup>. If you go to the Florida Commission on Ethics website, there are 50-minute videos that are sufficient to satisfy the requirement on all of the required subjects. You could watch four of those to satisfy the requirement. So, we are just making you aware of it and are recommending that you complete it

by July 1<sup>st</sup> of next year. We will provide updates as we closer to that date. There are other legislative updates. There was a change in Florida Law on concealed carry. There are less requirements as far as permitting and instructional courses to carry concealed weapons, but we wanted to just make it clear that it's still prohibited to carry firearms to a CDD meeting.

Mr. Flint: You could have a concealed weapon in a public building, but could not have it at a Government meeting. I'm sure that there is still an exclusion for carrying a gun at a courthouse, but otherwise, you could have a gun in a public building as long as it's not at a Board meeting.

Ms. Trucco: Exactly. There was another update to the Technology Transparency Statute, which prohibits any Board Member from contacting a social media platform and entering into an agreement with a social media platform to request content for legal or moderation in any way. For example, you can't contact Facebook saying, *"I'll pay you \$500 to take down a site."* There is an update to Section 287, that prohibits CDD Board of Supervisors from requesting documentation or considering a CDD vendor based on social, political or ideological interest and giving preference to that vendor, based on those interests. I'm just making you aware of these new Statutes and Statutory Amendments. If you have any questions, feel free to ask. Those are all of the updates that I have. Thank you.

## **B. Engineer**

### **i. Review of Annual Engineer's Report**

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

Mr. Warren: The 2023 Engineer's Report was issued on June 14, 2023. There was a brief summary of the CDD infrastructure, which was found to be in acceptable condition at the time of the report. I'm available if there are any questions or comments.

Mr. Flint: The Trust Indenture that we issue the bonds under, require the District Engineer, on an annual basis to inspect all of the infrastructure, review the Budget, review the Insurance Policy and confirm that the infrastructure is being maintained adequately. So that's what this report is. Are there any questions for Eric? Alright. Thanks, Eric.

**C. District Manager's Report**

**i. Approval of Check Register**

Mr. Flint: You have the Check Register in your agenda package from May 1, 2023 through July. 23, 2023 for the General Fund, Checks #713 through #769 in the total amount of \$257,826.07. The detailed register is behind the summary. Are there any questions on the Check Register? If not, we need a motion to approve it.

On MOTION by Mr. Bonin seconded by Mr. Hooker with all in favor the Check Register from May 1, 2023 through July. 23, 2023 in the amount of \$257,826.07 was approved.

**ii. Balance Sheet and Income Statement**

Mr. Flint: You also have the Unaudited Financials through June 30<sup>th</sup>. No action is required by the Board. If the Board has any questions, we can address those.

**iii. Amenity Manager's Report**

Ms. Diaz: Good morning. An arm gate was installed on the new gate by the Gym. A new bike rack was installed by Central Park. We provided the Clubhouse rentals and events for the months of May, June and July as well as a Usage Report for the pool and Gym and pictures of events that we had. Are there any questions?

Mr. Flint: Are there any questions for Larissa? There are some nice pictures in her report of the activities and resident participation. It looks good.

**• Field Manager's Report - Added**

Mr. Flint: Is there anything from the Field Manager? Alan or Chris?

Mr. Scheerer: Yeah. I introduced the Board to Mr. Chris Horter last month. For the past month, he has been helping out when I'm not here. We're going to let Chris get his feet wet on the Field Manager Report today.

Mr. Horter: Good morning, everyone. Mulch was added to common areas and the playgrounds. There were plant fill-ins and replacements around the amenity common areas. We added decorative stone covers over the pool light transformers around the pool. We resolved an irrigation issue on Prosperity & Flourish. They started replacing sod. We are also working on some weed issues throughout the community such as the front entrance.

Mr. Scheerer: Trees were installed in Phase 6 by Lennar. They are keeping an eye on some of those trees. We have some that are doing really well and we'll keep an eye of those and work with the install contractor if they need to be replaced.

Mr. Bonin: Between the curb and the sidewalk?

Mr. Scheerer: Yes. I'm going to catch up with Lane before I leave here today on a few things out here. Some stone is missing around the Phase 2 park around columns and we're still waiting on the pergolas in Phase 6. That's all we had.

**iv. Review of Fiscal Year 2024 Meeting Schedule**

Mr. Flint: Each year, when the Board adopts the budget, we typically will put your annual meeting schedule on the agenda. You're required to approve an annual meeting schedule every year. It anticipates you continuing to meet the first Wednesday of each month at 9:00 a.m. in this location. If you want, the Board could change the dates or location, if necessary. If there is no business, we would typically cancel the meeting, but this gives the option of meeting monthly if you need to. If the time and date is okay, the Board could approve this. Otherwise, you could amend it.

Mr. Bonin MOVED to approve the Fiscal Year 2024 meeting schedule as presented and Mr. Hooker seconded the motion.

Mr. Flint: It looks like the July meeting was scheduled for July 3<sup>rd</sup>. You probably won't meet in July. We'll figure that out, but we have it on the schedule if we need to.

On VOICE VOTE with all in favor the Fiscal Year 2024 meeting schedule as presented was approved.

**FOURTEENTH ORDER OF BUSINESS                      Other Business**

Mr. Flint: That was all the business. Does staff have anything that we didn't cover?  
Hearing none,

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors Requests**

Mr. Flint: Are there any Supervisors Requests? Hearing none, we need a motion to adjourn.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

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

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman

