

**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 6, 2023** at 9:00 a.m. at Tohoqua Amenity Center, 1830 Fulfillment Drive, Kissimmee, Florida.

Present and constituting a quorum:

|                             |                     |
|-----------------------------|---------------------|
| Andre Vidrine               | Chairman            |
| Marcus Hooker               | Vice Chairman       |
| Rob Bonin                   | Assistant Secretary |
| Chris Wrenn <i>by phone</i> | Assistant Secretary |

Also present were:

|                               |                               |
|-------------------------------|-------------------------------|
| Jason Showe                   | District Manager              |
| Kristen Trucco                | District Counsel, Latham Luna |
| Eric Warren <i>via phone</i>  | District Engineer             |
| Alan Scheerer                 | Field Manager                 |
| Marcia Calleja                | CALM                          |
| Larissa Diaz                  | CALM                          |
| Chris Horter                  | CALM                          |
| Sete Zare <i>via phone</i>    | MBS                           |
| Tim Bramwell <i>via phone</i> | Akerman                       |

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order at 9:00 a.m. and called the roll. There are three Board members present in person constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. Showe: There are only members of the Board and staff present.



**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the August 2, 2023 Board of Supervisors Meeting**

Mr. Showe: The minutes of the August 2, 2023 Board of Supervisors meeting are included in your agenda packet. We will take any corrections or changes at this time.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Minutes of the August 2, 2023 Board of Supervisors Meeting were approved as presented.

**FOURTH ORDER OF BUSINESS**

**Financing Matters**

**A. Consideration of Supplement to Investment Banking Agreement with MBS Capital Markets, LLC**

Mr. Showe: Sete is on the phone and that agreement is in large part similar to the agreement that you have had in all of the other areas that you have done. We will take any questions or does counsel have any comments?

Ms. Trucco: This is your agreement with MBS to serve as underwriter. Like Jason said, this is substantially similar to the prior agreements that the CDD has signed for all six of the other bond issuances. If you have any specific questions, I can try to answer them now, but I have reviewed it and it looks all right. I did not have any issue with the CDD going ahead and approving it so looking for a motion to approve.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Investment Banking Agreements with MBS, was approved.

**B. Consideration of Sixth Supplemental Engineer's Report Series 2023 Phase 4C**

Mr. Showe: We will start with the Engineer's Report and do have Eric on the phone who will go over the Engineer's Report.

Mr. Warren: The report that is included in today's agenda packet is for 4C which is 249 units on approximately 52 acres. We have included in that construction cost opinion for improvements eligible for CDD funding which included the stormwater pipes and structures, potable water distribution system, sewer collection system, reclaimed water distribution system, and landscape and hardscape for a total of \$3,424,672.43. If anyone has any questions or would like further detail, please let me know and I will answer any questions.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Sixth Supplemental Engineer's Report Series 2023 Phase 4C, was approved.

**C. Consideration of Supplemental Assessment Methodology Report Series 2023 Phase 4C**

Mr. Showe: We prepared an Assessment Methodology for Assessment Area 6. It takes all of those costs from the Engineer's Report and lays it out over the project to the individual homes and does line up the assessments as proposed lineup with the currently assessed areas in Phase 4. Any questions or comments on the assessment report or a motion to approve?

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Supplemental Assessment Methodology Report Series 2023 Phase 4C, was approved.

**D. Consideration of Resolution 2023-13 Bond Delegation Resolution**

Mr. Bramwell: Back September 24, 2017, the Board adopted Resolution 2017-21, a master bond resolution authorizing the issuance of special assessment revenue bonds in an amount not to exceed \$94,500,000. The resolution was validated by a circuit court on December 5, 2016 and the CDD has previously issued five bond issues with aggregate principal amounts totaling \$11,755,000. The resolution seeks to supplement the initial bond resolution and authorize six series of bonds with a principal amount not to exceed \$3,100,000 and approves the related bond documents. The resolution authorizes the Board to engage MBS as the underwriter to market bonds using a preliminary limited offering memorandum attached to the resolution. Section 5 of the resolution establishes certain parameters to be met in order for MBS's offer to purchase the bonds to be accepted. The parameters are summarized as followed: aggregate principal amount not to exceed \$3,100,000, the net average cost of the bonds cannot exceed the maximum level permitted under Florida Law which is 300 basis points in excess of the bond buyers' 20 GO bond index rate, the underwriters discount not to exceed 2%, the bond should be subject to optional redemption no later than May 1, 2037 at a price of 100%, the final maturity of the bond should be no later than May 1, 2055. Also attached is a Continuing Disclosure Agreement. Does anyone have any questions?

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, Resolution 2023-13 Bond Delegation Resolution, was approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Developer Funding Agreement with Pulte Homes Company, LLC**

Mr. Showe: This agreement recognizes there will be some direct funding from Pulte for all related activities that will take place on that parcel as those were not contemplated to be assessed in the budget, so those will be funded directly.

Ms. Trucco: We are going to replicate this for the other developer and the CDD. Usually this is on the last agenda at the public hearing to adopt the budget, but we can still adopt this, and it will be effective as of October 1, 2023. Looking for a motion to approve the concept of the Developer Funding Agreement for all of the developers that own property within the CDD. This is in lieu of collecting special assessments through the tax collector. We are going to provide them written notice of any amounts due under the budget.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Developer Funding Agreement with Pulte Homes Company, LLC, was approved.

**SIXTH ORDER OF BUSINESS**

**Ratification of Acknowledgement and Consent of Pulte Homes Company, LLC Regarding Ownership of Certain Tracts in Phase 4C**

Ms. Trucco: We were provided a draft plat for 4C by Pulte, and it had already gone through a number of approval stages with the city. We had a couple of comments on that specifically that we wanted the plat to acknowledge that Pulte owns the specific open space tracts and storm water tracts and that the CDD will not own them until they are conveyed to the CDD by a separate instrument. This is just a precautionary measure that the developers are asked to put in plats if they are able to so there are no issues later as to whether the CDD owns something without receiving formal deed. It allows us to go through our process of getting an engineer to review the property before it is conveyed to the CDD and then notify our insurance carrier, contractors, etc. to protect the CDD and make sure we are maintaining property that we

acknowledge that we own. We asked Pulte to sign an acknowledgement and consent stating that it acknowledges and agrees that it owns those tracts that are stated on the plat, and they will be conveyed to the CDD by a separate instrument.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Acknowledgement and Consent of Pulte Homes Company, LLC Regarding Ownership of Certain Tracts in Phase 4C, was ratified.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Release of Assessments Related to School Site**

Ms. Trucco: We were notified that there are some negotiations for a school district to take property within the boundary of the CDD which was contemplated, and we were aware that was coming down the line, so it is in final approval stages right now. We reviewed the proposal and agreed to release the assessments related to the school site. You will see the draft that is included in your agenda. We are looking for approval in substantially final form because it still needs to go before the school district. This is going to release the District’s ability to collect assessments on the school site so long as it is owned by the school district and used for an educational purpose. If you have any questions, we can ask them now.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Release of Assessments Related to School Site, was approved in substantial form.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Trucco: The only updates from the last Board meeting are that we have been working on that release, the consent to Pulte that was in the agenda. There were three documents attached to the Bond Delegation Resolution. We are just moving forward with the bond issuances and also moving forward on the contraction and expansion so hopefully that will be set for hearing soon.

**B. Engineer**

Mr. Showe: Any other updates Eric?

Mr. Warren: Nothing at this time.

**C. District Manager’s Report**

**i. Approval of Check Register**

Mr. Showe: You have approval of the Check Register. In your general fund there are check numbers 770-796 for \$173,530.53.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Check Register for checks 770-796 totaling \$173,530.53, was approved.

**ii. Balance Sheet and Income Statement**

Mr. Showe: You also have the Unaudited Financial. No action is required by the Board. On your general fund, we are doing better than budget actuals. These are not audited yet so there may be some additional changes as we go through. We have also collected 100% of our assessments. If the Board has any questions, we can address those.

**iii. Amenity Manager’s Report**

Ms. Calleja: We included the report in your agenda. July 31<sup>st</sup>. Items completed included the AC issues that have been repaired. We had one clubhouse event in August and the August recap and the September events are listed. We have also included pictures from events that we had in the last month.

**NINTH ORDER OF BUSINESS**

**Other Business**

Mr. Scheerer: I have been working with Chris doing a lot of day-to-day stuff. I will let him do the brief Field Manager’s Report. Before he goes into that, we have had several phone calls from residents in the Tohoqua Reserve requesting an aeration fountain in phase 5 pond. At this time, I believe Pulte indicated they wouldn’t install anything in there and I do not believe the CDD will do it, but what we agreed to do for the time being is we are working with Lake Fountains and Irrigation and Cascade Fountain right now just to get a cost to see. It is not funded in our budget, and I do not know that it is funded in the HOA budget for Tohoqua Reserve. I did tell the residents that I spoke with that I could at least get a number and share that with the Board at the next Board meeting. We tried to explain it is hurricane season and raining.

Mr. Horter: After the storm, the damage wasn't too bad. We did have several drain columns down at cross barriers. We are still working on getting some weeds maintained in the common area beds. The main issue was recently resolved on Tohoqua Blvd. We are also working with Pulte, the landscape company to get Phase 5 pond ready to turn over. We did a preturnover walk in Phase 3 and a punch list was made for that. We also approved a few landscape proposals recently getting the sod replaced near the sidewalk to curb portions in Phase 2 as well as some grading issues and sod replacement around the clubhouse amenities.

**TENTH ORDER OF BUSINESS**

**Supervisors Requests**

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

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

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

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman