

**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, **February 7, 2024** 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	Assistant Secretary
Shaun Rogozinski	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. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: No members of the public are present to provide public comment, other than the Board and staff.

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THIRD ORDER OF BUSINESS

Approval of Minutes of the October 4 2023, Board of Supervisors Meeting

Mr. Flint: Next we have approval of the minutes of the October 4, 2023 meeting. It's hard to believe it has been that long. Did the Board have any comments or questions on the minutes?

Mr. Vidrine: No.

Mr. Flint: If not, we need a motion to approve them.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the October 4 2023, Board of Supervisors Meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Discussion of Landscape Service Agreement Addendum

Mr. Flint: Alan, do you want to handle the Landscape Service Agreement Addendum?

Mr. Scheerer: Yes. Included in the agenda package, is the Landscape Service Agreement with United Land Services, to include Phases 4A and 4B. That will cover the two mews, playground, two ponds, as well as the right-of-way (ROW) along Summer Clouds Way. This is within the budget that was adopted for 2024. Pulte spent a lot of time correcting some of the deficiencies in those locations and we're just seeking an approval, so we can begin the maintenance of that.

Mr. Flint: This is all budgeted based on estimates that we had received during the budget process.

Mr. Scheerer: Correct. It looks good. I know they added additional drainage. Our initial inspection pinpointed some flooding there. It looks like the drainage is working well. I didn't see any problems from the last rain and we'll just continue to monitor that.

Mr. Wrenn: It looks a lot better than it did.

Mr. Scheerer: Yes. I know that Pulte had United Land do all of the work as well. So, the contractor that's going to maintain it, did all of the work to correct it. I'll try to answer any questions that you might have.

Mr. Wrenn: So, that means they did the work and there's a warranty period to replace trees.

Mr. Scheerer: All of the trees have been corrected. Sod, elevation, grading, new install, all of that was corrected by Pulte. Again, they used United Land to do the work.

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Mr. Wrenn: Okay.

Mr. Flint: Are there any other questions or comments on the addendum? If not, is there a motion to approve it?

On MOTION by Mr. Wrenn seconded by Mr. Rogozinski with all in favor the Landscape Service Agreement addendum for Phase 4 was approved.

FIFTH ORDER OF BUSINESS

Ratification of Data Sharing and Usage Agreement with Osceola County Property Appraiser

Mr. Flint: Item five is ratification of the Data Sharing and Usage Agreement with the Property Appraiser. This is related to using the Tax Bill as the collection method for the District's operation and maintenance (O&M) and debt service assessments. It's a requirement. This agreement is consistent with what you've seen in the past. Because the Board hasn't met since October, I executed this agreement and I'm just asking the Board to ratify that action.

On MOTION by Mr. Vidrine seconded by Mr. Wrenn with all in favor the Data Sharing and Usage Agreement with Osceola County was ratified.

SIXTH ORDER OF BUSINESS

Ratification of Series 2022 Phase 3/6 Requisitions No. 6, 8 & 9

Mr. Flint: Next we have the ratification of some requisitions for the Series 2022 Phase 3/6 bonds. We have Requisition No. 6 for Poulos & Bennett for \$1,586.25. Requisition No. 8 is for Poulos & Bennett for \$461.25 and Requisition No. 9 is for \$70 for Poulos & Bennett. These have all been signed and we're asking the Board to ratify them.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Requisition No. 6, 8 & 9 for Phase 3/6 were ratified.

SEVENTH ORDER OF BUSINESS

Ratification of Series 2023 Phase 4B/5B Requisitions No. 3

Mr. Flint: Item 7 is Requisition No. 3 for Series 2023 Phase 4B/5B for Poulos & Bennett as well, in the amount of \$56.25. Is there a motion to ratify?

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On MOTION by Mr. Wrenn seconded by Mr. Hooker with all in favor Requisition No. 3 for Series 2023 Phase 4B/5B was ratified.

EIGHTH ORDER OF BUSINESS

Ratification of Series 2023 Phase 4C Requisitions No. 3 & 5

Mr. Flint: Then we have Requisition No. 3 for Poulos & Bennett for Series 2023 Phase 4C in the amount of \$4,243.75 and Requisition No. 5 for Poulos & Bennett in the amount of \$56.25. Is there a motion to ratify?

On MOTION by Mr. Wrenn seconded by Mr. Rogozinski with all in favor Requisition No. 3 & 5 for Series 2023 Phase 4C was ratified.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. Review of Ethics Training Memo

Mr. Flint: For Staff Reports, the first item is the Attorney’s Report.

Ms. Trucco: I’ll be brief. Included in your agenda today, is a copy of the email that I sent, regarding the new ethics training requirement. You’ll recall, that starting on January 1, 2024 and moving forward each calendar year, you’re going to have to complete four hours of ethics training. That can be completed in 15-minute increments. There are 15 minutes incremental videos available for free right now, on the Florida Commission on Ethics website, as well as the Attorney General’s website. I included links in the email. These are free videos on both of those websites and I recommend watching these free ones, to satisfy the requirement. You’ll see when you pull it up, there are videos for state officers. You all are obviously local officers, so there’s a voting conflict video just for local officers. Then there’s one on gifts and one on the Sunshine Law and Florida Constitution as well. So, if you watch all four of those, you’ll have satisfied the requirement. We received a lot of questions, because the Form 1 for calendar year 2023, is technically due on July 1, 2024. You are not required to complete the ethics training for that Form 1, because the ethics training is for calendar year 2024. That Form 1 for 2024, is due July 1 of 2025. It’s kind of confusing, so if you have any questions, give George or me a call and we’re happy to walk you through it. Basically, you’re not actually going to have to check off that you’ve completed the requirement until July 1 of 2025. Then the other change, is that your Form

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1 for 2023, has to be submitted electronically. So, there's a URL here in this email that you can click on. Just go to the Florida Commission on Ethics website and a page will pop up asking you to submit your Form 1. So, you're just going to follow the prompts. Again, if you have any questions, just give George or me a call and we can help you out with that.

Mr. Flint: As you recall, in the past, the Supervisor of Elections sent you the Form 1 on June 1st and it was due on July 1st. Now, the Supervisor of Elections has been taken out of the process and it's all online. You can file any time between now and July 1st. You don't have to wait until June 1st, at this point. For new Board Members, Shaun, you have to file your initial Form 1 within 30 days of today. Again, you'll be doing that online. In the past, we used to hand you a hard copy and you would have to file it with the Supervisor of Elections, but that is no longer the case. It's in Kristen's memo, but if we haven't already, we'll send you an email with the link. We've already pre-registered all the Board Members in a database, so you all are reflected in that database. You should be able to go right in and file it. Those are the main changes. Again, you're self-certifying. So, when you check that box, you're self-certifying that you did the four hours. July of 2025 is the first time you need to check the box for this calendar year.

Mr. Wrenn: Check the box for July?

Mr. Flint: The requirement is for calendar 2024. The Form 1 that you file in July of 2025, is for 2024. You're filing it retroactively, basically. So, you're not obligated to check that box saying, that you did the training until next year.

Mr. Rogozinski: Is that within 30 days as well?

Mr. Flint: Well, you would have to do the training at some point this calendar year, the four hours before December 31st and then you would certify it in July of 2025.

Mr. Rogozinski: I got you.

Mr. Flint: But you have to fill out Form 1 within 30 days of today.

Mr. Rogozinski: Right, but not doing the training.

Mr. Flint: No, the training is not until July of next year.

Mr. Rogozinski: I understand.

Ms. Trucco: Yeah, but those videos actually may help. It goes over ethics, Sunshine Law and public meetings. So, it may actually help, too.

Mr. Flint: There was a Special District Bill this session, that had some fairly bad language in it for Special Districts in general. Most of the stuff with CDDs were exempted and

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the lobbyists on behalf of CDDs did a pretty good job. The Bill was sponsored by the Chair of the Special District Committee and it was being pushed by the Speaker of the House. So, it had a lot of momentum. The only provision in there that was adverse really to CDDs, that we weren't able to get removed out of the House Bill, dealt with developers having to basically sign an affidavit, at the time that petitions are filed to create a District, that there would be enough homes within the District to achieve the 250 registered voter mark. So, the Districts would ultimately transition to resident control through a general election process. The problem with the language was, it's ambiguous about how many units you need to achieve 250 registered voters. But the other issue was that the way it was worded, it precluded commercial Districts going forward or mixed-use Districts with small residential components. So, the project that Universal is doing right now, which is solely commercial, going forward with that language wouldn't be achievable. Bonnet Creek Resort wouldn't be achievable. A lot of those that would never have 250 registered voters, wouldn't be able to do it. The Senate version of the Bill took that language out. So, both have been approved and they get together in session and negotiate the final Bill. My understanding is that the Speaker is going to back off on the language and that will go away, but that was the main issue. Everyone was keeping an eye on that Bill. It doesn't affect any current Districts, but going forward it would have prevented some commercial type Districts. But we think that's going to be knocked out when the final Bill is negotiated. Is there anything else on that?

Ms. Trucco: Not on that, but I wanted to provide the Board, just a quick update too, on the Contraction Expansion Petition. We're finally at the finish line. The city approved the Contraction and Expansion Petition. They needed to do that. They had a say because the CDD boundary, all the property within the CDD, was annexed into the City of St. Cloud. So, they had a say in whether we had permission to contract and expand. We've gotten their sign off and now it just needs to go to the county. The hearing for Osceola County is scheduled for February 19th and we're not anticipating any issues there. There was a last-minute request that came in last week, for basically an amendment to the Interlocal Agreement, just to acknowledge that the terms of that Interlocal Agreement, which required additional notice to homeowners of the CDD being in existence, things like that. That agreement was entered into when the CDD was first established. They wanted an amendment to that, just acknowledging that all the terms of that Interlocal Agreement apply to the new District's boundary. Then they also wanted a certificate.

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We believe that we could satisfy that requirement by asking the District Engineer to certify that all of the obligations in the original petitioner's agreement, have been complied with to date. So, I have forms of that and we're going to try to get that out to the District Engineer, Mr. Eric Warren, actually later today. So again, we don't anticipate any issues, but there's just a couple of little things that we're doing to wrap that up. Then the public hearing will be on the 19th. So that's all I have for you today.

B. Engineer

Mr. Flint: Eric, did you have anything for the Board under the Engineers Report?

Mr. Warren: I do not have anything unless there are any questions, but I did hear my name a moment ago on the contraction.

Ms. Trucco: Yes, I'm going to send you an email with a certificate regarding the Petitioner's Agreement that the county is asking for. So, you'll see an email from me later today.

Mr. Warren: Okay. I'll keep an eye out for it. Thank you.

Mr. Flint: You also sent us some information on the Phase 1 pond, as we had some questions from a resident who lived on the pond about the Landscape Plan. We looked at the construction drawings and there doesn't appear to be any landscape detail for the pond itself. If you could, re-look at that and just see if there was any specific approval of a Landscape Plan associated with the pond. There are details related to the road ROW and other areas, but there was nothing specific to the pond. There's a bubble diagram on there that does show some theoretical trees on that pond, but no detail and specifications. So, I don't know if Bonnet Creek had a Landscape Plan that was approved or there was nothing approved for it. But if you wouldn't mind looking at that for us, just in case we have to get deeper into that issue.

Mr. Warren: Okay. Maybe we can have a call later this afternoon.

Mr. Flint: Okay.

C. District Manager's Report

Mr. Flint: We have the approval of Check Register from September 24, 2023 through January 23, 2024 for \$337,527.39. The detailed register is behind the summary. Are there any questions on the register? If not, is there a motion to approve it?

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On MOTION by Mr. Wrenn seconded by Mr. Hooker with all in favor the Check Register from A September 24, 2023 through January 23, 2024 in the amount of \$337,527.39 was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: We also have the Unaudited Financials through December 31st. There's no action required by the Board, but if you have any questions, we can discuss those.

iii. Amenity Manager's Report

Mr. Flint: Next is the Amenity Manager's Report.

Ms. Diaz: Good morning. You will see the rentals that we had in the month of October, November and December. There were no rentals in January. You will also see the events recap for the month of October, November, December, and January, as well as the events scheduled for this month, the usage of the pool and the Gym and pictures of events that we had in the community for the past couple of months.

Mr. Flint: Are there any questions for Larissa? I wanted to thank you, Larissa for your service. I think she's with us another week. So, we'll be recruiting for another Amenity Manager, but we appreciate all you've done for the District and for GMS.

Ms. Diaz: Thank you.

Mr. Vidrine: We appreciate your time. It was great.

Mr. Flint: Marcia and Chris and Alan and everyone are still here. So, we'll recruit for another Amenity Manager.

TENTH ORDER OF BUSINESS

Other Business

Mr. Flint: Is there any other business? Hearing no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: Are there any Supervisors Requests?

Mr. Vidrine: No requests.

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TWELFTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
George Flint

Secretary Assistant Secretary

DocuSigned by:
Andre Vidrine

Chairman Vice Chairman