

**MINUTES OF MEETING  
TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

The Toscana Isles Community Development District Board of Supervisors held a Regular Meeting on Wednesday, December 5, 2018, at 10:00 a.m., at the offices of Vanguard Land, LLC, located at 6561 Palmer Park Circle, Suite B, Sarasota, Florida 34238.

**Present at the meeting were:**

Samantha Hays	Chair
Brian Watson	Vice Chair
Daniel Peshkin	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Christine Cardelle	Wrathell Hunt and Associates LLC
John Vericker (via telephone)	District Counsel
Leanne Hamilton-Smith	Resident
Rick Smith	Resident
Mike LaBoe	Resident
Curis Ciccone	Resident
Bob Kahn	Resident
Kathy Brown	Resident
Randy Brown	Resident
Joe Farinelli	Resident
John Huot	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 10:00 a.m. Supervisors Samantha Hays, Daniel Peshkin and Brian Watson were present, in person. Supervisors Alexander Hays and John Peshkin were not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Ms. Cerbone stated, unlike the previous meeting, which was a public hearing and more interactive, presently, residents can only speak during the Public Comments sections at the beginning and end of the meeting.

Mr. Mike LaBoe, a resident, asked what the par value of the Series 2018 bond is along with the coupon rate that the bond will be issued at. A Board Member replied the par value is \$16,725,000 and is noted on Page 13, of the November 13, 2018 Final Second Supplemental Special Assessment Methodology Report, and the coupon rate is a staggered one, meaning that portions of the bond have a lower coupon that matures at an earlier period and, later on, the coupon will increase. That information is found in the Limited Offering Memorandum (LOM), which is a public record and can be easily-researched.

Regarding meeting minutes, Mr. LaBoe questioned why the minutes from the previous Board meeting were not yet posted, as Florida Statutes dictate that they must be promptly-recorded. Ms. Cerbone explained, typically, there is a four-week turnaround after a meeting to post meeting minutes and the previous meeting and public hearing was held one week ago. The November 28 meeting minutes will be presented at the December 19 meeting and, if it is cancelled, the minutes would be presented at the January meeting; the minutes would be a part of the agenda package, which is posted on the website for anyone to review.

Mr. Joe Farinelli, a resident, suggested assigning a "by-when" completion date to questions or action items broached during a meeting, so that residents do not receive "when we can get to it" responses to their questions. Ms. Cerbone stated that she did not say "When I can get to it." and Management will provide the information.

**THIRD ORDER OF BUSINESS**

**Approval of Requisition(s)**

There were no requisitions to approve.

**FOURTH ORDER OF BUSINESS**

**Ratification of Contract/Change Order(s)/Purchase Order(s)**

There was nothing to ratify.

**FIFTH ORDER OF BUSINESS**

**Consideration of Final Second Supplemental Special Assessment Methodology Report**

Ms. Cerbone recalled that, several meetings ago, the Board approved a Supplemental Assessment Methodology Report, in substantial form, and the Second Supplemental Assessment Methodology Report was reviewed and approved, in substantial form, at the previous meeting and, although it did not need to be included in today's agenda, Management included it for the purposes of transparency.

**On MOTION by Mr. Watson and seconded by Mr. Peshkin, with all in favor, the Final Second Supplemental Special Assessment Methodology Report, in substantial form, was approved.**

**SIXTH ORDER OF BUSINESS**

**Update: 2018 Bond Issue**

Ms. Cerbone stated that all the documents have been signed and transferred to the appropriate parties, including Bond Counsel, the Trustee, etc. Management has the paperwork and has been in touch with the Trustee; everything is in place to receive the bond proceeds and begin the requisition process accordingly.

**SEVENTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of October 31, 2018**

Ms. Cerbone presented the Unaudited Financial Statements as of October 31, 2018.

**On MOTION by Mr. Peshkin and seconded by Ms. Hays, with all in favor, the Unaudited Financial Statements as of October 31, 2018, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Approval of Minutes**

- A. **November 7, 2018 Landowners' Meeting**
- B. **November 7, 2018 Regular Meeting**

Ms. Cerbone presented the November 7, 2018 Landowners’ Meeting and November 7, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Watson and seconded by Ms. Hays, with all in favor, the November 7, 2018 Landowners’ Meeting and November 7, 2018 Regular Meeting Minutes, as presented, were approved.**

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Straley Robin Vericker***

There being no report, the next item followed.

**B. District Engineer: *AM Engineering, Inc.***

There being no report, the next item followed.

**C. District Manager: *Wrathell, Hunt and Associates, LLC***

**i. NEXT MEETING DATE: December 19, 2018 at 10:00 A.M.**

The next meeting will be held on December 19, 2018 at 10:00 a.m.

**TENTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests**

There being no Board Member comments or requests, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Public Comments**

Mr. LaBoe stated that he went on the CDD’s website and did not find “a list of all taxes, fees, assessments or charges imposed and collected, rates or amounts for the current fiscal year”, as required by the Florida Department of Economic Opportunity, on their website. Ms. Cerbone stated that information is posted and listed in the Unaudited Financial Statements, as well as in the adopted budget. The following exchange transpired:

Mr. LaBoe: Right but where are the taxes, fees, assessments and charges imposed by lots?

Ms. Cerbone: That would be on the assessment page and—

Mr. LaBoe: --it was not in there. I looked at it, I went through it for a half-hour.

Ms. Cerbone: If you would like to stay with me after the meeting, I have a copy of the budget that is posted on the website and I can point that out to you.

Mr. LaBoe: Yes but that is different than just putting the financial statements on there.

Ms. Cerbone: Sir, we are in compliance with what is required by the Florida Department of Economic Opportunity and I am going to show where, in the budget, you can see what has been imposed; not on the financial statements but on the budget itself.

Mr. LaBoe: Okay. Second question. On page 20 of the Florida Department of Economic Opportunity, it states that, under Special Districts, they must hold open meetings to the public and provide a statement of how to appeal an official decision. So how do you appeal an official decision?

Ms. Cerbone: I will get back with you on that information. Unless the Board would like District Counsel to address the inquiry or would you rather District Staff get back to Mr. LaBoe; is there a preference?

Mr. Vericker: I think understanding the context, would be better to—

Ms. Cerbone: --right, understanding the context of which he would like to file an appeal?

Mr. Vericker: Right. What official action and whatnot. I think that is something that could be clarified.

Ms. Cerbone: Okay. Mr. LaBoe, would you like to expand upon your potential desire to file an appeal so I will have a little bit more to go on?

Mr. LaBoe: Well, it just says that you guys are supposed to provide a statement of how an appeal of an official decision is done, so there is either paperwork put together or—

Mr. Vericker: --I think I have an example of what that applies to—

Mr. LaBoe: --and who is this on the phone?

Ms. Cerbone: This is John Vericker, District Counsel for Toscana Isles Community Development District.

Mr. LaBoe: How do you spell his last name?

Ms. Cerbone: V-e-r-i-c-k-e-r.

Mr. Vericker: I can give you an example of what that context could be. When a District, for example bids out, or any District, bids out a landscaping contract over \$195,000, we go through a competitive bidding and, pursuant to the rules, the bidders have to respond in the period of time. They respond and the bids are opened and then reviewed at a Board Meeting and then the winner is selected by the Board, based on competitive selection criteria, and at the end, the notice is sent out to all the bidders. Because they have an interest and it was under competitive bidding, they do have a right to appeal that decision during a 72-hour period. So, that procedure is spelled out during that, so that is an example of what an appeal is and what kind of action is taken by the Board and they do get the opportunity to get the bidder. It is not like they were not selected for whatever reasons and the Board did not look at it properly. When there are actions like that, the appeals process is spelled out pretty clearly.

Mr. LaBoe: Is there official paperwork that the District has or the Counsel has to make an appeal of an official decision?

Mr. Vericker: Yes, yes. The District has the Rules of Procedure and so, for the bidding contracts, it would show if a, let us say, a landscaper who did not get picked did not agree with the decision, how they would file that and how the Board would reconsider it and perhaps re-evaluate or change its mind. So yes, there are Rules of Procedure.

Mr. LaBoe: John, could you, either email me or have Ms. Cerbone email me the official paperwork?

Mr. Vericker: Yes, Ms. Cerbone would have a copy of the District's Rules of Procedure for bidding and that sort of thing.

Ms. Cerbone: The rules—

Mr. LaBoe: I mean the official decision on how to appeal an official decision--

Mr. Vericker: --that is all in the Rules of Procedure.

Ms. Cerbone: I will be sending you the entire Rules of Procedure; there is an index and that way you can find this line item on the index because I would not want to send an incomplete document. That way you will see the entire document for Rules of Procedure and, if you have a problem or a question, you are always free to call me or email me, Mr. LaBoe.

Mr. LaBoe: So, you will email me, then?

Ms. Cerbone: Correct; I will email you the Rules of Procedure.

Mr. LaBoe: All right. The last question I have is in regards to, each of the co-owners receive a document from the City of Venice. It is a public hearing notice in regard to the rezone Amendment Petition, 1903rz. Could Ms. Samantha Hays or the Board Chair tell me exactly what this is all about, so that the people could know a little bit more about what we are rezoning, because this is something that--

Mr. Vericker: The District does not have land use or zoning powers.

Ms. Cerbone: It is not applicable for a CDD--

Mr. Vericker: --that would not have been sent out by the District and this Board has no involvement in that, so you would really have to speak to the jurisdiction as Tenant. Was that the City?

Ms. Cerbone: The City. Correct; the City of Venice.

Mr. Vericker: The District does not, we are a maintenance entity. We have no zoning powers; that is a City Issue.

Mr. LaBoe: But this is going to affect the Equivalent Residential Units (ERUs) and the calculation for ERUs; if you start changing what those parcel and lots are going to be.

Mr. Vericker: We have no control over when the City rezones anything.

Mr. LaBoe: The City is not rezoning anything; it is somebody who is bringing it to the City because they basically filed an Amendment.

Mr. Vericker: Okay—

Mr. LaBoe: So, who filed the Amendment?

Mr. Vericker: Then, I think what the appropriate thing would be... for whoever is an interested party or citizen would go to the City and attend that public hearing but this Board has no involvement in rezoning approvals based on the City.

Ms. Cerbone stated that Mr. LaBoe's three minutes were up and asked if anyone else wished to speak.

Mr. Robert Kahn, a resident, stated he was billed CDD fees on his tax bill and the other lots in his Phase were not and asked why the CDD fees are not reflected on the CDD's bills for the lots in his Phase in Tuscvilla. Ms. Cerbone stated that the Board adopted a Resolution in

which it may provide information to the tax collector in which, assessments may be billed, collected and remitted back to the District, or, the District may bill the property owner directly and not go through the tax collector; the District has the option of billing the property owner through the tax collector's office or directly. A Board member stated that there is a cut-off period where the District must provide the property appraiser the names of owners on record by a particular date in order for it to make the tax bill. Probably, Mr. Kahn was in contract and had closed with DR Horton before the cut-off date; whereas, his neighbors, who did not get it on their property tax bill, closed subsequent to that cutoff date but everyone will receive a bill from the District whether it is through their tax bill or via direct billing and, the following year, it will be on everybody's tax bill. In response to Mr. Kahn's follow-up question regarding the District's reasons for billing the Developer or not, Mr. Watson stated that it has to do with the cut-off for the period and, because DR Horton has so many lots, it is easier for the District to produce one bill for them as opposed to 150 bills. As soon as that billing begins on the tax record, it will always be on the tax record. As to how long the Developer has to remit payment, Mr. Watson stated, just as with resident tax bills, the Developer basically has until April 1 to pay it; he was unsure if a 4% discount was given to DR Horton.

Ms. Cerbone stated that the questions asked at today's meeting and in the previous meeting were valid, helpful and commonly-asked and, whether the question concerns the District's website or on-roll versus off-roll tax payments, District Staff will do its best to answer all questions when asked and, if not, then an answer will be provided at the subsequent meeting. All the questions asked have been great and intelligent, showing that meeting attendees have reviewed the materials and have assessed their personal properties and responsibilities as property owners within a District.

In response to Mr. Farinelli's question regarding unanswered questions, Ms. Cerbone stated all questions asked during the meeting will be in the meeting minutes. Residents will be provided answers in two ways; via a telephone call from the District Manager and again, at the subsequent meeting, as a matter of public record.

Mr. Todd Reagan, a resident, asked for Mr. Wrathell's contact information. Ms. Cerbone replied that she would write Mr. Wrathell's contact information on her business card,



as she and Mr. Wrathell work as a team and it is the same phone number and website for both Managers.

**TWELFTH ORDER OF BUSINESS**


**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Hays and seconded by Mr. Peshkin, with all in favor, the meeting adjourned at 10:30 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
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Secretary/Assistant Secretary

  
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Chair/Vice Chair