

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

The Board of Supervisors of the Toscana Isles Community Development District held Multiple Public Hearings and a Regular Meeting on July 14, 2021, at 10:00 a.m., at Comfort Suites Sarasota – Siesta Key, 5690 Honore Avenue, Sarasota, Florida 34233.

Present were:

Alex Hays	Chair
Brian Watson	Vice Chair
Daniel Peshkin	Assistant Secretary
Jeffrey Sweater	Assistant Secretary
Michael LaBoe	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Daniel Rom	Wrathell, Hunt and Associates, LLC (WHA)
Vanessa Steinerts	District Counsel
Tammy Campbell (via telephone)	McDermitt Davis
David W. Lewis	Resident
Bill Contardo	Resident
Alice Contardo	Resident
James Collins	Resident
Richard Daitch	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:05 a.m. All Supervisors were present.

Ms. Cerbone noted that Comfort Suites provided food and beverages for this meeting as an apology for relocating the meeting room because a contractor commenced a planned construction project one week earlier than expected. Comfort Suites would not bill the CDD for the meeting today or for the next two meetings. Ms. Sanchez was at the original meeting room to direct attendees to the new meeting location and Mr. Rom confirmed no one was attending via telephone.

SECOND ORDER OF BUSINESS**Discussion/Consideration:
Duration [1 hour]****Meeting**

Ms. Cerbone stated that the meeting was anticipated to last no more than one hour. The Board agreed that one hour was sufficient time and would decide whether to extend the meeting once they reach one hour. She expected the Auditor to call in and present the Audit. She noted that there will be several opportunities during the meeting to make public comments. She discussed the public comments protocol and explained that the Board and Staff may decide whether to respond to questions or comments during the meeting but are not required to respond.

THIRD ORDER OF BUSINESS**Public Comments [10 minutes]**

Ms. Cerbone read resident Dave Lewis' speaker card and stated that the Audit Report was included in the agenda and posted on the CDD website seven days prior to the meeting.

Resident Bill Contardo asked for clarification regarding the organization and structure of the Toscana Isles CDD. Per the Board's direction, Ms. Cerbone explained what Special Local Community Development Districts (CDDs) are and noted that Toscana Isles CDD is a governmental entity. She discussed the advantages of establishing a CDD, the debt assessment process, and residential operations and maintenance (O&M) expenses, which are reflected as non-ad valorem assessments on each property owners' tax bill.

During portions of the public comments section, Ms. Cerbone read into the record emails from Mr. Tony Dandy, Ms. Marcia Bouchard and Ms. Susan Doyle, homeowners who were unable to attend today's meeting. The comments included the following:

- Formal objections to the CDD's O&M assessment increase.
- An expression of concerns that DR Horton had not mentioned that assessments could increase.
- A request for a full explanation of the increase
- Request to allow residents to attend meetings via Zoom.
- Questioning of why residents executed documents to provide use of contact information that the residents' themselves cannot access.

Discussion ensued regarding DR Horton's transparency of CDD assessments to homebuyers, based on some residents stating DR Horton said the CDD assessment was fixed. Ms. Steinerts suggested homeowner's submit written confirmation to DR Horton directly about their business practice regarding CDD-related costs or review their closing documents.

Mr. LaBoe motioned to direct District Counsel to draft a letter to DR Horton about how CDD costs are being represented to the homebuyer. The motion died due to lack of a second.

The Board agreed with Mr. Sweater's offer to, as a resident, contact to the DR Horton sales office to determine how the CDD budget is conveyed to home buyer. He would email Ms. Cerbone the information to email to the Board; this item would be placed on the next agenda.

Resident James Collins asked if CDD O&M assessments are common throughout Florida and how often and how much the assessment amount fluctuates.

Per the Board's direction, Ms. Cerbone stated, as a District Manager covering over 40 CDD's, O&M budget increases occur over time and are expected in the first year of transition from a Developer to resident Board and when communities start to age, which depends on the maintenance agreements between the CDD, HOA and, as applicable, stormwater associations. In response to a follow up question, Ms. Cerbone deciphered the HOA and the CDD associated expenses, which are separate organizations, and noted the HOA manages the CDD assets via the Property Manager, per Agreements.

Discussion ensued regarding CDD ponds, drainage responsibilities and drainage easements. Mr. Collins and the residents were directed to contact Ms. Cerbone with any questions in deciphering between a CDD asset or easement.

The Board agreed to Ms. Cerbone discussing the process of sending Mailed Notices. Ms. Cerbone stated that homeowners are responsible for keeping their mailing address current with the Property Appraiser's office. She intends on conveying the outcome of the meeting to Mr. Dandy, Ms. Bouchard and Ms. Doyle.

CONSENT AGENDA ITEMS [5 minutes]

Ms. Cerbone explained the Consent Agenda process implemented at the last meeting, which Mr. Sweater and Mr. LaBoe were absent from; whereby, the Board could consider approving all Consent Agenda Items in a single motion or, if there were questions or issues, the

Board could withdraw items from the Consent Agenda. Ms. Steinerts confirmed that Ms. Cerbone can proceed with this agenda item, as the majority of Board Members approved the consent agenda items.

FOURTH ORDER OF BUSINESS**Discussion: Requisition(s)**

- A. No. 299, Guy's Hauling & Dumpster Service, Inc. [\$763.11]**
- B. No. 300, Pennuto Underground Cable and Conduit, Inc. [\$3,163.00]**
- C. No. 301, Prestige Sod Service, Inc. [\$4,256.00]**
- D. No. 302, AM Engineering, LLC [\$8,742.39]**
- E. No. 303, Juniper Landscaping of Florida, LLC [\$1,600.00]**
- F. No. 304, Hancock Environmental Seeding, Inc. [\$8,550.00]**
- G. No. 305, Artistic Structures, Inc. [\$8,500.00]**
- H. No. 306, Universal Engineering Sciences, LLC [\$6,800.00]**
- I. No. 307, Ennistymon Equities LLC, d/b/a Florida Fence [\$922.00]**
- J. No. 308, Karins Engineering Group, Inc. [\$900.00]**
- K. No. 309, Lomski Engineering & Testing, Inc. [\$6,002.40]**
- L. No. 310, Sarasota Land Services, Inc. [\$121,350.15]**
- M. No. 311, Sarasota Land Services, Inc. [\$13,598.46]**
- N. No. 312, Nostalgic Lampposts & Mailboxes PLUS, Inc. [\$18,290.00]**
- O. No. 313, AM Engineering, LLC [\$9,045.90]**
- P. No. 314, Boone, Boone & Boone, P.A. [\$1,232.75]**
- Q. No. 315, Care Electric, Inc. [\$4,995.00]**
- R. No. 316, Guy's Hauling & Dumpster Service, Inc. [\$290.00]**
- S. No. 317, Juniper Landscaping of Florida, LLC [\$3,405.00]**
- T. No. 318, Martin P. Black [\$4,000.00]**
- U. No. 319, Nostalgic Lampposts & Mailboxes PLUS, Inc. [\$2,236.50]**
- V. No. 320, Rusty Plumbing Company, Inc. [\$4,526.00]**
- W. No. 321, Sarasota Land Services, Inc. [\$197,358.08]**
- X. No. 322, Sarasota Land Services, Inc. [\$84,884.91]**
- Y. No. 323, Smith-Manus Agency, Inc. [\$926.00]**

Z. No. 324, LALP Development, LLC [\$87.73]

FIFTH ORDER OF BUSINESS

Ratification of Agreement(s), Contract(s)/Change Order(s)/ Purchase Order(s)/Proposal(s)

- A. Precision Gate & Security, Inc., Estimate Number 0001161, Fencing, Walk Gate, Gate Access Items and Installation [\$6,950.00]
- B. Nostalgic Lampposts & Mailboxes PLUS, Inc., Estimate #1823, Install Reflectors on Guardrail [\$780.00]
- C. Juniper Landscaping of Florida, LLC, Proposal No: 114337.1, Knock Down and Spray Weeds in Buffer Area Along Knights Trail to Prep Landscaping Beds [\$2,615.00]

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2021

SEVENTH ORDER OF BUSINESS

Approval of June 16, 2021 Regular Meeting Minutes

On MOTION by Mr. Sweater and seconded by Mr. Peshkin, with Mr. Sweater, Mr. Peshkin, Mr. Hays and Mr. Watson in favor and Mr. LaBoe dissenting, the Consent Agenda Items identified in the Fourth, Fifth, Sixth and Seventh Orders of Business, were approved and/or ratified and/or accepted. [Motion passed 4-1]

BUSINESS ITEMS

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-08, Amending Resolution 2021-07, Which Approved the Proposed Budget and Non-Ad Valorem Special Assessments for Fiscal Year 2021/2022; Re-Setting the Public Hearing Date for Public Comment on the Fiscal Year 2021/2022 Final Budget Adoption; and Providing an Effective Date [1 minute]

Ms. Cerbone presented Resolution 2021-08. This Resolution recognizes rescheduling the Public Hearing date from July 7, 2021 to today, July 14, 2021, which was advertised and posted on the CDD website, accordingly.

On MOTION by Mr. Sweater and seconded by Mr. Hays, with all in favor, Resolution 2021-08, Amending Resolution 2021-07, Which Approved the Proposed Budget and Non-Ad Valorem Special Assessments for Fiscal Year 2021/2022; Re-Setting the Public Hearing Date for Public Comment on the Fiscal Year 2021/2022 Final Budget Adoption; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2021/2022 Budget [15 minutes]

A. Proof/Affidavit of Publication

The affidavit of publication was provided for informational purposes.

B. Consideration of Resolution 2021-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Cerbone stated that the revenue and working capital line items were revised in the proposed Fiscal Year 2022 budget, as discussed in the April meeting, which reduced the expected assessment increase from about \$110 to about \$68 per unit.

On MOTION by Mr. Peshkin and seconded by Mr. Hays, with all in favor, the Public Hearing was opened.

Mr. Collins asked why the “legal” expenditure line item amount increased significantly. Mr. Hays distributed the “Fiscal Year 2022 O&M FEE Increase” spreadsheet designating certain line items that were increasing from the prior year and discussed working capital. He explained that the legal expenditures were expected to increase in Fiscal Year 2022, similar to Fiscal Year 2021, due to accusations against the District; which, in turn, has resulted in additional legal

fees, as well as travel time to attend extended in-person meetings. The following lists accusations that were discussed to determine if they remained ongoing or were resolved:

- Tax Collector Issue: Item was resolved as Ms. Cerbone emailed Mr. LaBoe the refund amount, which Accounting deposited upon receipt, without delay.
- As to whether the District Manager's office improperly counted the number of LALP Development, LLC and DR Horton proxy votes available to cast at the Landowners' election or conducted the meeting properly, Ms. Cerbone noted that the attorney, Ms. Collier, provided the information to Mr. LaBoe; however, Mr. LaBoe still questioned the acreage amount.
- Regarding whether using Unit 2 bond funds for Unit 1 expenses was valid, this was resolved, as Mr. Hays recalled that District Counsel confirmed that the mailbox was a proper expenditure.
- Regarding whether the District Manager's office improperly billed DR Horton for the 2015 and 2016 Debt Assessments and paid the wrong amount, Mr. LaBoe stated he had not received all the information he needed to determine if this issue was resolved.

Ms. Cerbone asked that further accusations about the District Manager cease. She stated that she twice provided the information to Mr. LaBoe, who refuses to converse via telephone, and she is unable to know if the information provided resolved his concerns without a response from him. She discussed management's process to correct mistakes quickly and stated that, via confirmation obtained from the Trustee, the CDD was not in default for any years, specifically for Fiscal Years 2015 and 2016. She noted Mr. Vericker's statement that, if the payment was not made, the District would be in default and noticed accordingly and the District would be in litigation today. She recalled that Mr. LaBoe previously raised questions regarding this matter, was provided all documentation, committed to providing his spreadsheet, even though incomplete, and has not provided any discrepancies to the documentation provided to him.

Discussion ensued regarding the following:

- Mr. LaBoe waiting until November, when the Board is mostly resident controlled, to review documents and determine if the discounts given to DR Horton were appropriate.
- Mr. LaBoe not providing his worksheet to Ms. Cerbone or DR Horton to identify if a discrepancy actually exists and needs to be corrected.

- If a discrepancy existed, the Trustee, Bond Counsel, District Counsel and the Bond Underwriter, all licensed certified professionals, have not identified any errors
- District Management's actions were addressed without delay.

Mr. Collins commented on Mr. LaBoe and other residents' actions in an email towards setting up litigation against the HOA and CDD that would continue to cause legal costs to increase. In response to another question from Mr. Collins, Ms. Cerbone noted that the Tax Collector's refund resulted from overbilling the District.

Due to contentious discussions, Ms. Cerbone called point of order and recessed the meeting for 10 minutes and then reconvened the meeting.

Speakers were asked to address a subject matter, rather than directing their comments towards an individual.

Mr. Hays recalled an outstanding issue and polled the individual Board Members; whereby, Mr. Peshkin, Mr. Watson and Mr. Sweater stated they were satisfied that the documents accurately reflect that the various tracts currently owned by the Developer will be turned over to the District and are not being retained by the Developer. Mr. LaBoe asked to see the documents Mr. Hays was referring to.

Mr. Collins asked if the CDD could use funding from one line item to offset one that exceeded budget. Ms. Cerbone replied affirmatively.

On MOTION by Mr. Peshkin and seconded by Mr. Sweater, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2021-09.

On MOTION by Mr. Watson and seconded by Mr. Hays, with Mr. Watson, Mr. Hays, Mr. Peshkin and Mr. Sweater in favor and Mr. LaBoe dissenting, Resolution 2021-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted. [Motion passed 4-1]

TENTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2021/2022, Pursuant to Florida Law

A. Proof/Affidavit of Publication

The affidavit of publication was provided for informational purposes.

B. Mailed Notice(s) to Property Owners

A copy of the Mailed Notice was included for informational purposes.

C. Consideration of Resolution 2021-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date [4 minutes]

Ms. Cerbone presented Resolution 2021-10. This Resolution directs Staff to prepare and transmit the lien roll to the Tax Collector for on-roll assessments and to direct bill the off-roll assessments, provides for future collection methods and allows the District Manager to amend the Assessment Roll. Ms. Steinerts explained the purpose of the Resolution, which requires the Board to follow Florida statutory requirements for imposing assessments, certifying the assessment roll and proceeding with the uniform method of collection, which authorizes the Property Appraiser to collect these assessments on the tax bill.

Mr. Watson asked if the \$224.92 assessment amount published in the Affidavit of Publication was higher than the O&M assessment amount in the proposed Fiscal Year 2022 budget, in the event changes were made in this meeting. Ms. Cerbone replied affirmatively.

On MOTION by Mr. Peshkin and seconded by Mr. Hays, with all in favor, the Public Hearing was opened.

Mr. Collins asked what other line items increased, aside from legal fees, and if the budget was realistic or was expected to increase again next year. Ms. Cerbone stated that Supervisor fees, Management fees, contingency and insurance increased and noted there was a

unit count reduction, which Mr. Hays distributed earlier; the unit count reduction caused the HOA unit amount to increase to \$13. Mr. Watson stated that the increase is unknown; however, Professional Staff was asked what projects are upcoming and need funding.

A resident stated he was under the impression the CDD bond issue was a fixed amount and unaware of the provision to modify resident payments. Mr. Hays explained that the debt service portion of the assessment, which is the portion related to the bonds, is a fixed amount, per a preset schedule; however, the O&M portion of the budget could fluctuate.

A resident asked if CDD costs typically fluctuate. Ms. Cerbone replied affirmatively and stated that, for CDDs that contract with the HOA to maintain assets, fluctuations are typically minor. She hoped the open issues are resolved by next year so costs can stay the same or go down.

A resident asked how many years the budget has existed. Ms. Cerbone stated that the CDD was established in 2013 and a budget has existed since its inception. She would email the budgets for the last three years to him.

On MOTION by Mr. Watson and seconded by Mr. Peshkin, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2021-10.

On MOTION by Mr. Sweater and seconded by Mr. Hays, with Mr. Sweater, Mr. Hays, Mr. Watson and Mr. Peshkin in favor and Mr. LaBoe dissenting, Resolution 2021-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted. [Motion passed 4-1]

ELEVENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2020, Prepared by McDirmit David [10 minutes]

Ms. Tammy Campbell, of McDirmit Davis, presented the Audited Financial Report for the Fiscal Year Ending September 30, 2020. The audit was consistent with past audits. This was a clean, unqualified audit; there were no findings, irregularities or instances of non-compliance.

Mr. Sweater wanted it recognized that there were not any notes requesting the District to increase its controls.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2021-11, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020

Ms. Cerbone presented Resolution 2021-11.

On MOTION by Mr. Peshkin and seconded by Mr. Hays, with all in favor, Resolution 2021-11, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolution 2021-12, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date

Ms. Cerbone presented Resolution 2021-12. Discussion ensued regarding continuing to hold meetings the 4th Wednesday of the month at 10:00 a.m., and deciding on a meeting location. Holding meetings at the Clubhouse, as confirmation that the Clubhouse is open to accepting reservations was received, meeting at Comfort Suites and meeting at the offices of Vanguard Land, LLC, which can accommodate large groups, was discussed.

The Board agreed to open public comments.

Resident Alice Contardo asked why the Board would hold meetings somewhere other than on Toscana property. It was noted that, while Developers are on the Board, it is typical industry standard to hold meetings at their office.

The following changes were made to the Fiscal Year 2022 Meeting Schedule:

DATES, April through September: Change “2021” to “2022”

DATE, November: Insert "10"

DATE, December: Insert "8"

TIME: Insert "10:00 a.m." for all meetings

LOCATION: Insert "the Vanguard Offices, 6561 Palmer Park Circle, Suite B, Sarasota Florida 34238"

On MOTION by Mr. Sweater and seconded by Mr. LaBoe, with Mr. Sweater and Mr. LaBoe in favor and Mr. Hays, Mr. Watson and Mr. Peshkin dissenting, Resolution 2021-12, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, amended as specified above and holding meetings at the Toscana Isles Clubhouse, and Providing for an Effective Date, was not adopted. [Motion failed 2-3]

On MOTION by Mr. Watson and seconded by Mr. Peshkin, with Mr. Watson, Mr. Peshkin and Mr. Hays in favor and Mr. LaBoe and Mr. Sweater dissenting, Resolution 2021-12, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, amended as specified above and holding meetings at the Vanguard Offices, 6561 Palmer Park Circle, Suite B, Sarasota Florida 34238, and Providing for an Effective Date, was adopted. [Motion passed 3-2]

The Fiscal Year 2021/2022 Meeting Schedule would be posted on the CDD website.

FOURTEENTH ORDER OF BUSINESS

STAFF REPORTS [5 minutes]

A. District Counsel: *Straley Robin Vericker*

There was nothing to report.

B. District Engineer: *AM Engineering, LLC*

There was no report.

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

I. Update from HOA Regarding Clubhouse Availability

This item was addressed during the Thirteenth Order of Business and would be removed from future agendas.

II. NEXT MEETING DATE: August 9, 2021 at 10:00 A.M., at Comfort Suites Sarasota – Siesta Key, 5690 Honore Avenue, Sarasota, Florida 34233

• QUORUM CHECK

Discussion ensued regarding meeting at the Comfort Suites, as there would be no cost to the District but, if the location changed, the District would incur additional advertising costs.

On MOTION by Mr. LaBoe and seconded by Mr. Sweater, with Mr. Sweater and Mr. LaBoe in favor and Mr. Hays, Mr. Watson and Mr. Peshkin dissenting, holding the next two meetings at the Toscana Isles Clubhouse, was not approved. [Motion failed 2-3]

The next meeting will be held on August 9, 2021 at 10:00 a.m., at Comfort Suites Sarasota – Siesta Key, 5690 Honore Avenue, Sarasota, Florida 34233. The Fiscal Year 2021 Meeting Schedule would remain as advertised and posted on the CDD website.

FIFTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests [5 minutes]

There being no Board Members’ Comments or requests, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Public Comments [5 minutes]

There were no public comments.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Watson and seconded by Mr. Peshkin, with all in favor, the meeting adjourned at 12:09 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair