

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on November 7, 2022, at 10:00 a.m., at the offices of Vanguard Land, LLC, located at 6561 Palmer Park Circle, Suite B, Sarasota, Florida 34238.

**Present were:**

Alex Hays	Chair
Brian Watson	Vice Chair
Daniel Peshkin	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Vanessa Steinerts (via telephone)	District Counsel
William Contardo	Resident
Scott Blaser	Resident
Jim Collins	Resident
Tom Hart	Resident
Robert Raimondi	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 10:00 a.m. Supervisors Hays, Peshkin and Watson were present, in person. Two seats were vacant.

**SECOND ORDER OF BUSINESS**

**Discussion/Consideration:  
Duration [1 hour]**

**Meeting**

Ms. Cerbone stated that the meeting is anticipated to last no longer than one hour. The Board agreed that one hour was sufficient.

**THIRD ORDER OF BUSINESS**

**Public Comments [10 minutes]**

Resident Jim Collins asked about the CDD's role in terms of preventing lakes from overflowing, considering what happened with Hurricane Ian. Mr. Hays stated that the CDD constructed most of the improvements and contracts with the HOA to maintain the various

improvements. Mr. Collins asked if there is anything that the CDD thinks should be evaluated differently that the CDD should advise the HOA of. Mr. Hays stated that, in the District Engineer’s opinion, the stormwater improvements were designed and built consistent with the permit requirements and other communities in the area.

**CONSENT AGENDA ITEMS [2 minutes]**

Ms. Cerbone presented the following Consent Agenda Items; there was nothing to ratify in the Fourth Order of Business:

**FOURTH ORDER OF BUSINESS**

**Ratification of Proposals/Agreements/  
Invoices:**

**FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of September 30, 2022**

**SIXTH ORDER OF BUSINESS**

**Approval of August 24, 2022 Public Hearing  
and Regular Meeting Minutes**

**On MOTION by Mr. Watson and seconded by Mr. Peshkin, with all in favor, the Consent Agenda Items in the Fifth and Sixth Orders of Business, were approved and/or accepted.**

**BUSINESS ITEMS**

**SEVENTH ORDER OF BUSINESS**

**Consider Appointment of Qualified  
Electors to Fill Unexpired Terms of Seats 2  
and 4; Terms Expire November 2024 [4  
minutes]**

➤ **Candidates**

- A. James K. Collins**
- B. Suzanne J. Doyle**
- C. Michael Traczuk**

This item was deferred so the incoming Board Members can have input.

**TOSCANA ISLES CDD**  
**EIGHTH ORDER OF BUSINESS**

**November 7, 2022**

**Administration of Oath of Office to Newly Appointed Supervisors (*the following to be provided in a separate package*) [4 minutes]**

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
  - I. Form 1: Statement of Financial Interests**
  - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

This item was deferred so the incoming Board Members can have input.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date [4 minutes]**

This item was deferred so the incoming Board Members can have input.

**TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-02, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date [3 minutes]**

This item was deferred so the incoming Board Members can have input.

**ELEVENTH ORDER OF BUSINESS**

**Continued Discussion: Policy Regarding Parking and Towing [3 minutes]**

This item was deferred so the incoming Board Members can have input.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-03, Adopting the Engineer's Certificate of Completion for the Series 2014 Project; Declaring the Series 2014 Project Complete; Finalizing the Series 2014**

**Assessments; and Addressing Severability, Conflicts and an Effective Date [3 minutes]**

Ms. Cerbone presented Resolution 2023-03 and read the title.

**On MOTION by Mr. Watson and seconded by Mr. Hays, with all in favor, Resolution 2023-03, Adopting the Engineer’s Certificate of Completion for the Series 2014 Project; Declaring the Series 2014 Project Complete; Finalizing the Series 2014 Assessments; and Addressing Severability, Conflicts and an Effective Date, was adopted.**

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-04, Adopting the Engineer’s Certificate of Completion for the Series 2018 Project; Declaring the Series 2018 Project Complete; Finalizing the Series 2018 Assessments; and Addressing Severability, Conflicts and an Effective Date [3 minutes]**

Ms. Cerbone presented Resolution 2023-04 and read the title.

**On MOTION by Mr. Peshkin and seconded by Mr. Hays, with all in favor, Resolution 2023-04, Adopting the Engineer’s Certificate of Completion for the Series 2018 Project; Declaring the Series 2018 Project Complete; Finalizing the Series 2018 Assessments; and Addressing Severability, Conflicts and an Effective Date, was adopted.**

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Juniper Landscaping of Florida, LLC, Fifth Addendum to Contract [5 minutes]**

Ms. Cerbone stated she worked with the District Engineer, District Counsel, Mr. O’Dea, President of the Master Association, and Juniper Landscaping of Florida (Juniper), to prepare this item involving road debris and tree removal cleanup or re-staking trees after Hurricane Ian. Instead of replacing the warrantied hurricane-damaged sabal palms, like for like, Juniper recommended selecting different vegetation and locations in other areas of the community; the information was distributed at the meeting. If the Board chooses to make changes, it will require amending the Juniper contract to broaden the warranty terms and the Master

Association Agreement will have to be finalized prior to the warranty expiring on December 31, 2022; or replacement items will remain like for like.

This item was deferred.

District Management will invite a member of the TI POA, TI Master Association and Juniper’s Representative to the December Meeting to review the CDD’s options.

A resident asked if vegetation is excluded from the CDD’s insurance policy. Ms. Cerbone replied affirmatively.

A resident asked why sabal palms were planted and if they were to be a sound barrier. Mr. Hays stated they were part of the overall perimeter landscape.

A resident asked if there was any reason for a particular tree when the vegetation was considered. Mr. Hays stated that the vegetation chosen was part of the overall design; the next Board and Master Association can coordinate with Juniper to implement changes.

Ms. Cerbone reminded the Board and new Board Members of the full repair and maintenance agreement between the CDD and Master Association for everything CDD-owned.

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports [4 minutes]**

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

Ms. Steinerts stated that the CDD is a named defendant in a litigation involving real estate and property access. The CDD’s insurance carrier appointed Robert, Reynolds, Bedard & Tuzzio, PLLC to represent the CDD. Lead attorneys, Mr. Lyman Reynolds and Ms. Andrea Amigo, filed a Motion to Dismiss on October 19, 2022; setting a hearing is pending.

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

There was no report.

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

**I. FEMA**

Ms. Cerbone reported the following:

➤ Regarding the Master Association’s inquiry about obtaining funding from the Federal Emergency Management Agency (FEMA), CDDs typically hire a reimbursement management company to file FEMA claims. She is not familiar with what the Master Association asked about.

Ms. Cerbone discussed the CDD’s position with Rostan Solutions (Rostan), a company that is familiar with disaster recovery claims. If engaged, Rostan felt they would be successful but there are some hurdles to address.

- A FEMA claim was filed on behalf of the CDD, which resulted in an initial call which Mr. O’Dea and Mr. Sauers joined last week.
- An on-site meeting is scheduled with the FEMA Representative, Mr. Kantarzhi, Mr. Pires and Mr. Sauers on Friday, November 11, 2022 for a walkthrough and to discuss the debris removal and disposal process. After which FEMA will provide feedback to the CDD of the next steps. Mr. O’Dea and Juniper were already advised about completing certain documentation necessary to file a successful claim.
- October 21, 2022 is the deadline to file a claim.
- All disposal and removal-related invoices must be dated by November 21, 2022 to qualify for 100% reimbursement; invoices dated after reduces the reimbursement amount to 75%. Receiving 50% reimbursement would be considered successful.
- If the CDD chooses to engage a reimbursement company, having an emergency agreement in place for 90 days is recommended. The reimbursement company will work directly with Juniper and the Master Association to gather the necessary documentation.
- The CDD can recoup its fees if successful in receiving funds. There is no guarantee the CDD will be reimbursed but, if it is, holding the funds for four years before using the money is recommended in case, after an audit, FEMA requests it back.
- The CDD has about \$15,000 to enter into the agreement and asking the Master Association to cover the costs exceeding that amount is recommended, as this process benefits the entire community.

Mr. Hays directed Ms. Cerbone and her team to take the following actions between now and the next meeting:

- Coordinate with the Master Association as needed.
- Collect documentation and, if agreeable, draft a cost-share agreement.
- Obtain a consulting service proposal.

Ms. Steinerts recommended all agreements include a not-to-exceed amount. Ms. Cerbone suggested recessing and continuing this meeting, in case there are urgent matters that need to be addressed and because of the Board transitioning to new Board Members.

**II. NEXT MEETING DATE: December 7, 2022 at 10:00 A.M.**

○ **QUORUM CHECK**

This meeting will be continued to November 15, 2022 at 10:00 a.m. and the next Regular Meeting will be on December 7, 2022.

**SIXTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests [2 minutes]**

Mr. Watson asked if the Developer satisfied the completion agreement. Ms. Cerbone replied affirmatively; the agreement(s) are attached to the recently adopted resolution for both bond series.

Mr. Watson asked if removal of sable palms that are under warranty will be part of the FEMA claim. Ms. Cerbone replied no and stated that Juniper will not charge for this work and is crediting the Master Association.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments [13 minutes]**

A resident stated that the HOA Board is transitioning to a new Board on November 16, 2022.

A resident asked if debris removal is covered by insurance.

A resident asked if claims for tree removal and disposal on private property can be submitted to FEMA. Ms. Cerbone stated damage on private property is not a CDD matter.

A resident asked if, going forward, there are warranties available to repair the cracked curbs and roads in the community now that the Completion Agreements were approved or if there is anything in writing about the life expectancy of these items. Ms. Cerbone stated that she is not aware of the existence of any useful life documents.

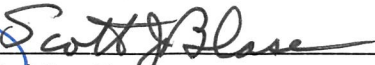
A resident asked for clarification about storm damage and the CDD's Agreement with the HOA. Ms. Cerbone stated there is a full repair and maintenance agreement in place between the CDD and Master Association for everything the CDD owns. Mr. Watson stated that, under the construction agreements, any warranty, with respect to work or work product, will still be with the CDD.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Hays and seconded by Mr. Peshkin, with all in favor, recessing the meeting at 10:55 a.m., and continuing it to November 15, 2022 at 10:00 a.m., at the offices of Vanguard Land, LLC, located at 6561 Palmer Park Circle, Suite B, Sarasota, Florida 34238, was approved.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair