

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on February 7, 2024, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275.

Present were:

Scott Blaser	Chair
Bill Contardo	Vice Chair
Paul Schmitt	Assistant Secretary
James Collins	Assistant Secretary
Michael Traczuk	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar (via telephone)	District Counsel

Residents present:

Thomas Hart	Lisa Hart	Doug Falter	Raymond Foxwell
Tom Gerson	Alan Hintz	Collen Gibbs	Anthony Nicholas
Dennis Koroll	Jeff Munzing	Other Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:19 a.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

**Continued Discussion: Resolution 2021-05,
Policies Regarding the Conduct of
Meetings of the Board [3 minutes]**

Mr. Blaser read portions of Resolution 2021-05 concerning conduct in CDD meetings.

THIRD ORDER OF BUSINESS

**Discussion/Consideration: Meeting
Duration [1.20 hours]**

Mr. Blaser hoped to conduct the meeting within 1.20 hours.

FOURTH ORDER OF BUSINESS

Approval of Minutes [5 minutes]

A. November 1, 2023 Regular Meeting

Ms. Sanchez pointed out revisions to the minutes, which were deferred at the last meeting.

Mr. Schmitt asked to delete the last two sentences on Lines 127 through 129, as the District Engineer told him he would not have said it. Since other Board Members wanted the information confirmed, Mr. Blaser polled the Board. The consensus was for Ms. Sanchez to review the audio for accuracy and, if still needed, confirm the statement with the District Engineer.

This item was deferred.

B. December 6, 2023 Regular Meeting

On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, the December 6, 2023 Regular Meeting Minutes, as presented, were approved.

FIFTH ORDER OF BUSINESS

Chairman’s Opening Remarks [5 minutes]

Mr. Blaser thanked everyone for attending the meeting.

SIXTH ORDER OF BUSINESS

Public Comments [15 minutes]

Resident Jeff Munzing asked if the CDD needs reserve funds and if other CDD’s have a reserve.

Resident Alan Hintz stated that he observed broken curbs in front of his residence. He thinks construction equipment is causing the damage and asked if the builder is responsible for repairing them, who owns the streets and the curbs and if the streets and curbs will be turned over to the County.

Resident Anthony Nicholas asked who is responsible for damage to CDD infrastructure pre and post taking over the HOA. He asked if any part of the CDD assessments go to towards maintenance.

Resident Raymond Foxwell asked about the CDD’s position on the Wisdom Property Development litigation.

Responding to Mr. Munzing’s question, Ms. Sanchez stated that most CDDs want to have reserve funds as the CDD starts to age but it is not a requirement. Ms. Cerbone stated that the CDD has a Maintenance Agreement with the HOA so the HOA is the entity that establishes reserves for ongoing short-term and long-term maintenance expenses. Regarding reserves, some CDD’s reserve only for lake banks and some think reserves fall in the line of the HOA, if the CDD has an Agreement with the HOA.

Regarding comments about the curbs and streets and if the builder will be held responsible. Ms. Sanchez stated that, as to responsibility, this will be discussed during Item 10A. As to ownership, Mr. Leins provided a Report about this at a prior meeting; she will email the information to the resident.

Responding to Mr. Nicolas’ question, Ms. Sanchez stated that the CDD budget excludes field operations costs. Ms. Cerbone stated that the CDD’s assessment amount is comprised of Operations & Maintenance (O&M) costs for Professional and Administrative expenses and Debt Service costs. There are no field operations costs in the assessments amount.

Responding to Mr. Foxwell’s question, Ms. Sanchez stated there is no new information about the Wisdom Property Development litigation. Ms. Cerbone stated that a Shade Session was held before this meeting and, per Florida Statute, information from that session will not be made public until the litigation has concluded.

SEVENTH ORDER OF BUSINESS

Consideration of Matters Related to Wisdom Properties, LLC vs. LALP Development, LLC, Toscana Isles Community Development District, and Toscana Isles Master Association, Inc., Case No 2022 CA 004042 NC [15 minutes]

Mr. Blaser nominated Mr. Schmitt to be the CDD Board representative at the next mediation meeting. No other nominations were made.

On MOTION by Mr. Blaser and seconded by Mr. Traczuk, with all in favor, designating Mr. Paul Schmitt to be the CDD Board representative and authorizing him to attend the next mediation meeting on February 15, 2024, at 10:00 a.m., via Zoom, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes and Requesting that the Sarasota County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date [5 minutes]

Ms. Sanchez presented Resolution 2024-02. Seats 2, 4 and 5, currently held by Mr. Collins, Mr. Traczuk and Mr. Schmitt, respectively, will be up for election at the November 2024 General Election. She reviewed the candidate qualification process and the candidate qualifying period, which runs from noon, June 10, 2024 to noon, June 14, 2024.

On MOTION by Mr. Collins and seconded by Mr. Traczuk, with all in favor, Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes and Requesting that the Sarasota County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2023 [3 minutes]

On MOTION by Mr. Contardo and seconded by Mr. Collins, with all in favor, the Unaudited Financial Statements as of December 31, 2023, were accepted.

TENTH ORDER OF BUSINESS

Staff Reports [10 minutes]

- A. District Counsel: Straley Robin Vericker**

Mr. Babbar stated that the prior authorization to conduct other Shade Sessions related to the litigation described in the Seventh Order of Business, which will be needed in the future, will remain ongoing. He will continue working with Staff regarding the appropriate newspaper advertisements for such meetings.

- **Required Ethics Training**

Mr. Babbar stated that, once the Florida Association of Special Districts announces its ethics training courses and fees tailored to Special Districts and the current legislative session ends on March 8, 2024, he will present a memorandum covering the training options available to the CDD Board Members and any legislation that changed or impacts the CDD.

- **Draft Demand Letter to Juniper Landscaping of Florida, LLC**

After speaking with Board Members, Ms. Sanchez provided changes to the draft letter, which should be addressed to Mr. Dan DaMont, Mr. Anthony Scappatura's Supervisor; Mr. Anthony Scappatura should be copied on the letter.

Discussion ensued regarding a request to address the letter to Juniper's owner and instead copying Mr. DaMont and having Ms. Sanchez find out how much the HOA spent related to the warranty work and obtain quotes from the HOA's landscaper to complete Juniper's work, for which Juniper can be sued for damages.

- **Draft Demand Letter to D.R. Horton**

Mr. Babbar recalled previously advising that there is no obligation, contract or enforcement for the Developer because the builder's operation caused the damage.

Discussion ensued regarding who to address the letter to and adding additional language about the curbs and sidewalks falling apart and clarifying that, unless contractors damaged the roadways, this would fall under the CDD's purview, for which they can provide documents related to the CDD roadways.

Mr. Babbar was directed to address the letter to Mr. Justin Robins, Southeast President of D.R. Horton, and copy Mr. Michael Fusco. He recommended having the District Engineer or an expert investigate what materials and process was used for the curbs and sidewalk and revise the letter to ask the builder provide the contractor's name and information about the materials used and the sidewalk installation and construction processes.

The Board asked for one final review of the draft before Mr. Babbar transmits the letter.

On MOTION by Mr. Traczuk and seconded by Mr. Schmitt, with all in favor, the draft demand letter to D.R. Horton, as amended, and the draft demand letter to Juniper Landscaping of Florida, LLC, as amended, were approved.

Ms. Cerbone reviewed the new process for Supervisors to electronically file Form 1 with the Commission on Ethics instead of with the local Supervisor of Elections office. She will forward an email from the Commission on Ethics regarding registering and electronically filing Form 1 in 2024. The ethics training requirement will be notated when filing Form 1 in 2025.

B. District Engineer: AM Engineering, LLC

There was no report.

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

- **NEXT MEETING DATE: March 6, 2024 at 10:00 AM**
 - **QUORUM CHECK**

The next meeting will be on March 6, 2024, unless cancelled.

ELEVENTH ORDER OF BUSINESS

Board Members' Comments/Requests [2 minutes]

Mr. Blaser stated that he wants the Juniper matter resolved quickly.

A Board Member asked Mr. Blaser if he is well-apprised about the work he did regarding Juniper or if he needs to be briefed about the letter. Mr. Blaser replied no and noted the only comments received were that the Juniper matter has gone on too long and that it needs to be resolved and they need to keep moving on the construction management.

A Board Member asked if any questions from the last meeting still need to be answered. Ms. Sanchez replied no; she received several public records requests subsequent to the meeting and all were addressed.

TWELFTH ORDER OF BUSINESS

Public Comments [15 minutes]

A resident asked if the financial statements are posted on the CDD website, how residents can obtain Staff's answers to questions posed by other residents and where the document showing who is responsible for the CDD streets is located.

Mr. Munzing thanked Ms. Sanchez for sending the roadway documents he requested. He voiced his opinion that the core samples do not match the approved plans for the subgrade. He thanked Ms. Sanchez and Ms. Cerbone for providing information about the bridges that are 20 to 25 tons and noted that the current HOA Board denied the request for signage.

As to how other residents can obtain Staff's responses to questions from other residents Ms. Sanchez stated that questions serving a general purpose will be on the agenda as a bullet point but public records requests will not be on the agenda; however, residents can share the information with other residents.

Mr. Blaser encouraged residents to look for documents on the CDD website. Ms. Cerbone stated that only the documents required by the Florida Statutes are posted on the website. She noted that the CDD does not have any HOA documents, unless the CDD entered into an Agreement with the HOA.

Regarding an earlier matter, Ms. Cerbone stated that the CDD does not have a document with D.R. Horton about building the sidewalks as they complete the homes. She thinks D.R. Horton would not be required to produce that document to the CDD, since the CDD is not the governing authority over the sidewalks with regard to damages. She asked Mr. Babbar to comment.

Mr. Blaser asked how the CDD owns the sidewalks D.R. Horton built on the CDD's easement when the CDD does not own the light poles Florida Power & Light (FPL) installed on the same easement. Mr. Babbar explained the difference between sidewalk easements and utility right-of-way (ROW). Sidewalk improvements are based on the plat, current building codes and development plans at the time of construction. Regarding sidewalks, there is no documentation, other than the building codes and development plans at the time of construction.

A Board Member stated he is waiting for the HOA President to respond to his email asking for any turnover language from the builder or Developer regarding warranties.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Blaser and seconded by Mr. Schmitt, with all in favor, the meeting adjourned at 11:24 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair