

**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 18, 2020, *immediately following the Landowners' Meeting scheduled to commence 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
Jeffrey Sweater	Assistant Secretary
Michael LaBoe	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Daniel Rom	Wrathell, Hunt and Associates, LLC
Vivek Babbar (via telephone)	District Counsel
Steve Wood	Resident
Thomas Hart	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:34 a.m. The meeting was held outside at the Vanguard offices, the scheduled location, to adhere to COVID-19 safety guidelines.

▪ **Administration of Oath of Office to Newly Elected Supervisors [SEATS 2, 4 & 5]**

This item, previously the Fourth Order of Business, was presented out of order.

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Brian Watson, Mr. Michael LaBoe and Mr. Jeffrey Sweater.

All Supervisors were present.

Ms. Cerbone polled the Board to determine whether to continue holding the meeting outside or reschedule it. The consensus was to continue with holding the meeting outside.

SECOND ORDER OF BUSINESS

Update: Communications to Members of the Public

Ms. Cerbone stated that there was communication related to CDD forms including the Oath of Office.

THIRD ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [SEATS 2, 4 & 5], (*the following to be provided in a separate package*)

The Oath of Office as administered during the First Order of Business. Ms. Cerbone briefly explained the following items:

- 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**

Ms. Cerbone discussed the Sunshine Law and Florida Ethics laws and public records requests. She recommended using the assigned District email address and maintaining computer and other files for all CDD business separate from personal files. She would contact each Supervisor to confirm interest in receiving compensation, as a W-4 would be required. She encouraged Board Members to email her items to place on the agendas. Supervisor Watson was asked to file Form 1 within 30 days to avoid fines, as he was re-elected via the Landowner meeting. Supervisors, LaBoe and Sweater, elected via the General Election, would need to file one, no later than July 1, 2021.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-02, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; and Providing for an Effective Date

Ms. Cerbone presented Resolution 2021-02. She reported the results of the Landowners’ Election, which would be inserted into Resolution 2021-02, as follows:

Seat 5	Brian Watson	576 votes	4-year Term
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On MOTION by Mr. Hays and seconded by Mr. Peshkin, with Mr. Hays, Mr. Peshkin, Mr. Watson and Mr. Sweater in favor and Mr. LaBoe dissenting, Resolution 2021-02, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; and Providing for an Effective Date, was adopted. [Motion passed 4-1]

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Toscana Isles Community Development District, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2021-03. Mr. LaBoe nominated himself for Chair. Mr. Peshkin nominated the following slate of officers:

Alexander Hays	Chair
Brian Watson	Vice Chair
Craig Wrathell	Secretary
Mike LaBoe	Assistant Secretary
Jeff Sweater	Assistant Secretary
Daniel Peshkin	Assistant Secretary
Cindy Cerbone	Assistant Secretary
Daniel Rom	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

No other nominations were made.

Ms. Cerbone polled the Board for each nomination made.

On MOTION by Mr. LaBoe and seconded by Mr. Sweater, with Mr. LaBoe and Mr. Sweater in favor and Mr. Peshkin, Mr. Hays and Mr. Watson dissenting, the nomination of Mr. LaBoe as Chair, failed. [Motion failed 2-3]

On MOTION by by Mr. Watson and seconded by Mr. Hays, with Mr. Watson, Mr. Hays and Mr. Peshkin in favor and Mr. Sweater and Mr. LaBoe dissenting, Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Toscana Isles Community Development District, and Providing for an Effective Date, as nominated by Mr. Peshkin, was adopted. [Motion passed 3-2]

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-04, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020

Ms. Cerbone presented Resolution 2021-04. She explained that it is necessary to submit an amended budget, as certain expenditures exceeded budget; however, assessments for the prior and current year are not affected. She reviewed the amended Fiscal Year 2020 budget, responded to questions regarding the process for on-roll and off-roll revenues and Trustee costs and billing practices and explained that the District Engineer's services are related to the construction of infrastructure and funded from the bond funds. The Bond Trustee Agreements and contact information would be emailed to the Board. She encouraged the Board Members to email her with any questions.

On MOTION by Mr. Sweater and seconded by Mr. Peshkin, with all in favor, Resolution 2021-04, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020, was adopted.

EIGHTH ORDER OF BUSINESS**Approval of Requisition(s)**

Ms. Cerbone explained to the new Board Members that the Developer felt strongly about the process of the Board approving requisitions, as part of the agenda, for the purposes of placing them on the record. She noted that it is not required, since a process was already in place with the Trustee processing them and they were also available as public record.

Due to the number of requisitions to present, they would be presented at the next meeting.

NINTH ORDER OF BUSINESS**Ratification of Contract(s)/Change Order(s)/ Purchase Order(s)/Proposal(s)****A. Curbco, Inc., Proposal for Curb Repairs:**

Mr. Watson presented a proposal for \$31,000 to remove and replace Miami Curb.

Mr. LaBoe stated that he emailed Cindy to find out the property descriptions, where the projects were located, who made the determination to perform the work, if this was a proposal or contract, if the project was completed and requested materials on prior requisitions to the same vendor, No. #35 and #80. He asked if residents were paying for CDD costs.

Mr. Hays stated this was an invoice and that the work was not completed. Ms. Cerbone stated that the prior requisitions were processed through the construction bond funds. She would email the requisitions and backup materials to the Board. Mr. LaBoe stated that he would visit the local records office to review the files. Ms. Cerbone encouraged the Board Members to submit questions prior to meetings so Staff can provide answers at the meeting.

On MOTION by Mr. Hays and seconded by Mr. Peshkin, with Mr. Hays, Mr. Peshkin and Mr. Watson in favor and Mr. LaBoe and Mr. Sweater dissenting, the Curbco, Inc., proposal for Curb Repairs, in the amount of \$31,000, as presented by Mr. Watson, was approved. [Motion passed 3-2]

B. DLS Construction, Inc., Contract for Mailbox Roof Project

Mr. LaBoe commended the work on the roof structure and asked if the project included gutters, as he felt that rain would eventually cause plantings and items beneath the newly

finished tennis courts to erode. Mr. Hays stated the District would need a separate contract to install gutters, as APAX Consulting Engineering was hired to develop structural plans only.

On MOTION by Mr. Watson and seconded by Mr. Peshkin, with all in favor, the DLS Construction, Inc., contract, for the Mailbox Roof Project, as presented, was approved.

C. Lopez Painting, LLC, Contract for Mailbox Structure Painting Project

On MOTION by Mr. Hays and seconded by Mr. Peshkin, with all in favor, the Lopez Painting, LLC, contract for the Mailbox Structure Painting Project, as presented, was approved.

D. AM Engineering, Inc. Contract Amendment for Western Tract Lift Station Redesign (\$5,000)

Mr. Hays stated that the engineering changes were reflective of several revisions the County submitted to the Engineer. In response to Mr. LaBoe's comments about the contract, Ms. Cerbone stated that she would email the original contract and subsequent exhibits to the Board, have the effective date corrected to 2020 and determine if Section XXI, the lump sum of \$951,417.01, should match the total amount noted in the table.

On MOTION by Mr. Sweater and seconded by Mr. Hays, with all in favor, the AM Engineering, Inc., Contract Amendment for Western Tract Lift Station Redesign, in the amount of \$5,000, as amended to incorporate the appropriate changes subject to review by Ms. Cerbone and the Chair, was approved.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2020

Ms. Cerbone presented the Unaudited Financial Statements as of September 30, 2020. Mr. LaBoe asked which lots were subject to off-roll assessments in the 2014 Debt Service Fund, requested details about the lot closing in the 2018 Debt Service Fund and asked Ms. Cerbone to provide this information before he visits the Local Records office to review various records.

On MOTION by Mr. Peshkin and seconded by Mr. Hays, with Mr. Peshkin, Mr. Hays, Mr. Watson and Mr. Sweater in favor and Mr. LaBoe dissenting, the Unaudited Financial Statements as of September 30, 2020, were accepted. [Motion passed 4-1]

ELEVENTH ORDER OF BUSINESS**Approval of Minutes**

- A. **October 7, 2020 Telephonic Public Meeting**
- B. **October 21, 2020 Regular Meeting**

On MOTION by Mr. Hays and seconded by Mr. Peshkin, with Mr. Hays, Mr. Peshkin and Mr. Watson in favor and Mr. Sweater and Mr. LaBoe dissenting, the October 7, 2020 Telephonic Public Meeting and the October 21, 2020 Regular Meeting Minutes, as presented, were approved. [Motion passed 3-2]

TWELFTH ORDER OF BUSINESS**Staff Reports**

- A. **District Counsel: *Straley Robin Vericker***
There being no report, the next item followed.
- B. **District Engineer: *AM Engineering, LLC***
There being no report, the next item followed.
- C. **District Manager: *Wrathell, Hunt and Associates, LLC***

- **NEXT MEETING DATE: December 2, 2020 at 10:00 A.M.**

- **QUORUM CHECK**

The next meeting would be held December 2, 2020 at 10:00 a.m.

Ms. Cerbone referred to the Fiscal Year 2020/2021 Meeting Schedule and asked the Board Members to submit agenda items nine days in advance of the meeting dates and before the agenda is posted on the CDD website.

Mr. LaBoe proposed changing the meeting location to the Toscana Isles Clubhouse. Discussion ensued regarding whether the facilities were fully open for group reservations due to COVID-19, advertising costs, etc. Mr. Sweater suggested tabling this to the next meeting. Ms. Cerbone was directed to confirm availability of the Toscana Isles Clubhouse to reserve and hold District meetings while adhering to social distancing guidelines and report at the next meeting.

On MOTION by Mr. LaBoe and seconded by Mr. Sweater, with Mr. LaBoe and Mr. Sweater in favor and Mr. Peshkin, Mr. Hays and Mr. Watson dissenting, changing the meeting location to the Toscana Isles CDD Clubhouse and updating the Fiscal Year 2020/2021 Meeting Schedule, failed. [Motion failed 2-3]

THIRTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

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

FOURTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

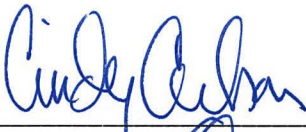
FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Watson and seconded by Mr. Sweater, with all in favor, the meeting adjourned at 12:18 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair