

MINUTES OF MEETING  
TOHOQUA  
COMMUNITY DEVELOPMENT DISTRICT

The Regular Meeting of the Board of Supervisors of the Tohoqua Community Development District was held on Wednesday, October 3, 2018 at 9:00 a.m., at the West Osceola Branch Library, 305 Campus Street, Kissimmee, FL.

Present and constituting a quorum were:

Andre Vidrine	Chairman
Marcus Hooker	Vice Chairman
Keith Trace	Assistant Secretary

Also present were:

George Flint	District Manager
Andrew d'Adesky	District Counsel
Eric Warren	District Engineer by phone
Alan Scheerer	Field Manager
Clayton Smith	Assistant Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order at 9:05 a.m. and called the roll. Three Supervisors were present, with Mr. Dowd and Ms. Noyes being absent.

**SECOND ORDER OF BUSINESS**

**Approval of Minutes of the September 13, 2018 Meeting**

Mr. Flint: Are there any questions, comments or corrections to the minutes?

Mr. Vidrine: I have no comments.

Mr. Flint: If not, we need a motion to approve.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Minutes of the September 13, 2018 Meeting, as presented, were approved.
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Mr. Flint: For the record, no members of the public are present to provide comments.

**THIRD ORDER OF BUSINESS**

**Consideration of Audit Committee Recommendation and Selection of #1 Ranked Firm to Provide Auditing Services for the Fiscal Year 2018**

Mr. Flint: The Board met as an Audit Committee prior to the Board of Supervisors meeting, and ranked Grau & Associates number one with 98 points, and Berger, Toombs, Elam, Gaines & Frank number two with 93 points. We need a motion to accept this ranking.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, accepting the ranking of Grau & Associates as the number one ranked firm for auditing services was approved.

**FOURTH ORDER OF BUSINESS**

**Ratification of Landscape Maintenance Agreement with Earth Tec**

Mr. Flint: Earth Tec is the installation contractor for the landscaping at Tohoqua. They will be maintaining it, at least initially. There are two agreements; one for Cross Prairie Parkway and the other for Phase 1. They were executed by the Chairman. Andrew wanted to include some terms and conditions.

Mr. d’Adesky: I always attach one of our standard addendums, which has our terms and conditions, such as our 30-day out and other indemnities and provisions.

Mr. Flint: We would ask that they be approved, subject to execution of the standard terms and conditions, that would be attached to these basic agreements. Eventually, we will need to bid this out, but at this point, we are under the bidding threshold, so the Board has the discretion and ability to hire whoever they would like to provide these services, based on the fact that this is still under warranty. It makes sense for the Board to retain them.

Mr. Trace: Was this the installer?

Mr. Flint: Yes. I think it was 3D Trees. Earth Tec is the maintenance company.

Mr. Hooker: They were not technically the installer, but are under the same company.

Mr. Trace: The important part is that the irrigation system is not difficult. When the next pond is completed, will we lump that into the contract?

Mr. Flint: Yes.

Mr. Trace: I thought some of this drainage went to that.

Mr. Hooker: No. We just dug that pond for some dirt.

Mr. Trace: So they are not going to be mowing it?

Mr. Hooker: They might be mowing it, but we don't have it in this agreement.

Mr. Flint: We could always add an addendum to it.

Mr. Trace: I just wanted to make sure, because some of this drainage is going that way.

Mr. Flint: We are in the process of getting bids for the aquatic maintenance.

Mr. Scheerer: I met with them yesterday. There appears to be a smaller pond on this parcel of land. Is that going to stay or go away?

Mr. Hooker: No.

Mr. Scheerer: Does it need to be included in the aquatic quote?

Mr. Hooker: Yes. I sent out a plat with three tracts. It came in late this afternoon. So, there are three ponds.

Mr. Scheerer: Not two? I thought there were two originally. There are actually four. We looked at the one that Keith was just describing, and in the event that we need to add that at some point, we will all a carte them on a price. Whichever one is ready, we will go ahead and approve, and whichever ones aren't, we will add at a later date, but we will already have the pricing.

Mr. Trace: I didn't see anything about inspecting the Tot Lot. I don't know if you usually have someone check safety-wise, to make sure that something is not broken. I didn't see that in the scope about the tot lot and the little covered area.

Mr. Hooker: Yes, it is.

Mr. Trace: Because it's on CDD property, we are liable if the slide is broken and a kid slides down and hurts himself. Is this big green portion here, CDD property?

Mr. d'Adesky: Has it been conveyed to the District?

Mr. Trace: It's on there as being maintained by this contract. I didn't know if that was CDD property.

Mr. d'Adesky: I will double check with Warren.

Mr. Scheerer: Or the Exhibit is just inaccurate. We can check.

Mr. Trace: That's why I like to see pictures.

Mr. d'Adesky: We can approve it, subject to that confirmation.

Mr. Trace: It doesn't look like it's in the scope, but once its certified to the District, then the District will take over maintenance.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, ratifying the Landscape Maintenance Agreement with Earth Tec, subject to verification of the number of ponds, Tot Lot and the covered area, was approved.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Smith: Andrew, do you have anything else?

Mr. d’Adesky: There may be one item. I recall that the notice from the last meeting was reasonable, but under the seven-day threshold, because we had the bona fide deadline on the 15<sup>th</sup>, we had to re-schedule the meeting. Under Chapter 189, 190, we have to advertise within a seven-day window. If not, if there’s no bona fide window, we are allowed to hold it with reasonable notice, but we actually have to ratify the actions taken at the last meeting. If the Board is amenable, I propose that the Board ratify all actions taken at the September 13, 2018 meeting.

Mr. Trace: The minutes don’t do that?

Mr. d’Adesky: No. That’s just approval of the minutes, but because that was actually a meeting that took place under less than seven days’ notice, we actually have to have an affirmative vote to ratify those actions. Once again, we were under two deadlines; the first one is that Chapter 190, which requires us to adopt the budget before October 1<sup>st</sup> and second, we have the County deadline of September 15<sup>th</sup>. Both of those together qualify as a bona fide situation for us to hold that meeting.

Mr. Flint: We need a motion to ratify the Board’s actions.

Mr. Trace: Do we need to hold any public comment?

Mr. d’Adesky: No. There’s no public here.

Mr. Flint: That’s a good question.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, ratifying the Board’s actions that were taken at the September 13, 2018 meeting, was approved.

Mr. d’Adesky: I will work with Andre and Eric to confirm all of the conveyances, to make sure that we have what we need to have.

**B. Engineer**

Mr. Flint: Eric, do you have anything on the Engineer's side?

Mr. Warren: I don't have anything new.

Mr. Flint: Are there any questions for the District Engineer?

Mr. Trace: No.

**C. District Manager's Report**

**i. Balance Sheet and Income Statement**

Mr. Flint: You have the combined Balance Sheet and Income Statements through August 31, 2018. If there are any questions, we can discuss those. There is no approval for those.

**ii. Consideration of Funding Request #11**

Mr. Flint: We have Funding Request #11.

Mr. Trace: There is an invoice for Egis Insurance. Is this the CDD's policy?

Mr. d'Adesky: Yes, for Governmental liability insurance. It is for your Supervisor's liability and general liability.

Mr. Trace: I thought it was around \$2,000, but its more.

Mr. Flint: The standard policy is about \$5,000. This is your general liability and public officials' liability coverage. Once we get property, it needs to be insured.

Mr. Trace: What about the ponds?

Mr. d'Adesky: Yes, it would cover that.

Mr. Flint: We typically don't insure the ponds. The only thing that you have are concrete structures that have a 50-year life span. It could be for fences, amenities, monuments and street lights. The liability is covered for the ponds.

Mr. Trace: Is landscaping in there?

Mr. Flint: No. Landscaping is not insured after the storms of 2004/2005.

Mr. Trace: No one insures anymore?

Mr. Flint: You can probably insure anything, if you pay enough, but they are typically not writing policies for insurance. We haven't seen landscape insurance coverage.

Mr. Scheerer: Any assets that are going to be conveyed to the District, we may need construction costs for, so we can get those insured as well.

Mr. Flint: It also includes lightning strikes. Irrigation controllers, in some communities, are \$8,000 each. Those are covered.

Mr. d’Adesky: Some of the trees are covered after installation.

Mr. Flint: The first year is covered.

Mr. Trace: I don’t think Acts of God are covered.

Mr. d’Adesky: Through the contractor, not through insurance.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Funding Request #11, was approved.

Mr. Flint: The insurance is purchased through the Florida Insurance Alliance, which is a local Government insurance trust fund. They insure close to 400 of the 600 CDDs.

Mr. Trace: This is the first time I have seen them. I remember seeing them in budgets.

**SIXTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Supervisors Requests**

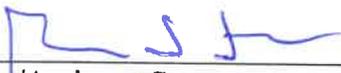
There being none, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

Mr. Flint: If there’s nothing further, we need a motion to adjourn.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the meeting was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman