

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, November 1, 2017 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
Kaitlyn Noyes	Assistant Secretary

Also present were:

George Flint	District Manager
Darrin Mossing, Jr.	GMS
Andrew d'Adesky	District Counsel
Eric Warren	District Engineer
Jo Thacker	Developer's Counsel

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order at 9:03 a.m. and called the roll. Four Supervisors were present, and Mr. Dowd was absent.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oaths of Office to Newly Board Members

Mr. Flint: We did this at the Organizational Meeting, as the creating ordinance names the five initial Board Members; however, you are required to have a Landowners' election within so many days of the Organizational Meeting.

Mr. Flint being a Notary Public of the State of Florida and duly authorized, administered the Oath of Office to Mr. Vidrine, Mr. Hooker, Mr. Trace and Ms. Noyes.

Mr. Flint: I will notarize the Oaths. The Form 1: Statement of Financial Interests must be filed within 30 days of today, with the Supervisor of Elections in the County you live in. As a Board Member, you are subject to the Sunshine and Public Records Laws like City and County Commissioners. If you have any questions, Andrew or I can answer them for you.

Mr. d'Adesky: We distributed some materials electronically. If you have any questions, please call us. We are always happy to answer them and provide quick responses.

B. Consideration of Resolution 2018-01 Canvassing and Certifying the Results of the Landowners' Election

Mr. Flint: The Board of Supervisors sits as the Canvassing Board to certify the results of the Landowners' Election, which took place prior to the Board Meeting. Resolution 2018-01 will reflect that Marcus P. Hooker and Andre Vidrine received 71 votes, and Keith Trace, James Dowd and Kaitlin Noyes received 70 votes, respectively. Mr. Hooker and Mr. Vidrine will serve four-year terms, and the other three Supervisors will serve two-year terms. Are there any questions on the resolution? Not hearing any, a motion to adopt Resolution 2018-01 would be in order.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2018-01, Canvassing and Certifying the Results of the Landowners' Election, was adopted.

C. Election of Officers

Mr. Flint: After each election, the Board is required to elect officers. Previously, Mr. Vidrine was Chairman, Mr. Hooker was Vice Chairman, the three remaining Supervisors were Assistant Secretaries, I was Secretary and Ariel Lovera was Treasurer. You can keep the same officers or change it.

D. Consideration of Resolution 2018-03 Electing Officers

Mr. Flint: Resolution 2018-03 elects the officers. We can take each seat individually, or if the Board wants to elect a slate of officers, you could handle it in one motion.

Mr. Trace: I would like to elect a slate of officers for Mr. Vidrine to serve as Chairman, Mr. Hooker as Vice Chairman, Keith Trace, James Dowd and Kaitlin Noyes as Assistant Secretaries, George Flint as Secretary and Ariel Lovera as Treasurer.

On MOTION by Mr. Trace, seconded by Ms. Noyes, with all in favor, Resolution 2017-20, Electing Officers, as previously nominated, was adopted.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the September 25, 2017 Meeting

Mr. Flint: The minutes were provided to you in your agenda package. Are there any additions, deletions or corrections to the minutes? If not, we need a motion to approve them.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, the minutes of the September 25, 2017 meeting, as presented, were approved.

FIFTH ORDER OF BUSINESS

Public Hearings

Mr. Flint: At this time, we will open the public hearings.

A. Fiscal Year 2017 & 2018 Budgets

i. Consideration of Resolution 2018-03 Adopting the Fiscal Year 2017 Budget and Relating to the Annual Appropriations

Mr. Flint: The District existed approximately a week in Fiscal Year 2017. At your Organizational Meeting, you approved a proposed budget and designated today’s meeting to consider its final adoption. Resolution 2018-03 adopts the Fiscal Year 2017 budget, which ended on September 30th and is attached as Exhibit A. The first column is the 2017 budget, which was a prorated annual budget for one month. Its funding source is a Developer Funding Agreement. The developer would only be obligated for actual expenses, not necessarily what’s reflected here. Are there any questions on the proposed budget? Not hearing any, a motion to adopt Resolution 2018-03 would be in order.

Mr. d’Adesky: This keeps us from getting a nasty letter from the Joint Legislative Auditing Committee.

Mr. Trace MOVED to adopt Resolution 2018-03, Adopting the Fiscal Year 2017 Budget and the Annual Appropriations, and Mr. Vidrine seconded the motion.

Mr. Flint: Before you consider the vote, we will note for the record that no members of the public are present to provide comment.

On VOICE VOTE, with all in favor, Resolution 2018-03, Adopting the Fiscal Year 2017 Budget and the Annual Appropriations, was adopted.

ii. Consideration of Resolution 2018-04 Adopting the Fiscal Year 2018 Budget and Relating to the Annual Appropriations

Mr. Flint: Resolution 2018-04, includes as Exhibit A, the Proposed 2018 Budget, which totals \$98,199. It is substantially the same as the Proposed Budget that you reviewed and approved at the Organizational Meeting, and contemplates a Developer Funding Agreement as the funding source. No members of the public are present to provide comments. Are there any questions? Not hearing any, a motion to adopt Resolution 2018-04 would be in order.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2018-04, Adopting the Fiscal Year 2018 Budget and the Annual Appropriations, was adopted.

B. Rule Adoption

i. Consideration of Resolution 2018-05 Adopting the District's Rules of Procedure

Mr. Flint: This is a Rule Adoption Hearing to consider adoption of the District's Rules of Procedure. At the Organizational Meeting, the Board authorized a rule hearing. Two notices were placed in the newspaper 29 and 28 days in advance of today's meeting. You received a copy of the Proposed Rules in your Organizational Meeting agenda, and we included it as an attachment to Resolution 2018-05. These rules describe how the Board is constituted, how you handle your meetings, your rulemaking procedures, purchasing processes, etc. They typically mirror the statutory requirements.

Mr. d'Adesky: We reviewed them and they are consistent with the statutes from 2017. I would note that, as we have had a number of bid protests in other Districts, the rules clearly outline the procedure for such protests and which types of bids are not subject to protest rights.

Mr. Flint: Are there any questions on the rules? For the record, no members of the public are present to provide comment. Are there any questions on Resolution 2018-05? If not, a motion to adopt Resolution 2018-05 would be in order.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, Resolution 2018-05 Adopting the District's Rules of Procedure, was adopted.

C. Uniform Method of Collection

i. Consideration of Resolution 2018-06 Expressing the District's Intent to Utilize the Uniform Method of Collection

Mr. Showe: Next is Resolution 2018-06, dealing with the utilization of the Uniform Method of Collection for the District's operation and maintenance (O&M) and debt service assessments. At your Organizational Meeting, you directed staff to advertise a public hearing for today's meeting, to consider the resolution. This allows us to use the tax roll as the collection method. Are there any questions on the Resolution? Not hearing any, a motion to adopt Resolution 2018-06 would be in order.

Mr. Trace MOVED to adopt Resolution 2018-06, Expressing the District's Intent to Utilize the Uniform Method of Collection, and Mr. Vidrine seconded the motion.

Mr. Flint: No members of the public are present to provide comment.

On VOICE VOTE, with all in favor, Resolution 2018-06 Expressing the District's Intent to Utilize the Uniform Method of Collection, was adopted.

D. Assessment Hearing

Mr. Flint: The next public hearing deals with the imposition of assessments on land within the District. At the Organizational Meeting, the Board reviewed the Engineer's Report and Master Assessment Methodology, and expressed your intent to impose assessments on land within the District. This public hearing was advertised in accordance with the statutes.

i. Consideration of Engineer's Report

Mr. Flint: Eric, do you want to briefly summarize the Engineer's Report?

Mr. Warren: The Board reviewed it at the prior meeting, which summarizes the project, discusses the infrastructure and the benefit in which improvements would be funded by the District, specifically Tohoqua Parkway, which is part of a mobility credit.

Mr. d'Adesky: Prosperity credit.

Mr. Warren: In addition, there are various graphics outlining the District, some of the physical features such as the flood plain and the proposed improvements and utilities, as far as what utilities will be servicing the site. There's also a cost estimate for the improvements that would eventually be funded by the District.

Mr. Flint: Are there any questions?

ii. Consideration of Master Methodology Report

Mr. d'Adesky: Resolution 2018-07, levies the assessments on the property, approves the project as described in the Engineer's Report, confirms the Assessment Methodology, including the Assessment Roll that was prepared as part of the Methodology, provides for the payment of the special assessments and that they will be filed in the official records of Osceola County. It is consistent with the statutes. It also allows for the assessments to be validated as part of the process that Michael Williams will comment on and will include that in the validation process. Proceeding with this in a timely manner will help the bond validation.

Mr. Vidrine: I don't think I ever approved one of these separate, then one that was part of a bond validation package. Are we getting it approved to include it in the package and then approve the rest?

Mr. d'Adesky: Correct. We could've done it at the next meeting, but doing it at this meeting allows us to get it included.

Mr. Vidrine: I understand that the property is going to be annexed into the City of St. Cloud at some point. Is there anything in this report that's affected by such annexation?

Mr. d'Adesky: In the Engineer's Report?

Mr. Vidrine: Yes.

Mr. Warren: I believe that the costs are still applicable. Utilities are still with the St. Cloud. The difference will be that the roadways will be owned by the City, as opposed to the County.

Mr. Vidrine: The water, sewer and reclaimed utilities are owned by the City of St. Cloud. I just didn't know if the spec roadways would change the cost.

Mr. Warren: No, not substantially.

Mr. Vidrine: Do we need a motion?

Mr. d'Adesky: Yes. The Engineer's Report was approved. A motion to adopt Resolution 2018-07 should be sufficient.

iii. Public Comment & Testimony

This item was discussed below

iv. Consideration of Resolution 2018-07 Levying Assessments

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2017-07, Levying Assessments, was adopted.

● **Public Comment & Testimony**

Ms. Thacker: An assessment won't be placed against property until the bonds are issued, correct?

Mr. d'Adesky: Correct. This just sets a ceiling. With bond issuances, we have the maximum price, but it always comes in lower.

Ms. Thacker: I just wanted to make sure that there would not be an assessment until the bonds were issued. If the bonds weren't issued, there would not be an assessment.

Mr. d'Adesky: Correct. You have the statutory authority to do this.

SIXTH ORDER OF BUSINESS

Ranking of Proposals for District Engineering Services and Selection of District Engineer

Mr. Flint: Per the Board's direction, we advertised a notice in the Orlando Sentinel, in accordance with the Consultants Competitive Negotiation Act (CCNA), soliciting Request for Qualifications (RFQ) for District Engineering Services. We received one response from Poulos & Bennett. They also serve as your Interim District Engineer. Since you received less than three bids, you could choose to reject it and rebid, or select Poulos & Bennett as your District Engineer. I just have to advise you on that, because it's in the rules that you just adopted. Are there any questions? If the Board is comfortable with Poulos & Bennett's proposal, a motion to

select them as District Engineer and authorizing staff to negotiate an agreement and bring it to the next meeting, would be in order.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, selecting Poulos & Bennett, LLC to provide District Engineering Services, and authorizing staff to negotiate an agreement, was approved.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2018-08
Ratifying the Execution of the Interlocal
Agreement with Osceola County**

Mr. Flint: As part of the creating ordinance, there is a requirement that an Interlocal Agreement be entered into.

Mr. d’Adesky: Correct. There is a new requirement that Osceola County imposed, that we have an Interlocal Agreement regarding notices, much of which we do anyways. We are just putting them into writing. We finalized the changes from what we agreed upon months ago, when the District was about to be formed. It took a while for them to get it into recording. Now that it’s done, we are just ratifying their action and sending it over to them to have it recorded.

Mr. Flint: Are there any questions on the Resolution or Interlocal Agreement? If not, we need a motion to adopt Resolution 2018-08.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, Resolution 2018-08, Ratifying the Execution of the Interlocal Agreement with Osceola County, was adopted.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

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

Mr. d’Adesky: Nothing. I am working with Mike on the validation. Other than that, it’s been fairly quiet.

B. Engineer

Mr. Flint: Eric, do you have anything else?

Mr. Warren: Thank you for selecting Poulos & Bennett to serve as District Engineer.

C. District Manager’s Report

i. Consideration of Funding Request #1

Mr. Flint: This is for Fiscal Year 2018, to fund the annual fee that we pay the State of Florida, District Management Fees, Board of Supervisors Fees and Attorney’s Fees. Are there any questions on the Funding Request? If not, we need a motion to approve it.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, Funding Request #1, was approved.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Supervisors Requests

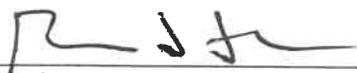
There being none, the next item followed.

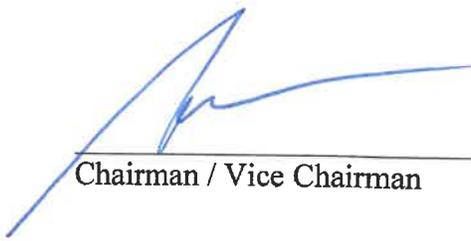
ELEVENTH ORDER OF BUSINESS

Adjournment

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

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


Secretary / Assistant Secretary


Chairman / Vice Chairman