## **TOSCANA ISLES COMMUNITY DEVELOPMENT** DISTRICT March 12, 2024 **BOARD OF SUPERVISORS REGULAR MEETING AGENDA**

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

# AGENDA LETTER

## Toscana Isles Community Development District OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W 

Boca Raton, Florida 33431

Phone: (561) 571-0100 

Toll-free: (877) 276-0889 

Fax: (561) 571-0013

March 5, 2024

#### **ATTENDEES:**

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors
Toscana Isles Community Development District

Dear Board Members:

The Board of Supervisors of the Toscana Isles Community Development District will hold a Regular Meeting on March 12, 2024 at 11:00 a.m, at the Toscana Isles Amenity Center, 100 Maraviya Blvd, Venice, Florida 34275. The agenda is as follows:

- 1. Call to Order/Roll Call
- 2. Continued Discussion: Resolution 2021-05, Policies Regarding the Conduct of Meetings of the Board [5 minutes]
- 3. Discussion/Consideration: Meeting Duration [90 minutes]
- 4. Approval of Minutes [5 minutes]
  - A. November 1, 2023 Regular Meeting
  - B. February 7, 2024 Regular Meeting
- 5. Chairman's Opening Remarks [5 minutes]
- 6. Resident Concerns [5 minutes]
  - Ownership of Roads and Curbing
- 7. Public Comments [15 minutes]
- 8. Consideration of Matters Related to <u>Wisdom Properties</u>, <u>LLC vs. LALP Development</u>, <u>LLC, Toscana Isles Community Development District, and Toscana Isles Master Association, <u>Inc., Case No. 2022 CA 004042 NC</u> [15 minutes]</u>
- 9. Discussion: Demand Letter to Juniper Landscaping of Florida, LLC for Completion of Warrant Work [10 minutes]
- 10. Acceptance of Unaudited Financial Statements as of January 31, 2024 [3 minutes]

**Board of Supervisors** Toscana Isles Community Development District March 12, 2024, Regular Meeting Agenda Page 2

#### Staff Reports [10 minutes] 11.

District Counsel: Straley Robin Vericker

В. District Engineer: AM Engineering, LLC

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

NEXT MEETING DATE: April 3, 2024 at 10:00 AM

0 QUORUM CHECK

SEAT 1	WILLIAM CONTARDO	In-Person	PHONE	☐ No
SEAT 2	JAMES COLLINS	☐ In-Person	PHONE	No
SEAT 3	SCOTT BLASER	☐ In-Person	PHONE	☐ No
SEAT 4	MICHAEL TRACZUK	☐ In-Person	PHONE	No
SEAT 5	PAUL SCHMITT	In-Person	PHONE	No

- Board Members' Comments/Requests [2 minutes] 12.
- 13. Public Comments [15 minutes]
- Adjournment 14.

Should you have any questions and/or concerns, please feel free to contact me directly at (561) 

512-9027.

Sincerely,

Jamie Sanchez District Manager FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE CALL-IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 131 733 0895

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

#### **RESOLUTION 2021-05**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT ADOPTING POLICIES REGARDING THE CONDUCT OF MEETINGS OF THE BOARD AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Toscana Isles Community Development District (the "**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the District owns and maintains numerous common areas within its boundaries, and the District is governed by the Toscana Isles Community Development District Board of Supervisors (the "**Board**"); and

WHEREAS, the Board desires to adopt policies with respect to meetings of the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT:

**Section 1. Board of Supervisors Meeting Policies.** The Board hereby adopts the following policies for the conduct of Board meetings:

- a) Board Supervisors and members of the public shall use respectful tones and words when they are addressing the Board, the public, or District Staff.
- b) Board Supervisors and members of the public should avoid repetitive or redundant questions or comments.
- c) Questions, comments, and other communications may not be directed to an individual, but rather should be addressed to the meeting chairperson and should relate to agenda items and discussion topics.
- d) District Staff will record any questions raised at the meeting and will provide a response at a subsequent Board meeting after District staff has had time to research the question.
- e) Degrading, uncomplimentary, or disrespectful remarks about an individual in any way may result in the adjournment of the Board meeting.
- f) Agenda items or discussion topics must pertain to District business.
- g) The Board meeting should be limited to one hour unless the Board votes to extend the time limit of the Board meeting. Time frames for discussion for each agenda item will be provided by the District Manager on the agenda. Unless approved by the Board, the time period allotted to each agenda item shall be followed, with remaining time at the conclusion of a meeting being made available to address topics which were not concluded during the meeting. Agenda items not concluded at a meeting shall be addressed at the following Board meeting.
- h) Agenda items should be submitted to the District Manager nine days prior to the Board meeting date.

 i) Questions based on agenda items should be provided to the District Manager at least two business days in advance of the Board meeting to allow for time to prepare a response.
 Time permitting, responses may be available at the Board meeting, otherwise questions and corresponding responses will be deferred until the following Board meeting

<u>Section 2</u>. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED AS OF THE 27TH DAY OF JANUARY, 2021.

Attest:

Name: Danie
Assistant Secretary

Toscana Isles Community Development District

Alex Hays

Chair of the Board of Supervisors

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

## **MINUTES A**

#### **DRAFT**

1 2 3 4		TOSC	OF MEETING ANA ISLES VELOPMENT DISTE	RICT	
5	The Board of Superv	isors of the Tosca	ana Isles Commun	ity Developme	nt District held a
6	Regular Meeting on Novemb	per 1, 2023, at 10	:00 a.m., at the To	scana Isles Ame	enity Center, 100
7	Maraviya Blvd., Venice, Flori	da 34275.			
8					
9 10	Present were:				
11	Scott Blaser		Chair		
12	Bill Contardo		Vice Chair		
13	Paul Schmitt		Assistant Se	cretary	
14	James Collins		Assistant Se	•	
15	Michael Traczuk		Assistant Se	cretary	
16					
17	Also present were:				
18					
19	Cindy Cerbone (via te	elephone)	District Man	_	
20	Jamie Sanchez			unt and Associat	es, LLC (WHA)
21	Vivek Babbar (via tele		District Cour		
22	Shawn Leins (via tele	phone)	District Engi		
23	Diane Jochum		Resident/HC	DA Board Memb	er
24					
25	Residents present:				
26	laanna Kassialaiak	line Towns.	The week like with	lies Howk	Names Cibaan
27	Joanne Koscielniak	Jim Tenney	Thomas Hart	Lisa Hart	Nancy Gibson
28 29	Raymond Foxwell Other Residents	Bill Ambrose	Dennis Koroll	Irwin Block	Jeff Munzing
30	Other Residents				
31					
32	FIRST ORDER OF BUSINESS		Call to Orde	r/Roll Call	
33	TIMST ORDER OF BOSINESS		Can to Orde	i/itoli cali	
34	Ms. Sanchez called th	ne meeting to ord	er at 10:01 a.m.		
35	All Supervisors were	present.			
36					
37 38 39 40	SECOND ORDER OF BUSINES	SS		he Conduct of	021-05, Policies Meetings of the

41		Mr. Blaser read portions of Resolution 202	1-05 concerning conduct in CDD meetings.
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43 44 45	THIRD	O ORDER OF BUSINESS	Discussion/Consideration: Meeting Duration [1.05 hour]
46 47		Mr. Blaser hoped to conduct the meeting v	within 1.05 nours.
48 49 50 51 52 53 54 55	FOUR	TH ORDER OF BUSINESS	Consideration of Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts on District Property; Designating Certain District Roads and Areas for Golf Cart Use; Providing for Conflicts, Severability, and an Effective Date [5 minutes]
56		This item was presented following the Fifth	n Order of Business.
57			
58 59 60 61	FIFTH	ORDER OF BUSINESS	Approval of September 6 2023 Public Hearing and Regular Meeting Minutes [2 minutes]
62 63 64		On MOTION by Mr. Schmitt and seconde September 6, 2023 Public Hearing and Rewere approved.	· · · · · · · · · · · · · · · · · · ·
65 66			
67	•	Consideration of Resolution 2024-01, Add	opting Revised Policies Relating to Golf Carts
68		on District Property; Designating Certain	District Roads and Areas for Golf Cart Use;
69		Providing for Conflicts, Severability, and a	n Effective Date [5 minutes]
70		This item, previously the Fourth Order of	Business, was presented out of order.
71		Mr. Babbar stated Resolution 2024-01 dep	picts policy changes with respect to golf carts
72	and ra	aising the age limit to 18. Some requiremen	nts and language were streamlined to ensure
73	compl	iance with State laws.	
74		Mr. Blaser opened Public Comments.	
75		Resident and HOA Board Member Diane Jo	ochum noted that the HOA adopted the same
76	policie	es pertaining to age limits, including permit	s, and adopted the registration requirement,

which is done at the office at no cost. Mr. Blaser asked if the CDD needs to incorporate the HOA policy into the CDD Policy. Mr. Babber stated it is already covered under Section 7e.

A resident asked if the State requires insurance on the golf carts. It was noted that Section 7B requires proper insurance; some think it is homeowner's insurance that covers it.

Resident Irwin Block asked how the registration requirement will be enforced. Ms. Sanchez stated it is an HOA question; she suggested speaking to Ms. Jochum after the meeting.

Having reviewed statutes, Mr. Babbar stated that low speed vehicles require liability insurance. He noted that golf cart usage in the CDD is a privilege, not a right.

A resident asked about a policy for golf carts and asked why it does not require insurance on motorcycles, motorized bikes and skateboards. It was noted that those are governed by Florida Law and golf cart usage is regulated by local governmental entities.

Mr. Blaser closed Public Comments.

On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts on District Property; Designating Certain District Roads and Areas for Golf Cart Use; Providing for Conflicts, Severability, and an Effective Date, was adopted.

#### SIXTH ORDER OF BUSINESS

**Chairman's Opening Remarks [5 minutes]** 

Mr. Blaser deferred his remarks to after Juniper Landscaping's (Juniper) update.

#### **SEVENTH ORDER OF BUSINESS**

**Public Comments [15 minutes]** 

Resident Nancy Gibson asked about the study to determine ownership/responsibilities of the CDD and the HOA. Ms. Sanchez stated that will be covered later in the meeting.

Resident Dennis Koroll asked if it is the responsibility of the CDD or HOA to install and pay for weight limit signs on bridges. He thinks the District Engineer stated the weight capacity is 20 to 25 tons. He asked for signage with that information to be installed on the bridge. Ms. Sanchez stated that the District Engineer can provide a response, if available; otherwise, it will be provided at the next meeting. Regarding Mr. Blaser's comment that the Florida Department

of Transportation (FDOT) determines the appropriateness of signs, Mr. Korol voiced his opinion that FDOT regulations should not matter if the homeowners want signs posted.

Mr. Block voiced concern about liability litigation. He believes posting a weight limit sign has a significant risk mitigation on the CDD; in the event of trucks damaging the bridge, the burden becomes on the party who caused the damage.

A resident asked for the CDD to provide the drawings for the clubhouse and guardhouse to the HOA. He thinks it will be helpful when mechanical and control issues arise.

Ms. Sanchez read the following email from Mr. Leins regarding the bridges:

"As far as the weight limits on bridges and required signage; the design of these bridges meet FDOT standards with a weight capacity of 20 to 25 tons. Whether to post signs or not would be an HOA call, but there are not too many vehicles that exceed those limits. A fully loaded cement truck could exceed those limits, but they would be using a construction entrance."

Mr. Leins affirmed the above statement.

A resident stated that cement and sod trucks are accessing through the south gate and not adhering to the sign directing construction traffic to the north gate. Asked who oversees the gates, Mr. Blaser stated that it is the HOA.

Mr. Blaser asked if the CDD should research liability concerning the bridges. Mr. Babbar stated that the Agreement with the HOA covers liability and incidents.

It was noted that information about the missing stop signs and whether the signs are FDOT compliant will be addressed later in the meeting.

#### EIGHTH ORDER OF BUSINESS Update: Juniper Landscaping Sabal Palm Warranty Work [5 minutes]

In his absence, Ms. Sanchez presented Mr. Scappatura's email list of the following outstanding items:

- 136 > The remaining punch list items from Mr. Schmitt have not been completed.
- 137 A few more palms on Soliera need bracing.
- 138 A few more holes need to be filled.

139 Two piles of 2x4's need to be picked up.

Mr. Blaser asked Mr. Babber about the next step regarding legal action. Mr. Babber stated he will contact Ms. Sanchez offline to review Juniper's actions to determine if a phone call or demand letter is needed.

Mr. Blaser referred to Line 114 of the last meeting minutes and asked Ms. Sanchez if Juniper is backing out of Mr. Scappatura's response about addressing outstanding items. Ms. Sanchez stated she could not determine that from Mr. Scappatura's recent email.

Mr. Schmitt reviewed the sabal palm warranty terms with Juniper, paying Juniper to address hurricane related damages, Mr. Scappatura's verbal commitment to fill the holes and remove stakes and Juniper's unwillingness to finish the punch list items, since the HOA terminated them.

Suggestions to address this matter included having the HOA get the work done and charge the CDD and/or filing a claim with Juniper's insurance carrier for not fulfilling the contract. The consensus was for Mr. Babber to send a letter to Mr. DaMont, at Juniper, to include certain language and to appoint Mr. Schmitt as the contact person.

#### NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2023 [3 minutes]

#### **TENTH ORDER OF BUSINESS**

Staff Reports [10 minutes]

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

Mr. Babbar stated he received a request for a Shade Session within a Public Meeting to discuss the 2022 litigation involving Wisdom Properties, LLC versus the CDD, HOA and Developer. A request was made for full mediation and to discuss the settlement offer.

On MOTION by Mr. Contardo and seconded by Mr. Collins, with all in favor, the

Unaudited Financial Statements as of September 30, 2023, were accepted.

Mr. Babbar formally requested a Shade Session for advice concerning the litigation; the subject matter will be confined to settlement negotiations and strategy sessions related to the litigation and expenditures.

The notice for the Shade Session will include the Board Members, CDD Staff with relevant information, Mr. Schmitt, District Counsel, Defense Counsel and the District Engineer. Members of the public cannot attend this portion of the meeting. A Court Reporter will transcribe the meeting, which will be made public once litigation has concluded.

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, holding a Shade Session on Wednesday, December 6, 2023 at 9:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275, and authorizing District Counsel to arrange the newspaper advertisement and engage a Court Reporter, was approved.

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

#### • Inspection Report Regarding CDD Ownership

Mr. Leins presented the Inspection Report dated October 27, 2023 and responded to questions about recommendations to address safety matters noted in his Report, such as installing signage and landscaping or fencing at dead end streets. A Board Member asked if reflectors can be installed around the curbs to illuminate the islands. Mr. Leins replied affirmatively and stated another option is to use reflective paint.

Mr. Schmitt noted broken curbs and scars in the asphalt roadways need to be repaired. He voiced his belief that the top coat is not typically installed on roadways until construction is completed and asked why the protocol changed with construction still ongoing. Mr. Leins stated asphalt lifts are done both ways and there is no requirement to do the roads in two lifts.

Mr. Schmitt asked if the CDD can have the builder repair the damaged roadways. Mr. Babbar stated the CDD has no recourse unless there is a latent defect or it is not the best recommended practice. The CDD can send a letter to the Developer/contractor but, if the City and County requirements were met and it failed, they have sufficient defenses supporting that they did what they were obligated to do and complied with those requirements.

200 Mr. Babbar and Mr. Leins addressed questions about recourse, which involves obtaining 201 evidence to prove which party is responsible for repairing damaged roadways and sidewalks. 202 Regarding the irrigation system issues, Ms. Sanchez recalled that the Board approved engaging a third party to assess the system after completion of Mr. Liens' Inspection Report. 203 204 Discussion ensued about identifying which improvements were paid for with bond funds 205 and water quality testing being excluded from the scope, which affects the irrigation system. Mr. Liens confirmed that the traffic signs are FDOT compliant. 206 207 A Board Member thinks the CDD should know who repaired the roads and sidewalks 208 and how they were repaired before sending a letter to the Developer/Builder. A Board Member 209 voiced their belief that the CDD will receive information once the letter is sent. Ms. Sanchez 210 was asked to research who previously performed the repairs. 211 212 On MOTION by Mr. Traczuk and seconded by Mr. Schmitt, with all in favor, authorizing District Counsel to draft and send a letter to the Developer/Builder 213 asking for the roadways, gutters and sidewalks damaged during construction to 214 be repaired, was approved. 215 216 217 218 Supervisor Collins left the meeting at 11:11 a.m. 219 C. District Manager: Wrathell, Hunt and Associates, LLC 220 NEXT MEETING DATE: December 6, 2023 at 10:00 AM 221 0 QUORUM CHECK 222 223 **ELEVENTH ORDER OF BUSINESS** Board Members' Comments/Requests [2 224 minutes] 225 This item was presented following the Twelfth Order of Business. 226 227 228 TWELFTH ORDER OF BUSINESS Public Comments [15 minutes] 229 Ms. Gibson noted that the sidewalk on Soliera was repaired a few weeks ago and 230 231 concrete was spilled on the driveways.

Resident Thomas Hart voiced his belief that curbing was funded with CDD bond funds and that the curbs were replaced more than once because the neighbors photographed the damaged areas and complained. He thinks the Curbco invoice should show the repairs made.

Ms. Jochum voiced her opinion that copying Mr. Peshkin on the letter to Juniper might push Juniper to expedite completion of the outstanding items, since it was his construction warranty. She suggested scheduling a final walkthrough with the CDD, HOA and Juniper, to ensure all parties are on the same page before signing off that any repairs are completed.

Resident Jeff Munzing asked if Juniper had notified the CDD that they had a problem with irrigation. He believes that the roadways' transverse cracking could have been prevented if the developer proceeded with the original plans. He suggested the community submit pictures to the CDD of how the roads were paved and of troubled areas and that the Developer should have an expert with them on the walkthrough to identify failed roads. In his opinion, the current condition will not last to the 20-year life expectancy as noted in the Reserve Study. He thinks the CDD should hold all parties accountable.

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

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

Mr. Traczuk stated his belief that the Builder or Developer should make the repairs and that the CDD and/or HOA should not fund the repairs.

Mr. Schmitt clarified an earlier comment that, when the CDD expends funds, those funds originate from the homeowners' assessments.

Mr. Blaser asked for clarification as to how the CDD pays for items that the HOA maintains. Ms. Sanchez stated she would email the information.

Regarding payment, Mr. Blaser voiced his opinion that the CDD should find out who was on the CDD Board at that time.

#### 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.

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266	Secretary/Assistant Secretary	Chair/Vice Chair	

DRAFT

November 1, 2023

**TOSCANA ISLES CDD** 

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

## MINUTES B

#### **DRAFT**

1 2 3 4		MINUTES OF I TOSCANA COMMUNITY DEVELO	ISLES		
5	The Board of Superv	isors of the Toscana Is	sles Community Deve	lopment Distr	ict held a
6	Regular Meeting on Februar	ry 7, 2024, at 10:00 a.ı	m., at the Toscana Isl	es Amenity Ce	enter, 100
7	Maraviya Blvd., Venice, Flori	da 34275.			
8					
9 10	Present were:				
11	Scott Blaser		Chair		
12	Bill Contardo		Vice Chair		
13	Paul Schmitt		Assistant Secretary		
14	James Collins		Assistant Secretary		
15 16	Michael Traczuk		Assistant Secretary		
17	Also present:				
18	Also present.				
19	Cindy Cerbone		District Manager		
20	Jamie Sanchez		Wrathell, Hunt and A	ssociates, LLC	(WHA)
21 22	Vivek Babbar (via tele	ephone)	District Counsel		
23	Residents present:				
24					
25	Thomas Hart	Lisa Hart	Doug Falter	Raymond Fo	
26	Tom Gerson	Alan Hintz	Collen Gibbs	Anthony Nic	holas
27	Dennis Koroll	Jeff Munzing	Other Residents		
28 29					
30	FIRST ORDER OF BUSINESS		Call to Order/Roll Ca	ıll	
31 32	Ms. Sanchez called th	ne meeting to order at	10:19 a.m.		
33	All Supervisors were	present.			
34					
35 36 37 38	SECOND ORDER OF BUSINES	SS	Continued Discussion Policies Regarding Meetings of the Board	the Con	duct of
39	Mr. Blaser read porti	ons of Resolution 2021	05 concerning condu	ıct in CDD mee	etings.
40					
41 42	THIRD ORDER OF BUSINESS		Discussion/Consider Duration [1.20 hours		Meeting

43 44		Mr. Blaser hoped to conduct the me	eeting within 1.20 hours.
45		·	
46 47 48	FOUF	RTH ORDER OF BUSINESS	Approval of Minutes [5 minutes]
49	Α.	November 1, 2023 Regular Meetin	g
50		Ms. Sanchez pointed out revision	s to the minutes, which were deferred at the last
51	meet	ing.	
52		Mr. Schmitt asked to delete the la	ast two sentences on Lines 127 through 129, as the
53	Distri	ict Engineer told him he would not h	ave said it. Since other Board Members wanted the
54	infor	mation confirmed, Mr. Blaser polled	the Board. The consensus was for Ms. Sanchez to
55	revie	w the audio for accuracy and, if sti	ill needed, confirm the statement with the District
56	Engir	neer.	
57		This item was deferred.	
58	В.	December 6, 2023 Regular Meeting	3
59			
60 61 62		-	econded by Mr. Traczuk, with all in favor, the g Minutes, as presented, were approved.
63 64 65	FIFTH	ORDER OF BUSINESS	Chairman's Opening Remarks [5 minutes]
66 67		Mr. Blaser thanked everyone for at	ending the meeting.
68 69	SIXTI	H ORDER OF BUSINESS	Public Comments [15 minutes]
70		Resident Jeff Munzing asked if the	CDD needs reserve funds and if other CDD's have a
71	reser	ve.	
72		Resident Alan Hintz stated that he	observed broken curbs in front of his residence. He
73	think	s construction equipment is causing t	he damage and asked if the builder is responsible for
74	repai	ring them, who owns the streets and	the curbs and if the streets and curbs will be turned
75	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**

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]

Consideration of Resolution 2024-02,

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.

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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 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.

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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.

191 B. District Engineer: AM Engineering, LLC

There was no report.

- 193 C. District Manager: Wrathell, Hunt and Associates, LLC
  - NEXT MEETING DATE: March 6, 2024 at 10:00 AM
- 195 O QUORUM CHECK

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

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#### **ELEVENTH ORDER OF BUSINESS**

Board Members' Comments/Requests [2 minutes]

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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.

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#### TWELFTH ORDER OF BUSINESS

#### **Public Comments [15 minutes]**

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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 no 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 warrantees.

#### 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.

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251 Secretary/Assistant Secretary	Chair/Vice Chair

**DRAFT** 

**TOSCANA ISLES CDD** 

February 7, 2024

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

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## Straley Robin Vericker

#### -Attorneys at Law-

1510 W. Cleveland St. Tampa, Florida 33606 Tel: (813) 223-9400 Writer's Direct Dial: (813) 321-4107 Writer's E-mail: <u>vbabbar@srvlegal.com</u> Website: www.srvlegal.com

February 14, 2024

#### Via Email

Juniper Landscaping of Florida, LLC ("Juniper")

Attn: Brandon Duke

Brandon@juniperlandscaping.com

Re: Toscana Isles Community Development District Demand Letter for Completion of Warranty Work

Dear Brandon,

The Board of Supervisors ("Board") of the Toscana Isles Community Development District (the "District") requested that I send you this letter. The District is beyond disappointed and frustrated that the warranty work has yet to be completed and that you have ignored communications from the District Manager.

A portion of the remainder warranty work is described in the following email excerpts between the District Manager (with some modifications by me for clarity and keeping things concise):

- 1. 200 Soliera St. Clean up next to common area along the fence that runs along Gene Green Rd. **Juniper's Response:** 
  - a. We will be able to go ahead and clean up the debris and 2x2s. There will be no more replacement material.
  - b. We expect to have everything completed by end of next week (sent 7/31). We're having a little trouble getting the zoysia turf at the moment.
- 2. 304 Soliera Street. Juniper's Response:
  - a. We will take care of the turf replacement needs behind this home with the approved budget. We will also add additional tree stakes to the trees if needed.
  - b. We expect to have everything completed by end of next week (sent 7/31). We're having a little trouble getting the zoysia turf at the moment.
  - **c. 8/4 Update:** Sod replacement was completed today at the corner of Soliera and Vinadio. In addition, we replaced the backyard of 304 Soliera. The team is reporting low pressure on the irrigation. Our team will be by to program both areas to run daily.
- 3. Agree to five more Sabals in the corner of Vinadio out of good faith, but that will be the end. **Juniper's Follow Up:** 
  - a. There will be no more additional warranty material after this, please understand our contract ended with the association May 15.
  - b. Since our departure, we know longer have any control over the irrigation programming.
  - c. In addition, the master association replaced all four of their pump stations, leading to the water being off for an unknown period of time.
  - d. To add, we just went through an extreme drought, which also voids warranty.
  - e. The crew finished the items on Vinadio along with replacing five Sabals on the bend.
  - f. As of 10/26: Soliera: Some of the Sabal palms that are leaning will remain, as there is no access.
    - i. We will have to add tree stakes.
    - ii. Handful of holes we need to fill

- iii. A couple piles of 2x4s that need to be removed.
- 4. October 26: Mulch was supposed to be put down around the fishtail palms and other new plants. **Juniper's Response:** 
  - a. The irrigation system at the fishtail palms has a major leak (at 193 Vinadio).
  - b. It has been a while so it has likely faded and thinned out. No additional mulch will be put down.
  - c. The irrigation leak needs to be addressed by the association maintenance company. We did this inspection, and everything was working When the palms went in weeks ago. That break must be after the fact that I do not recommend waiting until we get out there to fix it.
- 5. No further stump removal on Soliera unless HOA pays for it. I also do not recommend removing most of them as it will damage the integrity of the existing remaining sabals.
- 6. November 10: I reviewed the buffer this week, and it looks like the association had somebody come through and remove all tree staking, including some of the trees we restate along with some of the replacements. At this point, Juniper is complete on this buffer, and any additional work would have to be billed to the association. All replacements have been installed, and turf was replaced.

Additionally, no formal response was provided to the punch list of items provided by Supervisor Paul Schmitt sent on August 7<sup>th</sup> (*they have been modified to be grouped in categories for this letter*):

#### Vanadia Street Sabal Palm Issues:

- 1) Leaning Issues but no staking issue:
  - a. 149 Vanadia- A Sabal is leaning on a new palm. Another Sabal is also leaning on a palm.
  - b. 141 Vanadia- 3 Sabals are leaning on other palms (staking is falling apart)
  - c. 169 Vanadia- A Sabal is leaning too much.
  - d. 205 Vanadia A Sabal is leaning too much.
  - e. 245 Vanadia A Sabal leaning on another palm.
- 2) Leaning Sables with no Staking:
  - a. 201 Vanadia -Several tall palms leaning that are not staked.
  - b. 209 Vanadia
  - c. 213-217 Vanadia
  - d. 221-225 Vanadia
  - e. 237-241 Vanadia
- 3) Looks like dead Sabals
  - a. 157 Vanadia A newly planted Sabal is dead.
  - b. 161 Vanadia Two tall palms are dead.
  - c. 221 Vanadia A newly planted Sabal is dead.
- 4) 145 Vanadia
  - i. Large holes in the ground left behind after palm removal all along this side.
  - ii. Large piece of stump
  - iii. Staking is broken, rotted and falling apart.
- 5) 185 Vanadia
  - i. Three Sabals are leaning.
  - ii. Five newly planted Sabals are dead.
  - iii. A stump needs to be cut down.
  - iv. Newly installed staking is broken (Two palms).

Soliera Street Sabal Palm Issues:

- 1) Leaning Sables with no Staking:
  - a. 332 Soliera
  - b. 324 Soliera 2 trees
  - c. 316-312 Soliera 2 trees
- 2) Looks like dead Sabals
  - a. 304 Soliera 7 Trees
  - b. 296 Soliera
- 3) Multiple Things:
  - a. 290 Soliera
    - i. Leaning Sabal with no staking
    - ii. One newly planted Sabal is dead.
  - b. 228 Soliera
    - i. Largehole in the ground
    - ii. Broken staking
  - c. 200 Soliera
    - i. Piles of stakes
  - d. 172 Soliera -Large hole in the ground
  - e. 281 Soliera Large pile of broken Stakes:
  - f. 273 Soliera Large pile of broken stakes

The District followed up with the Association regarding some of the alleged work you believed they or their vendor performed, but they assert that such work did not take place. The District understands your position with respect to the irrigation issues, drought, and no further stump removal on Soliera, but demands that Juniper complete the remainder of the warranty work and coordinate with the District Manager and a designated Board Member a time in which they can walk the property, review the issues, and come up with a plan to complete the warranty work. Alternatively, Juniper can send a check to the District so that it could complete the warranty work with another vendor. If Juniper is unwilling or fails to coordinate and cooperate with the District, then the District may take action to pursue any and all rights and remedies provided for by Florida law.

Sincerely,

Vívek K. Babbar

Vivek K. Babbar Board Certified in City, County, and Local Government Law

cc via email. Dan Damont, Chief Revenue Officer, <u>dan@juniperlandscaping.com</u>
Anthony Scappatura, Operations Manager, <u>Ascappatura@juniperlandscaping.com</u>
Keith Scappatura, Associate Branch Manager/Operations,

keithscappatura@juniperlandscaping.com

Board of Supervisors Jamie Sanchez, District Manager

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

# UNAUDITED FINANCIAL STATEMENTS

TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JANUARY 31, 2024

# TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT BALANCE SHEET GOVERNMENTAL FUNDS JANUARY 31, 2024

			Debt	Debt		
			Service	Service		Total
	(	General	Fund	Fund	Go	vernmental
		Fund	Series 2014	Series 2018		Funds
ASSETS						
Cash	\$	305,856	\$ -	\$ -	\$	305,856
Investments						
Reserve		-	710,363	804,077		1,514,440
Prepayment		-	118	719		837
Revenue		-	904,232	1,039,912		1,944,144
Due from general fund			61,848	85,541	_	147,389
Total assets	\$	305,856	\$1,676,561	\$1,930,249	\$	3,912,666
LIABILITIES Liabilities:	ď	64.040	¢.	¢.	¢	64 949
Due to debt service fund 2014	\$	61,848	\$ -	\$ -	\$	61,848
Due to debt service fund 2018		85,541				85,541
Total liabilities		147,389				147,389
FUND BALANCES Restricted for:						
Debt service		-	1,676,561	1,930,249		3,606,810
Assigned						
Three months working capital		41,772	-	-		41,772
Unassigned		116,695				116,695
Total fund balances		158,467	1,676,561	1,930,249		3,765,277
Total liabilities and fund balances	\$	305,856	\$ 1,676,561	\$ 1,930,249	\$	3,912,666

# TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT GENERAL FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES FOR THE PERIOD ENDED JANUARY 31, 2024

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 11,152	\$ 129,553	\$ 139,582	93%
Interest and miscellaneous	11	18		N/A
Total revenues	11,163	129,571	139,582	93%
EVENDITUDES				
EXPENDITURES Professional & administrative				
Supervisor's fees		2,000	12,000	17%
FICA	-	2,000 153	918	17 %
Management/accounting/recording	3,643	14,574	43,721	33%
Debt service fund accounting	5,043 644	2,575	7,725	33%
Legal	044	2,373 497	36,000	1%
Engineering	_	7,600	5,000	152%
Audit	_	7,000	4,400	0%
Arbitrage rebate calculation	-	-	4,400 750	0%
Dissemination agent	- 167	667	2,000	33%
Trustee	5,476	10,402	11,236	93%
Telephone	17	67	200	34%
Postage	17	10	500	2%
Printing & binding	42	167	500	33%
Legal advertising	-	261	1,200	22%
Annual special district fee	_	175	1,200	100%
Insurance	_	8,467	9,167	92%
Contingencies/bank charges	- 28	97	1,000	10%
Website	20	705	705	100%
ADA website compliance	_	705	210	0%
Total professional & administrative	10,017	48,417	137,407	35%
Total professional & administrative	10,017	40,417	137,407	33 /0
Other fees & charges				
Tax collector	161	1,937	2,181	89%
Total other fees & charges	161	1,937	2,181	89%
Total expenditures	10,178	50,354	139,588	36%
Excess/(deficiency) of revenues				
over/(under) expenditures	985	79,217	(6)	
, , ,		-,	(-)	
Fund balances - beginning Assigned	157,482	79,250	62,329	
Three months working capital	41,772	41,772	41,772	
Unassigned	116,695	116,695	20,551	
Fund balances - ending	\$ 158,467	\$ 158,467	\$ 62,323	
. and salariood origing	Ψ 100,401	Ψ 100,407	Ψ 02,020	

# TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES DEBT SERVICE FUND SERIES 2014 FOR THE PERIOD ENDED JANUARY 31, 2024

	Current Month	Year To Date	Budget	% of Budget
REVENUES	•			
Assessment levy	\$ 62,751	\$ 728,968	\$ 785,537	93%
Interest		15,682		N/A
Total revenues	62,751	744,650	785,537	95%
EXPENDITURES				
Principal	_	205,000	205,000	100%
Interest	_	276,056	546,219	51%
Tax collector	904	10,897	12,274	89%
Total expenditures	904	491,953	763,493	64%
Excess/(deficiency) of revenues				
over/(under) expenditures	61,847	252,697	22,044	
Fund balances - beginning	1,614,714	1,423,864	1,381,547	
Fund balances - ending	\$ 1,676,561	\$1,676,561	\$ 1,403,591	

# TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES DEBT SERVICE FUND SERIES 2018 FOR THE PERIOD ENDED JANUARY 31, 2024

	Current Month		Year To Date		Budget	% of Budget
REVENUES						
Assessment levy	\$	86,791	\$	1,008,235	\$ 1,086,623	93%
Interest		-		17,843	-	N/A
Total revenues		86,791		1,026,078	1,086,623	94%
EXPENDITURES						
Principal		_		265,000	265,000	100%
Interest				400,894	795,991	50%
Tax collector		1,250		15,072	16,978	89%
Total expenditures		1,250		680,966	1,077,969	63%
Excess/(deficiency) of revenues						
over/(under) expenditures		85,541		345,112	8,654	
Fund balances - beginning	1,	844,708		1,585,137	1,532,589	
Fund balances - ending	\$1,	930,249	\$	1,930,249	\$1,541,243	

## TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT

# STAFF REPORTS

#### **TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT**

#### BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE

#### LOCATION

Toscana Isles Amenity Center, 100 Maraviya Blvd, Venice, Florida 34275

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 4, 2023 CANCELED	Regular Meeting	10:00 AM
November 1, 2023	Regular Meeting	10:00 AM
December 6, 2023	Special Meeting and Attorney-Client	9:00 AM
	Session Shade Meeting	
December 6, 2023	Regular Meeting	10:00 AM
January 3, 2024 CANCELED	Regular Meeting	10:00 AM
February 7, 2024	Attorney-Client Session Shade Meeting	9:00 AM
February 7, 2024	Regular Meeting	10:00 AM
March 6, 2024 CANCELED	Regular Meeting	10:00 AM
March 12, 2024	Attorney-Client Session Shade Meeting	10:00 AM
March 12, 2024	Regular Meeting	11:00 AM
April 3, 2024	Regular Meeting	10:00 AM
May 1, 2024	Regular Meeting	10:00 AM
June 5, 2024	Regular Meeting	10:00 AM
July 3, 2024	Regular Meeting	10:00 AM
August 7, 2024	Regular Meeting	10:00 AM
September 4, 2024	Regular Meeting	10:00 AM
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