

Tomoka Community Development District

12051 Corporate Boulevard, Orlando, FL 32817; 407-382-3256

The next meeting of the Board of Supervisors for the Tomoka Community Development District will be held **Tuesday, July 17, 2018 at 10:00 a.m. at the Hampton Inn, 150 Flagler Plaza Drive, Palm Coast, Florida 32137**. The following is the proposed agenda for this meeting.

Conference Call Number:

Dial-In: 1-877-864-6450

Code: 974058

Board of Supervisors' Meeting

A. Organizational Matters

- Call to Order
- Roll Call
- Public Comment Period

B. Business Matters

1. Consideration of Minutes of the April 17, 2018 Board of Supervisors Meeting
2. Review and Acceptance of Fiscal Year 2017 Audit Report [*provided under separate cover*]
3. Letter from Supervisor of Elections – Flagler County
4. Consideration of Resolution 2018-04, Designating a Date, Time and Location for the 2018 Landowners' Meeting [*suggested date of November 20, 2018*]
5. Consideration of Resolution 2018-05, Declaring Vacancies on the Board
6. Public Hearing on the Adoption of the District's Annual Budget
 - a. Public Comments and Testimony
 - b. Board Comments
 - c. Consideration of Resolution 2018-06, Adopting the Fiscal Year 2019 Budget and Appropriating Funds
7. Public Hearing on the Imposition of Special Assessments
 - o Public Comments and Testimony
 - o Board Comments
 - o Consideration of Resolution 2018-07, Imposing Special Assessments and Certifying an Assessment Roll
8. Review & Consideration of Hopping Green & Sams Fees
9. Ratification of Payment Authorization Numbers 2018-07- 2018-11
9. Review of District Financial Statements [*provided under separate cover*]

C. Staff Reports

- Attorney
- Engineer
- Manager – Setting Fiscal Year 2019 Meeting Schedule –

- October 11, 2018
- January 10, 2019
- April 11, 2019
- July 11, 2019

- Audience Comments and Supervisors Requests

D. Adjournment

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Minutes
April 17, 2018
Board of Supervisors Meeting

MINUTES OF MEETING

*Tomoka Community Development District
Board of Supervisors Meeting
Hampton Inn: 150 Flagler Plaza Drive, Palm Coast, FL
Tuesday, April 17, 2018 at 11:06 a.m.*

Present and constituting a quorum:

Dennis Hoffman	Board Member
Ali Kargar	Board Member
Amos (Gooch) Cheatham	Board Member

Also present were:

Vivian Carvalho	Fishkind & Associates- District Manager
Margie Hall	Community Manager-Plantation Bay & West Lake
Dick Smith	ICI Homes (joined meeting in progress @ 11:11 a.m.)
Sarah Warren	Hopping Green & Sams- District Counsel (via phone)

FIRST ORDER OF BUSINESS

Business Matters

Call to Order

This meeting was called to order at 11:06 a.m. and roll call was initiated. Quorum was established with the attendance of Board Members Dennis Hoffman, Ali Kargar, and Gooch Cheatham. Others in attendance are listed above.

Public Comment Period

There were no public comments.

Consideration of Minutes of the July 28, 2017 Board of Supervisors Meeting

The Board reviewed the minutes of the July 28, 2017 Board of Supervisors Meeting.

On MOTION by Mr. Hoffman, seconded by Mr. Cheatham, with all in favor, the Board approved the Minutes of the July 28, 2017 Board of Supervisors' Meeting.

Consideration of Resolution 2018-01, Changing Registered Agent

Ms. Carvalho explained that this is changing the Registered Agent to the Hopping Green & Sams location. She noted that if there is a lawsuit that is where all correspondence pertaining to anything for Tomoka would be sent.

On MOTION by Mr. Hoffman, seconded by Mr. Kargar, with all in favor, the Board approved Resolution 2018-01, Changing Registered Agent.

Consideration of Resolution 2018-02, Election of Officers

Ms. Carvalho explained that this resolution is to clean up some of the changes and that Mr. MacLaren is no longer with the District Management office so she requested to be added as Secretary in his place. She also recommended removing Ms. Burns as Assistant Secretary and replacing her with Ms. Walden as Assistant Secretary. Ms. Carvalho requested a motion to approve Resolution 2018-02.

On MOTION by Mr. Cheatham, seconded by Mr. Hoffman with all in favor, the Board approved Resolution 2018-02, Election of Officers, as presented.

Consideration of Resolution 2017-03, Approving a Preliminary Budget for Fiscal Year 2019 and Setting a Public Hearing Date

Ms. Carvalho explained that behind Tab 4 of the Agenda is the resolution and under separate cover (Exhibit A) is the proposed budget. She explained the budgeting process to

the Board. Mr. Smith joined the meeting in progress. Ms. Carvalho explained that this budget is considering four months' worth of actual expenses and then looking at anything that District staff believes is anticipated for Fiscal Year 2019 which starts October 1, 2018. She asked the Board to review the budget. District staff is recommending July 17, 2018 as the public hearing date. Mr. Smith provided an overview of potential increase to the storm water system. He will get contractors to take a look and assess what the District might need to do. Ms. Carvalho looked at the original special assessment notice that went out and the threshold is about \$817.00 and the District is way under that and the Board needs to keep that in mind because if that number is exceeded the District would need to advertise as well as send out notice 30 days in advance to all the residents. Ms. Warren suggested that if Mr. Smith thinks that there will need to be some funding that would cause one of the line items to go up to go ahead and increase the line item now. She noted that the proposed budget is typically the District's high water mark and then once the District gets numbers it can be refined and brought down when the District adopts the budget. Mr. Smith recommended increasing the stormwater line item from \$5,000.00 to \$20,000.00. with the final budget being \$231,500.00. Ms. Carvalho noted that between now and the public hearing District staff will be finalizing that number. Ms. Carvalho recommended Tuesday July 17, 2018 at 11:00 a.m. as the public Hearing Date. A Discussion took place to move the meeting up to 10:00 a.m. Ms. Carvalho will adjust the calendar invite. Mr. Smith noted that the address should be 150 Flagler Plaza Drive.

On MOTION by Ms. Cheatham, seconded by Mr. Hoffman, with all in favor, the Board approved Resolution 2018-03, Approving a Preliminary Budget for Fiscal Year 2019 and Setting July 17, 2018 at 10:00 a.m. at this location as the Public Hearing Date.

Consideration of Financial Advisory Agreement

Ms. Carvalho explained that this agreement is to clean up the existing contract. There are certain regulations that have changed with the SEC and the MSRB. There are no additional fees.

On MOTION by Mr. Cheatham, seconded by Mr. Hoffman, with all in favor, the Board approved the Financial Advisory Agreement.

**Ratification of Series 2017
Requisition Numbers 1 - 3**

The Board reviewed Series 2017 Requisition Numbers 1 – 3.

On MOTION by Mr. Hoffman, seconded by Mr. Cheatham, with all in favor, the Board ratified Series 2017 Requisition Numbers 1 – 3.

**Ratification of Payment
Authorizations 2017-12 - 2017-14 &
2018-01 – 2018-06**

Ms. Carvalho explained the payment authorizations to the Board and requested a motion to ratify Payment Authorizations 2017-12 - 2017-14 & 2018-01 – 2018-06.

On MOTION by Mr. Cheatham, seconded by Mr. Hoffman, with all in favor, the Board ratified Payment Authorizations 2017-12 - 2017-14 & 2018-01 – 2018-06.

**Consideration of Amended &
Restated Disclosure of Public
Finance.**

Ms. Warren explained that Amended & Restated Disclosure of Public Finance to the Board. She noted that the reason for this is that the District previously reported a disclosure in connection with the Series 2004 Bonds and this amended and restated disclosure updates the original disclosure to reflect the issuance of the Series 2017 Bonds. Ms. Carvalho added that Mr. Smith is no longer on the Board but he was at this time. She will change the document to correct the document to reflect that Mr. Smith was an Assistant Secretary and not Vice-Chair.

On MOTION by Mr. Hoffman, seconded by Mr. Cheatham, with all in favor, the Board approved the Amended & Restated Disclosure of Public Finance, as amended.

Review of District Financial Statement

The Board reviewed the financial statements. No action was necessary and there were no questions or comments.

SECOND ORDER OF BUSINESS

Other Business

Staff Reports

Attorney – No Report

Engineer – Not Present

Manager – The public hearing on the budget will be July 17, 2018 at 10:00 a.m. at this location

THIRD ORDER OF BUSINESS

Audience Comments and Supervisors Requests

Mr. Smith stated that the Developer are continuing to make modifications on the drainage system in West Lake 6 on the north side of A Drive. The Developer will make a permanent modification and they will be funding that project. He is also talking with Flagler County who is starting to make road improvements on Old Dixie Highway in trying to get them to install culverts under driveways and also to more regularly maintain the ditches on the south side of Old Dixie Road. Ms. Carvalho stated that she got an email from a resident who wasn't able to be here today who had that concern and this discussion will be reflected on the record.

There were no other questions.

FOURTH ORDER OF BUSINESS

Adjournment

There was no further business to discuss at this time. Ms. Carvalho requested a motion to adjourn.

On MOTION by Mr. Hoffman, seconded by Mr. Cheatham, with all in favor, the April 17, 2018 Board of Supervisors meeting of the Tomoka CDD was adjourned.

Secretary/Assistant Secretary

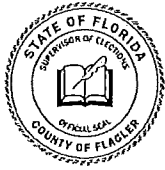
Chairperson/Vice Chairperson

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Fiscal Year 2017 Audit Report
[provided under separate cover]

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Letter from Supervisor of Elections
Flagler County



Kaiti Lenhart ☆ FLAGLER COUNTY SUPERVISOR OF ELECTIONS

1769 E. Moody Boulevard, Building 2, Suite 101 * PO Box 901 * Bunnell, Florida 32110-0901
Phone (386) 313-4170 * Fax (386) 313-4171 * www.FlaglerElections.com

April 16, 2018

Jennifer Walden
Tomoka CDD
12051 Corporate Blvd.
Orlando, Florida 32817
Phone: 407-382-3256

Jennifer Walden:

Per your request, in accordance with the requirements of Chapter 190(3) (a) (d), the total number of registered voters for the Tomoka Community Development District as of April 15, 2018 is 610.

If you have any questions or require any further assistance, please contact this office.

Sincerely,

Kaiti Lenhart
Supervisor of Elections
Flagler County, Florida

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Resolution 2018-04,
Designating a Date, Time and Location for
the 2018 Landowners' Meeting
[suggested date of November 20, 2018]

RESOLUTION 2018-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT DESIGNATING A DATE, TIME AND LOCATION FOR A LANDOWNERS' MEETING AND ELECTION; PROVIDING FOR PUBLICATION; ESTABLISHING FORMS FOR THE LANDOWNER ELECTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Tomoka Community Development District ("**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Duval County, Florida; and

WHEREAS, pursuant to Section 190.006(1), *Florida Statutes*, the District's Board of Supervisors ("**Board**") "shall exercise the powers granted to the district pursuant to [Chapter 190, *Florida Statutes*]," and the Board shall consist of five members; and

WHEREAS, the District is statutorily required to hold a meeting of the landowners of the District for the purpose of electing Board Supervisors for the District on a date in November established by the Board, which shall be noticed pursuant to Section 190.006(2), *Florida Statutes*.

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

1. **EXISTING BOARD SUPERVISORS; SEATS SUBJECT TO ELECTIONS.** The Board is currently made up of the following individuals:

<u>Seat Number</u>	<u>Supervisor</u>	<u>Term Expiration Date</u>
1	Dennis Hoffman	11/2020
2	Ali Kargar	11/2020
3	Amos Cheatham	11/2018
4	Dennis Veraldi	11/2018
5	Nellie Kargar	11/2018

This year, Seat 5, currently held by Nellie Kargar, is subject to a landowner election. The term of office for the successful landowner candidate shall commence upon election, and shall be for a four year period. Seat 3, currently held by Amos Cheatham, and Seat 4, currently held by Dennis Veraldi, are subject to a General Election process to be conducted by the Flagler County Supervisor of Elections, which General Election process has been addressed by a separate resolution.

2. **LANDOWNER'S ELECTION.** In accordance with Section 190.006(2), *Florida Statutes*, the meeting of the landowners to elect Board Supervisor(s) of the District shall be held on November ____, 2018, at ____ a/p.m., and located at _____.

3. **PUBLICATION.** The District's Secretary is hereby directed to publish notice of the landowners' meeting and election in accordance with the requirements of Section 190.006(2), *Florida Statutes*.

4. **FORMS.** Pursuant to Section 190.006(2)(b), *Florida Statutes*, the landowners' meeting and election have been announced by the Board at its July 17, 2018 meeting. A sample notice of landowners' meeting and election, proxy, ballot form and instructions were presented at such meeting and

are attached hereto as **Exhibit A**. Such documents are available for review and copying during normal business hours at the District's Local Records Office, located at _____, or at the office of the District Manager, Fishkind & Associates, Inc., located at 12051 Corporate Blvd., Orlando, Florida 32817.

5. **SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

6. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage.

PASSED AND ADOPTED THIS 17th DAY OF JULY, 2018.

**TOMOKA COMMUNITY DEVELOPMENT
DISTRICT**

ATTEST:

CHAIRMAN / VICE CHAIRMAN

SECRETARY / ASST. SECRETARY

EXHIBIT A

NOTICE OF LANDOWNERS' MEETING AND ELECTION AND MEETING OF THE BOARD OF SUPERVISORS OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given to the public and all landowners within the Tomoka Community Development District ("District") the location of which is generally described as comprising a parcel or parcels of land containing approximately 1,968 acres, located west of Interstate 95, northeast of U.S. Highway 1 and south of Old Dixie Highway in Flagler County, Florida, advising that a meeting of landowners will be held for the purpose of electing one (1) person to the District's Board of Supervisors ("Board", and individually, "Supervisor"). Immediately following the landowners' meeting there will be convened a meeting of the Board for the purpose of considering certain matters of the Board to include election of certain District officers, and other such business which may properly come before the Board.

DATE: _____
TIME: _____
PLACE: _____

Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, Fishkind & Associates, Inc., located at 12051 Corporate Blvd., Orlando, Florida 32817, Ph: (407) 382-3256 ("District Manager's Office"). At said meeting each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. At the landowners' meeting the landowners shall select a person to serve as the meeting chair and who shall conduct the meeting.

The landowners' meeting and the Board meeting are open to the public and will be conducted in accordance with the provisions of Florida law. One or both of the meetings may be continued to a date, time, and place to be specified on the record at such meeting. A copy of the agenda for these meetings may be obtained from the District Manager's Office. There may be an occasion where one or more supervisors will participate by telephone.

Any person requiring special accommodations to participate in these meetings is asked to contact the District Manager's Office, at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Vivian Carvalho
District Manager
Run Date(s): _____ & _____

PUBLISH: ONCE A WEEK FOR 2 CONSECUTIVE WEEKS, THE LAST DAY OF PUBLICATION TO BE NOT FEWER THAN 14 DAYS OR MORE THAN 28 DAYS BEFORE THE DATE OF ELECTION, IN A NEWSPAPER WHICH IS IN GENERAL CIRCULATION IN THE AREA OF THE DISTRICT

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF
TOMOKA COMMUNITY DEVELOPMENT DISTRICT
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: _____, November __, 2018

TIME: _____ .M.

LOCATION: _____

Pursuant to Chapter 190, *Florida Statutes*, and after a Community Development District (“**District**”) has been established and the landowners have held their initial election, there shall be a subsequent landowners’ meeting for the purpose of electing members of the Board of Supervisors (“**Board**”) every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), *Florida Statutes*.

A landowner may vote in person at the landowners’ meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. Moreover, please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners’ meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

This year, one (1) seat on the Board will be up for election in a landowner seat for a four year period. The term of office for the successful landowner candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

LANDOWNER PROXY

TOMOKA COMMUNITY DEVELOPMENT DISTRICT
FLAGLER COUNTY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER __, 2018

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints _____ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Tomoka Community Development District to be held at _____, on November __, 2018, at _____ a/p.m., and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner that the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing that may be considered at said meeting including, but not limited to, the election of members of the Board of Supervisors. Said Proxy Holder may vote in accordance with his or her discretion on all matters not known or determined at the time of solicitation of this proxy, which may legally be considered at said meeting.

Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy is to continue in full force and effect from the date hereof until the conclusion of the landowners’ meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the landowners’ meeting prior to the Proxy Holder’s exercising the voting rights conferred herein.

Printed Name of Legal Owner

Signature of Legal Owner

Date

<u>Parcel Description</u>	<u>Acreage</u>	<u>Authorized Votes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

Total Number of Authorized Votes: _____

NOTES: Pursuant to Section 190.006(2)(b), *Florida Statutes* (2018), a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. Moreover, two (2) or more persons who own real property in common that is one acre or less are together entitled to only one vote for that real property.

If the fee simple landowner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto (e.g., bylaws, corporate resolution, etc.).

OFFICIAL BALLOT
TOMOKA COMMUNITY DEVELOPMENT DISTRICT
FLAGLER COUNTY, FLORIDA
LANDOWNERS' MEETING - NOVEMBER __, 2018

For Election (1 Supervisor): The candidate receiving the highest number of votes will receive a four (4) year term, with the term of office for the successful candidate commencing upon election.

The undersigned certifies that he/she/it is the fee simple owner of land, or the proxy holder for the fee simple owner of land, located within the Tomoka Community Development District and described as follows:

<u>Description</u>	<u>Acreage</u>
_____	_____
_____	_____
_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel.] [If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

or

Attach Proxy.

I, _____, as Landowner, or as the proxy holder of _____ (Landowner) pursuant to the Landowner's Proxy attached hereto, do cast my votes as follows:

SEAT #	NAME OF CANDIDATE	NUMBER OF VOTES

Date: _____

Signed: _____
 Printed Name: _____

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Resolution 2018-05,
Declaring Vacancies on the Board

RESOLUTION 2018-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT DECLARING A VACANCY IN SEATS 3 AND SEATS 4 OF THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, on November 6, 2018, two (2) members of the Board of Supervisors (“**Board**”) are to be elected by “**Qualified Electors**,” as that term is defined in Section 190.003, Florida Statutes; and

WHEREAS, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

WHEREAS, at the close of the qualifying period, only one (1) Qualified Elector qualified to run for the two (2) seats available for election by the Qualified Electors of the District; and

WHEREAS, pursuant to Section 190.006(3)(b), Florida Statutes, the Board shall declare the remaining seats vacant, effective the second Tuesday following the general election; and

WHEREAS, Qualified Electors are to be appointed to the vacant seats within 90 days thereafter; and

WHEREAS, the Board finds that it is in the best interests of the District to adopt this Resolution declaring the seats available for election as vacant.

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

SECTION 1. The following seat is hereby declared vacant effective as of November ____, 2018:

- Seat #3 (currently held by Amos Cheatham)
- Seat #4 (currently held by Dennis Veraldi)

SECTION 2. Until such time as the District Board nominates Qualified Electors to fill the vacancy declared in Section 1 above, the incumbent Board Supervisors of those respective seats shall remain in office.

SECTION 3. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 17th day of July, 2018.

ATTEST:

**TOMOKA COMMUNITY DEVELOPMENT
DISTRICT**

Print Name: _____

Chairperson

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Resolution 2018-06,
Adopting the Fiscal Year 2019 Budget and
Appropriating Funds

RESOLUTION 2018-06

THE ANNUAL APPROPRIATION RESOLUTION OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2018, submitted to the Board of Supervisors (“**Board**”) of the Tomoka Community Development District (“**District**”) proposed budgets (“**Proposed Budget**”) for the fiscal year beginning October 1, 2018 and ending September 30, 2019 (“**Fiscal Year 2018/2019**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

WHEREAS, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, the District Manager posted the Proposed Budget on the District’s website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

WHEREAS, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

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

SECTION 1. BUDGET

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The Proposed Budget, attached hereto as **Exhibit “A,”** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (“**Adopted Budget**”), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District’s Local Records Office and identified as “The Budget for the Tomoka Community Development District for the Fiscal Year Ending September 30, 2019.”
- d. The Adopted Budget shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2018/2019, the sum of \$ _____ to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$ _____
DEBT SERVICE FUND - (SERIES 2017A)	\$ _____
TOTAL ALL FUNDS	\$ _____

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2018/2019 or within 60 days following the end of the Fiscal Year 2018/2019 may amend its Adopted Budget for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.

- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraphs c. and d. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2018.

ATTEST:

**TOMOKA COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

Exhibit A: Fiscal Year 2018/2019 Budget

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Resolution 2018-07,
Imposing Special Assessments and Certifying
an Assessment Roll

RESOLUTION 2018-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2018/2019; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENTS TO THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Tomoka Community Development District ("**District**") is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, the District is located in Flagler County, Florida ("**County**"); and

WHEREAS, the District has constructed or acquired various infrastructure improvements and provides certain services in accordance with the District's adopted capital improvement plan and Chapter 190, *Florida Statutes*; and

WHEREAS, the Board of Supervisors ("**Board**") of the District hereby determines to undertake various operations and maintenance and other activities described in the District's budget ("**Adopted Budget**") for the fiscal year beginning October 1, 2018 and ending September 30, 2019 ("**Fiscal Year 2018/2019**"), attached hereto as **Exhibit "A;"** and

WHEREAS, the District must obtain sufficient funds to provide for the operation and maintenance of the services and facilities provided by the District as described in the Adopted Budget; and

WHEREAS, the provision of such services, facilities, and operations is a benefit to lands within the District; and

WHEREAS, Chapter 190, *Florida Statutes*, provides that the District may impose special assessments on benefitted lands within the District; and

WHEREAS, it is in the best interests of the District to proceed with the imposition of the special assessments for operations and maintenance in the amount set forth in the Adopted Budget; and

WHEREAS, the District has previously levied an assessment for debt service, which the District desires to collect for Fiscal Year 2018/2019; and

WHEREAS, Chapter 197, *Florida Statutes*, provides a mechanism pursuant to which such special assessments may be placed on the tax roll and collected by the local tax collector (“**Uniform Method**”), and the District has previously authorized the use of the Uniform Method by, among other things, entering into agreements with the Property Appraiser and Tax Collector of the County for that purpose; and

WHEREAS, it is in the best interests of the District to adopt the assessment roll (“**Assessment Roll**”) attached to this Resolution as **Exhibit “B,”** and to certify the portion of the Assessment Roll related to certain developed property (“**Tax Roll Property**”) to the County Tax Collector pursuant to the Uniform Method and to directly collect the portion of the Assessment Roll relating to the remaining property (“**Direct Collect Property**”), all as set forth in **Exhibit “B;”** and

WHEREAS, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll adopted herein, including that portion certified to the County Tax Collector by this Resolution, as the Property Appraiser updates the property roll for the County, for such time as authorized by Florida law.

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

SECTION 1. BENEFIT & ALLOCATION FINDINGS. The provision of the services, facilities, and operations as described in **Exhibit “A”** confers a special and peculiar benefit to the lands within the District, which benefit exceeds or equals the cost of the assessments. The allocation of the assessments to the specially benefitted lands is shown in **Exhibits “A” and “B,”** and is hereby found to be fair and reasonable.

SECTION 2. ASSESSMENT IMPOSITION. Pursuant to Chapter 190, *Florida Statutes*, and using the procedures authorized by Florida law for the levy and collection of special assessments, a special assessment for operation and maintenance is hereby imposed and levied on benefitted lands within the District and in accordance with **Exhibits “A” and “B.”** The lien of the special assessments for operations and maintenance imposed and levied by this Resolution shall be effective upon passage of this Resolution.

SECTION 3. COLLECTION AND ENFORCEMENT; PENALTIES; INTEREST.

- A. **Tax Roll Assessments.** The operations and maintenance special assessments and previously levied debt service special assessments imposed on the Tax Roll Property shall be collected at the same time and in the same manner as County taxes in accordance with the Uniform Method, as set forth in **Exhibits “A” and “B.”**
- B. **Direct Bill Assessments.** The operations and maintenance special assessments and previously levied debt service special assessments imposed on the Direct Collect Property shall be collected directly by the District in accordance with Florida law, as set forth in **Exhibits “A” and “B.”** Operations and maintenance assessments directly

collected by the District are due according to the following schedule: 25% due no later than October 15, 2018, 25% due no later than January 15, 2019, 25% due no later than April 15, 2019 and 25% due no later than July 15, 2019. Debt service assessments directly collected by the District are due according to the following schedule: \$ _____ due no later than April 15, 2019, and \$ _____ due no later than October 15, 2019. In the event that an assessment payment is not made in accordance with the schedule stated above, the whole assessment – including any remaining partial, deferred payments for Fiscal Year 2018/2019, shall immediately become due and payable; shall accrue interest, penalties in the amount of one percent (1%) per month, and all costs of collection and enforcement; and shall either be enforced pursuant to a foreclosure action, or, at the District’s sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement. Any prejudgment interest on delinquent assessments shall accrue at the rate of any bonds secured by the assessments, or at the statutory prejudgment interest rate, as applicable. In the event an assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170, *Florida Statutes*, or other applicable law to collect and enforce the whole assessment, as set forth herein.

- C. **Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

SECTION 4. ASSESSMENT ROLL. The Assessment Roll, attached to this Resolution as **Exhibit “B,”** is hereby certified for collection. That portion of the Assessment Roll which includes the Tax Roll Property is hereby certified to the County Tax Collector and shall be collected by the County Tax Collector in the same manner and time as County taxes. The proceeds therefrom shall be paid to the District.

SECTION 5. ASSESSMENT ROLL AMENDMENT. The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution, and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law, to the County property roll. After any amendment of the Assessment Roll, the District Manager shall file the updates in the District records.

SECTION 6. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

PASSED AND ADOPTED this ____ day of _____, 2018.

ATTEST:

**TOMOKA COMMUNITY
DEVELOPMENT DISTRICT**

Secretary / Assistant Secretary

By: _____

Its: _____

Exhibit A: Budget

Exhibit B: Assessment Roll (Uniform Method)
Assessment Roll (Direct Collect)

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Hopping Green & Sams Fees

Hopping Green & Sams

Attorneys and Counselors

June 28, 2018

Vivian Carvalho
Fishkind & Associates, Inc.
12051 Corporate Blvd
Orlando, FL 32817

Re: Hopping Green & Sams 2018 Rates – Tomoka CDD

Dear Vivian:

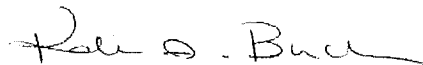
Since 2015, my firm has charged Tomoka Community Development District (the “District”) the same hourly rates for the provision of legal services. The Agreement between my firm and the District contemplates adjustments to hourly rates upon notice to the District. This letter serves as notice of an adjustment in legal fees charged to the District. The increases in billing rates are based upon our costs of doing business, increases in the experience and expertise of our attorneys, and market trends.

With respect to fees for our services going forward, my hourly rate will increase from \$245 to \$275. The hourly rate of Sarah Warren, the associate most likely to provide services to the District, will increase from \$215 to \$245. This reflects annual adjustment of \$10/year since the 2015 rate adjustment.

I continue to enjoy working with the District, and do not anticipate this adjustment will negatively impact the District’s proposed budget. As always, I will endeavor to keep our fees as low as possible. If you have any questions, please feel free to call.

Sincerely,

HOPPING GREEN & SAMS, P.A.



Katie S. Buchanan
For the Firm

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Payment Authorization Numbers
2018-07 - 2018-11

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Payment Authorization 2018-07
4/19/2018

Item No.	Payee	Invoice #	General Fund
1	Hopping Green & Sams General Counsel	99554	\$98.00
2	Foutain Design Group Inc Pole GFI Breaker	15268	\$167.45
3	US Bank Trustee Fees	4945566	\$5,387.50
4	Landcare Management Inc March Maintenance April Maintenance	11921 11986	\$2,534.00 \$2,534.00
5	Sky's the Limit Handyman Service Inc March Electrical Repairs	5243	\$301.01
6	Fishkind & Associates Inc District Management	22373	\$1,377.26
7	Westlake at Plantation Bay April 2018 management fee	MAR2018	\$1,500.00
8	Suzanne Johnston Postage	MAR03262018	\$111.65
TOTAL			\$14,010.87

Secretary/Assistant Secretary

Chairperson

* j

**TOMOKA
COMUNITY DEVELOPMENT DISTRICT**

Payment Authorization 2018-08

5/1/2018

Item No.	Payee	Invoice #	General Fund
1	Amos Cheatham Supervisor Fee - 4/17/2018	MTG04172018	\$200.00
2	Dennis Hoffman Supervisor Fee - 4/17/2018	MTG04172018	\$200.00
3	News Journal Notice of Meeting	i02285723-04102018	\$208.21
4	Fishkind & Associates District Management - April 2018	22544	\$1,375.47
5	Sky's the Limit Handyman Service January Electrical Repairs	5199	\$353.66
TOTAL			\$2,337.34

Secretary/Assistant Secretary

Chairperson

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Payment Authorization 2018-09

6/1/2018

Item No.	Payee	Invoice #	General Fund
1	Clear Waters Lakes 1-29 May 2018	89593	\$2,215.00
2	Hopping Green & Sams General Counsel through March 2018	100100	\$100.50
3	Fishkind & Associates District Management - May 2018	22707	\$1,378.29
4	Landcare Management Landcare maintenance - May 2018	12049	\$2,534.00
5	Suzanne Johnston		
	Tax Dist #6	TAXDIST6	\$97.46
	Tax Dist #7	TAXDIST7	\$67.25
	Tax Dist #8	TAXDIST8	\$713.05
	Tax Dist #9	TAXDIST9	\$105.44
TOTAL			\$7,210.99

Secretary/Assistant Secretary

Chairperson

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Payment Authorization 2018-10
6/1/2018

Item No.	Payee	Invoice #	General Fund
1	FPL		
	Acct 80795-77055	3/1-4/2/2018	\$300.15
	Acct 70868-78597	3/1-4/2/2018	\$103.75
	Acct 43768-60427	3/1-4/2/2018	\$384.34
	Acct 06348-96468	3/1-4/2/2018	\$566.27
	Acct 52826-54275	3/1-4/2/2018	\$89.58
	Acct 56589-03421	3/1-4/2/2018	\$212.17
	Acct 79959-72424	3/1-4/2/2018	\$90.79
	Acct 69851-81426	3/1-4/2/2018	\$90.59
	Acct 57897-75599	3/1-4/2/2018	\$114.78
	Acct 34913-15309	3/1-4/2/2018	\$235.24
	Acct 58441-35300	3/1-4/2/2018	\$42.32
	Acct 16257-77592	3/1-4/2/2018	\$106.16
	Acct 81025-76421	3/1-4/2/2018	\$108.85
	Acct 35110-93258	3/1-4/2/2018	\$234.70
	Acct 29713-93554	3/1-4/2/2018	\$12.47
	Acct 76659-43556	3/1-4/2/2018	\$14.52
	Acct 33081-72323	3/1-4/2/2018	\$676.63
	Acct 10429-04555	3/1-4/2/2018	\$16.47
	Acct 92959-45266	3/1-4/2/2018	\$14.52
	Acct 59968-73559	3/1-4/2/2018	\$14.41
	Acct 44494-65261	3/1-4/2/2018	\$18.50
	Acct 74074-85262	3/1-4/2/2018	\$16.59
	Acct 80795-77055	4/2-5/1/2018	\$300.15
	Acct 70868-78597	4/2-5/1/2018	\$93.65
	Acct 43768-60427	4/2-5/1/2018	\$324.67
	Acct 06348-96468	4/2-5/1/2018	\$650.22
	Acct 52826-54275	4/2-5/1/2018	\$79.30
	Acct 56589-03421	4/2-5/1/2018	\$189.28
	Acct 79959-72424	4/2-5/1/2018	\$78.92
	Acct 69851-81426	4/2-5/1/2018	\$81.70
	Acct 57897-75599	4/2-5/1/2018	\$100.59
	Acct 34913-15309	4/2-5/1/2018	\$210.13
	Acct 58441-35300	4/2-5/1/2018	\$70.50
	Acct 16257-77592	4/2-5/1/2018	\$107.65
	Acct 81025-76421	4/2-5/1/2018	\$96.81
	Acct 35110-93258	4/2-5/1/2018	\$218.03
	Acct 29713-93554	4/2-5/1/2018	\$12.11
	Acct 76659-43556	4/2-5/1/2018	\$13.88
	Acct 33081-72323	4/2-5/1/2018	\$695.99
	Acct 10429-04555	4/2-5/1/2018	\$15.61
	Acct 92959-45266	4/2-5/1/2018	\$13.77
	Acct 59968-73559	4/2-5/1/2018	\$13.77
	Acct 44494-65261	4/2-5/1/2018	\$17.22
	Acct 74074-85262	4/2-5/1/2018	\$15.61
TOTAL			\$6,863.36

Secretary/Assistant Secretary

Chairperson

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

Payment Authorization 2018-11

6/28/2018

Item No.	Payee	Invoice #	General Fund
1	Hopping Green & Sams General Counsel thru 4.30.2018	100660	\$1,186.00
2	Clear Waters, INC. Lakes 1-29 June 2018 Service	90217	\$2,215.00
3	Fishkind & Associates District Management - June 2018	22886	\$1,418.62
4	Fountain Design Group, INC. GFI breaker pole 6.11.2018	15703A	\$135.30
5	Westlake at Plantation Bay Management - June 2018	#June2018	\$1,500.00
6	Daytona Beach News Journal Notice of Qualifying Period 6.4.2018	I02291841-06042018	\$186.06
7	Landcare Management Monthly maintenance - June 2018	12122	\$2,534.00
TOTAL			\$9,174.98

Secretary/Assistant Secretary

Chairperson

**TOMOKA
COMMUNITY DEVELOPMENT DISTRICT**

District Financial Statements
[provided under separate cover]