

**MINUTES OF MEETING
TESORO
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Tesoro Community Development District was held Thursday, **July 31, 2025** at 11:08 a.m. at the Tesoro Club, 3rd Floor, 2000 S.E. Via Tesoro, Port St. Lucie, Florida.

Present and constituting a quorum were:

John Vogt	Chairman
Allen Borden	Vice Chairman
Rosemary Jones <i>joined late</i>	Assistant Secretary
Emily Jones	Assistant secretary
Michael Ferrucci	Assistant Secretary

Also present were:

Andressa Hinz-Philippi	District Manager
Jennifer Kilinski	District Attorney by telephone
Cindi Dyson	District Attorney by telephone
Anastasia Rios	District Attorney by telephone
Lindsay Moczynski	District Attorney by telephone
Roberto Cabrero	Culpepper & Terpening
Matt Hans	Field Manager
Ronnie Howell	Native Lands
Wallace Riveira	Security
Mr. Diggle	Resident
Anne Vogt	Resident
Paula Laughlin	HOA

FIRST ORDER OF BUSINESS

Roll Call

Ms. Philippi called the meeting to order at 11:08 a.m. and called the roll.

SECOND ORDER OF BUSINESS

**Approval of Minutes of the May 22, 2205
Meeting**

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On MOTION by Mr. Vogt seconded by Mr. Ferrucci with all in favor the Minutes of the May 22, 2025 meeting were approved as presented.

THIRD ORDER OF BUSINESS

Public Hearing to Adopt the Fiscal Year 2026 Budget

A. Motion to Open the Public Hearing

Ms. Philippi asked for a motion to open the public hearing.

On MOTION by Ms. Emily Jones seconded by Mr. Borden with all in favor the public hearing was opened.

B. Public Comment and Discussion

There being no comments, the next item followed.

C. Consideration of Resolution #2025-05 Annual Appropriation Resolution

Ms. Philippi presented Resolution #2025-05 to the Board and offered to answer any questions.

On MOTION by Mr. Borden seconded by Mr. Vogt with all in favor Resolution #2025-05 Annual Appropriation Resolution was approved.

D. Consideration of Resolution #2025-06 Levy of Non-Ad Valorem Assessments

**Ms. Rosemary Jones joined the meeting at this time.*

Ms. Philippi presented Resolution #2025-06 to the Board.

On MOTION by Mr. Ferrucci seconded by Mr. Vogt with all in favor Resolution #2025-06 Levy of Non-Ad Valorem Assessments was approved.

E. Motion to Close the Public Hearing

Ms. Philippi asked for a motion to close the public hearing.

On MOTION by Mr. Vogt seconded by Ms. Emily Jones with all in favor the public hearing was closed.

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FOURTH ORDER OF BUSINESS**Consideration of:****A. Resolution 2025-07 Establishing an Electronic Signature Policy**

Ms. Philippi stated we use tablets now and this will authorize the staff and Chairman to sign documents electronically.

On MOTION by Mr. Borden seconded by Mr. Ferrucci with all in favor Resolution 2025-07 Establishing an Electronic Signature Policy was approved.

B. Resolution 2025-08 Adoption of Records Retention Policy

Ms. Kilinski stated you have a records schedule now and this is an update based on some statutory changes to allow the District to maintain records electronically. Even if you have things in hard copy, you are allowed to scan those in and maintain them electronically and there is a schedule for how those records are disposed.

There are two options for the Board to consider and GMS' preference is Option 2. Option 1 would be for the District to adopt a records retention schedule based on content and once the content meets the record retention requirement where you can destroy it, it would direct District staff to work with the department of state library sciences division to go through and destroy records as they are permitted to be under the law. Option 2 is to keep all records, store all records into perpetuity unless and until the District decides it wants to destroy one or more type of record, in which case you would come back and do the process afforded by the department of library and information systems.

On MOTION by Ms. Rosemary Jones seconded by Mr. Borden with all in favor Resolution 2025-08 Adoption of Records Retention Policy (Option 2) was approved.

C. Resolution 2025-09 Public Decorum Resolution

Ms. Kilinski stated we had talked before about the District's policies as it relates to the public's opportunity to be heard and public decorum policy. This law changed in 2013 and allowed Districts to prescribe rules for how you handle your meetings. It lays out very much like you are conducting your meetings now. It prescribes a three-minute allowance for the public's opportunity to be heard on agenda items prior to the Board taking action. It also prescribes the way you would handle a controversial matter or potentially a member of the public that was

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causing trouble with your ability to conduct your meeting in an efficient way and how that public decorum policy would come into play, giving them a warning, potential ejection from a public meeting.

On MOTION by Mr. Borden seconded by Ms. Rosemary Jones with all in favor Resolution 2025-09 Public Decorum Resolution was approved.

D. Resolution 2025-10 Setting Public Hearing on Rules and Rates

Ms. Kilinski stated I think our rates need to be updated, but as you have and has had property damage or other impairment to District property or areas that the District is obligated under a permit condition to operate and maintain in compliance with permits we thought it wise to go back through and set rules and rates as it relates to the ability of the District to pass through administrative costs, damages, etc. to an end user who is found to have violated any of the policies related to permits, etc. In order to adopt a rule or rate for the District you have to go through what's known as the administrative procedure act rulemaking and rule development process. Those require 35-day notices.

The second part is updating your rules of procedure that have not been updated in a very long time and the rules of procedure governs how the District provides services statutorily, such as bids, agendas, ability to call in to a meeting. We recommend you set the hearing in line with your next regular meeting.

Ms. Philippi stated we will set the hearing for Tuesday, September 30, 2025 at 11:00 a.m. at Terrace Grill, same address.

On MOTION by Mr. Ferrucci seconded by Ms. Rosemary Jones with all in favor Resolution 2025-10 Setting the Public Hearing for Tuesday, September 30, 2025 at 11:00 am. in the Terrace Grill, 2000 S.E. Via Tesoro, Port St. Lucie, Fl. was approved.

E. Resolution 2025-11 Authorizing Chair to Execute Contracts, Plats, Permits, Conveyances

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On MOTION by Mr. Ferrucci seconded by Mr. Borden with all in favor Resolution 2025-11 Authorizing Chair to Execute Contracts, Plats, Permits, Conveyances was approved.

FIFTH ORDER OF BUSINESS

Ratification of Fee Agreement with Kilinski Van Wyk PLCC

On MOTION by Mr. Vogt seconded by Mr. Borden with all in favor the Fee Agreement with Kilinski Van Wyk PLCC was ratified.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney – Legislative Update

Ms. Kilinski stated you should have received our legislative newsletter that had updates after all the bills were signed by July 1st. Not a lot of impact to this particular District, there are a lot of construction updates on change orders and the like. The one note and we will send a reminder to the District managers and we have already seen this records request come from the state was that there was a bill passed last session that gave authority to the department of financial services, the CFO of Florida to audit special Districts and other local governments with specific questions looking for inefficiencies, duplication of efforts, waste and fraud, the same list of items we have seen about once a decade from the legislature. They have authorized the office of financial regulation to put together records requests to all these local governments throughout Florida to ask for certain records. We are anticipating all those to start coming, we started to see those alphabetically so you won't get it for a little while, but the A's and B's have started in the last month or so. It is nothing to be concerned about.

You should have received an email from our office about the fact that you have pending litigation. After the last Board meeting we were authorized, after another attempt to resolve the attacks to the preserve area behind a certain resident's house to file an injunction. That injunction has been filed we now have pending litigation. You don't want to talk too much about the litigation on the record. We will ask for a shade session at the end of the meeting. To the extent you are contacted by that resident our strong recommendation is to not engage, he is represented by counsel. We hope that we can resolve this short of having any more expenditures incurred by the District. We can do it September 30th, but you may want something in the interim to discuss

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litigation strategy and any settlement considerations that may occur between now and your next Board meeting.

B. Engineer

Mr. Cabrero stated just a quick update on the control structure the city was working on replacing, the city reached out about a month ago looking for some as-built data. We volunteered our survey department to go out and collect the data they were missing and they said never mind, we have everything we need to work with. They should be close to wrapping up that design for that structure.

C. Field – Report

Mr. Hans stated everything is looking good in the wetlands. Ronnie has been on top of the weeds and has taken out a tremendous amount of water lettuce and our waterways are looking good.

D. Manager

1) Consideration of Proposed Fiscal Year 2026 Meeting Schedule

On MOTION by Mr. Ferrucci seconded by Mr. Borden with all in favor the Notice that the Board will meet on an as needed basis in fiscal year 2026 was approved.

2) Form 1 Financial Disclosure Due July 1, 2025 – Everyone has Filed

3) Reminder to Complete Annual Ethics Training by December 31, 2025

4) Consideration of 2025 Performance Measures and Standards as Required by Florida Statute 189.0694

Ms. Kilinski stated the legislature decided a few years ago that Special Districts and other units of government were not doing enough to determine performance measures and standards and achieve goals set by the District. We put together with GMS a set of performance measures and standards that we thought were achievable, recognizing that these performance measures are going to be measured and submitted to the state and on your website every year. You are always welcome to add additional goals. There is nothing in the statute that says what they need to be, just that they need to be measurable and achievable. We came up with things that you were largely doing in accordance with the overall statutory compliance.

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On MOTION by Mr. Borden seconded by Mr. Ferrucci with all in favor the Fiscal Year 2025 Performance Measures and Standards were approved.

5) Number of Registered Voters in the District - 384

A copy of the letter from the Supervisor of elections indicating that there are 384 registered voters residing in the District was included in the agenda package.

SEVENTH ORDER OF BUSINESS

Financial Reports

A. Approval of Check Register

On MOTION by Mr. Ferrucci seconded by Mr. Borden with all in favor the check register was approved.

B. Acceptance of Unaudited Financials

On MOTION by Mr. Ferrucci seconded by Ms. Emily Jones with all in favor the unaudited financials were accepted.

EIGHTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Ms. Kilinski stated we need to look at a date to have a shade session. The Board can take one of two routes. One route could be to delegate authority to the Chair with staff to settle the claims that are in the injunction that is filed in St. Lucie County court between the Tesoro CDD and Douglas Scott Diggle individually dated October 23, 2013 and that settlement would include complete compliance with those matters contained in the injunction, which everybody on the District side is on the same page about. Part of that settlement may include making the District whole, which would be a reimbursement to the District of all the legal fees and costs incurred since the commencement of the injunction action. Our bills now are around \$10,000 from the time the injunction was filed that doesn't include the number of public records requests this District has received. If you are so inclined you could appoint the Chair to work with staff, authorize a settlement on the premise that the settlement authority that has been delegated covers the legal fees and full coverage of all the matters contained within the injunction are resolved. If

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there is anything short of that we would have a shade session to discuss that and you would have to authorize the settlement. If you want a shade session you have to request that on the record, identify the length of time, date of that shade session, the people who are authorized to attend. Before I do that, I want to get your feedback.

It was the consensus of the Board to have a shade session and to authorize the Chair to settle the settlement.

On MOTION by Ms. Emily Jones seconded by Ms. Rosemary Jones with all in favor the chair was authorized to work with staff to enter into a settlement agreement subject to payment of all legal fees and restoration of the preserves to their original state and to notice a shade session for August 12, 2025 at 1:30 p.m. in the same location, 2000 S.E. via Tesoro, Port St. Lucie, Florida to provide additional advice on litigation expenditures and litigation strategy related to the case of Tesoro CDD versus Douglas, about 30 minutes to be transcribed by a court report and in attendance will be Jennifer Kilinski, Linzie Bizenski, Andressa Hinz Philippi, Michael Ferrucci, John Vogt, Allen Borden, Emily Jones and Rosemary Jones and a court reporter.

Resident stated I am the person with the injunction. The rocks behind the home are boulders, put there because there was an erosion issue. I don't mind removing anything, it is no big deal, they were told to put there when I went to the CDD meeting with the previous owner and there is supposed to be a concrete wall back there like the other homes in the community. If part of your settlement is we need to shore up the area that is where the rocks came in from Wellington and from previous manager and other officials, but I'm okay with whatever has to happen it is just that I spent over \$20,000 just fixing the lazy river with broken pipes and the fence which had fallen over because erosion of issues for last 15 years of doing nothing in our community, my house suffered. If you look about five feet is the drop-off in that buffer zone, the first five feet drops off where my pool is. I needed something there. I can get a chain saw and you can remove whatever you like. The other issue is there is a path behind the house that I was told to put it in, we don't want the path because the only two people who can see it are the two sitting here in this room. Mike is the only one who ever used the path. I can remove the path tomorrow if that is a problem. There are stepping stones there and our manager said the paths in the community have to match the driveway so we put a small path in to match the driveway. If

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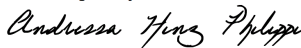
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you want that gone, I don't care. I don't care about anything at all as a homeowner but the homeowners association back then in 2020 approved all these items. If we are talking fees that the homeowner's association who approved this and Bobby Barfield and Ed Roberta will be the ones that will most likely will be paying or I can front the costs, whatever, but that would be a separate discussion. I just wanted to come to the meeting today and say you are doing a wonderful job. I would like better, open communication if you are going to have litigation against the homeowner, a phone call would be great, a visit would be great. There is nothing that impedes water around my house there is no access problems. Two years ago they asked to move the fence, we moved a 50-foot section of the fence, didn't file any injunctions or anything then he wanted three palm trees moved, we got cranes in there moved those. Then John came in February and wanted other items moved and we said sure no problem but then I started asking about how that happened. I am open there is no reason to have attorneys. I do have an attorney on this, you can talk to me, as a homeowner who might sit on the Board one day. But the rocks need to be addressed and the wall behind my house has to be addressed as part of this settlement because I'm living there and we had an erosion problem and that is part of your job as CDD to protect my property. I appreciate it.

NINTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Ferrucci seconded by Mr. Vogt with all in favor the meeting adjourned at 12:08 p.m.

DocuSigned by:



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Secretary/Assistant Secretary

Signed by:



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Chairman/Vice Chairman