

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT  
DISTRICT #1**

**REGULAR MEETING  
AGENDA**

**December 19, 2012**

# Fiddler's Creek Community Development District #1

6131 Lyons Road, Suite 100 • Coconut Creek, Florida 33073

Phone: (954) 426-2105 • Fax: (954) 426-2147 • Toll-free: (877) 276-0889

December 13, 2012

## ATTENDEES:

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

Boards of Supervisors  
Fiddler's Creek Community Development District #1

Dear Board Members:

The Board of Supervisors of the Fiddler's Creek Community Development District #1 will hold a Regular Meeting on **Wednesday, December 19, 2012 at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114**. The agenda is as follows:

1. Call to Order/Roll Call
2. Special Counsel Update: Bankruptcy Proceedings
3. Developer's Report/Update
4. Engineer's Report
5. Discussion: Ongoing Issues with Ficus and Spiraling White Fly/Consideration of Report/Proposal from Davey Tree
6. Consideration of Award of Contract: Landscape Maintenance of Right-of-Ways, Water Management Areas and Similar Planting Areas Within the District
7. Approval of **November 28, 2012** Regular Meeting Minutes
8. Other Business
9. Staff Reports
  - A. Attorney
    - i. What Additional Actions the CDD Can Take to Preclude US Bank, as Trustee, From Utilizing Additional Money for Legal Services, From Any Funds, to Pay for Attendance at the District's Meetings?
    - ii. Telephone Participation at Board Meetings by General Public
  - B. Manager
    - i. Approval of Unaudited Financial Statements as of November 30, 2012

ii. **NEXT MEETING DATE: January 23, 2013 at 8:00 A.M.**

C. Operations Manager

10. Audience Comments/Supervisors' Requests

11. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,

A handwritten signature in black ink that reads "Chesley E. Adams, Jr." with a stylized, cursive script.

Chesley E. Adams, Jr.  
District Manager

CA:dg



5515 Yahl Street  
Naples/Florida/34109  
Office: (239)403-9665  
Fax: (239) 403-9662  
www.davey.com

**Cleo Crismond**  
**Operations Manager**  
**Wrathell, Hunt and Associates, LLC**  
9220 Bonita Beach Road, Suite #214  
Bonita Springs, FL 34135  
crismondc@whhasociates.com

**Direct inquiries to:**  
**Dan Powell C/A PD 0329A**  
**239-349:5002 (mobile)**  
**Dan.Powell@davey.com**

12/10/12

*On 12/6/12 Dr. A.D Ali "Board Certified Master Arborist and Technical Advisor with the Davey Research Institute "and I assessed several areas which contained Ficus throughout Fiddlers Creek. Our objective was to evaluate plant health including cultural practices that may influence the health of the plantings. Listed below are our findings and recommendations.*

### ***"Plant Health Care Recommendations "***

#### ***Sandpiper Ficus Hedge***

- Hedge was clean regarding whitefly, active small populations of Ficus thrips.
- Poor pruning "shearing practices – sheared too severe stressing plants. Blades on hedges were extremely dull; cuts are ragged and not clean causing more stress to plantings".
- Soil moisture levels were extreme as we performed several root collar excavations: findings indicated parts of the hedge were extremely dry and some extremely wet. This has a direct impact on plant health.
- Lack of nutrition as illustrated by the yellow chlorotic foliage
- Plant health is being influenced in some areas due to shade "canopies of larger trees"
- We did detect active Whitefly in the larger nearby Ficus trees as illustrated by heavy active populations

#### ***Deer Crossing***

- Poor pruning practices-concern over potential winter damage should a frost occur
- Larger nearby Ficus trees appear to have not been treated for whitefly as illustrated by heavy active whitefly infestations throughout tree canopy
- Hedge was clean regarding whitefly
- Coconut palms entrance appears to be treated others are not? Need to determine "**common area "Active Rugose Whitefly on untreated Coconut palms.**
- Parts of the hedge are dead and will not come back
- Moisture levels need to be monitored



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### Mahogany Bend

- Poor pruning practices “shearing cuts 1/2 inch leaving rough cuts”. Shears need to be sharp and target growth 6- 8 inches in any one trim dependent on growth of hedge.
- Need to use caution when pruning severely near winter months “winter damage”
- Too much shade-would not use Ficus, need suitable replacement that tolerated shade.
- Larger nearby Ficus trees appear to have not been treated for whitefly as illustrated by heavy active whitefly infestations throughout tree canopy

### Summary for Plant Recovery

- Apply two systemic soil drenches @ six month intervals to help suppress whitefly activity to the Ficus hedges and Ficus trees. Rate per hour (**\$140 per hour**) includes licenses operator complete with truck and products to be applied.
- Inject Arbor-Jet, a systemic insect treatment to help suppress spiraling whitefly activity into: Coconut palms @ \$ 45 per palm.(8-10 months effectiveness)
- ISA certified arborist Dan Powell to monitor hedge monthly for cultural practices and product effectiveness.
- We will guarantee out workmanship and apply any re-treatments at no –charge

Experience the” *Davey*” Difference. Your trees are our Passion.  
Your satisfaction is our Promise. **GUARANTEED**

### Acceptance of Proposal

The above prices and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Please sign on the line below and return it to us. Upon receipt,



5515 Yahl Street  
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Office: (239)403-9665  
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www.davey.com

our office will contact you for scheduling.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please sign and return)

# MEMORANDUM

**TO:** BOARD OF SUPERVISORS- FIDDLER'S CREEK CDD #1  
**FROM:** CLEO CRISMOND - OPERATIONS MANAGER  
**SUBJECT:** CONSIDERATION OF AWARD OF CONTRACT- LANDSCAPE MAINTENANCE  
**DATE:** 12/12/2012  
**CC:** FILE

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Staff recently requested bids for the District's landscape maintenance program. Five companies requested packages and attended the mandatory pre-bid meeting; with all companies submitting bids. The companies submitting bids were TruGreen Landcare (the current contractor), Mainscape, Girard Environmental, Brickman Group and Superior Landscaping.

From review of their submittals, all appear to be qualified and capable of meeting the scope of services required under the contract however Management needs to point out that the following contractors failed to submit all of the required information under Section 3.07 of the General Conditions, "Preparation and Submission of Bids" as follows:

Mainscape submitted an incomplete bid form (3.07-b) and a manipulated bid form. They failed to submit a price for tree trimming, no pricing for the fertilization, insect and weed control of the Annual plant beds, no pricing for trash detail, and they submitted the cost for Palm trimming in January, when it should have been listed in November. Additionally, (Section 3.07 – 4.ii) they failed to submit proof of adequate plant, machinery and equipment, etc. Based on this information, Management has deemed Mainscape as non responsive.

From reviewing Superior Landscape's references, they have submitted one local Client, which is The City of Bonita Springs, with a yearly contract value of \$130K. All other references submitted are located on the East Coast of Florida. Managements concern is that not only do they fail to have Community maintenance experience; they do not have the experience of the-- level of service required in Fiddlers Creek. Management would also like to point out that they failed to submit financials as required under section 3.07 4.iii – which specifically states Proof that he has suitable financial backing status to allow him to meet the obligations as outlined in and incidental to the work.

The Brickman Group currently maintains The Brooks Community Development District, located in Bonita Springs, with a contract value of approximately \$500K. They have maintained that contract for two years, and have just renewed for an additional two years with that CDD. Management would like to point out that Brickman failed to submit financials as required under section 3.07 4iii – 3.07 4ii, failed to submit proof of adequate plant, machinery and equipment as required; failed to submit 3.07 4 vi – evidence that all the subcontractors he proposes to use hold all valid necessary state, county, and local licenses or certificates of competency covering all operations of said subcontractors. They also submitted an incomplete bid form, as required under Section 3.07-b. leaving out pricing for mulch under the tree maintenance line item.

Girard Environmental Services has numerous offices throughout the state of Florida however has limited presence in the Collier and Lee County area. Their submitted Clients in this area consist of commercial properties which include Carillon Place in Naples, with a value of \$70K per year, and The Forum in Fort Myers with a yearly value of \$120K per year. Note that Girard failed to submit financials as required under section 3.07

TruGreen, your current contractor, has held the contract consecutively for the past four years, and their service has been deemed to be satisfactory, with the exception of the on-going issues we are experiencing with regards to the White Fly, which has been an issue within this community for the past year, and has yet to be resolved. . They have submitted a 2% increase over the current contract price.

As is typical with the District’s contracts, this is a one year contract with a second year option, at the sole discretion of the District. The financial tabulation is as follows:

<u>Company</u>	<u>1<sup>st</sup> Year price</u>	<u>2<sup>nd</sup> Year price</u>
Mainscape	\$568,958.33	\$568,958.33
Superior Landscape	\$666,874.36	\$666,874.36
Brickman Group	\$680,328.00	\$680,328.00
TruGreen Landcare	\$699,886.00	\$699,886.00
Girard Environmental	\$705,459.38	\$705,459.38

For Fiscal Year 2012, the District has budgeted \$745,000 to cover the costs of this landscape maintenance contract. The current contract price is \$685,903.00.

As stated in the District’s Rules: The lowest, most responsive, responsible and best bid or the proposal most advantageous to the District, as appropriate, shall be accepted. “Lowest, most responsive, responsible and best bid or proposal” means, in the sole discretion of the Board, the lowest cost bid or proposal that is: (A) submitted by a competent, responsible person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure full performance and timely completion; and (B) most responsive to the invitation to bid or request for proposals, as determined by the Board. *Minor variations in the bid may be waived by the Board.* Bids and proposals may not be modified after opening.

If you should have any questions or require additional information, please contact me at (239) 989-2939.



**Fiddlers Creek CDD #1  
Bid Analysis - December 2012**

<u>Company Name:</u>	<u>Qualifying Description:</u>	<u>Comments:</u>
<b>Mainscape</b>	(Section 3.07) 1. Use of Provided Submittal Form/Bid Surety 2. Submitted in Sealed Envelope 3. Subcontractor Letter & Qualifications 4. i.) Proof of Place of Business ii.) Adequate Resources iii.) Suitable Financial Backing iv.) References of Similar size Scope v.) Licenses, Cert. vi.) Subcontractor Qualifications	Yes - Cashier's Check Yes In-House (No Subs) Yes - Collier County Not provided Yes The Quarry (Naples) & Gateway CDD None provided N/A
<b>Superior Landscape &amp; Lawn</b>	1. Use of Provided Submittal Form/Bid Surety 2. Submitted in Sealed Envelope 3. Subcontractor Letter & Qualifications 4. i.) Proof of Place of Business ii.) Adequate Resources iii.) Suitable Financial Backing iv.) References of Similar size Scope  v.) Licenses, Cert. vi.) Subcontractor Qualifications	Yes - Bid Bond Yes In-House Yes - Lee County Yes No financials provided. No - City of Bonita Springs with a value of \$130K. (all other references are on the East Coast). Yes - Pest Control & Arborist Licenses - No irrigation license submitted. N/A
<b>Brickman Group</b>	1. Use of Provided Submittal Form/Bid Surety 2. Submitted in Sealed Envelope 3. Subcontractor Letter & Qualifications  4. i.) Proof of Place of Business ii.) Adequate Resources iii.) Suitable Financial Backing iv.) References of Similar size Scope v.) Licenses, Cert. vi.) Subcontractor Qualifications	Yes - Bid Bond Yes Listed Horizon Tree Srv, Southwest Spreading & TruGreen Chem Lawn however failed to provide qualifications for these contractors. Yes - Lee County No equipment list provided. No Financials provided Yes - Brooks CDD Irrigation License only. Not provided.
<b>TruGreen Lawn Care</b>	1. Use of Provided Submittal Form/Bid Surety 2. Submitted in Sealed Envelope 3. Subcontractor Letter & Qualifications  4. i.) Proof of Place of Business ii.) Adequate Resources iii.) Suitable Financial Backing iv.) References of Similar size Scope  v.) Licenses, Cert.	Yes - Bid Bond Yes Yes - Southern Landcare (Arborist) & Power Exterminating (Pest Control and Fertilization). Yes - Lee County Yes Yes Yes - Current Contractor for CDD #1 & #2 (Fiddlers). Ave Maria, Island Walk & Verona Walk Yes
<b>Girard Environmental Services</b>	1. Use of Provided Submittal Form/Bid Surety 2. Submitted in Sealed Envelope 3. Subcontractor Letter & Qualifications 4. i.) Proof of Place of Business  ii.) Adequate Resources iii.) Suitable Financial Backing iv.) References of Similar size Scope v.) Licenses, Cert. vi.) Subcontractor Qualifications	Yes - Official Check Yes In-House (No Subs) No - they have a branch in Fort Myers however they only supplied a copy of their Business Tax Receipt. Yes - Equipment List Provided No financials provided.  Pest Control License only provided. N/A

**FINANCIAL SUMMARY**

<b>Contractor:</b>	<b>1st Year:</b>	<b>2nd Year:</b>
Mainscape	\$568,958.33	\$568,958.33
Superior Landscape	\$666,874.36	\$666,874.36
Brickman Group	\$680,328.00	\$680,328.00
TruGreen Landcare	\$699,886.00	\$699,886.00
Girard Environmental	\$705,459.38	\$705,459.38

Additional Comments: Mainscape submitted an incomplete bid form - no pricing for tree trimming, trash detail and no pricing for fertilization/pest control for Annuals.

Brickman also submitted an incomplete bid form - no pricing listed for mulching " Tree Maintenance" line item of the bid schedule.

1 **MINUTES OF MEETING**  
2 **FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**

3  
4 A Regular Meeting of the Board of Supervisors of the Fiddler’s Creek Community  
5 Development District #1 was held on **Wednesday, November 28, 2012, at 8:00 a.m.**, at the  
6 **Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

7  
8 **Present at the meeting were:**

9		
10	Phil Brougham	Chair
11	Gerald Bergmoser	Vice Chair
12	James Curland	Assistant Secretary
13	Robert Slater	Assistant Secretary
14	Richard Peterson	Assistant Secretary

15  
16 **Also present were:**

17		
18	Chuck Adams	District Manager
19	Cleo Crismond	Assistant Regional Manager
20	Tony Pires	District Counsel
21	Terry Cole	District Engineer
22	Ron Albeit	The Fiddler’s Creek Foundation
23	Aleida Martinez Molina (via telephone)	Weiss Serota, Special Counsel
24	John Hutton (via telephone)	Greenberg Traurig-Trustee Counsel
25	Tony DiNardo	Developer
26	Jim Schutt	Resident
27	Dave Yates	Resident

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30 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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32 Mr. Adams called the meeting to order at 8:00 a.m., and noted, for the record, that all  
33 Supervisors were present, in person.

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35 **SECOND ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Elected Supervisors, Richard Peterson [Seat 3], Robert Slater [Seat 4] and Phillip Brougham [Seat 5] (the following to be provided in separate package)**

41 Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath  
42 of Office to Mr. Peterson, Mr. Slater and Mr. Brougham. Mr. Adams provided and briefly  
43 explained the following items:

- 44 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and**
- 45 **Employees 2012**
- 46 **B. Membership, Obligations and Responsibilities**
- 47 **C. Form 1: Statement of Financial Interests**
- 48 **D. Form 1X: Amendment to Form 1, Statement of Financial Interests**
- 49 **E. Form 1F: Final Statement of Financial Interests**

50 Mr. Pires provided further explanation and advice regarding the Sunshine Law  
51 requirements, limitations on communication and meetings, etc. He stated that violations can be  
52 considered a civil or a criminal offense and are punishable by a fine or jail.

53 A CDD email address will be established for Mr. Peterson.

54

55 **THIRD ORDER OF BUSINESS** **Consideration of Resolution 2013-1,**  
 56 **Electing the Officers of the District**

57  
58 Mr. Brougham presented Resolution 2013-1 for the Board’s consideration. Mr. Pires  
59 indicated that it is appropriate for the elected Chair and Vice Chair to be a full-time resident of  
60 the District. Mr. Slater nominated Mr. Brougham for Chair. Mr. Brougham nominated Mr.  
61 Bergmoser for Vice Chair. No other nominations were made.

62 There being no other nominations, Mr. Adams advised that he will serve as Secretary,  
63 Mr. Wrathell will serve as Treasurer and Assistant Secretary and the remaining Board Members  
64 will serve as Assistant Secretaries. The following slate of officers was presented for the Board’s  
65 consideration:

66	Chair	<u>Phil Brougham</u>
67	Vice Chair	<u>Gerald Bergmoser</u>
68	Secretary	<u>Chuck Adams</u>
69	Treasurer	<u>Craig Wrathell</u>
70	Assistant Secretary	<u>James Curland</u>
71	Assistant Secretary	<u>Robert Slater</u>
72	Assistant Secretary	<u>Richard Peterson</u>
73	Assistant Secretary	<u>Craig Wrathell</u>

On MOTION by Mr. Brougham and seconded by Mr. Curland, with all in favor, Resolution 2013-1, Electing the Officers of the District, as nominated and stated, was adopted.

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**FOURTH ORDER OF BUSINESS**

**Special Counsel Update: Bankruptcy Proceedings**

**\*\*\*Ms. Martinez Molina joined the meeting.\*\*\***

Ms. Martinez Molina reported no developments in the bankruptcy, other than the continued litigation regarding sanctions for violations of the automatic stay by the golf course litigants.

**\*\*\*Ms. Martinez Molina left the meeting.\*\*\***

▪ **Bond Funds Trustee**

**\*\*\*This item was an addition to the agenda.\*\*\***

Mr. Brougham added this item to the agenda due to ongoing adversarial relationships between the trustee and the District, including one (1) or more lawsuits, over the years. He indicated that he reviewed the minutes from CDD #2 and noted that they are trying to locate a replacement for US Bank’s trustee position. Mr. Brougham voiced his support of this approach. He stated that the current budget contains a \$25,000 line item for trustee fees and suggested that the District should reconsider whether it is willing to pay the trustee’s fee and seek a new trustee.

Mr. Pires indicated that the trustee fees are paid from the District’s operating account. Noting the adversarial relationship, Mr. Pires suggested that a way of requesting the trustee to be more cooperative is to refuse to pay them.

In response to a question, Mr. Adams explained that, in the event of a default, consent of the bondholders is necessary, in order to dismiss the trustee and seek another. If the District was not in default, the Board could take action on its own.

Mr. Pires indicated that he will research whether failure to pay the trustee’s fees constitutes a breach or default, under the bond covenants.

Mr. Bergmoser questioned the cost to seek and hire a new trustee. Mr. Adams indicated that it involves Staff time but no real expense. Mr. Adams noted the difficulty CDD #2 has encountered in finding a willing successor trustee.

Mr. Peterson voiced his support of approving nonpayment and locating a new trustee.

107 Mr. Curland asked Mr. Hutton, of Greenberg Traurig, to comment on behalf of US Bank,  
108 as their legal representative. Mr. Hutton declined to comment.

109 Mr. Peterson asked who is responsible for locating a new trustee. Mr. Adams indicated  
110 that the District hires the trustee.

111

**On MOTION by Mr. Curland and seconded by Mr. Brougham, with all in favor, withholding and/or suspending trustee payments, until further notice, was approved.**

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**FIFTH ORDER OF BUSINESS**

**Developer's Report/Update**

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There being no developer's report or update, the next item followed.

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**SIXTH ORDER OF BUSINESS**

**Engineer's Report**

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Mr. Cole presented Draw #73 for the 2005 Series bonds, in the amount of \$2,917.81.

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The draw is primarily for work relative to the water management district certification efforts and finalization of draft documents related to lake conveyance.

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Mr. Brougham questioned when the next phase of lake erosion control will commence.

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Mr. Cole anticipated beginning work in April, once the water has receded. Mr. Brougham asked

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Mr. Cole if he had the opportunity to identify additional erosion, since the last inspection. Mr.

129

Cole replied no but confirmed that an inspection will take place before the work begins.

130

In response to a question regarding the road conditions at Marshfield Runaway Bay and whether the repairs would be made from bond funds, Mr. Brougham replied no, as the road was not built with bond funds.

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Mr. Schutt asked if the work on the lake banks contributed to the cloudiness of the lakes.

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Mr. Cole indicated that cloudiness occurred when the work was done but it should have cleared long ago.

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**SEVENTH ORDER OF BUSINESS**

**Update: Draft of Revised Security Contract Agreement with The Foundation**

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141           Regarding the revised security contract with The Foundation, Mr. Adams reported that  
142 The Foundation is not interested in proceeding with the revised contract at the present time. He  
143 indicated that the drafts are ready but The Foundation wants the matter deferred to a later date.  
144 Mr. Adams confirmed that the matter relates to the proposed continuing services agreement.

145           Mr. Curland recalled Mr. Adams' comments, at a prior meeting, that he wanted to have  
146 the contract completed and wants the continuing services agreement to be part of the renewal  
147 contract. Mr. Curland asked Mr. Adams to explain what changed since those comments. Mr.  
148 Adams clarified that he spoke his preference but was not speaking on The Foundation's behalf;  
149 both parties must be willing to do this and The Foundation does not want to proceed, at this time.  
150 In response to a question of why The Foundation does not want to proceed, Mr. Adams stated  
151 only that The Foundation wants to defer it. Mr. Curland alleged that Mr. Adams represents both  
152 the District and The Foundation and reiterated his question regarding why The Foundation wants  
153 to defer the matter. Mr. Adams clarified that he does not represent The Foundation.

154           Mr. Brougham indicated that the contract currently in place is the renewal of the previous  
155 contract with a ratified increase in the cap; the District is under contract with The Foundation.

156           Mr. Curland voiced his opinion that that the purpose of the continuing services agreement  
157 is for the District to know its future exposure and, if The Foundation is unwilling to have a  
158 continuing services agreement, the Board should prepare a position statement on how it will  
159 handle the District's situation, going forward. Mr. Curland noted that the District currently has  
160 essentially an open-ended contract that continues to increase with no discussion by the Board;  
161 the increased figure is automatically placed in the budget each year. Mr. Brougham indicated  
162 that the contract is not open-ended; it is a one (1)-year contract that is renewable each year or  
163 terminable at any point. Mr. Brougham recommended discussing the security budget during  
164 budget discussions for the coming fiscal year.

165           Mr. Curland pointed out that CDD #1 is held hostage by the decisions of CDD #2, with  
166 regard to the security contract. He noted that, if CDD #2 agrees to the amount, CDD #1 is left  
167 with no option but to go along with it, unless they want to obtain separate security for the  
168 District, apart from CDD #2, although CDD #1 pays two-thirds of the costs. Mr. Brougham  
169 acknowledged Mr. Curland's comments as factual but declined to comment on whether the  
170 situation is fair to CDD #1. Mr. Brougham referred to the interlocal agreement and indicated  
171 that discussion of the fairness of the cost share split is another matter.

172 Mr. Curland recalled that one (1) of the reasons the Board agreed to extend the contract  
173 was because they would move forward with the continuing services agreement but that aspect is  
174 now not going any further. Mr. Brougham indicated that the District moved forward with the  
175 agreement but was met with an unwilling partner in The Foundation. Mr. Curland contended  
176 that The Foundation is holding the District hostage by their refusal.

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178 **EIGHTH ORDER OF BUSINESS**

**Continued Discussion: Security Vehicle  
Replacement**

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181 Mr. Adams presented proposals for a replacement security vehicle. He indicated that the  
182 Ford Taurus, without the interceptor package, was the lowest quoted price, at \$20,807. Mr.  
183 Adams recalled Mr. Albeit's comments at the last meeting stating that the non-interceptor  
184 equipped Taurus would be acceptable.

185 Mr. Adams discussed the condition of the current vehicle.

186 Mr. Albeit indicated that he does not have a preference of the vehicles; the Taurus is  
187 adequate. Mr. Albeit recommended a 24-month term, as the current vehicle had a lot of  
188 expenses during its third year.

189 Mr. Peterson asked if a 4-cylinder vehicle is available. Mr. Adams indicated 6-cylinder  
190 is all that is available in comparable vehicles. Mr. Peterson pointed out that fuel consumption  
191 must be a major expense and voiced his feeling that a 4-cylinder would make more sense. Mr.  
192 Peterson reiterated his question regarding whether there is a 4-cylinder option. Mr. Albeit  
193 acknowledged that there are models on the market but the vehicle's smaller size would be  
194 physically uncomfortable for his staff. It was noted that the 2013 Taurus is available in a 4-  
195 cylinder. Mr. Adams will research pricing for a 4-cylinder but recommended approving the  
196 expenditure based on the 6-cylinder vehicle, so he can proceed.

197 Discussion ensued regarding whether a 4-cylinder vehicle will experience more engine  
198 problems, due to the high mileage. Mr. Peterson questioned if there is evidence demonstrating  
199 that a 6-cylinder vehicle is more reliable than a 4-cylinder. Mr. Peterson asked if Mr. Albeit's  
200 comments are based on research or simply his opinion. Mr. Albeit acknowledged that research  
201 would be necessary or might be available from Ford. Mr. Peterson voiced his opinion that there  
202 would be a significant cost difference between the 4 and 6-cylinder vehicles.

203 Mr. Dave Yates, a resident, asked if the Board is considering a diesel vehicle, as they  
204 require less maintenance and have much better mileage. Mr. Adams indicated that there is a  
205 premium on the capital cost of a diesel vehicle and, although maintenance is less frequent, it is  
206 more expensive. Mr. Adams indicated that he does not believe that Ford makes diesel cars.

207 In response to a question, Mr. Adams indicated the vehicle does not come equipped with  
208 the police wiring; the District must have it wired and install the light bar, at a cost of \$2,000 to  
209 \$3,000.

210 Mr. Brougham felt that it is necessary to make a decision now, based on the condition of  
211 the current vehicle. Mr. Curland questioned why the decision cannot be delayed 30 days to  
212 obtain the requested information. It was noted that the information could be available within 30  
213 days. Mr. Curland pointed out that Mr. Brougham's motion does not allow for discussion at next  
214 month's meeting. Mr. Peterson stated that the only thing missing from Mr. Brougham's motion  
215 was confirmation that, if a comparable 4-cylinder is available, the 4-cylinder would be the  
216 Board's preference, subject to reliability. Mr. Adams suggested that if the District can find a 4-  
217 cylinder that does not exceed the quoted price and reliability is favorable, then the District could  
218 proceed with a 4-cylinder vehicle. Mr. Adams felt that he could obtain the necessary  
219 information within a few days and proceed. Mr. Brougham corrected Mr. Adams, noting that he  
220 must have CDD #2's concurrence, as well.

221 Mr. Curland pointed out that, again, even if CDD #1 votes one way but CDD #2 does not  
222 go along, then CDD #1 gets nowhere on the issue. Mr. Brougham voiced his opinion that CDD  
223 #2 would agree.

224 Mr. Brougham's original motions proceeded without inclusion of Mr. Adams' suggestion  
225 to proceed with a comparable 4-cylinder vehicle, if available.

226

227 **On MOTION by Mr. Brougham and seconded by Mr.**  
228 **Bergmoser, with Mr. Brougham, Mr. Bergmoser and Mr.**  
229 **Slater in favor and Mr. Curland and Mr. Peterson dissenting,**  
230 **the purchase of the 6-cylinder Ford Taurus security vehicle, in**  
231 **a not-to-exceed amount of \$20,807, subject to a two (2)-year**  
232 **replacement strategy and directing investigation of the 4-**  
233 **cylinder Taurus option, in terms of mileage and reliability, to**  
234 **be considered by the Board in 18 months, was approved.**  
235 **(Motion passed 3 – 2)**

236



237 NINTH ORDER OF BUSINESS

Approval of October 24, 2012 Regular Meeting Minutes

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240 Mr. Brougham presented the October 24, 2012 Regular Meeting Minutes and asked for  
241 any additions, deletions or corrections. The following changes were made:

- 242 Line 160: Change "affect" to "effect"
- 243 Line 167: Insert "up to" prior to "\$10,000"

244 The following changes were submitted made by Ms. Martinez Molina, prior to the  
245 meeting:

- 246 Line 47: Change "attorneys, in the amount of \$1.5 million" to "attorneys for  
247 approximately half a million dollars"

- 248 Line 53: Change "three (3)" to "several"
- 249 Line 57: Add "without such details" at the end of the sentence

250 The following additional change was made:

- 251 Line 313: Change "gear" to "gate"

252

253 **On MOTION by Mr. Schutt and seconded by Mr. Bergmoser,**  
 254 **with all in favor, the October 24, 2012 Regular Meeting**  
 255 **Minutes, as amended, were approved.**

256  
257

258 TENTH ORDER OF BUSINESS

Other Business

259

260 Mr. DiNardo suggested that the Board ask Mr. Hutton if US Bank is taking any of the  
261 District's funds from its trust accounts to pay for his services. Mr. DiNardo feared that if the  
262 Board does not put Mr. Hutton on notice, the trustee will utilize other bonds and reserve accounts  
263 to pay their legal fees. Mr. DiNardo pointed out that Mr. Hutton is attending the District's  
264 meetings, charging his going rate to US Bank but the District has no actions against US Bank;  
265 however, they are taking money out of the District's accounts.

266 Mr. Brougham asked Mr. Hutton if he heard Mr. DiNardo's comments and asked Mr.  
267 Hutton who pays him for attending the District's meeting. Mr. Hutton indicated that his client,  
268 US Bank, pays his fees. Mr. Brougham asked Mr. Hutton who reimburses US Bank, if they are  
269 paying him for his services and where US Bank gets money to pay him. Mr. Hutton indicated  
270 that he is not prepared to answer Mr. Brougham's question.

271 Mr. Brougham asked Mr. Pires to report, at the next meeting, on the types of actions the  
 272 District must take to preclude US Bank, as trustee, from utilizing any additional money for legal  
 273 services, from any funds, to pay for attendance at the District’s meetings. Mr. Pires voiced his  
 274 opinion that, if the withdrawal of funds by the trustee results in the District being in default under  
 275 the bond covenants, the trustee should consider that issue.

276 Mr. Brougham voiced his displeasure with the antics of US Bank and their legal  
 277 representation.

278

279 **ELEVENTH ORDER OF BUSINESS** **Staff Reports**

280

281 **A. Attorney**

282 Mr. Pires indicated that he received documents from Mr. Cole regarding the lake  
 283 conveyance matter and it is a work in progress.

284 **B. Manager**

285 **i. Unaudited Financial Statements as of October 31, 2012**

286 Mr. Brougham presented the Unaudited Financial Statements as of October 31, 2012. He  
 287 questioned the assessments receivable amount and asked Mr. Adams from whom it is receivable.  
 288 Mr. Adams must research the matter; the amounts appear to be older assessments for which the  
 289 certificates did not sell. Mr. Curland questioned what happens to unsold tax certificates. Mr.  
 290 Adams indicated that sometimes the county takes them and the District would still be paid; in  
 291 this case, they remain unsold and must be resolved as part of a land transaction, upon sale of the  
 292 property. Mr. Brougham asked Mr. Adams to find out the tax collector’s intentions.

293 Mr. Brougham noted an item of concern and asked Mr. DiNardo what can be done so that  
 294 the District receives the developer’s monthly off-roll assessments on time. Mr. Brougham  
 295 indicted that the October payment was not received until November 21, 2012.

296 Mr. Peterson asked about the insurance expenditure and questioned if all insurance has  
 297 been paid. Mr. Adams replied affirmatively and confirmed that 25% savings was realized for the  
 298 insurance expenses.

299 **ii. NEXT MEETING DATE: December 19, 2012 at 8:00 A.M.**

300 The next meeting is scheduled for December 19, 2012 at 8:00 a.m.

301 **C. Operations Manager**

302 Ms. Crismond reported that Management toured the lakes last week and noted that the  
303 littoral plantings look good. The landscape maintenance contract expires January 31, 2013. The  
304 pre-bid meeting was held November 15 and bids will be presented for consideration at the  
305 December meeting. Ms. Crismond indicated that five (5) companies attended the pre-bid  
306 meeting. Regarding the Mahogany Bend Lift Station, Ms. Crismond advised that the Board  
307 previously approved a not-to-exceed cost of \$2,525 and Management is awaiting final approval  
308 from the county and The Foundation, prior to commencing with installation.

309 White fly treatments continue; the arborist is reviewing the entire property and will issue  
310 a second opinion. A question was raised regarding the ficus trees on Fiddler's Creek Parkway.  
311 Ms. Crismond confirmed that the trees are not dead; they are being treated with root injections  
312 for the white fly. In response to a question, Ms. Crismond stated that, should the trees perish, the  
313 contractor is responsible for replacing them, at their expense. Ms. Crismond indicated that ficus  
314 hedges are being and will be replaced in several areas. She confirmed that the arborist can  
315 determine whether a tree is dead; she will not rely on TruGreen.

316 Mr. Brougham asked that ficus trees that are removed be replaced with a different type of  
317 tree.

318 Discussion ensued regarding what can be done to address the white fly situation. Mr.  
319 Brougham asked that each village be asked if they have an active white fly spraying program  
320 underway.

321 Regarding replacement of ficus hedges, Mr. Adams advised against replacing the ficus  
322 with a different type of hedge in those areas where only a section of a long-running hedge  
323 requires replacement. It was noted that several villages do not have their own landscaper;  
324 residents maintain their own.

325 The Board voiced its consensus to direct Staff to formally request that Mr. Albeit send a  
326 letter to the community.

327 Mr. Adams noted that the spiraling white fly is beginning to create issues with other types  
328 of vegetation, particularly in preserves and lakes where spraying is prohibited. Mr. Brougham  
329 asked that Mr. Albeit report his actions to the Board at the next meeting.

330 Regarding the landscape renovation program, Ms. Crismond indicated that Mr. Albeit  
331 reviewed the plans and is agreeable to the species but wants Management to confirm with the

332 architect that the locations are suitable for the suggested plant types. Ms. Crismond will confirm  
333 with the architect.

334 A Board Member commented on the sidewalks that were cleaned. Regarding the test  
335 section, Ms. Crismond indicated that pictures are being taken and noted that the chemical test  
336 area is whiter than the pressure cleaned areas. She confirmed that the test areas were not  
337 pressure cleaned. Ms. Crismond advised that Cherry Oaks Lane was cleaned, not Cherry Oaks  
338 Trail. Ms. Crismond asked for a cost estimate for Cherry Oaks Trail, which was \$5,000. She  
339 obtained a quote from the former pressure cleaner who will clean Cherry Oaks Trail for \$1,300;  
340 he will commence work this week. Ms. Crismond was not sure why the current contractor’s  
341 quote was so high. In response to a question, Ms. Crismond confirmed that the wrong street  
342 being cleaned was her fault.

343 Ms. Crismond reviewed the patrol statistics. She indicated that, beginning in December,  
344 there will be two (2) patrols per week, through April. Mr. Brougham was pleased to see that 12  
345 citations were issued.

346 Mr. Adams provided a handout detailing the account detail for the access control  
347 contractual services for Fiscal Year 2012. This is in response to a previous inquiry regarding  
348 being over budget for this line item. Mr. Adams indicated that he may have misspoken at the last  
349 meeting and advised that this is not a creditable item under the miscellaneous income. He noted  
350 that the real issue is that the contract year does not match perfectly with the fiscal year. Mr.  
351 Adams presented the transaction account detail by account. He explained that the District’s  
352 prorated share of the security expense is 69% and, after the October billings, the variance  
353 between the budget and actual expenditures, as of October 31, 2012, was \$2,563.55. Mr. Adams  
354 confirmed that Management will not pay any costs in excess of the contract cap amount.

355

356 **TWELFTH ORDER OF BUSINESS** **Audience** **Comments/Supervisors’**  
357 **Requests**

358  
359 Mr. Yates noted that wildlife in the community has increased. He identified bears in a  
360 particular area and stated that he spoke with Mr. Charbonneau to determine if The Foundation  
361 can do anything. Mr. Charbonneau indicated that security can do nothing about the wildlife  
362 problem. Mr. Yates met with Florida Fish and Wildlife, who advised him that, as long as the  
363 wildlife is not causing damage, harm or threatening anyone, nothing can be done. One of the

364 bears is tagged and moves primarily around CDD #1. Mr. Yates stated that fruit trees attract  
365 bears, along with garbage cans. Mr. Yates recommended notifying residents of the bear  
366 problem.

367 Mr. Brougham indicated that Mr. Albeit should address this matter through an eblast to  
368 residents; the District does not have the ability to notify residents. Discussion ensued and Mr.  
369 Brougham advised that fruit trees are not allowed in the community.

370 A Board Member questioned why alligators are removed when there is a complaint but  
371 the bears cannot be removed. Mr. Yates indicated that, according to Florida Fish and Wildlife,  
372 the bears cannot be removed.

373

374 **THIRTEENTH ORDER OF BUSINESS**                      **Adjournment**

375

376                      There being nothing additional to discuss, the meeting adjourned.

377

378 **On MOTION by Mr. Curland and seconded by Mr. Slater,**  
379 **with all in favor, the meeting adjourned at approximately 9:20**  
380 **a.m.**

381

382

383

384

385

386

387

388

389 \_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_

Chair/Vice Chair

**WOODWARD, PIRES, & LOMBARDO, P.A.**  
ATTORNEYS AT LAW

Craig R. Woodward  
Mark J. Woodward  
Anthony P. Pires, Jr.  
J. Christopher Lombardo

Jennifer DeVries  
Jennifer M. Tenney

Respond to the Naples Office:  
3200 Tamiami Trail North  
Suite 200  
Naples, FL 34103  
(239) 649-6555  
Facsimile: (239) 649-7342

**MEMORANDUM**

TO: Board of Supervisors, Fiddler's Creek Community Development District 2  
FROM: Anthony P. Pires, Jr., District Counsel   
DATE: December 12, 2012  
RE: Telephone Participation At Board Meetings By General Public

At the last meeting of the Board of Supervisors held on November 28, 2012, the Board inquired as to whether or not the Board was required to allow members of the general public to "attend" or "participate in" a Board meeting by means of telephone and the ability to limit telephonic participation to Board members and District staff/consultants.

**BACKGROUND**

At the present time the District Manager provides a toll-free number that enables: A. Board Members who cannot physically be present; and, B. District staff members or District retained professionals/consultants who cannot physically be present; to be able to participate at Board meetings. The call-in information has historically been included in the Agenda with a notation and telephone number for "Board members And Staff To Attend By Telephone". As a matter of convenience, the toll free number has also been made available to various parties who do not represent the District or who have not been retained by the District, but have an interest or are representing a party that has an interest, in a particular matter before the Board.

The Florida Government in the Sunshine Law, Section 286.011, Florida Statutes, provides a right of access to the proceedings of the Board. There are three (3) basic requirements of the Sunshine Law:

1. the Board meetings must be open to the public;<sup>1</sup>
2. reasonable notice of such meetings/must be given.
3. minutes of the meetings must be taken and promptly recorded.

For purposes of this Memorandum, only the first requirement is pertinent and will be addressed. The term "open to the public" as used in the Sunshine Law means open to all persons who choose to attend. The Board has made it clear (with the exception of closed door sessions authorized by law) that the meetings of the Board are open to the public, i.e.

1. Except in those circumstances and exceptions provided in Florida Law.

open to all persons who choose to attend the Board meetings. Thus, any person, including any representative of any person or party, i.e. any attorney(s) for the Trustee U.S. Bank or any bondholders, are free to physically attend all meetings of the Board (except for closed door sessions authorized under Florida Law).

I am not aware of any statute that requires the District to make telephonic access to the Board meeting available to any member of the public.

Thus it is my opinion, until and unless judicially or administratively determined to the contrary, that the Fiddler's Creek Community Development District 2 is not required to provide telephonic access to its Board meetings to members of the public, nor is the Board required to allow members of the general public to "attend" or "participate in "a Board meeting by means of telephone.



**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
FINANCIAL STATEMENTS  
UNAUDITED  
NOVEMBER 30, 2012**

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
NOVEMBER 30, 2012**

	General 001	Debt Service Series 1999	Debt Service Series 2002	Debt Service Series 2005	Debt Service Series 2006	Capital Projects Series 2005	Total Governmental Funds
<b>ASSETS</b>							
Operating accounts							
SunTrust	\$ 60,324	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,324
Federated	99,541	-	-	-	-	-	99,541
Broward Bank of Commerce - MMA	249,395	-	-	-	-	-	249,395
Finemark - MMA	249,378	-	-	-	-	-	249,378
Community Bank of Broward	39	-	-	-	-	-	39
BB& T - Savings	672	-	-	-	-	-	672
Investments							
Revenue	-	402,732	-	-	362,329	-	765,061
Reserve - series A	-	513,417	1,885	71	352,536	-	867,909
Reserve - series B	-	160,532	9,406	-	-	-	169,938
Prepayment - series A	-	686	-	-	67	-	753
Prepayment - series B	-	284	39	-	-	-	323
Rebate	-	-	-	-	782	-	782
Debt service	-	-	13	-	-	-	13
Remedial expenditure	-	-	18,626	5,192	-	-	23,818
Optional redemption	-	2,583	-	-	1,492	-	4,075
Construction	-	-	-	-	-	12,196	12,196
Due from other funds	405,333	-	-	-	-	-	405,333
Due from developer	48,378	-	1,958,676	2,066,816	-	-	4,073,870
Due from fiddler's # 2	2,836	-	-	-	-	-	2,836
Due from general fund	-	13,152	-	-	8,789	-	21,941
Unsold certificates receivable	6,899	4,019	-	-	2,697	-	13,615
Deposits	5,125	-	-	-	-	-	5,125
Total Assets	<u>\$ 1,127,920</u>	<u>\$ 1,097,405</u>	<u>\$ 1,988,645</u>	<u>\$ 2,072,079</u>	<u>\$ 728,692</u>	<u>\$ 12,196</u>	<u>\$ 7,026,937</u>
<b>LIABILITIES &amp; FUND BALANCES</b>							
<b>Liabilities:</b>							
Accounts payable	\$ 11,267	\$ -	\$ -	\$ -	\$ -	\$ 11,918	\$ 23,185
Debt service payable	-	-	1,214,794	-	-	-	1,214,794
Due to other funds							
General fund 001	-	15,940	7,500	298,337	10,583	72,973	405,333
Debt service fund series 1999	13,152	-	-	-	-	-	13,152
Debt service fund series 2006	8,789	-	-	-	-	-	8,789
Due to Fiddler's # 2	3,089	-	-	-	-	-	3,089
Deferred Revenue	55,277	4,019	1,958,676	2,066,816	2,697	-	4,087,485
Total liabilities	<u>91,574</u>	<u>19,959</u>	<u>3,180,970</u>	<u>2,365,153</u>	<u>13,280</u>	<u>84,891</u>	<u>5,755,827</u>
<b>Fund balances:</b>							
Reserved for:							
Debt service	-	1,077,446	(1,192,325)	(293,074)	715,412	-	307,459
Capital projects	-	-	-	-	-	(72,695)	(72,695)
Unreserved, undesignated	1,036,346	-	-	-	-	-	1,036,346
Total fund balances	<u>1,036,346</u>	<u>1,077,446</u>	<u>(1,192,325)</u>	<u>(293,074)</u>	<u>715,412</u>	<u>(72,695)</u>	<u>1,271,110</u>
Total liabilities and fund balance	<u>\$ 1,127,920</u>	<u>\$ 1,097,405</u>	<u>\$ 1,988,645</u>	<u>\$ 2,072,079</u>	<u>\$ 728,692</u>	<u>\$ 12,196</u>	<u>\$ 7,026,937</u>

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND 001  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 9,355	\$ 9,355	\$ 1,831,128	1%
Developer assessment	48,379	48,379	580,543	8%
Interest	184	542	1,000	54%
Miscellaneous	510	1,070	10,000	11%
Total revenues	<u>58,428</u>	<u>59,346</u>	<u>2,422,671</u>	2%
<b>EXPENDITURES</b>				
<b>Administrative</b>				
Supervisors	-	1,076	12,918	8%
Management	4,848	9,696	58,175	17%
Assessment roll preparation	-	-	24,500	0%
Accounting services	1,583	3,166	18,997	17%
Audit	-	-	15,100	0%
Legal	4,768	4,768	20,000	24%
Legal - bankruptcy	258	258	-	N/A
Engineering	-	-	15,000	0%
Telephone	49	99	594	17%
Postage	497	562	2,000	28%
Insurance	-	15,000	29,511	51%
Printing and binding	49	99	594	17%
Legal advertising	-	229	2,000	11%
Office supplies and expenses	15	15	750	2%
Annual district filing fee	-	175	175	100%
Trustee	-	-	15,500	0%
Arbitrage rebate calculation	-	-	4,000	0%
Contingencies	121	316	3,000	11%
Dissemination agent	910	1,821	10,928	17%
Total administrative	<u>13,098</u>	<u>37,280</u>	<u>233,742</u>	16%
<b>Field management</b>				
Field management services	2,101	4,203	25,218	17%
Total field management	<u>2,101</u>	<u>4,203</u>	<u>25,218</u>	17%
<b>Water management maintenance</b>				
Other contractual	12,848	12,848	399,738	3%
Fountains	8,618	9,640	47,500	20%
Total water management maintenance	<u>21,466</u>	<u>22,488</u>	<u>447,238</u>	5%
<b>Street lighting</b>				
Contractual services	-	-	12,000	0%
Electricity	2,780	2,780	34,000	8%
Holiday lighting program	-	-	12,000	0%
Miscellaneous	-	-	1,500	0%
Total street lighting	<u>2,780</u>	<u>2,780</u>	<u>59,500</u>	5%

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND 001  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year To Date	Budget	% of Budget
<b>Landscaping</b>				
Other contractual - landscape maintenance	-	-	880,000	0%
Improvements and renovations	-	-	145,000	0%
Contingencies	-	-	25,000	0%
Total landscaping	-	-	1,050,000	0%
<b>Access control</b>				
Contractual services	22,517	22,629	303,185	7%
Rentals and leases	-	52	25,035	0%
Fuel	1,213	1,213	9,948	12%
Repairs and maintenance - parts	544	544	4,974	11%
Repairs and maintenance - gatehouse	1,569	2,451	16,579	15%
Insurance	253	6,630	4,510	147%
Operating supplies	1,765	3,349	26,527	13%
Total access control	27,861	36,868	390,758	9%
<b>Roadway</b>				
Contractual services	399	399	6,500	6%
Roadway maintenance	-	595	50,000	1%
Total roadway	399	994	56,500	2%
<b>Irrigation supply</b>				
Electricity	22	22	750	3%
Repairs and maintenance	107	214	1,500	14%
Supply system	5,026	7,997	118,800	7%
Total irrigation supply	5,155	8,233	121,050	7%
<b>Other fees &amp; charges</b>				
Property appraiser	-	28,064	28,611	98%
Tax collector	187	187	38,148	0%
Total other fees & charges	187	28,251	66,759	42%
Total expenditures	73,047	141,097	2,450,765	6%
Excess/(deficiency) of revenues over/(under) expenditures	(14,619)	(81,751)	(28,094)	
Fund balances - beginning	1,050,965	1,118,097	679,331	
Fund balances - ending	<u>\$ 1,036,346</u>	<u>\$ 1,036,346</u>	<u>\$ 651,237</u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 1999  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 5,313	\$ 5,313	\$ 1,040,091	1%
Interest	17	33	-	N/A
Total revenues	<u>5,330</u>	<u>5,346</u>	<u>1,040,091</u>	1%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal A	-	-	465,000	0%
Principal B	-	-	135,000	0%
Interest A	156,716	156,716	313,431	50%
Interest B	44,370	44,370	88,740	50%
Principal prepayment A	10,000	10,000	-	N/A
Total debt service	<u>211,086</u>	<u>211,086</u>	<u>1,002,171</u>	21%
<b>Other fees &amp; charges</b>				
Property appraiser	-	15,940	16,251	98%
Tax collector	107	107	21,669	0%
Total other fees & charges	<u>107</u>	<u>16,047</u>	<u>37,920</u>	42%
Total expenditures	<u>211,193</u>	<u>227,133</u>	<u>1,040,091</u>	22%
Excess/(deficiency) of revenues over/(under) expenditures	(205,863)	(221,787)	-	
Fund balances - beginning	<u>1,283,309</u>	<u>1,299,233</u>	<u>1,246,877</u>	
Fund balances - ending	<u>\$ 1,077,446</u>	<u>\$ 1,077,446</u>	<u>\$ 1,246,877</u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2002  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Special assessment: off-roll	\$ -	\$ -	\$ 1,020,202	0%
Interest	1	1	-	N/A
Total revenues	<u>1</u>	<u>1</u>	<u>1,020,202</u>	0%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal A	-	-	262,468	0%
Principal B	-	-	141,120	0%
Interest A	-	-	410,450	0%
Interest B	-	-	206,164	0%
Total debt service	<u>-</u>	<u>-</u>	<u>1,020,202</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	1	1	-	
Fund balances - beginning	<u>(1,192,326)</u>	<u>(1,192,326)</u>	<u>(1,192,331)</u>	
Fund balances - ending	<u>\$ (1,192,325)</u>	<u>\$ (1,192,325)</u>	<u>\$ (1,192,331)</u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2005  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Special assessment: off-roll	\$ -	\$ -	\$ 743,439	0%
Total revenues	<u>-</u>	<u>-</u>	<u>743,439</u>	0%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	263,247	0%
Interest	-	-	480,192	0%
Total debt service	<u>-</u>	<u>-</u>	<u>743,439</u>	0%
Total expenditures	<u>-</u>	<u>-</u>	<u>743,439</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	-	-	-	
Fund balances - beginning	<u>(293,074)</u>	<u>(293,074)</u>	<u>(280,432)</u>	
Fund balances - ending	<u>\$ (293,074)</u>	<u>\$ (293,074)</u>	<u>\$ (280,432)</u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2006  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 3,528	\$ 3,528	\$ 690,494	1%
Interest	11	21	-	N/A
Total revenues	<u>3,539</u>	<u>3,549</u>	<u>690,494</u>	1%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	520,000	0%
Interest	73,257	73,257	145,320	50%
Principal prepayment	5,000	5,000	-	N/A
Total debt service	<u>78,257</u>	<u>78,257</u>	<u>665,320</u>	12%
<b>Other fees &amp; charges</b>				
Property appraiser	-	10,583	10,789	98%
Tax collector	70	70	14,385	0%
Total other fees & charges	<u>70</u>	<u>10,653</u>	<u>25,174</u>	42%
Total expenditures	<u>78,327</u>	<u>88,910</u>	<u>690,494</u>	13%
Excess/(deficiency) of revenues over/(under) expenditures	(74,788)	(85,361)	-	
Fund balances - beginning	790,200	800,776	774,241	
Fund balances - ending	<u>\$ 715,412</u>	<u>\$ 715,412</u>	<u>\$ 774,241</u>	



**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2005  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	<u>Current Month</u>	<u>Year To Date</u>
<b>REVENUES</b>		
Interest	\$ 1	\$ 1
Total revenues	<u>1</u>	<u>1</u>
<b>EXPENDITURES</b>		
Total expenditures	<u>-</u>	<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	1	1
Net change in fund balances	1	1
Fund balances - beginning	(72,696)	(72,696)
Fund balances - ending	<u>\$ (72,695)</u>	<u>\$ (72,695)</u>

**Fiddler's Creek**

Community Development District #1

Series 1999 A

\$9,305,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2011	\$ -	-	\$ 169,493.75	\$ 169,493.75
05/01/2012	435,000.00	5.875%	169,493.75	604,493.75
11/01/2012	-	-	156,715.63	156,715.63
05/01/2013	465,000.00	5.875%	156,715.63	621,715.63
11/01/2013	-	-	143,056.25	143,056.25
05/01/2014	490,000.00	5.875%	143,056.25	633,056.25
11/01/2014	-	-	128,662.50	128,662.50
05/01/2015	520,000.00	5.875%	128,662.50	648,662.50
11/01/2015	-	-	113,387.50	113,387.50
05/01/2016	555,000.00	5.875%	113,387.50	668,387.50
11/01/2016	-	-	97,084.38	97,084.38
05/01/2017	585,000.00	5.875%	97,084.38	682,084.38
11/01/2017	-	-	79,900.00	79,900.00
05/01/2018	620,000.00	5.875%	79,900.00	699,900.00
11/01/2018	-	-	61,687.50	61,687.50
05/01/2019	660,000.00	5.875%	61,687.50	721,687.50
11/01/2019	-	-	42,300.00	42,300.00
05/01/2020	700,000.00	5.875%	42,300.00	742,300.00
11/01/2020	-	-	21,737.50	21,737.50
05/01/2021	740,000.00	5.875%	21,737.50	761,737.50
<b>Total</b>	<b>\$ 5,770,000.00</b>	<b>-</b>	<b>\$ 2,028,050.02</b>	<b>\$ 7,798,050.02</b>

**Fiddler's Creek**

Community Development District #1

Series 1999 B

\$7,940,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2011	\$ -	-	\$ 47,995.00	\$ 47,995.00
05/01/2012	125,000.00	5.800%	47,995.00	172,995.00
11/01/2012	-	-	44,370.00	44,370.00
05/01/2013	135,000.00	5.800%	44,370.00	179,370.00
11/01/2013	-	-	40,455.00	40,455.00
05/01/2014	140,000.00	5.800%	40,455.00	180,455.00
11/01/2014	-	-	36,395.00	36,395.00
05/01/2015	150,000.00	5.800%	36,395.00	186,395.00
11/01/2015	-	-	32,045.00	32,045.00
05/01/2016	160,000.00	5.800%	32,045.00	192,045.00
11/01/2016	-	-	27,405.00	27,405.00
05/01/2017	165,000.00	5.800%	27,405.00	192,405.00
11/01/2017	-	-	22,620.00	22,620.00
05/01/2018	180,000.00	5.800%	22,620.00	202,620.00
11/01/2018	-	-	17,400.00	17,400.00
05/01/2019	190,000.00	5.800%	17,400.00	207,400.00
11/01/2019	-	-	11,890.00	11,890.00
05/01/2020	200,000.00	5.800%	11,890.00	211,890.00
11/01/2020	-	-	6,090.00	6,090.00
05/01/2021	210,000.00	5.800%	6,090.00	216,090.00
<b>Total</b>	<b>\$ 1,655,000.00</b>	<b>-</b>	<b>\$ 573,330.00</b>	<b>\$ 2,228,330.00</b>

**Fiddler's Creek**

Community Development District #1

Series 2002 A

\$10,120,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+</b>
05/01/2010	\$ 160,000.00	6.875%	\$ 321,921.88	\$ 481,921.88
11/01/2010	-	-	316,421.88	316,421.88
05/01/2011	170,000.00	6.875%	316,421.88	486,421.88
11/01/2011	-	-	310,578.13	310,578.13
05/01/2012	180,000.00	6.875%	310,578.13	490,578.13
11/01/2012	-	-	304,390.63	304,390.63
05/01/2013	195,000.00	6.875%	304,390.63	499,390.63
11/01/2013	-	-	297,687.50	297,687.50
05/01/2014	210,000.00	6.875%	297,687.50	507,687.50
11/01/2014	-	-	290,468.75	290,468.75
05/01/2015	225,000.00	6.875%	290,468.75	515,468.75
11/01/2015	-	-	282,734.38	282,734.38
05/01/2016	240,000.00	6.875%	282,734.38	522,734.38
11/01/2016	-	-	274,484.38	274,484.38
05/01/2017	255,000.00	6.875%	274,484.38	529,484.38
11/01/2017	-	-	265,718.75	265,718.75
05/01/2018	275,000.00	6.875%	265,718.75	540,718.75
11/01/2018	-	-	256,265.63	256,265.63
05/01/2019	295,000.00	6.875%	256,265.63	551,265.63
11/01/2019	-	-	246,125.00	246,125.00
05/01/2020	315,000.00	6.875%	246,125.00	561,125.00
11/01/2020	-	-	235,296.88	235,296.88
05/01/2021	340,000.00	6.875%	235,296.88	575,296.88
11/01/2021	-	-	223,609.38	223,609.38
05/01/2022	360,000.00	6.875%	223,609.38	583,609.38
11/01/2022	-	-	211,234.38	211,234.38
05/01/2023	385,000.00	6.875%	211,234.38	596,234.38
11/01/2023	-	-	198,000.00	198,000.00
05/01/2024	415,000.00	6.875%	198,000.00	613,000.00
11/01/2024	-	-	183,734.38	183,734.38
05/01/2025	445,000.00	6.875%	183,734.38	628,734.38
11/01/2025	-	-	168,437.50	168,437.50
05/01/2026	475,000.00	6.875%	168,437.50	643,437.50
11/01/2026	-	-	152,109.38	152,109.38
05/01/2027	510,000.00	6.875%	152,109.38	662,109.38
11/01/2027	-	-	134,578.13	134,578.13
05/01/2028	545,000.00	6.875%	134,578.13	679,578.13
11/01/2028	-	-	115,843.75	115,843.75
05/01/2029	585,000.00	6.875%	115,843.75	700,843.75

**Fiddler's Creek**

Community Development District #1

Series 2002 A

\$10,120,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2029	-	-	95,734.38	95,734.38
05/01/2030	625,000.00	6.875%	95,734.38	720,734.38
11/01/2030	-	-	74,250.00	74,250.00
05/01/2031	670,000.00	6.875%	74,250.00	744,250.00
11/01/2031	-	-	51,218.75	51,218.75
05/01/2032	720,000.00	6.875%	51,218.75	771,218.75
11/01/2032	-	-	26,468.75	26,468.75
05/01/2033	770,000.00	6.875%	26,468.75	796,468.75
<b>Total</b>	<b>\$ 9,365,000.00</b>	<b>-</b>	<b>\$ 9,752,703.26</b>	<b>\$ 19,117,703.26</b>

**Fiddler's Creek**

Community Development District #1

Series 2002 B

\$5,330,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
05/01/2010	\$ 85,000.00	6.625%	\$ 162,975.00	\$ 247,975.00
11/01/2010	-	-	160,159.38	160,159.38
05/01/2011	90,000.00	6.625%	160,159.38	250,159.38
11/01/2011	-	-	157,178.13	157,178.13
05/01/2012	100,000.00	6.625%	157,178.13	257,178.13
11/01/2012	-	-	153,865.63	153,865.63
05/01/2013	105,000.00	6.625%	153,865.63	258,865.63
11/01/2013	-	-	150,387.50	150,387.50
05/01/2014	115,000.00	6.625%	150,387.50	265,387.50
11/01/2014	-	-	146,578.13	146,578.13
05/01/2015	120,000.00	6.625%	146,578.13	266,578.13
11/01/2015	-	-	142,603.13	142,603.13
05/01/2016	130,000.00	6.625%	142,603.13	272,603.13
11/01/2016	-	-	138,296.88	138,296.88
05/01/2017	135,000.00	6.625%	138,296.88	273,296.88
11/01/2017	-	-	133,825.00	133,825.00
05/01/2018	145,000.00	6.625%	133,825.00	278,825.00
11/01/2018	-	-	129,021.88	129,021.88
05/01/2019	155,000.00	6.625%	129,021.88	284,021.88
11/01/2019	-	-	123,887.50	123,887.50
05/01/2020	170,000.00	6.625%	123,887.50	293,887.50
11/01/2020	-	-	118,256.25	118,256.25
05/01/2021	180,000.00	6.625%	118,256.25	298,256.25
11/01/2021	-	-	112,293.75	112,293.75
05/01/2022	190,000.00	6.625%	112,293.75	302,293.75
11/01/2022	-	-	106,000.00	106,000.00
05/01/2023	205,000.00	6.625%	106,000.00	311,000.00
11/01/2023	-	-	99,209.38	99,209.38
05/01/2024	220,000.00	6.625%	99,209.38	319,209.38
11/01/2024	-	-	91,921.88	91,921.88
05/01/2025	235,000.00	6.625%	91,921.88	326,921.88
11/01/2025	-	-	84,137.50	84,137.50
05/01/2026	250,000.00	6.625%	84,137.50	334,137.50
11/01/2026	-	-	75,856.25	75,856.25
05/01/2027	265,000.00	6.625%	75,856.25	340,856.25
11/01/2027	-	-	67,078.13	67,078.13
05/01/2028	285,000.00	6.625%	67,078.13	352,078.13
11/01/2028	-	-	57,637.50	57,637.50
05/01/2029	305,000.00	6.625%	57,637.50	362,637.50

**Fiddler's Creek**

Community Development District #1

Series 2002 B

\$5,330,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2029	-	-	47,534.38	47,534.38
05/01/2030	325,000.00	6.625%	47,534.38	372,534.38
11/01/2030	-	-	36,768.75	36,768.75
05/01/2031	345,000.00	6.625%	36,768.75	381,768.75
11/01/2031	-	-	25,340.63	25,340.63
05/01/2032	370,000.00	6.625%	25,340.63	395,340.63
11/01/2032	-	-	13,084.38	13,084.38
05/01/2033	395,000.00	6.625%	13,084.38	408,084.38
Total	\$ 4,920,000.00	-	\$ 4,904,818.88	\$ 9,824,818.88

**Fiddler's Creek**

Community Development District #1

Series 2005

\$18,095,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
05/01/2011	\$ 255,000.00	6.000%	\$ 370,950.00	\$ 625,950.00
11/01/2011	-	-	363,300.00	363,300.00
05/01/2012	185,000.00	6.000%	363,300.00	548,300.00
11/01/2012	-	-	357,750.00	357,750.00
05/01/2013	195,000.00	6.000%	357,750.00	552,750.00
11/01/2013	-	-	351,900.00	351,900.00
05/01/2014	210,000.00	6.000%	351,900.00	561,900.00
11/01/2014	-	-	345,600.00	345,600.00
05/01/2015	220,000.00	6.000%	345,600.00	565,600.00
11/01/2015	-	-	339,000.00	339,000.00
05/01/2016	235,000.00	6.000%	339,000.00	574,000.00
11/01/2016	-	-	331,950.00	331,950.00
05/01/2017	250,000.00	6.000%	331,950.00	581,950.00
11/01/2017	-	-	324,450.00	324,450.00
05/01/2018	265,000.00	6.000%	324,450.00	589,450.00
11/01/2018	-	-	316,500.00	316,500.00
05/01/2019	280,000.00	6.000%	316,500.00	596,500.00
11/01/2019	-	-	308,100.00	308,100.00
05/01/2020	300,000.00	6.000%	308,100.00	608,100.00
11/01/2020	-	-	299,100.00	299,100.00
05/01/2021	315,000.00	6.000%	299,100.00	614,100.00
11/01/2021	-	-	289,650.00	289,650.00
05/01/2022	335,000.00	6.000%	289,650.00	624,650.00
11/01/2022	-	-	279,600.00	279,600.00
05/01/2023	355,000.00	6.000%	279,600.00	634,600.00
11/01/2023	-	-	268,950.00	268,950.00
05/01/2024	380,000.00	6.000%	268,950.00	648,950.00
11/01/2024	-	-	257,550.00	257,550.00
05/01/2025	405,000.00	6.000%	257,550.00	662,550.00
11/01/2025	-	-	245,400.00	245,400.00
05/01/2026	430,000.00	6.000%	245,400.00	675,400.00
11/01/2026	-	-	232,500.00	232,500.00
05/01/2027	455,000.00	6.000%	232,500.00	687,500.00
11/01/2027	-	-	218,850.00	218,850.00
05/01/2028	480,000.00	6.000%	218,850.00	698,850.00
11/01/2028	-	-	204,450.00	204,450.00
05/01/2029	510,000.00	6.000%	204,450.00	714,450.00



**Fiddler's Creek**

Community Development District #1

Series 2005

\$18,095,000

**Amortization Schedule**

<b>Date</b>	<b>Principal</b>	<b>Rate</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2029	-	-	189,150.00	189,150.00
05/01/2030	545,000.00	6.000%	189,150.00	734,150.00
11/01/2030	-	-	172,800.00	172,800.00
05/01/2031	580,000.00	6.000%	172,800.00	752,800.00
11/01/2031	-	-	155,400.00	155,400.00
05/01/2032	615,000.00	6.000%	155,400.00	770,400.00
11/01/2032	-	-	136,950.00	136,950.00
05/01/2033	650,000.00	6.000%	136,950.00	786,950.00
11/01/2033	-	-	117,450.00	117,450.00
05/01/2034	690,000.00	6.000%	117,450.00	807,450.00
11/01/2034	-	-	96,750.00	96,750.00
05/01/2035	735,000.00	6.000%	96,750.00	831,750.00
11/01/2035	-	-	74,700.00	74,700.00
05/01/2036	780,000.00	6.000%	74,700.00	854,700.00
11/01/2036	-	-	51,300.00	51,300.00
05/01/2037	830,000.00	6.000%	51,300.00	881,300.00
11/01/2037	-	-	26,400.00	26,400.00
05/01/2038	880,000.00	6.000%	26,400.00	906,400.00
<b>Total</b>	<b>\$ 12,365,000.00</b>	<b>-</b>	<b>\$ 13,081,950.00</b>	<b>\$ 25,446,950.00</b>

**Fiddler's Creek**

Community Development District #1

Series 2006

\$6,570,000

**Amortization Schedule**

<b>Date</b>		<b>Principal</b>	<b>Rate</b>		<b>Interest</b>		<b>Total P+I</b>
11/01/2011	\$	-	-	\$	83,949.37	\$	83,949.37
05/01/2012		500,000.00	4.200%		82,886.04		582,886.04
11/01/2012		-	-		73,162.62		73,162.62
05/01/2013		520,000.00	4.200%		72,100.48		592,100.48
11/01/2013		-	-		62,353.32		62,353.32
05/01/2014		545,000.00	4.200%		61,336.68		606,336.68
11/01/2014		-	-		50,814.25		50,814.25
05/01/2015		565,000.00	4.200%		49,985.75		614,985.75
11/01/2015		-	-		38,851.73		38,851.73
05/01/2016		590,000.00	4.200%		38,359.62		628,359.62
11/01/2016		-	-		26,287.87		26,287.87
05/01/2017		615,000.00	4.200%		25,906.23		640,906.23
11/01/2017		-	-		13,338.74		13,338.74
05/01/2018		630,000.00	4.200%		13,121.26		643,121.26
Total	\$	3,965,000.00	-	\$	692,453.96	\$	4,657,453.96