

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

**REGULAR MEETING
AGENDA**

October 23, 2013

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

October 16, 2013

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, October 23, 2013 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. Public Comments: Agenda Items (*5 minutes per speaker*)
3. Public Comments: Non-Agenda Items (*5 minutes per speaker*)
4. Special Counsel Update: Bankruptcy Proceedings
5. Developer's Report/Update
6. Engineer's Report
7. Continued Discussion/Update: Global Settlement
8. Discussion: Lakes Turnover
9. Consideration of **Resolution 2014-1**, Establishing Minimum Procedures for Public Comment at Public Meetings
10. Consideration of Proposal from TEM Systems Inc., to Improve Ingress/Egress at Championship Gate
11. Status Update: Public Hearing Regarding Adoption of the Assessment Roll and Imposition of Special Assessments to Finance and Secure Certain Pubic Improvements
12. Approval of **August 28, 2013** Public Hearings and Regular Meeting Minutes
13. Other Business

14. Staff Reports
 - A. Attorney
 - B. Manager
 - i. Approval of Unaudited Financial Statements as of September 30, 2013
 - ii. **NEXT MEETING DATE: November 20, 2013 at 8:00 A.M.**
 - C. Operations Manager
15. Supervisors' Requests and Public Comments (*5 minutes per speaker*)
16. Adjournment

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

Sincerely,



Chesley E. Adams, Jr.
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:

CALL IN NUMBER: 1-888-354-0094

CONFERENCE ID: 8593810

RESOLUTION 2014-1

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #1 TO ESTABLISH MINIMUM PROCEDURES FOR PUBLIC COMMENT AT PUBLIC MEETINGS OF THE BOARD OF SUPERVISORS

WHEREAS, the Legislature recently enacted Senate Bill 50 amending Section 286.0114, Florida Statutes, to require that “Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission;” and

WHEREAS, to accomplish this, the Board desires to establish the following minimum procedures for the Board with regard to public comment at public Board meetings.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #1 that the following procedures relating to public comment shall apply to all public meetings of the Board.

1. A public comment period shall be provided at the end of each Board meeting, and may be provided at the beginning of each Board meeting and shall be indicated as such on every Board agenda.
2. For each item to be heard by the Board, the Board shall allow five (5) minutes to each member of the public that wishes to speak to that item prior to taking official action.
3. The chairperson of the Board shall be responsible for ensuring that members of the public shall be given a reasonable opportunity to be heard on every proposition before it, excepting those matters which are quasi-judicial. For quasi-judicial matters, only those speakers with testimony pertinent to the issue at hand need be heard.
4. Should there be large groups or factions at the meeting, i.e. more than five (5), the chairperson may allow a representative of each group or faction to address the Board on a proposition before the Board, rather than all members of such group or faction, but shall give such representative a minimum of 10 minutes to address the Board.
5. The District Manager will provide Speaker Forms to be filled out by any member of the public who wishes to speak at a Board meeting.
6. These procedures do not apply to the following:
 - A. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
 - B. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
 - C. A meeting that is exempt from §286.011; or
 - D. Except as noted above, a meeting during which the Board is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

THIS RESOLUTION ADOPTED after motion, second, and majority vote favoring same this _____ day of _____, 2013.

ATTEST:

BOARD OF SUPERVISORS, FIDDLER’S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1

By: _____
Secretary

By: _____
Chairman

**FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT NO. 1
PROTOCOL AND MEETING PROCEDURES**

Adopted March 2005
Revised October 22, 2013

A. General:

1. Quorum and Voting. -At all regular or special meetings of the Board of Supervisors of the District [the "Board"], a majority of the membership of the Board shall constitute a quorum. Voting shall be by voice unless a member of the Board requests a roll call. The roll shall be in alphabetical order with the first name called rotating with each motion upon which the vote is called. The Chairman shall always vote last. A record of the roll call shall be kept as part of the minutes.
2. Notice and Publication. The District Manager shall give notice and keep record of such notice of the Board's meetings and the meeting of any subcommittees including the date, time, and location of each regular and special meeting. Notice of meetings of the Board shall be provided as required by Florida law. All regularly scheduled monthly Board meetings shall be held unless the Board determines at a public meeting- that there is not sufficient business to be conducted to warrant the holding of a meeting.
3. Meeting Agenda. There shall be an agenda for each meeting of the Board which shall determine the order of business conducted. The Board shall not take action on any matter, proposal, report or item of business not listed upon the official agenda unless a majority of the Board present consents to consideration of such additional matter(s). Any Board member, in the case of the -Board or a subcommittee member in the case of a subcommittee, may place an item on the agenda by submitting it to the District Manager in writing, with the appropriate backup documentation or material associated with the subject, prior to the deadline for publishing the notice of such meeting, and such item shall be included in the agenda.
4. Order of Business. The order of business at regular meetings shall be:
 - ~~(a)~~ ~~_____~~ ~~(a)~~ ~~_____~~ Roll Call
 - ~~(b)~~ Public Comment on Agenda Items.
 - ~~(c)~~ Public Comment on Non-Agenda Items.
 - ~~(d)~~ Approval of Minutes from Prior Meeting(s)
 - ~~(e)~~ New Business
 - ~~(f)~~ Other Business
 - ~~(g)~~ Staff Reports
 - ~~(h)~~ Supervisor's Requests and Audience-Public Comments

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at:
1.5"

(e) Adjournment

The Board reserves the right to modify or amend the order of business.

B. Agenda Items Requiring Action Public Comment :

1. General. All members of the public who address the Board shall utilize a speaker's podium [if available] to allow their comments to be recorded, and shall identify themselves by name and local addresses, if applicable. The District Manager will provide Speaker Forms to be filled out by any member of the public who wishes to speak at a Board meeting. For each item to be heard by the Board, the Board shall allow five (5) minutes to each member of the public that wishes to speak to that item prior to taking official action. Should there be large groups or factions at the meeting, i.e. more than five (5), the chairperson may allow a representative of each group or faction to address the Board on a proposition before the Board, rather than all members of such group or faction, but shall give such representative a minimum of 10 minutes to address the Board. Further, any speaker speaking on behalf of an organization or group of individuals (exceeding five) shall indicate such and shall cite the source of such authority whether by request, petition, vote, or otherwise.

~~All persons may speak for a maximum of five (5) minutes each, or for such longer period of time at the pleasure and discretion of the Chair.~~

2. Restrictions on Comments Deemed Not Germane to the Item. Notwithstanding any provisions herein, any Board member may interrupt and/or stop any presentation that discusses matters that need not be considered in deciding the matter then before the Board for consideration. At any Board proceeding, the Chairman, unless overruled by majority of the Board members present, may restrict or terminate presentations which in the Chairman's judgment are frivolous, unduly repetitive or out of order.

C. Order and Subject of Appearance: To the extent possible, the following shall be the order of the proceeding:

1. Preliminary Statement. The Chairman shall read the title of the agenda item.
2. Presentation of Agenda Item. The appropriate District staff person or consultant, or the Petitioner or Proposer of the Agenda item shall make the presentation to the Board regarding the particular Agenda item under consideration. After completion of the presentation, the Board may make appropriate inquiries of staff.
3. Speakers. After Board inquiry, speakers shall be allowed to speak based on the time limitation guidelines outlined in the preceding subsection B

above. During and after a speaker's presentation, the Board shall have an opportunity to comment or ask questions of or seek clarification from such speaker. The Board may also allow staff to comment, ask questions of or seek clarification from speakers.

- D. Rules of Debate and consideration of Motions: The following rules of debate and consideration of Motions shall be observed by the Board.
1. Motion under consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These countermotions shall have preference in the order in which they are mentioned, and the first two shall be decided without debate. Final action upon a pending motion may be deferred until the next meeting by majority of the members present.
 2. Chairman participation. The presiding Chairman may move, second and debate from the chair, and shall not be deprived of any of the rights and privileges of a Board member by reason of being the presiding Chairman.
 3. Form of address. Each member shall address only the presiding officer for recognition, shall confine himself to the question under debate, and shall avoid personalities and indecorous language.
 4. Interruption. A member, once recognized, shall not be interrupted except by the Chairman if the Chairman determines that the member's participation is irrelevant, frivolous or out of order. Any member may appeal the decision of the Chairman to the Board for decision by majority vote.
 5. The question. Upon the closing of debate, any member may require a roll call vote. Any member may give a brief statement or file a written explanation of his vote.
- E. Public Comment on General Topics: Any member of the public may speak on general topics under the ~~Audience—Public~~ Comment portion of the agenda, subject to the provisions of Section B above.

TEM SYSTEMS, INC.

State Licenses: EG-1300211

Estimate for Repair and/or Service

TEM REQUIRES 50% DOWN ON ESTIMATES OVER \$1000.00

Date: 9-11-13

To: Chuck Adams - Director of Operations
Wrathell, Hunt and Associates, LLC - (239) 464-7114 (cell)

For: Fiddlers Creek

Email:

FSR:

Estimate to: Install a delayed, automatic guard announcement for Championship Dr. entry gate. This alarm will utilize the existing dialer and will call the guardhouse after a preset "vehicle wait period" (to be determined by you) has been met. Normal passing traffic will be ignored. This system will only activate by the presence of a vehicle. The existing dialer button will work as it does now. Estimate includes: labor, materials, parts, and regular freight & handling to complete the repair and/or service based on our inspection of the repair and/or service to be completed.

\$747.11

To complete above estimate

\$ 44.83

Plus Florida State sales tax

\$791.94

Payment: 50% Deposit and Balance Due upon Completion of Work

Estimated Completion Time: 5 to 15 working days after receipt of approved and signed estimate form.

Warranty: 30 days parts and labor

Terms and Conditions: The above is an estimate based on our inspection of the repair and/or service to be done. This estimate does not include or cover any additional parts or labor that may be required after the work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Any additional costs up to 10 % above the estimate will be the responsibility of the customer. If the actual cost exceeds your estimate by more than 10%, TEM will contact you to authorize the service and/or repair at the revised estimate. Warranty on this repair and/or service is 30 days parts and labor from date of completion unless otherwise agreed to by TEM in writing. This estimate is valid for 30 days from the above date

Doug Bonar / swd

Customer Service Department

Approved and Accepted: Authorized by _____
Print Name and Title: _____
Date Approved: _____

TEM Systems, Inc.

4747 Nob Hill Road Suite 5 Sunrise, Florida 33351

Fl 800: 800-777-8912 Broward: 954-577-6044 FAX: 954-572-4531

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

3
4 Public Hearings and a Regular Meeting of the Board of Supervisors of the Fiddler’s
5 Creek Community Development District #1 were held on **Wednesday, August 28, 2013, at 8:00**
6 **a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida**
7 **34114.**

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

10
11 Phil Brougham Chair
12 James Curland Assistant Secretary
13 Richard Peterson Assistant Secretary
14 Robert Slater *(via telephone)* Assistant Secretary

15
16 **Also present were:**

17
18 Chuck Adams District Manager
19 Cleo Crismond Assistant Regional Manager
20 Terry Cole District Engineer
21 Tony Pires District Counsel
22 Aleida Martinez Molina *(via telephone)* Weiss Serota, Special Counsel
23 Mike Williams *(via telephone)* Akerman Senterfitt
24 Alice Carlson AJC Associates, Inc.
25 Tony DiNardo Developer
26 Ron Albeit The Foundation
27 Joe Vacaro Resident
28 Jesse Fritz Resident
29 Richard Johnston Resident
30 Larry Regnier Resident
31 Kathleen Smith Resident

32
33
34 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

35
36 Mr. Adams called the meeting to order at 8:00 a.m., and noted, for the record, that
37 Supervisors Brougham, Curland and Peterson were present, in person. Supervisor Slater was
38 attending via telephone. Supervisor Bergmoser was not present.

41 **On MOTION by Mr. Brougham and seconded by Mr.**
42 **Peterson, with all in favor, authorizing attendance, via**
43 **telephone, by Supervisor Slater, due to extraordinary**
44 **circumstances, was approved.**

45
46
47 **▪ Discussion: Recent Events Delaying the Issuance of the Series 2002 and 2005**
48 **Exchange Bonds**

49 ****This item, previously the Eighth Order of Business, was presented out of order.****

50 Mr. Brougham asked that this item be moved to the beginning of the Agenda, as it is
51 interrelated to the Second and Third Orders of Business.

52
53 **THE FOLLOWING SECTION WAS TRANSCRIBED**
54 **VERBATIM, PER THE CHAIR'S REQUEST**

55
56 **Mr. Brougham:** Aleida, you were made copied on some emails yesterday, going back in
57 time that related to the comfort letter, I'll term it that, regarding the delay of payments on the
58 2002 and 2005 bonds, from May of 2013 to May of 2014 due to the fact that we were
59 anticipating the exchange transactions on those bonds to occur, were you not?

60 **Ms. Martinez Molina:** I was.

61 **Mr. Brougham:** And at that time, I believe the consensus between you and Mr. Batista
62 was that a motion should not be made or any approach to the bankruptcy court because you had,
63 there was sufficient agreement amongst all parties. Is that correct?

64 **Ms. Martinez Molina:** Correct.

65 **Mr. Brougham:** Okay, well we're now at a juncture here where, I'll defer to any
66 comment from Mr. DiNardo, that, apparently, the anticipated exchange transactions for the 2002
67 and 2005 bonds are not going to go forward and the public hearing, that was to be held today, is
68 going to be, and I'll defer to you, Mr. DiNardo, deferred or cancelled.

69 **Mr. DiNardo:** Deferred, I mean the issue is, is that U.S. Bank, the trustee, says this
70 District owes them \$600,.....

71 **Mr. Pires:** \$431,000.

72 **Mr. DiNardo:** Oh, I'm sorry, I inverted something. \$431,000 so, you pay them, we
73 could go forward.

74 **Mr. Brougham:** Correct, I understand that. You are not willing, as bondholder's agent,
75 you're not willing to go forward with U.S. Bank as trustee for this exchange transaction?

76 **Mr. DiNardo:** No, no.

77 **Mr. Brougham:** So, we will, your preference, you are instructing the Board to defer or
78 to continue the public hearing to a date to be...

79 **Mr. DiNardo:** Well, I'm instructing the Board, and I think, let me put it this way, at this
80 moment, I'm not going to do any instructions to the Board. I think we, the bondholders, will put
81 their position in writing to the Board and that that will come.

82 **Mr. Brougham:** Okay, and that's fine, that the CDDs are the, basically the legal entity
83 responsible for the issuance of those bonds. We initiated, at the request of the bondholders and a
84 presentation by Mr. Reagan, the exchange transactions to go forward, the Board, the District did
85 not initiate those actions so, at this point, Tony, I will defer to you first, for any comments.

86 **Mr. Pires:** I think, when we get to the point of the public hearing, on the, that's been
87 scheduled to consider Resolution, excuse me, the public hearing with regards to the, advertised
88 for today, for the special assessment and imposition involving the exchange bonds. Unless there
89 is some opposition, I guess, from the bondholders, I think, I would suggest that we would move
90 to continue that hearing to a date and time certain. In discussions with Mr. Adams and Mr.
91 Williams, we feel we, a continuances to the next board meeting, for one (1) month, would be
92 sufficient, without having to do additional notice, to the property owners but, then, if we go
93 beyond that point, we need to readvertise and send additional written notice to the property
94 owners that are affected.

95 **Mr. DiNardo:** Can't you get everything done and just keep it in suspense until this
96 issue, between the District and U.S. Bank, is resolved.

97 **Mr. Pires:** You mean hold the second public hearing and have the ____ hearing today?

98 **Mr. DiNardo:** Yes, I mean the issue is between the District and U.S. Bank. U.S. Bank
99 is saying this District owes them over \$400,000. I don't know if it was reflected on the financial
100 statements.

101 **Mr. Adams:** I would defer to bond counsel on that, because that could take months. I
102 would defer to bond counsel as to whether or not that would be appropriate to do that, at this
103 point, not knowing when you would actually have the final public hearing on it.

104 **Mr. Brougham:** Mike Williams, what's your input on this?

105 **Mr. Williams:** Well, I could not hear everything that Tony DiNardo was saying or was
106 being questioned.

107 **Mr. Brougham:** The question boils down to what the Board should consider doing with
108 respect to the advertised public hearing concerning the exchange bond transactions. I don't want
109 to put words in your mouth.

110 **Mr. DiNardo:** I am saying, Mike.

111 **Mr. Brougham:** Can you hear him? Can you hear Tony, Michael?

112 **Mr. Williams:** I can hear him better now.

113 **Mr. DiNardo:** I am saying, Mike, can everybody go forward with the process and just
114 wait until the District resolves their issue with U.S. Bank.

115 **Mr. Williams:** Well, yes, I think, because of sort of messages I got, I don't think the
116 Board or Chuck have any resolution or documents today but if you are suggesting that we
117 proceed forward with a continued hearing, next month, that would actually be fine, I think, and
118 wait until the matters get straightened out on the bond side, provided that the bond side
119 straightens out in manner that the assessment process reflects.

120 **Mr. DiNardo:** Yea, I mean, the numbers don't change.

121 **Mr. Curland:** Can I ask a question? What has to happen in order to go forward, then.

122 **Mr. DiNardo:** This District....

123 **Mr. Curland:** I understand what you said but, I understand....

124 **Mr. DiNardo:** What you guys got to do, I don't know.

125 **Mr. Curland:** Well, what do we have to do?

126 **Mr. Brougham:** Well, that's what we're trying to get some clarification on.

127 **Mr. Curland:** Can this be solved in 30 days?

128 **Mr. Brougham:** Well, I don't know. I doubt it myself, personally.

129 **Mr. Curland:** I do too, I have a question for Tony, do you believe...

130 **Mr. Pires:** Tony Pires or....

131 **Mr. Curland:** Pires. Do you believe this can be resolved? I mean, I saw, you know we
132 received the document related to what you want us to do. Is it reasonable to assume it will be
133 resolved in 30 days?

134 **Mr. Pires:** I can't say one (1) way or another. I have no further response from Mr.
135 Bloom on this issue. I think what we are indicating is that it is not resolved, as of today, and if

136 we go through the process of having the public hearing levying and imposing assessments, then
137 that property has those assessments levied on them and then we have an assessment roll, the
138 assessments would go off roll, I believe that's how we were going to do it.

139 **Mr. Adams:** That's correct.

140 **Mr. Pires:** The assessments will be delivered to those property owners and its... we
141 don't have the exchange bonds in place, for which those assessments are intended to help fund,
142 so it makes it a little awkward.

143 **Mr. Adams:** Well, what we would end up doing is, once we finalize that transaction,
144 then we would amend those debt service fund budgets; bring them back to the Board and have
145 them approve those, since it's an off roll assessment program, it is not time-sensitive to the
146 property tax roll.

147 **Mr. DiNardo:** The issue is not doing the exchange bonds. The issue is U.S. Bank says
148 this District and the residents of this District owes them over \$400,000.

149 **Mr. Pires:** I disagree that it says "the residents"; they said the District owes.

150 **Mr. DiNardo:** Well, this District; it eventually goes back to the residents or the
151 landowners.

152 **Mr. Pires:** Well...

153 **Mr. DiNardo:** If it's due.

154 **Mr. Pires:** No, it, it, no, I don't believe that the trustee has, in my opinion right now, has
155 the ability to require the District to levy assessments generally, outside the debt service
156 assessments for the bonds, to pay those purported fees.

157 **Mr. DiNardo:** Did anyone see what those fees are?

158 **Mr. Pires:** No, no, I'm going back to your statement, Tony, that where you indicated that
159 the property owners will be paying for this \$461,000 that is purportedly, allegedly owed,
160 according to Mr. Bloom. That, I don't believe they have the ability to require the District to
161 impose special assessments from maintenance....

162 **Mr. DiNardo:** Good point here, Tony but, if nothing gets done, what is the status of the
163 District? Bonds are in default, this District somehow has to put a payable on its books, or not
164 even get audited, not even get a qualified opinion, let alone an unqualified opinion. You have a
165 creditor out there saying that this District owes them almost \$400,000; that is material in your
166 financial statements.

167 **Mr. Pires:** Yes, but, what they are saying, though, is that the purported amount or lien
168 on the monies in the trust estate of the various bond series; they are not asserting any other lien.
169 I don't think they have a lien right against any other funds of the District. I understand what you
170 are saying, Tony, and the question becomes, will it be resolved going back to... I don't know. I
171 can't say one (1) way or another. Again, there's been no response from Mr. Bloom, which also
172 is curious, as you note in his correspondence, he also tries to hold, tie in District #2, and the
173 various bondholders of District #2....

174 **Mr. DiNardo:** That has nothing to do with it.

175 **Mr. Pires:** That's correct because, as we indicated have nothing to do with this District.
176 In trying to do.....

177 **Mr. Brougham:** Well, and I asked, there are a lot of different opinions, obviously, and I
178 have one, as well but I asked you, Mr. Pires and Mr. Williams to write a letter to the Board,
179 which you did, outlining the position, or at least your opinion, as to whether "the District", in my
180 words, its operating and maintenance, operating, is liable for any of these alleged monies due to
181 debt service and your statement, I believe, in your letter, was no, that they cannot put a lien or
182 anything of that sort against our operating funds.

183 **Mr. Pires:** Yes, correct. Once again, I did not go into the issue. If there was to be
184 litigation, somehow U.S. Bank was to sue the District over these fees they claim we owe them,
185 assuming they get a judgment, we would have another battle as to whether or not we even have
186 any liability but that's way down the road, it's not a lien issue, that's whether or not they would
187 even prevail and get a judgment.

188 **Mr. Brougham:** Well, what's curious to me, in this whole history here, is that, once
189 again, this Board, this District is a pawn in other people's concerns and business here. We didn't
190 go into default on the bond payments; the bondholders did and the developer didn't make the
191 payments on the bond payments that he owed. We initiated foreclosure procedures as we were
192 required, several years ago, against those lands and, subsequently, immediately after that,
193 bankruptcy was declared and we proceeded through the bankruptcy and, according to the terms
194 of the bankruptcy, the payments were deferred on 2002 and 2005 bonds for a year, at the consent
195 of all parties, the bondholders, and so forth. At one (1) point, we were sued by U.S. Bank for, I
196 forget all the details, subsequently, that was dismissed. We were requested, by Mr. Reagan and
197 the developer and the bondholders to initiate exchange bond transaction proceedings, which we

198 initiated. Subsequent to that, we got this letter from Greenburg Traurig saying, very confusing
199 letter, as I read it, saying that they were owed an additional, on top of the \$400,000 or \$500,000
200 in legal fees that were paid out of the bond funds, they are owed an additional amount of money
201 and there is no substantiation of the amounts of money that they are alleging that are owed.
202 Your position, and Mr. Williams' position, is that, in terms of its operating monies, without
203 predicting the result of any lawsuits is not responsible for those alleged nonpayment of legal
204 fees.

205 **Mr. Pires:** Well, even, once again, based upon, as you saw in my letter to Mr. Bloom, I
206 dispute that anybody's a _____ to the _____, regardless of the source of the fund, number
207 1. Number 2, rereading his letter, he asserts that U.S. Bank has a lien right as to the monies and
208 properties again, in the trust estate or from the various bond issues. Arguably, the exchange,
209 whether or not the exchange transaction could occur or Wilmington be the successor trustee with
210 that purported lien in place, I don't know if that gets us to where the bondholders want us to be.
211 If the new, there's a successor trustee in those bond series is the transfer of all the documents,
212 property and money subject to the asserted lien, as Mr. Bloom indicates. I think, once again we
213 dispute the lien, and I don't know if the bondholders would acquiesce in that concept that they
214 transfer to any successor trustee, have that lien go with it, as indicated in Mr. Bloom's letter.
215 That's one (1) alternative that Mr. Bloom recommended or suggested and, again, we dispute that
216 and I don't know if the exchange transaction could go through, with that purported lien in place
217 and whether or not that would be an issue.

218 **Mr. Brougham:** Well, there's multiple, conflicting opinion on all of these matters,
219 which leaves us at a loss as to what really needs to happen. My concern is that I am very
220 concerned about any possibility, notwithstanding a lawsuit, that the residents of CDD #1 are
221 liable for any legal fees incurred by the U.S. Bank, as trustee, that we didn't...we were asked to
222 authorize and did not authorize. Those fees have not been proved to anyone, as of this point.
223 Quite frankly, I don't think this Board would like to continue with U.S. Bank as trustee because
224 of all of their aggressiveness, in the past but, on the other hand, we have no choice; we are not
225 the decision maker here. We were willing to go forward with Wilmington Trust, that was going
226 to be a good outcome for everyone, and then that got sidetracked because of these other issues.
227 Wilmington Trust, as I understand it, is not willing to become successor trustee, on the newly
228 refunded bonds; they want all or nothing. The bondholders are saying, essentially, they are not

229 going to go forward with the exchange bond transactions, with U.S. Bank, as trustee. Have I said
230 anything that anyone would dispute? Perhaps Mr. DiNardo would but, Mike?

231 **Mr. Williams:** No, from the perspective of Wilmington and U.S. Bank, I agree with
232 exactly what you just said; my understanding is the same as yours.

233 **Mr. Brougham:** And we've had the "black marks" on our financials and on our audit
234 report for a year or two (2) again, through no action or inaction of this Board of Supervisors. We
235 didn't start the issue, we've done what I consider to be everything we can do to facilitate
236 resolution of this and, to me, it's a bondholder trustee issue.

237 **Mr. Pires:** I guess, only one (1) question, and could I get Aleida on the phone, whether
238 or not there is a recommendation or discussion. Do we need to file the motion and highlight
239 what was previously referenced or any further guidance on it or do we have any, does the District
240 have any exposure from the reorganization plan and bankruptcy court confirmation.

241 **Mr. Brougham:** I asked you to be prepared for that question, Aleida, because, last year,
242 it was deferred in anticipation of the exchange bond transactions. Now, if that does not happen,
243 where does that leave us with respect to anything having to do with the bankruptcy court.

244 **Ms. Martinez Molina:** Well, with respect to the bankruptcy court, the Confirmation
245 Order provides that the CDD is, if you will, nothing in the confirmation order prevents the CDD
246 from doing what it has to do. The way the question, to me, was phrased, in an email, was, does
247 the CDD have an obligation to bring something forward in bankruptcy court and the answer to
248 the question is no, the CDD does not have an affirmative obligation to bring anything to
249 anyone's attention in bankruptcy court; however, again, the bankruptcy court does not preclude
250 the CDD from doing whatever it needs to do. It reserved jurisdiction, in a somewhat convoluted
251 way, to address the issues between the CDD and the reorganized debtor but that is not what we
252 have here. This is, from what I hear, a dispute between the District and U.S. Bank

253 **Mr. Brougham:** Mr. DiNardo?

254 **Mr. DiNardo:** Tony, is there any governmental body that the District can complain to
255 about the conduct of U.S. Bank?

256 **Ms. Martinez Molina:** I cannot hear.

257 **Mr. Pires:** What I can do is I can talk to Rick Reyes, I guess. I think District #2 is
258 something to OCC but I think OCC has.....

259 **Mr. DiNardo:** You guys are being blackmailed.

260 **Mr. Brougham:** Okay, wait a minute, whoa, whoa, whoa one (1) at a time here. I fully
261 agree with that comment that we are being blackmailed by more than one (1) party. Aleida, Mr.
262 DiNardo's question was, is there any governmental agency that we can file a complaint with
263 regarding the conduct of U.S. Bank.

264 **Mr. DiNardo:** Not regarding the bankruptcy. The bankruptcy has nothing to do with
265 that.

266 **Mr. Brougham:** No, no, no; U.S. Bank, I said.

267 **Mr. DiNardo:** Yes, yes.

268 **Mr. Brougham:** And your answer was?

269 **Mr. Pires:** Unintelligible comment.

270 **Ms. Martinez Molina:** I'm sorry, you are asking Aleida if there is a governmental
271 agency that to which.....

272 **Mr. Brougham:** That was Mr. DiNardo's question.

273 **Ms. Martinez Molina:** Okay.

274 **Mr. Brougham:** And Mr. Pires' answer was?

275 **Mr. Pires:** Based upon prior discussions, at other Board meetings, pertaining to District
276 #2, there have been discussions about filing claims against OCC, I guess.

277 **Mr. Adams:** Well, I'd specifically asked that question on the conference call that we
278 had a couple of weeks ago and I remember Mr. Williams and, also, counsel for Wilmington
279 Trust, indicating that they had no knowledge of any agency, that we would actually have to sue.
280 Their recommendation was to actually sue.

281 **Unknown speaker:** Is what agency?

282 **Mr. Pires:** I think there's no harm in exploring that; you authorize the Staff to do that.

283 **Mr. DiNardo:** CDD #2 explored it and they made a complaint to the federal agency,
284 through Mr. Reyes, but that complaint could not go anywhere because it was in litigation.

285 **Mr. Pires:** We have no litigation so possibly it could....

286 **Mr. DiNardo:** You have no litigation so, at a minimum, I would ask Mr. Reyes what
287 federal agency he wrote the complaint to, I mean they might wake up and say this doesn't smell
288 right. You guys have no litigation so, at a minimum, I would make a complaint to the federal
289 banking agency.

290 **Mr. Pires:** What might be appropriate, Mr. Brougham, is that you authorize the Staff to
291 communicate with Mr. Reyes and the Board authorizes him drafting a letter for the Chairman to
292 sign to go to the appropriate regulatory agency concerning U.S. Bank's actions.

293 **Mr. Brougham:** I would like to make a motion to do two (2) things: 1) I would like to
294 make a motion to continue the public hearing on the 2002 and 2005 Exchange Bonds.

295 **Mr. Pires:** I think it's more continue the public hearing on assessment what it...

296 **Mr. Brougham:** Well, whatever. You tell me what the right legal phrase is. I want to
297 not hear the public hearing on that item today, I would like to hear it a month from today.
298 Maybe we can get some more clarity. So, whatever the official motion is, I'll let you fill in the
299 blanks here, in a second.

300 **Mr. Pires:** Okay.

301 **Mr. Brougham:** And, secondarily, authorize Staff to explore what agency or other legal
302 options or appeals we have to make concerning the conduct of U.S. Bank and its attorneys,
303 Greenburg Traurig.

304 **Mr. Curland:** Does this move us forward, at this time.

305 **Mr. Brougham:** I don't know.

306 Unintelligible comments by several speakers.

307 **Mr. Brougham:** There's three (3) or four (4) issues that are all intertwined here, none of
308 which, which is frustrating to me, none of which are the result of actions or inactions on the part
309 of this Board; it is craziness.

310 **Mr. DiNardo:** I think for them to write this Board a letter....

311 **Mr. Brougham:** Them?

312 **Mr. DiNardo:** Greenburg Traurig, Warren Bloom, to write this Board a letter and
313 reference CDD #2, that's the attitude they've had from Day 1....

314 **Mr. Brougham:** I know, well, you don't have to convince this Board of that. I have no
315 respect for Mr. Bloom. I have no respect for Greenburg Traurig. I have no respect for U.S.
316 Bank but you are right, we are being held hostage, again, by all of these parties. I don't like,
317 from any perspective, this Board to have to expend legal fees fighting with people on actions that
318 we did not initiate but, it's boiling down to that, again.

319 **Mr. Slater:** Mr. Chairman, this is Bob Slater.

320 **Mr. Brougham:** Yes, Bob.

321 **Mr. Slater:** Aleida had made a mention that there was no reason to go to the bankruptcy
322 judge for an affirmative, because there is no affirmative action that can be done but, as a
323 defensive action, I think it's important that we go back to the judge, the bankruptcy judge, and
324 state the same case that we would to any federal agency that we do find that it should go there.

325 **Mr. Brougham:** Aleida?

326 **Ms. Martinez Molina:** Yes, well, I mean, at this point, what we are talking about would
327 be #1, does the bankruptcy court have jurisdiction to address, you know, an issue like this? The
328 bankruptcy court has jurisdiction and the authority to enforce a plan so, to the extent that this
329 concerns, yet, to the extent that this concerns something other than enforcement of a plan, the
330 court may not have the authority to do so. So, I am a little bit concerned about whether or not
331 the court has the power, the authority, jurisdiction, in other words, to address an issue like this.

332 **Mr. Brougham:** I would agree. I am not a lawyer, Aleida, but I would agree. And the
333 bankruptcy order was pretty definitive; it was closed and is going forward. If the bonds, for
334 whatever reason, continue to remain in default, my understanding is that, while we have the
335 authority to start foreclosure proceedings again, that has to be at the direction of the bondholders
336 of those bonds, which is.....

337 **Mr. DiNardo:** That ain't happening.

338 **Mr. Brougham:** I agree with you, that ain't happening because the bondholders are
339 some of our most favorite people and they are not going to initiate foreclosure against
340 themselves. But, with respect to all of these issues, and there are multiple issues; #1) we need
341 some sort of an answer from Warren Bloom but I don't know as we should go after him for an
342 answer, I mean, it rests in his court. #2) we need to sort out the issue or direction as to directing
343 Staff to approach another governmental agency regarding the actions of U.S. Bank. Go ahead
344 Tony.

345 **Mr. DiNardo:** I wouldn't do Warren Bloom, I'd do Greenburg. You guys had nothing
346 to do with it. He writes you a letter and says District #2. I'd even say....

347 **Mr. Brougham:** Well, whoever it is, the Federal Trade Commission or whomever....

348 **Mr. Pires:** Once again, I _____ the Board when we've come that far.

349 **Mr. Brougham:** Well, when are we going to get that far?

350 **Mr. Pires:** I think we can do that right now, that.....

351 **Mr. Brougham:** I know, that's why I wanted to move that discussion up.

352 **Mr. Pires:** Correct, if the Board wants...on the first part but, with regards to the U.S.
353 Bank issue, the Board would authorize....

354 **Mr. Brougham:** I will make a motion that we direct Staff to investigate and then draft a
355 letter, for the Chairman's signature, to the appropriate governmental agency complaining about
356 the conduct of Mr. Bloom, with Greenburg Traurig and U.S. Bank, as trustee for the 2002 and
357 2005 Series Bonds and their alleged monies owed, or however you want to phrase it. Is there a
358 second?

359 **Mr. Curland:** Second.

360 **Mr. Brougham:** All in favor say aye.

361 **Mr. Brougham, Mr. Curland, Mr. Peterson and Mr. Slater:** Aye.

362

363 **On MOTION by Mr. Brougham and seconded by Mr.**
364 **Curland, with all in favor, directing Staff to investigate and**
365 **draft a letter, for the Chair's signature, to the appropriate**
366 **governmental agency, complaining about the conduct of Mr.**
367 **Bloom, with Greenburg Traurig, and U.S. Bank, as trustee for**
368 **the 2002 and 2005 Series Bonds, and their alleged monies**
369 **owed, was approved.**

370

371

372 **Mr. Brougham:** The next thing I think we need to do is to continue the public hearing.

373 **Mr. Pires:** Regarding the adoption of the assessment roll and imposition of special
374 assessments to finance and secure certain public improvements of the Fiddler's Creek
375 Community Development District #1, as described in the Assessment Methodology Report 2013
376 Exchange Area, prepared by Fishkind and Associates, accepted by the Board on July 24, 2013.

377 **Mr. Brougham:** To?

378 **Mr. Pires:** To the...

379 **Mr. Brougham:** To the September...

380 **Mr. Adams:** 24th.

381 **Mr. Brougham:** 24th.

382 **Mr. Pires:** At 8:00 a.m.

383 **Mr. Brougham:** 8:00 a.m., meeting.

384 **Mr. Adams:** 25th, on the 25th.

385 **Mr. Pires:** September 25, at 8:00 a.m.

386 **Mr. DiNardo:** Can I make a suggestion?
387 **Mr. Brougham:** In a second. Do I have a second?
388 **Mr. Curland:** I'll second that.
389 **Mr. Brougham:** Second Mr. Curland. Discussion?
390 **Mr. DiNardo:** Why don't you go for 60 days, instead of 30 days? Why don't you do it
391 in October?
392 **Mr. Brougham:** You know, we'll do whatever keeps peace in the family, here.
393 **Mr. DiNardo:** I would go for 60 days. I mean 30 days is nothing, with holidays and
394 everything.
395 **Mr. Pires:** Unintelligible comments.
396 **Mr. Adams:** And you are going to have to readvert.....
397 **Mr. Pires:** Mike, do you have any problem with that? I think that's fine.
398 **Mr. DiNardo:** I mean, let's go 60 days.
399 **Mr. Adams:** I thought I heard Mr. Williams say, the other day, anything beyond 30 days
400 he had a concern with; he felt we might need to renote so, between you two (2).
401 **Mr. Pires:** If I had to double check with Mike to find out what it was if we had two (2)
402 continuances.
403 **Mr. Williams:** That's my position, Chuck. I think we can continue for one (1) meeting
404 but it makes me a little nervous, anything beyond that.
405 **Mr. Brougham:** Alright. And if we don't get any....
406 **Mr. DiNardo:** Who does that go to? The landowners only? That's easy, it's only....
407 **Mr. Brougham:** Moved and seconded and I will accept your questions but let's not have
408 cross talk here, please.
409 **Mr. Peterson:** Moved and seconded.
410 **Mr. Brougham:** All in favor say...
411 **Mr. Pires:** Thirty days.
412 **Mr. Brougham:** Thirty days. All in favor say aye.
413 **Mr. Brougham, Mr. Curland, Mr. Peterson and Mr. Slater:** Aye.
414
415

416 **On MOTION by Mr. Brougham and seconded by Mr.**
417 **Peterson, with all in favor, continuing the Public Hearing**
418 **regarding the adoption of the assessment roll and imposition of**
419 **special assessments to finance and secure certain public**
420 **improvements of the Fiddler's Creek Community Development**
421 **District #1, as described in the Assessment Methodology**
422 **Report 2013 Exchange Area, prepared by Fishkind and**
423 **Associates, accepted by the Board on July 24, 2013, to**
424 **September 25, 2013 at 8:00 a.m., was approved.**

425

426

427

Mr. Pires: For clarification, is that 30 days from...

428

Mr. Brougham: From September 2...

429

Mr. Adams: September 25th at 8:00 a.m.

430

Mr. Pires: Twenty-eight days.

431

Mr. Brougham: And, if we get to that point and we don't have any more clarity, as far
432 as I am concerned, we will just put the whole thing on hold and life goes on and we pursue
433 whatever complaints we can pursue against Greenburg Traurig.

434

Mr. Pires: Or against Fishkind.

435

Mr. Brougham: Or against U.S. Bank or against both of them, which brings up another
436 question I would like to throw out. When this exchange bond transaction was initiated, the
437 Board concurred and went forward on the basis that it would not incur any legal fees or any other
438 fees resulting from these transactions. If the exchange bond transactions do not go forward, are
439 the bondholders going to step up to the plate to pay the legal fees.

440

Mr. DiNardo: Nope. This is...the issue here is not anything to do with the exchange.
441 The issue here is between U.S. Bank and the District and U.S Bank is saying that this District
442 owes them \$460,000. So...

443

Mr. Brougham: Well, then

444

Mr. DiNardo: The exchange would go more easy if U.S. Bank did...

445

Mr. Brougham: I understand that but why are we....

446

Mr. DiNardo: Because you want, because this Board owes the bondholders \$30 million.

447

Mr. Brougham: No, the bondholders owe. The bondholders do.

448

Mr. DiNardo: You got to clean up...

449

Mr. Brougham: Well then, how much money has been expended, so far, on these
450 exchange transactions, for legal fees, Tony?

451 **Mr. Pires:** I was trying to look over but unfortunately my bookkeeper is not in. Not that
452 great from my end. I do not know what Mr. Fishkind's expense was or who he....

453 **Mr. DiNardo:** I paid Fishkind.

454 **Mr. Brougham:** Thank you.

455 **Mr. Pires:** That would probably be the largest fee to date, quite frankly, Mr. Fishkind.

456 **Mr. Joe Vacaro, a resident:** I have a question, in the middle, Joe Vacaro, I'm a little
457 confused on the \$450,....

458 **Mr. Brougham:** We all are, Joe.

459 **Mr. Vacaro:** Here's the question. Is U.S. Bank the bank that inappropriately took
460 construction bond money from CDD #1 to use the bondholders to fund their legal fees during the
461 bankruptcy?

462 **Mr. Brougham:** Yes, sir.

463 **Mr. Vacaro:** Okay, at that point, why didn't we join in the lawsuit against U.S. Bank to
464 get our money back? I'm sure that, if we did, something like that this would have all gone away
465 and can we file something like that now. I understand CDD #2 is in a lawsuit with them and I
466 think it is going ahead pretty well.

467 **Mr. Brougham:** Unintelligible comment.

468 **Mr. Vacaro:** Why can't we jump on their coattails and proceed with this.

469 **Mr. Brougham:** The Board elected, a year or two (2) ago, not to initiate legal
470 proceedings to recover those monies.

471 **Mr. DiNardo:** Let me ask Mr. Chuck (Adams)...

472 **Mr. Brougham:** Mr. DiNardo.

473 **Mr. DiNardo:** Has any more funds recently come out of any construction account on
474 CDD #1.

475 **Mr. Adams:** They have. Over the month of July we had three (3) hits to the....

476 **Mr. Brougham:** CDD #1?

477 **Mr. Adams:** To CDD #1 trust estates. Cumulatively, they were about \$14,000 and there
478 was a couple of revenue account, or reserve accounts, and the construction fund was hit for
479 \$5,000 or \$6.....

480 **Mr. DiNardo:** That's in addition to the \$460,000 they are saying that this Board owes
481 them.

482 **Mr. Adams:** Yes.

483 **Mr. Pires:** Once you _____ the clarification, the letter actually says the amounts
484 remain unpaid....

485 **Mr. Brougham:** Correct.

486 **Mr. Pires:** It doesn't say that there is a lien on the property.

487 **Mr. Brougham:** Correct.

488 **Mr. Pires:** We are taking the position that the trustee's counsel indicated that we owe
489 them the money, which we dispute.

490 **Mr. DiNardo:** That's the issue, right there.

491 **Mr. Vacaro:** Well, you know, that's why I'm just looking for the clarifications that
492 maybe we should open up a suit now and go after them and put a little bit of, you know....

493 **Mr. DiNardo:** Pressure.

494 **Mr. Vacaro:** Pressure on them to _____.....

495 **Mr. Brougham:** Tony, I'm going to ask you not to cross talk, I'm sorry.

496 **Mr. Vacaro:** Yes, I mean, I understand that your decision, made a year or year-and-a-
497 half ago, two (2) years ago, maybe you felt that that was the right thing to do and, you know,
498 taking a nonpas...you know, a passive action on it but, now that they are putting fire on the
499 CDD, I think now is the time to retaliate and.....

500 **Mr. Brougham:** Yes, yes and that's....

501 **Mr. Vacaro:** It seems that you spend a lot of legal fees.....

502 **Mr. Brougham:** Well, that's always on the table; always has been on the table and I
503 think there's still some, the door is always open to file suit. You file suit and you know what
504 happens; we start spending, not other people's money, we start spending more of our own money
505 against...

506 **Mr. DiNardo:** *Unintelligible comment.*

507 **Mr. Vacaro:** But, aren't we going to be spending that money.....

508 **Mr. _____:** They just took another \$14,000, it just keeps on going.

509 **Mr. Brougham:** They are not taking money from our operating account, at this point.
510 They are not taking money from our residents' O&M assessments.

511 **Mr. Adams:** No, they can't.

512 **Mr. Brougham:** Okay, it's coming from bond funds of one (1) type or another.

513 **Mr. Pires:** Mr. Chairman, what we may want to do, whenever we see that happen, have
514 a standing instruction to the Manager to write U.S. Bank saying we dispute their ability to
515 withdraw those funds and request reimbursement, just on the off chance that they don't make any
516 waiver argument, in the future, that we acquiesced, to the taking of those funds. I think that will
517 suffice on a continuing basis.

518 **Mr. Brougham:** I have no problem with that.

519 **Mr. Adams:** That's.....

520 **Mr. DiNardo:** Unintelligible comment. That construction fund to put infrastructure,
521 that the District gets benefit and, based on that benefit, that's how the assessments are made and,
522 as a matter of fact, these bondholders, not only took out of the construction account, they took
523 out of the.....

524 **Mr. Pires:** Unintelligible comment.

525 **Mr. DiNardo:** And the trustee account.....

526 **Mr. Brougham:** Trustee, not the bondholders.

527 **Mr. DiNardo:** I mean trustee. The reserve account is monies that all the individuals get
528 at the end of the project...

529 **Mr. Brougham:** Uh-huh.

530 **Mr. DiNardo:** So they took homeowners' monies too, so don't say they haven't taken
531 homeowners' monies; they took homeowners' monies.

532 **Mr. Brougham:** Are we clear?

533 **Mr. Pires:** I guess, from the perspective of the direction to the Manager to write to U.S.
534 Bank every time.....

535 **Mr. Brougham:** Yes, they should, I mean there is nothing

536 **Mr. Pires:** Nothing, and, one (1) other item....

537 **Mr. Brougham:** I'm not too worried about that.

538 **Mr. Pires:** To have Mr. Adams or I talk to Mr. Reyes about.....

539 **Mr. Brougham:** Yes, I had instructed you to do that anyway.

540 **Mr. Pires:** Additional conversations about what his thoughts might be with regards
541 to.....If this Board decides to go ahead and initiate litigation.

542 **Mr. Brougham:** Joe.

543 **Mr. Vacaro:** I have a question. Unintelligible comment....the more I see this, the
544 muddier it gets. My question is, and I'm assuming all the residents in CDD #1 do not have a
545 clue, how long can U.S. Bank to be in that position to just arbitrarily take cash out of an account.
546 I mean....

547 **Mr. Brougham:** The money is sitting in their bank, right, and they just go and dip in
548 anytime they want. They do not ask our approval. They have never asked our approval. They
549 take the money but then it gets turned around that we are responsible for them taking the money.
550 I don't quite understand that logic, when they take the money without authorization by anyone,
551 on this Board or in this District, and then the District gets faulted for them taking the money. It
552 is absolutely ludicrous to me.

553 **Unknown speaker:** But I think, from CDD #1, the members, if the residents knew that
554 this was going on, it would be.....

555 **Mr. Brougham:** Well, this has been full transparency for a year-and-a-half or two (2)
556 years.

557 **Unknown speaker:** I don't know about that.

558 **Mr. Brougham:** Well, maybe you don't know, pardon me, pardon me, these meetings
559 are held once a month, they are advertised and all these matters have been discussed by this
560 Board over the last two (2) or three (3) years. Mr. DiNardo.

561 **Mr. DiNardo:** This Board did not know \$14,000, it got taken out of the construction
562 account, until I just mentioned it.

563 **Mr. Brougham:** I understand that.

564 **Mr. DiNardo:** And that's what the issue.....

565 **Mr. Brougham:** I understand that.

566 **Mr. DiNardo:** Is. That's what the issue that District #1 was suing.....

567 **Mr. Brougham:** District #2.

568 **Mr. DiNardo:** I mean District #2. They don't take any money out of District #2's
569 construction account.

570 **Mr. Brougham:** I understand. Because they sued them. Alright, let me ask you...

571 **Mr. DiNardo:** Unintelligible comment....

572 **Mr. Brougham:** Let me ask you this question. Are you, as a developer of the
573 bondholder, supporting the legal fees of CDD #2, in their suit?

574 **Mr. DiNardo:** No, I don't pay any legal fees.

575 **Mr. Brougham:** Okay. If CDD #1 filed suit against U.S. Bank, as trustee, would you
576 support our legal fees?

577 **Mr. DiNardo:** No.

578 **Mr. Brougham:** Okay.

579 **Mr. DiNardo:** You are independent, you are an indep.....

580 **Mr. Brougham:** Thank you, thank you for your answer.

581 **Mr. Fritz:** Unintelligible comment.

582 **Mr. Brougham:** Where are we?

583 **Mr. Fritz:** The.....

584 **Mr. Brougham:** Thanks, Jesse. I am not even going to ask for "Developer's
585 Report/Update", I've just gotten it. Is there anything hanging fire on, for Aleida or Mike
586 Williams?

587 **Mr. Adams:** No sir.

588 **Mr. Brougham:** Mike, I would appreciate and Tony, I would appreciate a statement of
589 your legal fees, to date, associated with the exchange bond transactions.

590 **Mr. Williams:** Unintelligible comment.

591 **Mr. Brougham:** Okay.

592 **Mr. Williams:** Okay, thank you all.

593 **Mr. Brougham:** And I definitely understood that we were not to be, we were not liable
594 for any fees associated with this transaction and I think that's on the record, be that as it may.

595 **Mr. DiNardo:** Well, I will pay for the exchange, when the exchange happens but, if the
596 exchange does not happen, I'm not paying for it. That's what we said, so I'm not paying for
597 something that is not going to happen, because this Board does not want to do anything against
598 U.S. Bank.

599 **Mr. Brougham:** No, well, I dispute that. We can argue all day about it. This Board is
600 perfectly willing to go forward with the bond exchange transaction.

601 **Mr. DiNardo:** So is the bondholders and so is the developer.

602 **Mr. Brougham:** With the exception of U.S. Bank as trustee.

603 **Mr. DiNardo:** So they can take more money out.....?

604 **Mr. Brougham:** You, as the bondholders, Mr. DiNardo, have said you will not go
605 forward, as long as U.S. Bank is trustee. This Board has not said that. You have.

606 **Mr. DiNardo:** Well, you want to know something?

607 **Mr. Brougham:** Yes.

608 **Mr. DiNardo:** This Board, you owe U.S. Bank \$460,000.....

609 **Mr. Brougham:** They're alleging that we do. Do you agree that we owe them some bill
610 that we have never seen?

611 **Mr. DiNardo:** I have no idea.

612 **Mr. Brougham:** Well then why do you make that statement?

613 **Mr. DiNardo:** Because they made the statement. The Board is doing nothing to prevent
614 that statement.

615 **Mr. Brougham:** This is all hearsay and I don't want to engage in it.

616 **Mr. DiNardo:** When you get a legal letter, that's not hearsay.

617 **Mr. Brougham:** Okay, that's fine. Thank you. It doesn't seem to me that those
618 comments help out this District, at all.

619

620 **SUMMARY TRANSCRIPTION COMMENCED**

621

622 **SECOND ORDER OF BUSINESS**

Special Counsel Update: Bankruptcy Proceedings

623

624

625 There being nothing additional to report, the next item followed.

626

627 **THIRD ORDER OF BUSINESS**

Developer's Report/Update

628

629 There being nothing additional to report, the next item followed.

630

631 **FOURTH ORDER OF BUSINESS**

Update: Series 2006 Bonds

632

633 Mr. Adams indicated that the transaction closed and was funded a couple of weeks ago.

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

635 In response to Mr. Brougham's question, Mr. Adams clarified that the Series 2006 and
636 1999 bonds were refunded; the 1999 bonds were refunded a few months ago and the 2006 bond

637 refunding closed most recently. Mr. Adams advised that the proposed budget reflects both
638 refundings.

639 Mr. Brougham asked if the refundings will result in savings for all CDD #1 residents.
640 Mr. Adams stated that savings will be realized for the residents of those bond areas, which
641 encompasses most residents.

642 Mr. Brougham pointed out that U.S. Bank is the trustee on the new bonds.

643

644 **FIFTH ORDER OF BUSINESS**

Engineer’s Report

645

646 Regarding the lake bank erosion control, Mr. Cole reported that the geotubes have all
647 been filled but, due to the high amount of rain, the contractor has not been able to spread the
648 bags next to the golf course. This work is being coordinated with Mr. Jim Vagen. Mr. Cole
649 indicated that the golf course is closed on Monday and Tuesday, through September, and he is
650 hopeful that the rains will decrease enough for the work to be completed. He noted that the
651 material was spread and grass was installed, in non-golf course areas, and will be completed this
652 week.

653 Mr. Brougham asked if the work can be extended. Mr. Cole replied affirmatively, adding
654 that it will be trickier with the golf course closure. Mr. Cole pointed out that water levels usually
655 do not drop until October. Mr. Brougham asked if all of the geotubes are in place. Mr. Cole
656 replied yes, in this phase. Mr. Brougham questioned when the contractor will be paid. Mr. Cole
657 stated that the contractor will be paid but the District will hold retainage for the work that must
658 be completed. Mr. Adams indicated that there were progress payments.

659 Regarding the traffic signal project, Mr. Cole indicated that work began. He is obtaining
660 topographic information and is discussing the work progression with David Plummer and
661 Associates, the traffic consultant who is designing the signal and coordinating the items needed
662 for the topographic information. Mr. Cole is also coordinating with an underground utility locate
663 company. The design efforts will continue.

664 Mr. Peterson asked when the light will be installed. Mr. Cole recalled stating, at the last
665 meeting, that it will take about one (1) year to complete the entire project.

666 Mr. Pires asked if the District needs a letter from Collier County or FDOT confirming
667 that they approved installation of the traffic signal. Mr. Brougham advised that the FDOT will
668 provide a letter, if the District requests it; however, the FDOT email that the District received is

669 sufficient justification of their approval. Mr. Cole indicated that the email is sufficient
670 justification that the warrants are met to proceed with the signal; the District must still go
671 through the FDOT permitting process, as well as courtesy copying Collier County.

672 Mr. Pires questioned if FDOT typically issues a letter, as opposed to an email, indicating
673 that the warrants were achieved and that the signal was appropriate and authorized. Mr. Cole
674 indicated that he will follow up with FDOT. Mr. Brougham stated that he has no objection to
675 obtaining the letter, other than FDOT indicating that they normally do not issue a letter. Mr.
676 Pires recommended obtaining a letter. Mr. Brougham directed Mr. Cole to ask FDOT for a
677 letter. Mr. Pires stressed that the letter should be from someone who has the authority to give
678 authorization.

679 Mr. Cole presented Draw #81, for the 2005 Series bonds, for approximately \$2,400 for
680 ongoing work related to the lake and roadway conveyances. Documents were prepared and Mr.
681 Cole met with Mr. Pires and Mr. Mark Woodward. Additional information was provided for the
682 lakes turnover and the matter is pending.

683 Mr. Brougham asked Mr. Cole to identify engineering expenses associated with the
684 traffic signal, separately, for the purposes of accruing expenses. Mr. Cole indicated that
685 engineering expenses will be billed through the general fund. Mr. Brougham asked Mr. Adams
686 if Management is tracking expenses associated with the traffic signal. Mr. Adams replied
687 affirmatively. Mr. Brougham questioned if the estimate remains \$350,000 to \$400,000. Mr.
688 Cole recalled that the estimate was approximately \$350,000. It was noted that \$350,000 is the
689 total estimated expense, not just CDD #1's portion.

690 Regarding the Waste Management (WM) punch list items, related to the resurfacing
691 project, Mr. Cole advised that he must follow up with WM on those items, including minor
692 cleanup and final striping. Mr. Brougham asked when striping will occur. Mr. Cole felt that it
693 should be completed soon.

694 Mr. DiNardo stated, for the record, that the traffic light was in the construction funds.
695 Mr. Brougham voiced his understanding. Mr. DiNardo explained that everyone must pay extra
696 because the traffic light was in the construction funds that were taken. Mr. Brougham stressed
697 that the Board understands that the traffic light was to be funded with construction funds, until
698 U.S. Bank took \$4 to \$5 million from the construction account. Mr. Brougham pointed out that

699 the Engineer's Report was subsequently revised so that the traffic signal is no longer included.
700 Mr. Brougham stated that the District would stop people from raiding the funds, if it could.

701 Regarding Mr. Brougham's comment about the District stopping people from raiding the
702 funds, if it could, Mr. Vacaro questioned if the District could file a lawsuit against U.S. Bank for
703 illegally taking the construction bond money. Mr. Brougham advised that the term "illegally" is
704 up for debate. Mr. Brougham stated that filing a lawsuit was discussed and the Board decided, a
705 year-and-a-half or two (2) years ago, not to pursue a lawsuit against U.S. Bank. Mr. Vacaro
706 asked if money will be spent to answer U.S. Bank's blackmail letter, which indicates that the
707 CDD owes them \$460,000. Mr. Brougham replied perhaps. Mr. Vacaro pointed out that the
708 District will be spending money on that matter. Mr. Brougham advised that the District will
709 spend legal funds, as authorized to date, for Mr. Pires to conduct an investigation of where the
710 District can file a complaint about U.S. Bank's actions. Mr. Brougham added that the District
711 has not initiated a lawsuit against them; everything is alleged.

712 Mr. Fritz asked if it would be logical to discuss this with CDD #2, as they are already
713 involved in a lawsuit with U.S. Bank. Mr. Brougham indicated that two (2) Staff members
714 attend the CDD #2 meetings each month and are kept up-to-date regarding the lawsuit. Mr. Pires
715 recalled that the Board authorized Staff to have general discussions with Mr. Reyes, CDD #2's
716 special counsel. Mr. Fritz asked Mr. Pires' opinion of CDD #2's position. Mr. Brougham stated
717 "No comment".

718 Mr. DiNardo indicated that CDD #2 won an injunction against U.S. Bank from taking
719 any funds from the construction account. U.S. Bank appealed the ruling and it will be heard by
720 the appeals court this week. Mr. DiNardo reiterated that CDD #2 won an injunction and have an
721 ongoing lawsuit. He noted that the bondholders are also suing U.S. Bank. Mr. DiNardo stressed
722 U.S. Bank is no longer taking construction money from CDD #2's accounts.

723 Mr. Vacaro wondered if U.S. Bank would stop taking construction funds, if CDD #1 filed
724 a lawsuit. Mr. Brougham indicated that he is stopping discussion on this matter. Mr. Brougham
725 voiced his position that, in the past, the Board thoroughly discussed the matter, at the time, and
726 the Board decided not to pursue legal action. In Mr. Brougham's opinion, CDD #2 is a
727 completely different entity, in terms of its percentage of build out and construction money needs,
728 than CDD #1, which was a primary consideration of the Board, in making its decision. Mr.
729 Brougham stated that CDD #1 was within one (1) or two (2) areas fully built out; all of the

730 infrastructure was in place so there was less risk, in the Board’s opinion, at that time, to pursue
 731 any legal action against U.S. Bank for taking bondholder construction money and remitting it to
 732 the bondholders or wherever it went. Mr. Brougham stated that it is history.

733 Mr. Vacaro noted that Marsh Cove is not built out. Mr. Brougham acknowledged that
 734 Marsh Cove is not built out and, to the extent that infrastructure must be built, it will be at the
 735 developer’s expense. Mr. Vacaro noted U.S. Bank’s letter to the District. Mr. Brougham
 736 advised that the District responded but U.S. Bank has yet to respond. Mr. Brougham explained
 737 that the District directed District Counsel to investigate what governmental agency the District
 738 can file a complaint with.

739

740 **SIXTH ORDER OF BUSINESS**

Affidavits of Publication

741

742 Mr. Adams presented the affidavits of publication for today’s Public Hearing and Regular
 743 Meeting.

744

745 **SEVENTH ORDER OF BUSINESS**

**Public Hearing to Consider Resolution
 2013-10, Adopting the Final Budget for
 Fiscal Year 2013/2014, Pursuant to
 Florida Law**

746

747

748

749

750 *****Mr. Brougham opened the Public Hearing.*****

751 It was noted that a copy of Resolution 2013-10 was omitted from the agenda packages;
 752 however, the proposed budget was included.

753 Mr. Adams stated that Ms. Alice Carlson, of AJC Associates, Inc., is in attendance today
 754 to present changes to the lien roll.

755 Ms. Carlson indicated that residents own property in the areas covered by the recently
 756 refinanced bond series’. She advised that all assessments were reduced.

757 Ms. Carlson highlighted adjustments related to the original 1996 bonds, which were
 758 refinanced in 2006 and were recently refinanced again, becoming the 2013 bonds. She
 759 distributed spreadsheets detailing the lien roll adjustments and noted the neighborhoods, on Page
 760 1. Ms. Carlson indicated that there were no replats or changes on this bond issue, as everything
 761 was platted years ago. She advised that four (4) Isla Del Sol units were sold. Ms. Carlson
 762 referred to the “Isla Del Sol 2” line item, which stated “no buydown”, and explained that, when

763 the process began, the developer was making "buydown" payments on the closings; the
764 developer was selling the property and making a buydown payment because they felt that the
765 debt on the property was too high. The developer continued doing this for all of the bond series'
766 until after the bankruptcy, at which time, the decision was made to discontinue "buydown"
767 payments, for certain neighborhoods. Ms. Carlson indicated that, after the refinancing, one (1)
768 prepayment was received, in Whisper Trace. The schedule reflects assessment savings this year,
769 of \$98 to \$927, over last year, depending on the neighborhood.

770 Ms. Carlson indicated that the 1999 bonds that were refinanced are now the 2013-1
771 bonds. She recalled that, last year, the process to replat Runaway Bay began but it was officially
772 platted this year. Ms. Carlson advised that the Runaway Bay neighborhood was replatted from
773 49 to 98 lots. The developer sold 52 units to Lennar and, to date, Lennar had nine (9) closings.
774 Ms. Carlson noted that this bond also includes the clubhouse and spa building. The schedule
775 reflects assessment savings, this year, of \$172 to \$575, over last year, depending on the
776 neighborhood. In response to Mr. Brougham's comment, Ms. Carlson confirmed that the club
777 and spa savings is \$17,350.

778 Mr. Brougham asked if there were any changes in ERUs. Ms. Carlson replied no; the
779 only thing that would change is the net ERUs, due to prepayments.

780 No members of the public spoke.

781 *****Mr. Brougham closed the Public Hearing.*****

782 Mr. Adams presented Resolution 2013-10 for the Board's consideration. He explained
783 that Resolution 2013-10 identifies that the District had a public hearing, today, which was
784 appropriately noticed and advertised and that the budget that was prepared adequately addresses
785 all of the District's operating and debt service retirement expense needs.

786

On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, Resolution 2013-10, Adopting the Final Budget for Fiscal Year 2013/2014, Pursuant to Florida Law, was adopted.

791

792

793 ■ **Consideration of Resolution 2013-11, Imposing Special Assessments and Certifying**
794 **an Assessment Roll (to be provided by District Counsel)**

795 *****This item was an addition to the Agenda.*****

796 Mr. Adams presented Resolution 2013-11 for the Board's consideration. He explained
797 that Resolution 2013-11 levies the assessments; it contains Exhibit A, which is the Fiscal Year
798 2014 budget, along with Exhibit B, which is the Lien Roll, prepared and discussed by Ms.
799 Carlson. Mr. Adams stated that the resolution levies the assessments, in the amounts necessary
800 to fund the adopted budget, certifies the roll, authorizes placement of the assessments on the
801 property tax bill and, on the off-roll basis, a prorated schedule of billing off roll, on a monthly
802 basis, during the course of the fiscal year.

803 Mr. Pires read Resolution 2013-11 into the record:

804 *"A Resolution of the Fiddler's Creek Community Development District #1,*
805 *Imposing Special Assessments and Certifying an Assessment Roll, Providing a*
806 *Severability Clause, and Providing an Effective Date"*

807 Mr. Pires advised that the assessment lien records will also include the maintenance
808 assessments, as well as the debt service assessments, a portion of which Ms. Carlson provided.

809

**On MOTION by Mr. Curland and seconded by Mr. Peterson,
with all in favor, Resolution 2013-11, Imposing Special
Assessments and Certifying an Assessment Roll, was adopted.**

810

811

812

813

814

815 Mr. Brougham directed Mr. Adams to chastise his Staff regarding Resolutions 2013-10
816 and 2013-11 not being included in the Agenda package. Mr. Adams assured Mr. Brougham that
817 he is not pleased and will speak to Staff; the documents are standard and identical to what the
818 Board has seen in the past and should have been included. Mr. Brougham discussed continuing
819 the meeting, since the documents were not available during today's meeting.

820

821 **EIGHTH ORDER OF BUSINESS**

822

823

824

825 This item was previously discussed.

826

827 **NINTH ORDER OF BUSINESS**

828

**Discussion: Recent Events Delaying the
Issuance of the Series 2002 and 2005
Exchange Bonds**

Discussion: Lakes Turnover

829 Mr. Pires noted that revised documents were provided to him by Mr. Cole. He reviewed
830 them and will schedule a meeting with Mr. Cole. Mr. Pires hopes to finalize this by the next
831 meeting.

832 Mr. Brougham asked Mr. Pires if he believes this matter can be finalized. Mr. Pires
833 replied affirmatively stating that the problem relates to some lakes being excavated beyond the
834 lake bank tracts. Mr. Pires explained that those issues must be resolved, whether through
835 additional easements or through another means.

836

837 **TENTH ORDER OF BUSINESS**

**Consideration of Traffic Signal Cost
838 Sharing Interlocal Agreement with
839 Fiddler’s Creek CDD #2**

840

841 Mr. Brougham presented the Interlocal Agreement for the Board’s consideration. He
842 noted that the only change from the agreement authorized last month was that CDD #2 wished to
843 reimburse its 50% of the cost after the traffic signal is installed.

844 It was noted that CDD #2 has 45 days, following completion, to pay their portion of the
845 costs, meaning, CDD #1 will carry the full costs until the work is completed.

846 Mr. Curland pointed out that the agreement is for two (2) lights and asked if the proposed
847 third ingress/egress off of Fiddler’s Creek Parkway will never be opened. Mr. Cole advised that,
848 currently, there are no plans to pursue it. Mr. Curland asked what is planned for that area. Mr.
849 DiNardo indicated that, temporarily, landscaping will be installed; the developer has not made a
850 final decision.

851 Should a light be needed at Championship Drive and 951, Mr. Curland asked who will be
852 responsible for installing it. Mr. Adams indicated that the area has multiple property owners.
853 Mr. Pires advised that part of the obligation of the District or developer, for the payment of
854 installation of the signal at 951 and Fiddler’s Creek Parkway. The county’s position comes from
855 the PUD document, which is the zoning document for Fiddler’s Creek. Mr. Pires questioned if
856 the Board wants him to investigate whether it says anything about Championship Drive, although
857 he does not believe it was intended to be a civilized intersection. Mr. Brougham stated that there
858 is nothing in the District’s PUD that obligates the District in any way to Championship Drive.

859 Mr. Curland asked if this means that no other traffic light agreements will need to be put
 860 in place, as a result of this agreement. Mr. Brougham replied, as a result of this, absolutely not;
 861 there are two (2) lights, end of story, there is no open end.

862

On MOTION by Mr. Peterson and seconded by Mr. Brougham, with all in favor, the Traffic Signal Cost Sharing Interlocal Agreement with Fiddler’s Creek CDD #2, was approved.

863

864

865

866

867

868

ELEVENTH ORDER OF BUSINESS

**Discussion: Public Participation Protocol
 (to be provided under separate cover)**

869

870

871

872

873

874

875

876

877

878

879

Mr. Pires indicated that the legislature adopted new laws related to public participation at meetings, effective October 1, 2013. He stated that the District already has a document in place which outlines procedures at meetings. The Rules of Procedure, in a general manner, articulate when the District has a meeting and a quorum. The Board, by resolution, in 2007, also adopted and reaffirmed, the “Protocol and Meeting Procedures”. Mr. Pires stated that a minor addition is necessary to clarify the “Citizen’s Right to be Heard”, regarding various items, topics, time limitations and how those can be controlled; otherwise, the current procedures achieves about 95% of the new requirements.

880

881

882

Mr. Pires felt that the “Rules of Procedure” do not need to be amended; rather, he suggested adopting a resolution that amends the “Protocol and Meeting Procedures”; a draft will be included in the next agenda.

883

884

885

Mr. Brougham felt that it is important to facilitate questions from the public at the time an item is discussed rather than restricting public comments to the end of the meeting. He stated that he tries to entertain audience questions, as a topic is being discussed.

886

887

888

Mr. Pires indicated that he worked with Mr. Adams and suggested that the agenda packages contain a brief outline of the “Protocol and Meeting Procedures” for speakers, so that the public knows what to do, if they wish to speak during a meeting.

889

TWELFTH ORDER OF BUSINESS

Approval of July 24, 2013 Regular Meeting Minutes

890

891

892

893 Mr. Brougham presented the July 24, 2013 Regular Meeting Minutes and asked for any
894 additions, deletions or corrections. The following changes were made:

895 Line 161: Change "#2" to "#1"

896

897 **On MOTION by Mr. Peterson and seconded by Mr.**
898 **Brougham, with all in favor, the July 24, 2013 Regular Meeting**
899 **Minutes, as amended, were approved.**

900

901

902 **THIRTEENTH ORDER OF BUSINESS** **Other Business**

903

904 Mr. Brougham recalled the discussion, earlier in the meeting, regarding U.S. Bank's
905 actions, and voiced his preference to expend legal fees to investigate what governmental agency
906 the District can file a complaint with, against U.S. Bank, as opposed to incurring legal fees to
907 join CDD #2's lawsuit or initiate a lawsuit. Mr. Brougham asked each Board Member to
908 comment.

909 Mr. Slater acknowledged that CDD #2 was granted an injunction against U.S. Bank;
910 however, he prefers to remain low-key, having Mr. Pires locate federal agencies that the District
911 can complain to regarding U.S. Bank. He does not want to join CDD #2 now but his opinion
912 might change if CDD #2's injunction holds.

913 Mr. Adams indicated that CDD #2 approached the Comptroller of the Currency
914 Administration of National Banks, which appears to be the agency that CDD #1 would file its
915 complaint with. Mr. Pires advised that he will research it.

916 Mr. Brougham reminded everyone that this is a Board discussion, only.

917 Mr. Curland recalled that, several years ago, the Board decided not to become involved in
918 a lawsuit against the trustee or their attorneys, by virtue of the fact that the District has less at
919 stake, as CDD #1 was virtually built out. The Board wanted to see what would happen with
920 CDD #2. Mr. Curland advised that there is nothing in CDD #2's lawsuit and injunction that gets
921 them their lost money; it strictly stops future withdrawal of their funds. He stated, if CDD #2 is
922 successful in recouping their lost funds, he will then suggest that CDD #1 reconsider. Mr.
923 Curland voiced his opinion that, at the current time, it does not make sense for CDD #1 to move
924 forward on anything other than trying to get the bond refinancing completed.

925 Mr. Peterson felt that Mr. Bloom's response to Mr. Pires' response was indicative of how
926 this proceeds forward and whether U.S. Bank is truly looking for \$460,000 or if it is a delay
927 tactic. He feels that the Board does not need to do anything until they see a response to Mr.
928 Pires' subsequent letter to Mr. Bloom.

929 Mr. Brougham felt that a number of factors remain, that are not well-defined. He hopes
930 that Staff can boil this down to substantive, factual statements that the Board can rely upon.

931

932 **FOURTEENTH ORDER OF BUSINESS** **Staff Reports**

933

934 **A. Attorney**

935 Mr. Pires indicated that the hearing on CDD #2's injunction is September 4, 2013. Mr.
936 Brougham directed Mr. Pires to email instructions to the Board regarding how to "live stream"
937 the hearing.

938 **B. Manager**

939 **i. Unaudited Financial Statements as of July 31, 2013**

940 Mr. Brougham presented the Unaudited Financial Statements as of July 31, 2013.

941 Mr. Adams highlighted that the trustee hit three (3) accounts for a total of \$14,835, as
942 reflected, on Page 2, under "Legal bankruptcy". The flow of those funds is shown on Page 6.
943 Mr. Adams stated that \$4,695 came from the 2005 Series bonds debt service fund. On Page 5,
944 \$7,952 came from the 2002 Series bonds reserve account and \$2,188 was taken from the 2005
945 Series bonds construction fund.

946 Mr. Peterson asked if the trustee is obligated to define what the money was taken for.
947 Mr. Adams indicated that Management requested detailed invoices, numerous times, for both
948 Districts. Mr. Adams advised that the trustee indicated that their invoices include detailed
949 information that is privileged during ongoing litigation; therefore, the District only receives
950 statements with general descriptions of who is receiving the funds but with no explanation of the
951 services related to the costs.

952 Mr. Brougham asked Mr. Adams if he will follow up, as previously discussed. Mr.
953 Adams confirmed that he will send follow-up letters, as previously discussed. Mr. Pires stressed
954 that this is important because the District's position is that U.S. Bank is not authorized to take the
955 funds, in addition to their failure to provide details of the expenses. Mr. Pires felt that the trust
956 indenture states that the trustee is to ask the Board whether it will pay those fees.

957 **ii. Fiscal Year 2014 Proposed Meeting Schedule**

958 Mr. Brougham presented the Fiscal Year 2014 Proposed Meeting Schedule for the
959 Board’s consideration.

960 Mr. Adams indicated that the schedule is similar to previous years, with the exception of
961 the December meeting, which is typically moved to a week before Christmas. In the proposed
962 schedule, it was moved to the second week in December.

963

On MOTION by Mr. Brougham and seconded by Mr. Peterson, the Fiscal Year 2014 Proposed Meeting Schedule, as presented, and directing Staff to advertise, accordingly, was approved.

964

965

966

967

968

969

970

iii. NEXT MEETING DATE: September 25, 2013 at 8:00 A.M.

971

The next meeting is scheduled for September 25, 2013 at 8:00 a.m.

972

C. Operations Manager

973

Ms. Crismond reported that the landscape renovation project commenced and is
974 scheduled to be completed this Friday. Tree trimming is underway and will be completed the
975 end of September, weather permitting. Ms. Crismond stated that approximately \$120,000 was
976 spent on tree trimming.

977

Mr. Brougham asked when the District’s landscape contract is up for renewal. Ms.
978 Crismond indicated that the contract expires in December, 2014. Mr. Brougham noted that he
979 complained twice to Ms. Crismond, who passed those complaints along to TruGreen, regarding
980 their deficiencies in blowing leaf debris off the roadways and sidewalks, on a regular basis; in
981 Mr. Brougham’s opinion, TruGreen is very negligent in keeping up with that work. Mr.
982 Brougham stated that there are leaves on sidewalks and he does not believe that they blow the
983 leaves every day. Mr. Brougham feels the same about leaves along the roadways. Mr.
984 Brougham advised that Ms. Crismond put TruGreen on notice and, if the problems do not
985 improve, the District will file a “Notice of Deficiency” with them.

986

987

FIFTEENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors’

988

989

990 Ms. Jesse Fritz, a resident, commented that the trees along Fiddler's Creek Parkway,
991 which are in front of Montreux Lane, seem to have whitefly issues; leaves fall off the trees and
992 TruGreen always seems to be behind on removing the leaves. Mr. Brougham asked if those are
993 ficus trees. Ms. Crismond replied affirmatively. Mr. Brougham asked if whitefly are causing the
994 leaves to drop or if it is an annual cycle. Ms. Crismond confirmed that whitefly was previously
995 causing a lot of leaf dropping; however, she has not seen whitefly activity recently, as the area is
996 being sprayed. Mr. Fritz indicated that the problem is starting again. Mr. Brougham directed
997 Ms. Crismond to have TruGreen review the ficus along the berm between Mulberry Lane and
998 Peppertree Way, as the trees have a lot of leaf loss.

999 Mr. Fritz reported that there is an 18" to 20" hole in front and to the left of the Montreux
1000 Monument.

1001 Mr. Richard Johnston, a resident, noted difficulty hearing certain speakers, with the
1002 exception of Mr. Brougham, who is on the microphone.

1003 Mr. Slater stated that those participating via telephone are difficult to hear; a microphone
1004 for the audience is needed. He pointed out that certain voices do not carry.

1005 Mr. Larry Regnier, a resident, noted that the Championship gate is unmanned and the
1006 number of commercial and business vehicle use of the gate has increased. Mr. Brougham
1007 clarified that those vehicles are free to use that gate to exit the community. Mr. Regnier stated
1008 that traffic is backing up and residents are being delayed ten (10) to 15 minutes, at times. Mr.
1009 Regnier advised that, sometimes, other residents will use their remote control to open the gate for
1010 those vehicles; however, he feels that adds to the danger and lack of security within the
1011 community. Mr. Regnier stated that the community has a commercial entrance and voiced his
1012 opinion that commercial and business vehicles should use the Sandpiper Drive entrance and exit;
1013 Championship gate should be reserved for residents.

1014 Mr. Brougham advised that small commercial vehicles can enter at the Sandpiper Drive
1015 or Main gates; large semi trucks, box trucks, etc., are permitted to enter at the Sandpiper Drive
1016 gate, only. He added that all vehicles can exit through any gate or the gate closest to where they
1017 are. Mr. Brougham recalled that the Board previously discussed restricting commercial and
1018 business vehicles from exiting at a single location but decided against it, due to the complexities
1019 of the gate pass system and the cost.

1020 Noting that he brought this subject to the Board, Mr. Curland disagreed with Mr.
1021 Brougham's statement, noting that the cost issue was not considered when the Board outvoted
1022 him on this matter. Mr. Brougham stated that he stands corrected. Mr. Curland indicated that it
1023 was voted down by the remaining Board Members. Mr. Brougham voiced his opinion that the
1024 District cannot legislate against people's ineptness with the passes; the Board's view, at the time,
1025 was to restrict entrance to the Sandpiper Drive gate but to allow everyone to exit, as
1026 expeditiously as possible.

1027 Mr. Regnier questioned how to change the Board's policy on this matter. Mr. Brougham
1028 indicated that the Board must initiate a motion and vote in favor, after investigating the costs
1029 related to doing this. Mr. Brougham voiced his opinion that restricting exiting will neither
1030 increase or decrease security within the community. Mr. Brougham reiterated that there is no
1031 way to control people. Mr. Regnier felt that if vendors are told which gate to use, they should
1032 use them. Mr. Brougham disagreed, stating that the vendors can be directed but will still do
1033 whatever they want to do.

1034 Mr. Curland suggested that the Board direct the District Manager to investigate, through
1035 the security contractor, and obtain a proposal of what is necessary to limit ingress and egress, at
1036 the Championship gate, to residents only, or better control of the Championship gate from the
1037 Main gate. Mr. Curland stated that he wants to know the options available to improve the
1038 situation.

1039 Mr. DiNardo voiced his opinion that what Mr. Curland proposes is illegal. Mr.
1040 Brougham agreed.

1041 Mr. Curland clarified that he wants the District to investigate options for better access
1042 and egress from the Championship gate.

1043 Mr. DiNardo asked Mr. Pires if the District can restrict any access to the roads. He stated
1044 that construction will use one (1) exit because the developer made it a condition to the builders;
1045 otherwise, he does not know of any other restrictions that the District can make.

1046 Mr. Brougham stated that the District can control but not restrict ingress and egress.

1047 Noting health, safety or welfare considerations, Mr. Pires stated that, in general, the roads
1048 are accessible to the public, as a whole; however, the District can explore whether it has
1049 flexibility. He stated that the Board could find that certain gates are more amenable to certain
1050 types of vehicles, etc., which may give the District the ability to restrict certain gates.

1051 Mr. Adams asked Mr. Curland if he wants to restrict or simply wants to know if there is
1052 alternative technology to improve ingress and egress at the Championship gate. Mr. Curland
1053 stated that he wants to investigate technology to improve ingress and egress.

1054

1055 **On MOTION by Mr. Curland and seconded by Mr. Slater**
1056 **with Mr. Curland, Mr. Slater and Mr. Peterson in favor and**
1057 **Mr. Brougham dissenting, directing the District Manager to**
1058 **investigate, through the security contractor, options to improve**
1059 **ingress and egress, at the Championship gate, was approved.**
1060 **(Motion passed 3-1)**

1061

1062

1063 Mr. Brougham voiced his opinion, as the Chair, that this is a waste of time, as the District
1064 will never be able to legislate it.

1065 Ms. Kathleen Smith, a resident, stated that FPL visited her home last week and noted that
1066 MapQuest still instructs FPL to use the Championship gate. She noted that this created a backup
1067 and asked who controls this.

1068 Mr. Adams indicated that the District has no control over how MapQuest, Google, etc.,
1069 direct people.

1070 Mr. Fritz suggested asking community residents to volunteer to man the Championship
1071 gate.

1072 Ms. Smith agreed that, during the season, the Championship gate should have
1073 supervision.

1074 Mr. Brougham stated that he is tired of talking about this security and “security in name
1075 only”. He voiced his opinion that it is ridiculous that the Board spends time on this type of stuff,
1076 when anybody with any kind of initiative can enter the community at any time, via bicycle, foot
1077 or whatever. Mr. Brougham feels that the Board spends so much time trying to “beat a dead
1078 horse”; people are going to be people, that is the bottom line.

1079 Mr. Curland asked the status of the continuing services agreement for security services.
1080 Mr. Brougham stated that he and Mr. Albeit are still working on the draft. Mr. Brougham
1081 believes that they are close to an agreement and presenting it to the Boards for their input. Mr.
1082 Albeit indicated that they are still reviewing it. Mr. Brougham noted that he recommended some
1083 changes from the initial draft. Mr. Brougham advised that, if agreement of all parties can be
1084 reached, the agreement can go into place, at any time; in the interim, the District renewed its

1085 contract with The Foundation, under the previous terms and conditions, as approved at the last
1086 meeting.

1087

1088 **SIXTEENTH ORDER OF BUSINESS** **Adjournment**

1089

1090 There being nothing further to discuss, the meeting adjourned.

1091

1092 **On MOTION by Mr. Slater and seconded by Mr. Brougham,**
1093 **with all in favor, the meeting adjourned at approximately 9:45**
1094 **a.m.**

1095

1096

1097

1098

1099

1100

1101

1102 _____
Secretary/Assistant Secretary

Chair/Vice Chair

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
FINANCIAL STATEMENTS
UNAUDITED
SEPTEMBER 30, 2013**

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2013**

	General 001	Debt Service Series 1999	Debt Service Series 2002	Debt Service Series 2005	Debt Service Series 2006	Debt Service Series 2013 Refunded 1999	Debt Service Series 2013 Refunded 2006	Capital Projects Series 2005	Total Governmental Funds
ASSETS									
Operating accounts									
SunTrust	\$ 142,145	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 142,145
Broward Bank of Commerce - MMA	75,029	-	-	-	-	-	-	-	75,029
Finemark - MMA	249,985	-	-	-	-	-	-	-	249,985
Finemark - ICS	616,524	-	-	-	-	-	-	-	616,524
BB& T - Savings	673	-	-	-	-	-	-	-	673
Investments									
Revenue	-	-	-	-	-	40,326	9,694	-	50,020
Reserve - series A	-	-	1,885	70	-	433,450	25,000	-	460,405
Reserve - series B	-	-	9,409	-	-	-	-	-	9,409
Prepayment - series A	-	-	-	-	-	8,131	4,725	-	12,856
Prepayment - series B	-	-	39	-	-	-	-	-	39
Debt service	-	-	13	-	-	-	-	-	13
Remedial expenditure	-	-	10,679	499	-	-	-	-	11,178
Interest	-	-	-	-	-	105,633	-	-	105,633
Construction	-	-	-	-	-	-	25,395	1,851	27,246
Cost of issuance	-	-	-	-	-	-	4,997	-	4,997
Due from other funds	397,002	-	-	-	-	-	-	-	397,002
Due from Developer	-	-	-	2,066,816	-	-	-	-	2,066,816
Due from Fiddler's Creek CDD #2	10,983	-	-	-	-	-	-	-	10,983
Due from general fund	-	-	-	-	-	1,516	1,007	-	2,523
Due from other	1,500	-	-	-	-	-	-	-	1,500
Unsold certificates receivable	6,899	-	-	-	-	-	-	-	6,899
Deposits	5,125	-	-	-	-	-	-	-	5,125
Total Assets	<u>\$ 1,505,865</u>	<u>\$ -</u>	<u>\$ 22,025</u>	<u>\$2,067,385</u>	<u>\$ -</u>	<u>\$ 589,056</u>	<u>\$ 70,818</u>	<u>\$ 1,851</u>	<u>\$ 4,257,000</u>
LIABILITIES & FUND BALANCES									
Liabilities:									
Accounts payable	\$ 280,001	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,918	\$ 291,919
Due to other funds									
General fund 001	-	-	7,500	298,337	-	-	-	91,165	397,002
Debt service 2013 - refunded 2006	1,007	-	-	-	-	-	-	-	1,007
Debt service 2013 - refunded 1999	1,516	-	-	-	-	-	-	-	1,516
Due to Fiddler's Creek CDD #2	658	-	-	-	-	-	-	-	658
Anchor marine retainage	6,374	-	-	-	-	-	-	-	6,374
Deferred revenue	6,899	-	-	2,066,816	-	-	-	-	2,073,715
Total liabilities	<u>296,455</u>	<u>-</u>	<u>7,500</u>	<u>2,365,153</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>103,083</u>	<u>2,772,191</u>
Fund balances:									
Reserved for:									
Debt service	-	-	14,525	(297,768)	-	589,056	70,818	-	376,631
Capital projects	-	-	-	-	-	-	-	(101,232)	(101,232)
Unreserved, undesignated	1,209,410	-	-	-	-	-	-	-	1,209,410
Total fund balances	<u>1,209,410</u>	<u>-</u>	<u>14,525</u>	<u>(297,768)</u>	<u>-</u>	<u>589,056</u>	<u>70,818</u>	<u>(101,232)</u>	<u>1,484,809</u>
Total liabilities and fund balance	<u>\$ 1,505,865</u>	<u>\$ -</u>	<u>\$ 22,025</u>	<u>\$2,067,385</u>	<u>\$ -</u>	<u>\$ 589,056</u>	<u>\$ 70,818</u>	<u>\$ 1,851</u>	<u>\$ 4,257,000</u>

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND 001
FOR THE PERIOD ENDED SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 1,853,849	\$ 1,831,128	101%
Developer assessment	96,757	580,543	580,543	100%
Interest	316	4,274	1,000	427%
Miscellaneous	1,175	8,941	10,000	89%
Disposal of fixed assets	-	555	-	N/A
Total revenues	<u>98,248</u>	<u>2,448,162</u>	<u>2,422,671</u>	101%
EXPENDITURES				
Administrative				
Supervisors	-	11,196	12,918	87%
Management	4,848	58,175	58,175	100%
Assessment roll preparation	-	24,500	24,500	100%
Accounting services	1,583	18,997	18,997	100%
Audit	-	6,500	15,100	43%
Legal	14,452	48,987	20,000	245%
Legal - bankruptcy	1,356	30,312	-	N/A
Engineering	7,207	28,778	15,000	192%
Engineering - FC parkway traffic signal	1,436	1,436	-	N/A
Telephone	50	594	594	100%
Postage	371	3,087	2,000	154%
Insurance	-	15,000	29,511	51%
Printing and binding	50	594	594	100%
Legal advertising	2,225	3,323	2,000	166%
Office supplies	353	1,144	750	153%
Annual district filing fee	-	175	175	100%
Trustee	-	12,644	15,500	82%
Arbitrage rebate calculation	-	-	4,000	0%
Contingencies	72	1,097	3,000	37%
Dissemination agent	911	10,928	10,928	100%
Total administrative	<u>34,914</u>	<u>277,467</u>	<u>233,742</u>	119%
Field management				
Field management services	2,101	25,218	25,218	100%
Total field management	<u>2,101</u>	<u>25,218</u>	<u>25,218</u>	100%
Water management maintenance				
Other contractual	143,482	329,005	399,738	82%
Fountains	6,770	45,475	47,500	96%
Total water management maintenance	<u>150,252</u>	<u>374,480</u>	<u>447,238</u>	84%
Street lighting				
Contractual services	11,629	19,449	12,000	162%
Electricity	5,819	34,808	34,000	102%
Holiday lighting program	-	11,000	12,000	92%
Miscellaneous	-	-	1,500	0%
Total street lighting	<u>17,448</u>	<u>65,257</u>	<u>59,500</u>	110%

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND 001
FOR THE PERIOD ENDED SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
Landscaping				
Other contractual - landscape maintenance	190,809	827,122	880,000	94%
Improvements and renovations	95,679	106,048	145,000	73%
Contingencies	11,403	15,613	25,000	62%
Total landscaping	<u>297,891</u>	<u>948,783</u>	<u>1,050,000</u>	90%
Access control				
Contractual services	35,816	296,365	303,185	98%
Rentals and leases	-	18,780	25,035	75%
Fuel	1,207	11,644	9,948	117%
Repairs and maintenance - parts	527	5,076	4,974	102%
Repairs and maintenance - gatehouse	1,309	13,741	16,579	83%
Insurance	-	6,844	4,510	152%
Operating supplies	4,099	40,729	26,527	154%
Total access control	<u>42,958</u>	<u>393,179</u>	<u>390,758</u>	101%
Roadway				
Contractual services	399	4,788	6,500	74%
Roadway maintenance	5,230	51,643	50,000	103%
Total roadway	<u>5,629</u>	<u>56,431</u>	<u>56,500</u>	100%
Irrigation supply				
Electricity	43	256	750	34%
Repairs and maintenance	1,206	2,367	1,500	158%
Supply system	14,132	140,043	118,800	118%
Total irrigation supply	<u>15,381</u>	<u>142,666</u>	<u>121,050</u>	118%
Other fees & charges				
Property appraiser	-	28,064	28,611	98%
Tax collector	-	36,973	38,148	97%
Total other fees & charges	<u>-</u>	<u>65,037</u>	<u>66,759</u>	97%
Total expenditures	<u>566,574</u>	<u>2,348,518</u>	<u>2,450,765</u>	96%
Excess/(deficiency) of revenues over/(under) expenditures	(468,326)	99,644	(28,094)	
OTHER FINANCING SOURCES/(USES)				
Transfers in	-	22,993	-	N/A
Transfers out	-	(1,528)	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>21,465</u>	<u>-</u>	N/A
Net change in fund balances	(468,326)	121,109	(28,094)	
Fund balances - beginning	1,677,736	1,088,301	679,331	
Fund balances - ending	<u>\$ 1,209,410</u>	<u>\$ 1,209,410</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 SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 1,037,830	\$ 1,040,091	100%
Assessments prepayment	-	8,601	-	N/A
Interest	-	157	-	N/A
Total revenues	<u>-</u>	<u>1,046,588</u>	<u>1,040,091</u>	101%
EXPENDITURES				
Debt service				
Principal A	-	465,000	465,000	100%
Principal B	-	135,000	135,000	100%
Interest A	-	313,138	313,431	100%
Interest B	-	88,740	88,740	100%
Principal prepayment A	-	10,000	-	N/A
Total debt service	<u>-</u>	<u>1,011,878</u>	<u>1,002,171</u>	101%
Other fees & charges				
Property appraiser	-	15,940	16,251	98%
Tax collector	-	20,698	21,669	96%
Total other fees & charges	<u>-</u>	<u>36,638</u>	<u>37,920</u>	97%
Total expenditures	<u>-</u>	<u>1,048,516</u>	<u>1,040,091</u>	101%
Excess/(deficiency) of revenues over/(under) expenditures	-	(1,928)	-	
OTHER FINANCING SOURCES				
Transfers out	-	(1,297,305)	-	
Total other financing sources	<u>-</u>	<u>(1,297,305)</u>	<u>-</u>	
Net change in fund balances	<u>-</u>	<u>(1,299,233)</u>	<u>-</u>	
Fund balances - beginning	-	1,299,233	1,246,877	
Fund balances - ending	<u>\$ -</u>	<u>\$ -</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 SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Special assessment: off-roll	\$ -	\$ -	\$ 1,020,202	0%
Interest	-	10	-	N/A
Total revenues	<u>-</u>	<u>10</u>	<u>1,020,202</u>	0%
EXPENDITURES				
Debt service				
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	-	10	-	
OTHER FINANCING SOURCES/(USES)				
Transfer out	-	(7,952)	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>(7,952)</u>	<u>-</u>	N/A
Net change in fund balances	-	(7,942)	-	
Fund balances - beginning	14,525	22,467	(1,192,331)	
Fund balances - ending	<u>\$ 14,525</u>	<u>\$ 14,525</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 SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Special assessment: off-roll	\$ -	\$ -	\$ 743,439	0%
Interest	-	1	-	N/A
Total revenues	<u>-</u>	<u>1</u>	<u>743,439</u>	0%
EXPENDITURES				
Debt service				
Principal	-	-	263,247	0%
Interest	-	-	480,192	0%
Total debt service	<u>-</u>	<u>-</u>	<u>743,439</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	-	1	-	
OTHER FINANCING SOURCES/(USES)				
Transfer out	-	(4,695)	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>(4,695)</u>	<u>-</u>	N/A
Net change in fund balances	-	(4,694)	-	
Fund balances - beginning	<u>(297,768)</u>	<u>(293,074)</u>	<u>(280,432)</u>	
Fund balances - ending	<u>\$ (297,768)</u>	<u>\$ (297,768)</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 SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 698,178	\$ 690,494	101%
Assessment prepayments	-	2,153	-	N/A
Interest	-	123	-	N/A
Total revenues	<u>-</u>	<u>700,454</u>	<u>690,494</u>	101%
EXPENDITURES				
Debt service				
Principal	-	520,000	520,000	100%
Interest	-	146,744	145,320	101%
Principal prepayment	-	5,000	-	N/A
Total debt service	<u>-</u>	<u>671,744</u>	<u>665,320</u>	101%
Other fees & charges				
Property appraiser	-	10,583	10,789	98%
Tax collector	-	13,925	14,385	97%
Contingencies	-	6	-	N/A
Total other fees & charges	<u>-</u>	<u>24,514</u>	<u>25,174</u>	97%
Excess/(deficiency) of revenues over/(under) expenditures	-	4,196	-	
OTHER FINANCING SOURCES/(USES)				
Transfers in	-	1,528	-	N/A
Transfers out	-	(806,500)	-	N/A
Payment to bond escrow agent*	-	-	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>(804,972)</u>	<u>-</u>	N/A
Net change in fund balances	-	(800,776)	-	
Fund balances - beginning	-	800,776	774,241	
Fund balances - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 774,241</u>	

* This activity relates to the refunding of this bond series; however, the refunding bonds had not closed as of July 31, 2013.

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2013 (REFUNDED SERIES 1999)
FOR THE PERIOD ENDED SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 15,124	\$ -	N/A
Assessment prepayments	-	8,131	-	N/A
Interest	6	27	-	N/A
Total revenues	<u>6</u>	<u>23,282</u>	<u>-</u>	N/A
EXPENDITURES				
Debt service				
Cost of issuance	-	115,421	-	N/A
Total debt service	<u>-</u>	<u>115,421</u>	<u>-</u>	N/A
Other fees & charges				
Tax collector	-	302	-	N/A
Total other fees & charges	<u>-</u>	<u>302</u>	<u>-</u>	N/A
Total expenditures	<u>-</u>	<u>115,723</u>	<u>-</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	6	(92,441)	-	
OTHER FINANCING SOURCES/(USES)				
Transfers in	-	1,297,305	-	N/A
Bond proceeds	-	5,905,000	-	N/A
Payment to bond escrow agent	-	(6,303,858)	-	N/A
Original issue discount	-	(98,850)	-	N/A
Underwriters discount	-	(118,100)	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>681,497</u>	<u>-</u>	N/A
Net change in fund balances	6	589,056	-	
Fund balances - beginning	589,050	-	-	
Fund balances - ending	<u>\$ 589,056</u>	<u>\$ 589,056</u>	<u>\$ -</u>	

**FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2013 (REFUNDED SERIES 2006)
FOR THE PERIOD ENDED SEPTEMBER 30, 2013**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 1,027	\$ -	N/A
Assessment prepayments	4,725	4,725	-	N/A
Interest	2	2	-	N/A
Total revenues	<u>4,727</u>	<u>5,754</u>	<u>-</u>	N/A
EXPENDITURES				
Debt service				
Cost of issuance	26,500	76,138	-	N/A
Total debt service	<u>26,500</u>	<u>76,138</u>	<u>-</u>	N/A
Total expenditures	<u>26,500</u>	<u>76,138</u>	<u>-</u>	N/A
Other fees & charges				
Tax collector	-	20	-	N/A
Total other fees & charges	<u>-</u>	<u>20</u>	<u>-</u>	N/A
Total expenditures	<u>26,500</u>	<u>76,158</u>	<u>-</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	(21,773)	(70,404)	-	
OTHER FINANCING SOURCES/(USES)				
Transfers in	-	806,500	-	N/A
Bond proceeds*	-	2,425,000	-	N/A
Payment to bond escrow agent	-	(3,029,653)	-	N/A
Underwriters discount	-	(60,625)	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>141,222</u>	<u>-</u>	N/A
Net change in fund balances	(21,773)	70,818	-	
Fund balances - beginning	92,591	-	-	
Fund balances - ending	<u>\$ 70,818</u>	<u>\$ 70,818</u>	<u>\$ -</u>	

* This activity relates to the refunding of the 1999 bond series; however, the refunding bonds had not closed as of July 31, 2013.

**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 SEPTEMBER 30, 2013**

	Current Month	Year To Date
REVENUES		
Interest	\$ -	\$ 2
Total revenues	-	2
EXPENDITURES		
Capital outlay	-	18,192
Total expenditures	-	18,192
Excess/(deficiency) of revenues over/(under) expenditures	-	(18,190)
OTHER FINANCING SOURCES/(USES)		
Transfers out	-	(10,346)
Total other financing sources/(uses)	-	(10,346)
Net change in fund balances	-	(28,536)
Fund balances - beginning	(101,232)	(72,696)
Fund balances - ending	\$ (101,232)	\$ (101,232)

Fiddler's Creek

Community Development District #1

Series 2002 A

\$10,120,000

Amortization Schedule

Date	Principal	Rate	Interest	Total P+
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

Date	Principal	Rate	Interest	Total P+I
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
Total	\$ 9,365,000.00	-	\$ 9,752,703.26	\$ 19,117,703.26

Fiddler's Creek

Community Development District #1

Series 2002 B

\$5,330,000

Amortization Schedule

Date	Principal	Rate	Interest	Total P+I
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

Date	Principal	Rate	Interest	Total P+I
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

Date	Principal	Rate	Interest	Total P+I
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

Date	Principal	Rate	Interest	Total P+I
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
Total	\$ 12,365,000.00	-	\$ 13,081,950.00	\$ 25,446,950.00

Fiddler's Creek

Community Development District #1

Series 2006

\$6,570,000

Amortization Schedule

Date		Principal	Rate		Interest		Total P+I
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

Fiddler's Creek

Community Development District #1
Series 2013 (refunded Series 1999)
\$ 5,905,000

Amortization Schedule

Date	Principal	Rate	Interest	Total P+I
05/20/13	\$ -	4.000%	\$ -	\$ -
11/01/13	-	4.000%	105,633.89	105,633.89
05/01/14	640,000.00	4.000%	118,100.00	758,100.00
11/01/14	-	4.000%	105,300.00	105,300.00
05/01/15	665,000.00	4.000%	105,300.00	770,300.00
11/01/15	-	4.000%	92,000.00	92,000.00
05/01/16	690,000.00	4.000%	92,000.00	782,000.00
11/01/16	-	4.000%	78,200.00	78,200.00
05/01/17	720,000.00	4.000%	78,200.00	798,200.00
11/01/17	-	4.000%	63,800.00	63,800.00
05/01/18	750,000.00	4.000%	63,800.00	813,800.00
11/01/18	-	4.000%	48,800.00	48,800.00
05/01/19	785,000.00	4.000%	48,800.00	833,800.00
11/01/19	-	4.000%	33,100.00	33,100.00
05/01/20	810,000.00	4.000%	33,100.00	843,100.00
11/01/20	-	4.000%	16,900.00	16,900.00
05/01/21	845,000.00	4.000%	16,900.00	861,900.00
11/01/21	-	4.000%	-	-
	<u>\$ 5,905,000.00</u>		<u>\$ 1,099,933.89</u>	<u>\$ 7,004,933.89</u>