

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

**REGULAR MEETING  
AGENDA**

**November 18, 2015**

# Fiddler's Creek Community Development District #1

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Fax: (561) 571-0013 • Toll-free: (877) 276-0889

November 12, 2015

## **ATTENDEES:**

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

Board 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, November 18, 2015 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: Non-Agenda Items (*3 minutes per speaker*)
3. Special Counsel Update
4. Developer's Report
5. Engineer's Report
6. Update: SR 951 Traffic Signal Installation and Consideration of Final Payments
7. Discussion: Pavement Restoration (*District Engineer to provide under separate cover*)
  - Summary of Plans
  - Recommendations
  - Timetable
  - Estimated Costs
  - Reserves/No Reserves
  - Bond Issuance: Pros and Cons
  - Financing Options
8. Consideration of Access Control Services Renewal Agreement with The Foundation
9. Discussion: Crime Insurance Coverage

10. Approval of **October 28, 2015** Public Hearing and Regular Meeting Minutes
11. Action Items
12. Other Business
13. Staff Reports
  - A. District Counsel
  - B. District Manager
    - i. Approval of Unaudited Financial Statements as of October 31, 2015
    - ii. **NEXT MEETING DATE: December 9, 2015 at 8:00 A.M.**
  - C. Operations Manager
14. Supervisors' Requests
15. 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

**RENEWAL TO CONTRACT**  
**[ACCESS CONTROL SERVICES]**

This Renewal to Contract [Access Control Services] ("Renewal"), made and entered into this 27th day of October, 2015 by and between Fiddlers Creek Foundation, Inc. d/b/a FC Safety, having its office at 3470 Club Center Blvd., Naples, Florida 34114 (the "Contractor"); and Fiddler's Creek Community Development District #1 and Fiddler's Creek Community Development District #2, uniform community development District established pursuant to the provisions of Chapter 190, Florida Statutes (collectively the "District"),

**WITNESSETH**

WHEREAS, the parties hereto are the parties to that certain Contract for access control services within the District dated as of the 1st day of December, 2009 [the "Contract"] and as amended the 26<sup>th</sup> day of March 2014; and,

WHEREAS, while the current Contract terminates as of November 30, 2015, the District wishes to exercise the District option and right to renew the Contract and,

WHEREAS, in consideration of the District exercising the District option and right to renew the Contract subject to and provided that certain revisions are made to the Contract relating to the amounts to be paid by the District under the Contract, Contractor has agreed to revisions being made to the Contract relating to the amounts to be paid by the District under the Contract; and,

WHEREAS, the parties wish to amend said Contract to modify and revise the amounts to be paid by the District under the Contract.

NOW THEREFORE, for and in consideration of the premises, the sum of Ten Dollars (\$10.00) and other good and valuable consideration, and of the mutual covenants, terms and conditions herein contained, the receipt and sufficiency of all of which are hereby acknowledged by the parties, the parties hereto do hereby mutually covenant and agree as follows:

1. The above and foregoing recitals are hereby acknowledged by the parties hereto to be true and correct and are incorporated herein by this reference.

2. By execution hereof and subject to the amendments herein the District has timely and properly exercised the District's option to renew the Contract for one additional year, all of which is acknowledged and agreed to by the Contractor. Notwithstanding any other term or provision in the Contract to the contrary and subject to the rights of the District to earlier terminate and cancel the Contract and further subject to the provisions of Sections 3.28, 3.30 and 3.31 of the General Conditions, the parties covenant and agree that the Contract terminates and expires on November 30, 2016.

3. The Foundation shall provide security officers, at a cost not to exceed \$598,362, which service and compensation shall include at a minimum providing salary, benefits, taxes, uniforms and training for (a) one (1) gate guard at Fiddler's Creek Parkway gatehouse 24 hours a day/7 days a week; (b) (1) one additional gate guard at the Fiddler's Creek Parkway gatehouse for (4) four hours a day/5 days a week from January 1st thru April 30th (c) one (1) gate guard at Sandpiper Drive gatehouse 12 hours a day/6 days a week; (d) one (1) gate guard at Championship Drive gatehouse 12 hours a day/6 days a week and (e) one (1) roving patrol guard 24 hours a day/7 days a week. In addition, the Contractor shall provide one Project Manager, a minimum of 45 hours per week. Pricing is also to be inclusive of holiday and foreseen overtime pay.

4. All other terms and conditions of the Contract not specifically amended or revised hereby shall remain in full force and effect.

IN WITNESS WHEREOF, District and Contractor have set their hands and seals, the day and year first above written.

WITNESSES:

CONTRACTOR  
Fiddler's Creek Foundation, Inc. d/b/a FC Safety

\_\_\_\_\_  
Print Name

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

\_\_\_\_\_  
Print Name

WITNESSES:

DISTRICT:  
Fiddler's Creek community Development District #1

\_\_\_\_\_  
Print Name

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

WITNESSES:

DISTRICT  
Fiddler's Creek community Development District #2

\_\_\_\_\_  
Print Name

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

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

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4 A Regular Meeting of the Board of Supervisors of the Fiddler’s Creek Community  
5 Development District #1 was held on **Wednesday, October 28, 2015 at 8:00 a.m.**, at the  
6 **Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**  
7

8 **Present at the meeting were:**

9  
10 Phil Brougham Chair  
11 Gerald Bergmoser Vice Chair  
12 Richard Peterson Assistant Secretary  
13 Robert Slater Assistant Secretary  
14 Charles Turner Assistant Secretary  
15

16 **Also present were:**

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18 Chuck Adams District Manager  
19 Cleo Crismond Assistant Regional Manager  
20 Terry Cole District Engineer  
21 Tony Pires District Counsel  
22 Carrie Robinson (*via telephone*) Tobin & Reyes, P.A., Litigation Counsel  
23 J.D. Holt (*via telephone*) Young van Assenderp, P.A.  
24 Ken van Assenderp (*via telephone*) Young van Assenderp, P.A.  
25 Tony DiNardo Developer  
26 Ron Albeit The Foundation  
27 Larry Douglas LandCare  
28 Mark Swanson LandCare  
29 Monique Irmen Resident  
30 Shannon Benedetti Resident  
31 Court Reporter  
32  
33

34 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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36 Mr. Adams called the meeting to order at 8:02 a.m., and noted, for the record, that all  
37 Supervisors were present, in person.

38 For the benefit of the court reporter, each Board Member and Mr. Adams introduced  
39 themselves and spelled their names.

40 Mr. Brougham advised that the Ninth Order of Business would be presented following  
41 the Fifth Order of Business.

42 Additional meeting attendees stated and spelled their names.



43 **SECOND ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items (3  
minutes per speaker)**

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Ms. Monique Irmen, a resident, submitted comments for the August meeting, in time, based on the 20 days prior to the meeting requirement. She felt that the procedure was not followed with regard to how her comments should have been handled. In response to Mr. Brougham’s question, Ms. Irmen indicated that she submitted her comments online, to Daphne.

Mr. Adams pointed out that Ms. Irmen’s comments were distributed to the Board prior to the Public Hearing but not addressed during the Public Hearing. There is an item on today’s agenda to ratify the August minutes, with the addition of Ms. Irmen’s comments, as an attachment.

Regarding the reserve and increases requested at the last meeting, Ms. Irmen asked if developers pay into the CDD when development occurs. Mr. Adams replied affirmatively. Ms. Irmen questioned if some of the recent cost increases related to destruction that occurs due to construction traffic. Mr. Brougham replied no.

Ms. Irmen stated that construction traffic issues continue on Cherry Oaks Trail and asked if a larger “No Through Street” sign could be installed or some other action taken to address the issue. Mr. Brougham was surprised to hear about an issue with construction traffic. Ms. Shannon Benedetti, a resident, did not observe a lot of construction traffic; there were pool cleaners, as well as residential contractors. Mr. Brougham advised that traffic on Cherry Oaks Trail was a longstanding issue but it peaked and declined since much of the new construction was completed, or neared completion, and new construction roads opened.

Regarding water, Ms. Irmen observed sprinkler issues and asked who to report it to. Mr. Albeit advised that irrigation issues should be reported to the main gatehouse.

**THIRD ORDER OF BUSINESS**

**Special Counsel Update**

Ms. Robinson indicated that the hearing on the various motions filed by U.S. Bank and ITG to Dismiss the Amended Counterclaim that was filed by CDD #1 was set for a three-hour hearing tomorrow, October 29, 2015 at 9:00 a.m. She requested an Executive Session for Wednesday, November 4, 2015 at 8:30 a.m.

Mr. Adams stated that today’s meeting will be continued, with the intention of holding the Executive Session. If a quorum cannot be established, Mr. Adams will poll the Board for a different date.

77 **\*\*\*Ms. Robinson left the meeting.\*\*\***

78

79 **FOURTH ORDER OF BUSINESS Developer's Report**

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81 Mr. DiNardo stated that construction on Marsh Cove, Phase 2, would probably  
82 commence in December, 2015, with completion in August, 2016.

83 Mr. Brougham heard that a bridge might be constructed, over the current land bridge,  
84 leading to the preserve, near the fields. Mr. DiNardo stated that a box culvert was under  
85 consideration.

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87 **FIFTH ORDER OF BUSINESS Engineer's Report**

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89 **▪ Update: SR 951 Traffic Signal Installation**

90 **\*\*\*This item, previously the Ninth Order of Business, was presented out of order.\*\*\***

91 Mr. Cole indicated that the traffic signal was expected to be in operation yesterday but  
92 was not because a stop bar must be striped before the signal goes into operation. The stop bar  
93 could not be installed on Monday night, due to an accident, or last night because it rained;  
94 striping should be completed tonight, if it does not rain, with the signal operational tomorrow.

95 Mr. Cole reported that the signal was inspected and punch list items will be addressed  
96 while the signal is operational. He noted that the contractor is responsible for maintenance  
97 during the 60-day burn-in period and, once the Department of Transportation (DOT) accepts it  
98 with final acceptance, the signal will be operated and maintained by Collier County.

99 Mr. Cole presented Draw #99 for approximately \$100,010.45, for the Series 2005 A/B  
100 bonds, for work related to the traffic signal, including final payment to the contractor. He noted  
101 that the District has retainage of approximately \$40,000 and the contractor will not receive the  
102 check for about one month.

103 Mr. Brougham felt that the draw should not be paid until the signal is operational. Mr.  
104 Cole recommended processing the check, as issues could be resolved during the month it will  
105 take to receive it. Mr. Cole confirmed that the retainage amount was excluded from Draw #99  
106 and approximately \$40,000 will be due, later. Mr. Brougham feared that someone might forget  
107 to hold the check. Mr. Cole indicated that his firm would hold it. Mr. Brougham asked about  
108 the District's options, as he was unhappy with OnPower's due diligence, follow through or  
109 thoroughness, from start to finish, and did not want to reward shoddy service. Mr. Adams

110 advised that the Prompt Payment Act allows up to 45 days from receipt of an invoice to process  
111 and distribute payment.

112 Mr. Pires asked if the project was substantially complete, as defined by the contract, and  
113 if there is any holdback on punch list items, in addition to the retainage amount. Mr. Cole stated  
114 that retainage is usually intended for those types of things. Mr. Brougham questioned whether if  
115 a partial payment would advance or hurt the District's cause; he did not want the contractor to  
116 receive payment until the District was absolutely sure they did their job. Mr. Brougham asked if  
117 OnPower must certify that the work was complete and, therefore, they are due payment. Mr.  
118 Cole indicated that David Plummer & Associates (David Plummer) certifies the signal  
119 completion and his firm certifies the striping and signage. Striping of the stop bar was the only  
120 remaining item that Mr. Cole was aware of. Mr. Pires asked if the project was substantially  
121 complete, as defined by the contract. Mr. Cole replied with the exception of the stop bar  
122 striping, to his knowledge, it was complete. Mr. Pires read from the contract "Prior to substantial  
123 completion, progress payments will be in an amount equal to 90% of the work completed and  
124 accepted by the District." Mr. Brougham contended that the work was not accepted by the  
125 District. Mr. Pires questioned if the work, to date, was acceptable, except for the punch list  
126 items. Mr. Slater voiced his opinion that, as of today, the project was not completed; therefore, if  
127 the contractor submitted "paperwork" to Mr. Cole, it must be "bogus". Mr. Slater questioned  
128 how the contractor could submit a bill and the District pay it for something that is "bogus". Mr.  
129 Cole suggested holding payment of \$10,000 from the invoice amount, in addition to the retainage  
130 amount already being held, and with his guarantee that the contractor will not receive the  
131 payment check for at least one month. In response to a question regarding whether the burn-in  
132 period validates completion of the job, Mr. Cole explained that, during final inspection, all facets  
133 of the signal will be inspected but, during the burn-in period, the contractor would be responsible  
134 for correcting issues. Mr. Cole confirmed that the retainage money was being held until  
135 everything is completed and accepted by the county and DOT, following the burn-in period. Mr.  
136 DiNardo asked what the subcontractor's rights are and could it impact the County's acceptance  
137 of the light, should the District does not pay. Mr. Pires indicated that the contractor is  
138 responsible for paying the subcontractor, regardless of whether the District pays the contractor.  
139 Mr. Pires was unsure whether a payment and performance bond was posted by the contractor  
140 but, if so, that is how the subcontractor would make a claim about a public project. Mr. Pires  
141 confirmed that the contractor cannot place a lien on governmental property.

142           Regarding payment, Mr. Pires advised that the 45-day period begins upon receipt of the  
143 invoice.

144           Mr. Brougham's issue was that the District did not have certifications; therefore, the  
145 Board would be authorizing payment for something that was not certified, yet, and with no  
146 assurance that it would be certified. Mr. Pires pointed out Mr. Cole's confirmation that the  
147 project was substantially complete, according to the terms of the contract. Mr. Brougham  
148 contended that Mr. Cole advised that payment was not necessary until certification of the project.  
149 Mr. Cole believed that the District has an obligation to pay something.

150           This item was deferred to the November 4, 2015 continued meeting. Mr. Cole should  
151 attend and this item will be heard at the beginning of the continued meeting.

152           Mr. Cole stated that lake bank erosion repairs continue; the bags will be cut, sand spread  
153 and sod installed this weekend and next week. He confirmed that this step will complete the  
154 fourth phase and the prioritized list will be reviewed in the coming weeks to determine the lakes  
155 for the fifth phase. Regarding the duration of the lake bank erosion work, Mr. Cole believed  
156 that, within three to four years, everything anticipated several years ago would be completed.

157           For budgeting purposes, Mr. Cole prepared a summary of the pavement restoration plans,  
158 recommendations, when repairs might be necessary and the estimated costs; once completed, the  
159 summary will be sent to Mr. Adams.

160           Mr. Brougham directed Management to include this topic on the next agenda, including a  
161 discussion of reserves and no reserves, pros and cons of issuing bonds and all financing options.  
162 Although the project is several years in the future, he felt that it was not too early to begin  
163 discussing it, as time would be necessary to build reserve funds, if the Board chooses that  
164 approach.

165           Mr. Cole anticipated, in three or four years, completing Fiddler's Creek Parkway to  
166 Championship Drive and Championship Drive and Club Center Drive up to the clubhouse entry  
167 at a cost of approximately \$750,000.

168           Mr. Turner asked why the District is completing work in many areas bordering The  
169 Rookery golf course but The Rookery is not and whether the lack of work would negatively  
170 impact the work completed by the District. Mr. Cole indicated that the CDD is responsible for  
171 maintaining its side of the lake bank and the District's erosion repairs are not impacted by The  
172 Rookery not repairing its side of the lake. Mr. Turner questioned how The Rookery can get  
173 away without making repairs while the District was told it must. Mr. Cole stated that the District

174 is repairing the lakes based upon the criteria of the South Florida Water Management District  
175 (SFWMD) and confirmed that SFWMD never issued a citation to the District; the District is  
176 completing the repairs voluntarily.

177 Mr. Cole explained that, several years ago, SFWMD issued a citation to the developer, in  
178 CDD #2 and it was incumbent upon CDD #2 to complete repairs; simultaneously, an analysis of  
179 all lakes in both CDD #1 and CDD #2 was performed. CDD #1 discovered about \$1.6 million  
180 worth of repairs on its lakes, with some being significant. Mr. Albeit suggested advising the golf  
181 course of this matter and their potential exposure.

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183 **SIXTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and  
Objections on the Petition to Correct the  
Legal Description of the District By  
Amendment Without Changing the  
Boundaries of the District**

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189 ***\*\*\*Mr. Brougham opened the Public Hearing.\*\*\****  
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Mr. Pires introduced Mr. Ken van Assenderp and Mr. J.D. Holt, of Young van Assenderp, P.A.

Mr. Pires stated that the purpose of the Public Hearing is to determine whether to recommend that the Amended Petition to Correct the Legal Description of the District By Amendment Without Changing the Boundaries of the District (The Petition) be granted and to authorize preparation of a report in conclusions and recommendations to be sent to the Florida Land and Water Adjudicatory Commission (FLAWAC).

Mr. Pires indicated that a Court Reporter was present to transcribe a verbatim transcript, which will accompany the report and conclusions to FLAWAC.

**A. Affidavit/Proof of Publication**

For the record, Mr. Pires stated that the Public Hearing was properly noticed and presented a copy of the notice that was in the newspaper. This item will be marked “Exhibit 1”, for purposes of this hearing. He provided a copy to the Court Reporter and attached a copy to the report and recommendations.

Mr. Pires noted that the District Manager has not received the affidavit of publication yet from the Naples Daily News. He reserved the right to supplement the record and insert the affidavit of publication, once received.

207 Mr. van Assenderp asked if the notice was published consecutively. Mr. Pires replied  
208 affirmatively; it was published on September 30, October 7, 14 and 21, 2015.

209 **B. Consideration of Various Reports and Testimony (to be provided under separate**  
210 **cover)**

211 Mr. Pires stated that, on July 7, 2015, the Collier County Board of County  
212 Commissioners waived the optional local public hearing on the Amended Petition. He  
213 introduced County correspondence and a recap of the July 7, 2015 Commissioners meeting, as  
214 Exhibit 2. The Amended Petition will be Exhibit 3. Correspondence from Ms. Cynthia Kelly, of  
215 the Office of the Governor, will be Exhibit 4.

216 Mr. van Assenderp and Mr. Holt met with FLAWAC staff to ensure their familiarity with  
217 the draft and provide technical comments, which led to the Amended Petition. Mr. van  
218 Assenderp and Mr. Holt met with the Governor's lawyer and each staff person involved, as well.

219 The Court Reported administered an oath to Mr. Cole.

220 Mr. Pires administered and Mr. Cole testified to a series of questions regarding Mr.  
221 Cole's personal information, professional experience and involvement in the petition process.

222 Mr. Pires presented the affidavit from Mr. George Russell Wire, regarding the estimated  
223 regulatory costs, which will be Exhibit 5. He read the affidavit into the record:

224 *"My name is George Russell Wire. I am over the age of 18 years, a*  
225 *citizen of the United States of America and a resident of the State of Florida,*  
226 *residing in Collier County, Florida.*

227 *I hold an MBA from the University of Miami and a BA from Michigan*  
228 *State University. I am the founder and President of Real Estate Econometrics,*  
229 *Inc., experienced in economics, forecasting, community development district*  
230 *financing and management in fiscal and financial analysis, having performed*  
231 *fiscal, financial and economic consulting experience for businesses and*  
232 *governments for over ten years. I have reviewed the Amended Petition to correct,*  
233 *by amendment, the legal description of the boundary of the Fiddler's Creek*  
234 *Community Development District 1 Petition. This affidavit is provided for the*  
235 *purposes of attesting as to the requirements for a statement of estimated*  
236 *regulatory costs, under Section 120.541(2)(a), Florida Statutes, as they relate to*  
237 *the statement of estimated regulatory cost, as prepared for the Fiddler's Creek*  
238 *Community Development District 1, Naples, Florida, for the Public Hearing on*

239 the Petition. Based upon my review of the Petition, knowledge and experience, in  
240 my expert opinion:

241 a. I agree with the District's assessment that the Petition will not  
242 have any direct or indirect impacts on the stated areas in Section  
243 1.

244 b. I agree with the District's assessment that the Petition will not  
245 have any direct or indirect impacts on the stated areas in Section  
246 2.

247 c. I agree with the District's assessment that the Petition will not  
248 directly or indirectly result in any increased regulatory costs of  
249 any kind.

250 d. I agree with the District's assessment that the Petition will not  
251 directly or indirectly require any individuals or entities to comply  
252 with the rule.

253 e. I agree with the District's assessment that the Petition will not  
254 directly or indirectly result in any additional costs to the agency or  
255 any other state or local government entities.

256 f. The District is required to pay a \$1,500 application fee, which is  
257 designed to cover any clerical costs that may be incurred with the  
258 filing of this Amendment.

259 g. I agree with the District's assessment that the petition will not  
260 directly or indirectly result in increased transactional costs, as  
261 defined in Section 3D., to any individual or entity.

262 h. I agree with the District's assessment that the Petition will have no  
263 added adverse impact on small businesses, counties or cities;  
264 therefore, no alternatives are necessary.

265 i. I agree with the District's assessment that no additional  
266 information is necessary.

267 Further affiant sayeth naught, George Russell Wire, sworn to and subscribed to  
268 me on October 26, 2015."

269 Mr. Slater questioned if this item should be Exhibit 6, as Exhibit 5 was already in the  
270 package. Mr. Pires indicated that the Exhibits in the Memorandum were numbered for the

271 purposes of the Memorandum and not for the purposes of the Public Hearing. Debate ensued  
272 regarding numbering of the Exhibits. Mr. Pires advised that this item is Exhibit 5 to the  
273 transcript and to the report, conclusions and recommendations to the Governor and Cabinet.  
274 Exhibit 5 to the Memorandum was only an exhibit to the Memorandum, not to the report or the  
275 Public Hearing transcript.

276 There were no questions or comments from the public.

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**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, acceptance of Exhibits 1 through 6, into the record, as part of this Public Hearing, and to be included in the Report, Recommendations and Conclusions to FLAWAC, along with the transcript of the Public Hearing, were approved.**

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**SEVENTH ORDER OF BUSINESS**

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Mr. Pires presented Resolution 2016-1 for the Board’s consideration.

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**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, Resolution 2016-1, Concerning the Amended Petition to Correct the Legal Description of the District by Amendment Without Changing the Boundaries of the District (The “Petition”); Authorizing the Chairmen, District Manager, District Counsel and District Engineer to Prepare, Finalize and Submit a Report and Conclusions Concerning the Petition to the Governor and Cabinet of the State of Florida Sitting as the Florida Land and Water Adjudicatory Commission (“FLAWAC”), was adopted**

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314 **\*\*\*Mr. Brougham closed the Public Hearing.\*\*\***

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316 **EIGHTH ORDER OF BUSINESS** **Consideration of Award of Contract –**  
317 **Lake & Wetland Maintenance**

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319 Ms. Crismond indicated that the lake and wetland maintenance contract will expire on  
320 December 31, 2015. Four contractors were notified of the Request for Proposal (RFP) and three  
321 submitted bids. The current contractor, LakeMasters Aquatic Weed Control, Inc. (LakeMasters),  
322 submitted the lowest bid, which is an approximate increase of 10% over the current contract  
323 amount, due to increased chemical and labor costs.

324 Mr. Brougham noted that LakeMasters bid \$166,128, Lake & Wetland bid \$207,814.99  
325 and Aquagenix bid \$212,068.85. Management recommended awarding the contract to  
326 LakeMasters.

327 In response to Mr. Bergmoser's question, Ms. Crismond confirmed that the Fiscal Year  
328 2016 budget was sufficient to cover the increased contract amount. The District paid  
329 LakeMasters \$150,192 during Fiscal Year 2015, for the same services.

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**On MOTION by Mr. Slater and seconded by Mr. Turner, with all, in favor, the LakeMasters Aquatic Weed Control, Inc., proposal for lake and wetland maintenance, in a not-to-exceed amount of \$166,128, was approved.**

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Mr. Brougham noted that Mr. Peterson stepped out and did not vote.

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339 **NINTH OFDER OF BUSINESS** **Update: SR 951 Traffic Signal**  
340 **Installation**

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This item was discussed during the Fifth Order of Business.

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344 **TENTH ORDER OF BUSINESS** **Consideration of IberiaBank Loan**  
345 **Documents for Line of Credit**

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Mr. Brougham discussed the arduous process leading up to finalizing a line of credit with IberiaBank. Most of District Counsel's concerns were addressed but, three items of concern remain, as outlined in his October 22, 2015 Memorandum.

350 Mr. Brougham voiced his opinions regarding Mr. Pires' concerns, as follows:

- 351 1. The Loan Agreement
- 352 A. 18% Default Interest Rate: Mr. Brougham felt the District would not find itself in
- 353 a default situation and should not preclude the District from proceeding with the
- 354 line of credit.
- 355 B. Litigation in State or Federal Court: Mr. Brougham felt that litigation would only
- 356 occur if the District defaulted on the loan, which there was no intention of doing.
- 357 2. Business Line of Credit Agreement and Disclosure
- 358 A. 18% Default Interest Rate: Mr. Brougham felt that this was redundant of Item
- 359 1.A.
- 360 B. Arbitration reference to Uniform Commercial Code (UCC): Mr. Brougham felt
- 361 that this was not relevant, as it cannot be applied to a governmental entity. The
- 362 comments were standard loan document verbiage. He felt that arbitration would
- 363 only occur if there was litigation.
- 364 5. The Governmental Certificate
- 365 A. Grant Security paragraph too broad: Mr. Brougham noted that the bank will not
- 366 delete the paragraph and felt that the risk was low because the District did not
- 367 have a mortgage or real property that it is securing; the line of credit is being
- 368 secured by the District’s ability to assess.
- 369 B. Execute Security Documents paragraph should be deleted: Mr. Brougham stated
- 370 that this was standard language in the bank documents and that the there was no
- 371 issue, as the District could simply not execute other items or encumbrances.

372 Mr. Brougham recommended execution of the line of credit documents. He surmised  
373 that, while Mr. Pires’ concerns are valid, from a legal perspective, the risk to the District was  
374 minimal or zero.

375 Mr. Adams agreed with Mr. Brougham’s opinion, as most of the items of concern were  
376 not applicable or will become subject to law when or if the item is effectuated. He did not  
377 foresee these items becoming an issue.

378 Mr. Bergmoser stated “If Tony’s concerned, I am concerned.” and questioned why  
379 IberiaBank was inflexible and why the District cannot locate a bank with CDD experience and  
380 that it is a governmental agency. In response to a question about \$9,500 in attorneys’ fees if the  
381 District borrowed on the line of credit, it was noted that the Board previously agreed to that  
382 amount for drafting of the loan documents.

383 Mr. Pires pointed out that the documentary stamp tax costs were removed.

384 Mr. Bergmoser asked how the District funded clean up following Hurricane Wilma. Mr.  
385 DiNardo stated that the developer fronted the money. Mr. Adams answered that the District paid  
386 the developer back through a Bank of America loan. Mr. Bergmoser urged the Board to approach  
387 Bank of America for a better deal that is more to the District's preferences. Mr. Brougham  
388 indicated that several banks were approached.

389 Mr. Slater agreed that the District should execute the line of credit documents.

390 Mr. Peterson stated that the line of credit concept was in lieu of increasing operation and  
391 maintenance (O&M) assessments; therefore, it replaces building reserve funds for future  
392 expenses. He questioned if the concept was fiscally responsible and surmised that he had  
393 concerns, as long as Mr. Pires still had concerns. Mr. Peterson voiced his opinion that the  
394 District should seek other alternatives.

395 Mr. Turner expressed concern about Item (f), on Page 14, which stated that the District  
396 could be in default due to failure to comply with covenants contained in Section 5.02, of the  
397 agreement and pointed out that Section 5.02(c), on Page 12, stated that the District shall not incur  
398 any indebtedness payable from or secured by the assessments. Mr. Pires indicated that the  
399 reference was related to O&M assessments; debt service assessments would be excluded. Mr.  
400 Turner noted that Item 5.02(d) contained certain permission requirements from IberiaBank if the  
401 District wanted to open accounts with SunTrust Bank. Mr. Turner believed that all matters must  
402 be understood to ensure that the District does not do anything to create a default. Mr. Pires  
403 referred to Page 1, which defined "Assessment(s)" as the District's maintenance special  
404 assessment as described in Section 190.021, Florida Statutes, and explained that it excludes any  
405 debt service assessments. Mr. DiNardo indicated that the agreement contains standard loan  
406 document language.

407 Mr. Brougham stated that he would not spend any more of his time trying to work with  
408 another bank because the same type of documents would be encountered with other banks. The  
409 District might never need the line of credit but he found comfort knowing that the District could  
410 obtain emergency money within hours, if necessary. Mr. Brougham believed that, should the  
411 District draw on the line of credit, it could rely on Management, District Counsel and Staff to  
412 ensure that the District does not default. He suggested that the Board only be "concerned about  
413 the concerns when and if" the District draws on the line of credit.

414 Mr. Pires presented the Note Resolution for the Board's consideration.

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**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, Resolution 2016-2, the Note Resolution, authorizing the District to obtain a revolving line of credit with IberiaBank, in a not-to-exceed amount of \$500,000, which would be evidenced by issuance of a promissory note of the District and authorization for the Chair to execute the Loan Agreement, Business Line of Credit Agreement and Disclosure, Modification Rider to Business Line of Credit Agreement and Disclosure, Governmental Certificate, Disbursement Request and Authorization and the Errors and Omissions Agreement, were approved.**

Mr. Brougham directed District Counsel, by Monday, to draft a letter for Mr. Adams’ signature, as a cover letter to IberiaBank, along with the Note Resolution.

**ELEVENTH ORDER OF BUSINESS**

**Approval of September 23, 2015 Regular Meeting Minutes**

Mr. Brougham presented the September 23, 2015 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Mr. Slater took exception with Line 98. Mr. Brougham stated “let’s strike that”. Mr. Adams pointed out that Mr. Brougham requested verbatim transcription. Mr. Slater stated “I don’t care, I don’t want to see that.” Mr. Brougham repeated “strike that”. Mr. Pires recommended changing the words to “Expletive”. Debate ensued regarding whether to delete Line 98 or change it. Mr. Adams stated that the line would be stricken.

The following change was made:

Line 98: Delete entire line.

**On MOTION by Mr. Bergmoser and seconded by Mr. Peterson, with all in favor, the September 23, 2015 Regular Meeting Minutes, as amended, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Approval/Ratification of August 26, 2015 Public Hearing and Regular Meeting Minutes to Include Resident Email as Exhibit**

454 Mr. Brougham presented the August 26, 2015 Public Hearing and Regular Meeting  
455 Minutes for ratification. Mr. Adams confirmed that ratification was to attach Ms. Irmen’s  
456 comments to the minutes.

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**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, approval of the August 26, 2015 Public Hearing and Regular Meeting Minutes to Include Resident Email as Exhibit, as amended, was ratified.**

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**THIRTEENTH ORDER OF BUSINESS Action Items**

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It was noted that Item 15 was not completed, as the tree died; the word “relocated” should be changed to “replaced” and “COMPLETED” (*subsequent to 09/23/15 meeting*)” changed to “ONGOING”.

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Regarding Item 14, Mr. DiNardo stated that the developer will pay for it. Mr. Pires, Mr. Cole and Mr. Adams approached Mr. van Assenderp about retaining his services to complete the further amendment to the District’s boundaries; legal descriptions were pending.

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Mr. Brougham directed Mr. Adams to provide a copy of Management’s crime policy. Mr. Adams will email the policy to Mr. Brougham. Mr. DiNardo warned the Board that, for example, if the District Manager only carries a \$1 million crime policy but someone takes more, all of the affected Districts would be left to share in the policy limit of \$1 million. Mr. DiNardo suggested requiring Management to implement a “positive pay” procedure so that no money is transferred from the District’s accounts and the bank will not release any checks. Mr. Brougham asked that this item be included as a discussion item on the agenda.

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Regarding Item 19, Ms. Crismond indicated that LandCare completed the work.

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**FOURTEENTH ORDER OF BUSINESS Other Business**

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There being no other business, the next item followed.

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**FIFTEENTH ORDER OF BUSINESS Staff Reports**

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**A. District Counsel**

488           Regarding the subpoena served on Mr. Brougham in the Fiddler's Creek LLC versus  
489 Naples Lending litigation, Mr. Pires indicated that was obtaining some requested documents and  
490 the District's objections were filed and remain outstanding.

491 **B. District Manager**

492           Mr. Adams presented a Cash Flow Analysis. Mr. Brougham was shocked that the  
493 District would be "in the red" and asked what Management could do about it, as it manages the  
494 District's cash. Mr. Adams indicated that Management will manage the priorities. The District  
495 had sufficient cash flow to pay expenses through October, 2015. Regarding November and  
496 December expenses, Mr. Adams recalled that the District has up to 45 days to make payments  
497 and assessment revenue receipts should begin arriving in mid-December.

498 **i. Approval of Unaudited Financial Statements as of September 30, 2015**

499           Mr. Brougham presented the Unaudited Financial Statements as of September 30, 2015.

500           Mr. Brougham asked what the \$44,777 "Due from Fiddler's Creek CDD #2" line item,  
501 on Page 1, was related to. Mr. Adams replied that it was related to shared costs. Mr. Brougham  
502 noted that Management makes the transfers and questioned why it states "Due from" if it was a  
503 legitimate CDD #2 expense item that Management is responsible for paying. Mr. Adams  
504 indicated that, as of September 30, 2015, payment was not transferred over. Mr. Brougham  
505 stated "shame on you" to Mr. Adams. Mr. Adams advised that the Management was reconciling  
506 bank statements trying to "get things out the door". Mr. Brougham felt that there was no reason  
507 to have "due from" and "due to" items between CDD #1 and CDD #2. Mr. Adams stated that it  
508 occurs because of transfer of funds at the time the Unaudited Financial Statements are prepared.

509           Mr. Brougham referred to the "Transfers out" line item, on Page 3, and asked what it  
510 related to. Mr. Adams indicated that it was the foreclosure legal expenses that the Board agreed  
511 to write off.

512 **ii. NEXT MEETING DATE: November 18, 2015 at 8:00 A.M.**

513           The next meeting will be held on November 18, 2015 at 8:00 a.m.

514 **C. Operations Manager**

515           Ms. Crismond presented the Operations Report. She sought approval to repaint 24  
516 decorative posts on Mahogany Bend. It was noted that, for continuity, all must be repainted at  
517 the same time. Lykins-Signtek proposed \$5,570 and Florida Painters proposed \$4,170.

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**On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, the Florida Painters proposal to paint 24 decorative posts on Mahogany Bend, in a not-to-exceed amount of \$4,170, was approved.**

Ms. Crismond introduced Mr. Larry Douglas, of LandCare, who assumed Mr. Rick Herndon’s responsibilities.

**SIXTEENTH ORDER OF BUSINESS                      Supervisors’ Requests**

Regarding fire hydrant painting, Mr. Brougham indicated that the HOA is responsible for maintaining, repairing and painting the fire hydrants in Cascada, Cranberry, Deer Crossing, Whisper Trace and the Clubhouses. He believed that those hydrants were not transferred from the developer to the Greater Naples Fire District (GNFD), which is why they are still privately owned.

Mr. Pires questioned if the potable fire hydrant water lines were conveyed to the CDD. Mr. Brougham replied no. Mr. Cole stated that the lines were conveyed to the CDD and then the CDD conveyed them to the county; however, separately, the developer pays a fee to have the Fire District assume ownership and maintenance of the hydrant. Mr. Pires asked if the county owns the facilities. Mr. Brougham responded no. Mr. Cole indicated that the utilities were conveyed to the county. Mr. Pires questioned if the utilities and facilities included the fire hydrants. Mr. Cole replied affirmatively. Mr. Brougham advised that every other hydrant in the development belongs to either Collier County or the GNFD, with the exception of the hydrants behind the private meters, which are the responsibility of the HOA.

Mr. Brougham directed Mr. Cole to located reputable, local contractors to flush, maintain and replace hydrants and provide the information to the HOAs.

In response to a question, Mr. Adams and Mr. Cole indicated that the county owns the water transmission lines between hydrants. Mr. Pires stated that the potable water lines were initially constructed by the developer, conveyed to the District and then conveyed to the county by the District. Regarding whether the hydrants in the private areas could be conveyed to the County, Mr. Cole confirmed that those hydrants cannot be conveyed. Mr. Brougham noted that Montreux is maintained by GNFD.

Mr. Brougham directed Staff to include this as an action item for the next meeting.

553 **SEVENTEENTH ORDER OF BUSINESS**      **Adjournment**

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555            There being no further business to discuss, the meeting recessed at approximately 9:40  
556 a.m., and was continued to Wednesday, November 4, 2015 at 8:30 a.m., at this location.

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair

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## ACTIVE ACTION ITEMS

*Action Item status updates to be provided prior to or at the meeting.*

### MEETING DATE ADDED

1. **12/11/13** Per Mr. Brougham's direction, Mr. Cole, Mr. Pires and Ms. Crismond are responsible for providing Mr. Adams with a status update of their items, so Mr. Adams can update the "Action Items" list. **STATUS: ONGOING**
2. **12/11/13** Going forward, Mr. Adams to ensure that information is disseminated to all Board Members, not just Mr. Brougham. **STATUS: ONGOING**
3. **09/24/14** Per Mr. Brougham's direction, Mr. Cole to ensure he received and that all invoices were paid prior to closing out the signal installation project, including legal, engineering, design contracting and procurement. **STATUS: ONGOING**
4. **11/19/14** Per Mr. Brougham, Staff to communicate anything of major importance to residents, such as about the tree removal referenced by Ms. Robertson, so that residents are aware of what will occur. **STATUS: ONGOING**
5. **02/25/15** Per Mr. Brougham's instructions, Mr. Cole is to email Management of any significant events or delays related to the traffic signal installation project; Management to disseminate the information to the Board. **STATUS: ONGOING**
6. **02/25/15** Per Mr. Brougham, Mr. Adams to remind Mr. Reyes and Ms. Robinson to provide Management with an update if anything significant occurs in the litigation. **STATUS: ONGOING**
7. **05/27/15** Mr. Turner asked to tour the community with Ms. Crismond. **STATUS: ONGOING**
8. **06/24/15** Per Mr. Brougham, Ms. Crismond to include an informational item in the Operations Report, if an "out-of-the-ordinary" project was completed. **STATUS: ONGOING**
9. **06/24/15** Regarding the cashflow analysis presented by Mr. Adams and Mr. Brougham's opinion that a cash position of \$40,000 at the end of the calendar year was too tight, Mr. Brougham directed Management pay close attention, in the fall, to which expenses must actually be paid and which could be delayed. **STATUS: ONGOING**
10. **06/24/15** Mr. Adams to update the cashflow analysis monthly. **STATUS: ONGOING**

## ACTIVE ACTION ITEMS

*Action Item status updates to be provided prior to or at the meeting.*

### MEETING DATE ADDED

11. **08/26/15** Mr. Brougham wanted a presentation by Mr. Cole and Mr. Adams, at the October meeting, regarding the experiences of other CDDs with respect to roadway reserves. Mr. Adams will provide the Board with a sample reserve study of roads and infrastructure that he completed for another CDD. **STATUS: ONGOING**
12. **08/26/15** Mr. Brougham recalled that, on April 30, 2015, it was reported that the top of the street lamp, at 7666 Mulberry, was on the ground and, since then, it was stolen and the street light still does not work because there is no top. Mr. Brougham directed Ms. Crismond to have it repaired by next week. **STATUS: ONGOING**
13. **09/23/15** Mr. Adams will contact Mr. DiNardo regarding the boundary matter and potential reimbursement of the expenses to change to Wilmington Trust for trustee services and email the Board Members with his findings. **STATUS: ONGOING**
14. **09/23/15** Mr. Pires will present the final line of credit package from Iberia Bank, for consideration, at the next meeting. **STATUS: ONGOING**
15. **09/23/15** Mr. Brougham will contact the Greater Naples Fire District representative regarding a hidden fire hydrant that was not painted. **STATUS: ONGOING**
16. **10/28/15** Payment of Draw #99 deferred to the November 4, 2015 continued meeting. Mr. Cole to attend and discussion of whether or what amount the District must pay, prior to certification of the project, will be at the beginning of the continued meeting. **STATUS: ONGOING**
17. **10/28/15** Mr. Cole preparing a summary of the pavement restoration plans, recommendations, when repairs might be necessary and the estimated costs; once completed, the summary will be sent to Mr. Adams. **STATUS: ONGOING**
18. **10/28/15** Mr. Brougham directed Management to include discussion of the pavement plans on the next agenda, including a discussion of reserves and no reserves, pros and cons of issuing bonds and all financing options. **STATUS: ONGOING**
19. **10/28/15** Active Action Item 15 was not completed, as the tree died; the word “relocated” should be changed to “replaced” and “COMPLETED” (*subsequent to 09/23/15 meeting*) changed to “ONGOING”. **STATUS: COMPLETED** (*subsequent to 10/28/15 meeting*)

## ACTIVE ACTION ITEMS

*Action Item status updates to be provided prior to or at the meeting.*

**MEETING  
DATE  
ADDED**

- 20. 10/28/15** Mr. Brougham directed Mr. Adams to provide a copy of Management's crime policy. Mr. Adams will email the policy to Mr. Brougham. **STATUS: ONGOING**
- 21. 10/28/15** Mr. Brougham directed Management to include a discussion item on the next agenda regarding the "positive pay" procedure described by Mr. DiNardo. **STATUS: ONGOING**
- 22. 10/28/15** Regarding private fire hydrants that HOAs are responsible for, Mr. Brougham directed Mr. Cole to located reputable, local contractors to flush, maintain and replace hydrants and provide the information to the HOAs. **STATUS: ONGOING**
- 23. 10/28/15** Mr. Brougham directed Staff to include an action item regarding fire hydrant maintenance, pipes, etc., for discussion at the next meeting. **STATUS: ONGOING**

## COMPLETED ACTION ITEMS

### MEETING DATE MOVED TO COMPLETED

1. **08/26/15** Mr. Cole to verify with state and county whether landscaping could be installed around the traffic signal control box, as it is within the state's right-of-way. **STATUS: COMPLETED**
2. **08/26/15** Regarding the restriping and minor paving repair project, Mr. Cole to verify with the contractor that the additional areas were included in the proposal and obtain an adjusted proposal. **STATUS: COMPLETED**
3. **08/26/15** Mr. Brougham directed Management to include a discussion item regarding landscaping on the next agenda. **STATUS: COMPLETED**
4. **08/26/15** Per Mr. Adams' suggestion, Ms. Crismond will copy the Board on her emails to LandCare. **STATUS: COMPLETED**
5. **08/26/15** Mr. Jones will provide the updated design moving the traffic signal pole 30' north. **STATUS: COMPLETED**
6. **08/26/15** Related to the prior hole collapses for the new traffic signal pole, if the new location collapses, Mr. Jones will consult with the contractor's design engineer and, if the issue was repetitive, a steel casing could be installed within the hole to maintain it. **STATUS: COMPLETED**
7. **08/26/15** Per Mr. Brougham's request, Mr. Jones or Mr. Cole will research if a backhoe digging south of the main entrance on the east side of SR 951 was related to the traffic signal installation. **STATUS: COMPLETED**
8. **08/26/15** Per the Board's direction, Mr. Adams to discuss reimbursement of the trustee transition costs with Mr. DiNardo, as previously promised and the reimbursement of those costs was separate from the ERU matter. **STATUS: COMPLETED**
9. **08/26/15** **SECOND REQUEST-Originally requested 03/25/15** Mr. Brougham directed Mr. Adams to specifically ask TEM for a reduction to the annual service fee amount and inform the Board of TEM's formal response. **STATUS: COMPLETED**
10. **08/26/15** Mr. Brougham directed Ms. Crismond to seek alternatives to installation of bougainvillea in the center median. **STATUS: COMPLETED**
11. **08/26/15** The Board directed Ms. Crismond to proceed with repainting the stucco columns of the Sandpiper Bridge, despite the line item already being over budget. **STATUS: COMPLETED**

## COMPLETED ACTION ITEMS

### MOVED TO COMPLETED

12. 09/23/15 Mr. Cole will work with Mr. Charbonneau to find another location for items related to work on the lake, which were stored on Club Center Boulevard and advise the contractor to clean the area up. **STATUS: COMPLETED**
13. 09/23/15 Mr. Brougham directed Ms. Crismond, Mr. Cole and Mr. Charbonneau to develop a notification process for residents when future projects arise. **STATUS: COMPLETED**
14. 09/23/15 Mr. Brougham directed Ms. Crismond to resolve the tree issues on Cherry Oaks Lane, Montreux and throughout Fiddler's Creek, meet with Mr. Benedetti regarding the tree issues and for her to "take care of everything". **STATUS: COMPLETED**
15. 09/23/15 Mr. Brougham directed Staff to send a letter to Landcare advising that crew members must slow down when driving through the community, be aware of all exits, pedestrian crossings, and to not sleep on the sidewalks during lunch breaks. **STATUS: COMPLETED**
16. 09/23/15 Mr. Cole recalled prior streetlight issues on Cherry Oaks Trail and Cherry Oaks Lane, due to lightning, which were repaired. He will check Cherry Oaks Lane for anything needing repair, prior to the District acquiring it. **STATUS: COMPLETED**
17. 09/23/15 Mr. Cole will evaluate the trees in Bent Creek, as a tree behind 8516 fell in the water and a tree at 8520 will fall. **STATUS: COMPLETED**
18. 10/28/15 Mr. Brougham directed LandCare to identify areas of concern, relay the information and recommendations to Ms. Crismond and for Ms. Crismond to present it to the Board for consideration. **STATUS: ONGOING**
19. 10/28/15 Dead trees in Bent Creek should be replaced this week, weather permitting. **STATUS: COMPLETED**
20. 10/28/15 Per Mr. Brougham's direction, Mr. Herndon (Mr. Douglas) to provide Ms. Crismond with photographic evidence of the downed cassia trees. **STATUS: COMPLETED**
21. 10/28/15 Regarding painting sign post and light post on Mahogany Bend, Cleo will present this item for consideration, at the next meeting, once another quote is received. **STATUS: COMPLETED**

## COMPLETED ACTION ITEMS

**MOVED  
TO  
COMPLETED**

- 22. 10/28/15** Per Mr. Brougham's direction, Ms. Crismond to hire a contractor to complete the faxahatchee trimming project and deduct the cost from LandCare's contract. **STATUS: COMPLETED**
- 23. 10/28/15** Per Mr. Pires' suggestion, Ms. Crismond to send a Defective Work Notice to Landcare advising that September 30, 2015 is the deadline for completing the fakahatchee grass trimming and, if not completed, the District will retain a certain amount to hire another contractor. **STATUS: COMPLETED**

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
FINANCIAL STATEMENTS  
UNAUDITED  
OCTOBER 31, 2015**



**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
OCTOBER 31, 2015**

	General 001	Debt Service Series 2013 Refunded 1999	Debt Service Series 2013 Refunded 2006	Debt Service Series 2014-1 Refunded 2002B	Debt Service Series 2014-2 Refunded 2002A	Debt Service Series 2014-3 Refunded 2005	Debt Service Series 2014-4 Refunded 2005	Capital Projects Series 2005	Total Governmental Funds
<b>ASSETS</b>									
Operating accounts									
SunTrust	\$ 130,093	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 130,093
Broward Bank of Commerce - MMA	75,764	-	-	-	-	-	-	-	75,764
Finemark - MMA	1,441	-	-	-	-	-	-	-	1,441
Finemark - ICS	166,691	-	-	-	-	-	-	-	166,691
Investments									
Revenue	-	195,847	82,844	206,117	388,953	219,450	231,750	-	1,324,961
Reserve - series A	-	433,522	25,006	-	-	-	-	-	458,528
Sinking	-	-	-	2	-	-	-	-	2
Prepayment	-	6,979	6,879	-	-	-	-	-	13,858
Prepayment - 2002B exchange	-	-	-	380,388	-	-	-	-	380,388
Interest - 2002A exchange	-	-	-	-	8,914	-	-	-	8,914
Interest - 2002B exchange	-	-	-	13,077	-	-	-	-	13,077
Undeposited funds	31,486	-	-	-	-	-	-	-	31,486
Due from other funds	141,208	-	-	-	-	-	-	-	141,208
Due from Fiddler's Creek CDD #2	25,115	-	-	-	-	-	-	-	25,115
Deposits	5,125	-	-	-	-	-	-	-	5,125
<b>Total Assets</b>	<b>\$ 576,923</b>	<b>\$ 636,348</b>	<b>\$ 114,729</b>	<b>\$ 599,584</b>	<b>\$ 397,867</b>	<b>\$ 219,450</b>	<b>\$ 231,750</b>	<b>\$ -</b>	<b>\$ 2,776,651</b>
<b>LIABILITIES &amp; FUND BALANCES</b>									
<b>Liabilities:</b>									
Accounts payable	\$ 93,215	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,918	\$ 105,133
Due to other funds									
General fund 001	-	6,280	3,884	3,579	-	-	-	127,465	141,208
On Power Svc retainage	25,680	-	-	-	-	-	-	-	25,680
Landshore Enterprises retainage	11,670	-	-	-	-	-	-	-	11,670
Preferred Material retainage	5,283	-	-	-	-	-	-	-	5,283
<b>Total liabilities</b>	<b>135,848</b>	<b>6,280</b>	<b>3,884</b>	<b>3,579</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>139,383</b>	<b>288,974</b>
<b>Fund balances:</b>									
Assigned:									
Debt service	-	630,068	110,845	596,005	397,867	219,450	231,750	-	2,185,985
Capital projects	-	-	-	-	-	-	-	(139,383)	(139,383)
Unassigned	441,075	-	-	-	-	-	-	-	441,075
<b>Total fund balances</b>	<b>441,075</b>	<b>630,068</b>	<b>110,845</b>	<b>596,005</b>	<b>397,867</b>	<b>219,450</b>	<b>231,750</b>	<b>(139,383)</b>	<b>2,487,677</b>
<b>Total liabilities and fund balance</b>	<b>\$ 576,923</b>	<b>\$ 636,348</b>	<b>\$ 114,729</b>	<b>\$ 599,584</b>	<b>\$ 397,867</b>	<b>\$ 219,450</b>	<b>\$ 231,750</b>	<b>\$ -</b>	<b>\$ 2,776,651</b>

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND 001  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ -	\$ -	\$ 2,220,477	0%
Developer assessment	51,453	51,453	617,437	8%
Interest	65	65	2,200	3%
Miscellaneous	560	560	15,000	4%
Total revenues	<u>52,078</u>	<u>52,078</u>	<u>2,855,114</u>	2%
<b>EXPENDITURES</b>				
<b>Administrative</b>				
Supervisors	1,077	1,077	12,918	8%
Management	5,044	5,044	60,525	8%
Assessment roll preparation	-	-	25,490	0%
Accounting services	1,647	1,647	19,764	8%
Audit	-	-	15,100	0%
Legal	10,750	10,750	25,000	43%
Legal - litigation	-	-	50,000	0%
Engineering	-	-	20,000	0%
Telephone	55	55	659	8%
Postage	75	75	2,000	4%
Insurance	19,582	19,582	20,351	96%
Printing and binding	55	55	659	8%
Legal advertising	-	-	1,000	0%
Office supplies	-	-	750	0%
Annual district filing fee	175	175	175	100%
Trustee	-	-	15,500	0%
Arbitrage rebate calculation	-	-	4,000	0%
Contingencies	91	91	22,000	0%
Dissemination agent	947	947	11,369	8%
Total administrative	<u>39,498</u>	<u>39,498</u>	<u>307,260</u>	13%
<b>Field management</b>				
Field management services	2,186	2,186	26,237	8%
Total field management	<u>2,186</u>	<u>2,186</u>	<u>26,237</u>	8%
<b>Water management maintenance</b>				
Other contractual	12,516	12,516	415,393	3%
Fountains	2,905	2,905	60,000	5%
Total water management maintenance	<u>15,421</u>	<u>15,421</u>	<u>475,393</u>	3%
<b>Street lighting</b>				
Contractual services	-	-	17,500	0%
Electricity	-	-	33,000	0%
Holiday lighting program	-	-	12,000	0%
Miscellaneous	-	-	1,500	0%
Total street lighting	<u>-</u>	<u>-</u>	<u>64,000</u>	0%

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND 001  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	Current Month	Year To Date	Budget	% of Budget
<b>Landscaping</b>				
Other contractual - landscape maintenance	25,630	25,630	985,000	3%
Improvements and renovations	-	-	145,000	0%
Contingencies	-	-	35,600	0%
Total landscaping	<u>25,630</u>	<u>25,630</u>	<u>1,165,600</u>	2%
<b>Access control</b>				
Contractual services	13,974	13,974	368,204	4%
Rentals and leases	-	-	23,453	0%
Fuel	-	-	9,684	0%
Repairs and maintenance - parts	362	362	4,539	8%
Repairs and maintenance - gatehouse	430	430	15,131	3%
Insurance	3,854	3,854	6,566	59%
Operating supplies	1,544	1,544	27,236	6%
Capital outlay	-	-	12,105	0%
Total access control	<u>20,164</u>	<u>20,164</u>	<u>466,918</u>	4%
<b>Roadway</b>				
Contractual services	-	-	5,000	0%
Roadway maintenance	-	-	110,000	0%
Total roadway	<u>-</u>	<u>-</u>	<u>115,000</u>	0%
<b>Irrigation supply</b>				
Electricity	-	-	750	0%
Repairs and maintenance	111	111	1,500	7%
Supply system	3,688	3,688	134,200	3%
Total irrigation supply	<u>3,799</u>	<u>3,799</u>	<u>136,450</u>	3%
<b>Other fees &amp; charges</b>				
Property appraiser	33,084	33,084	34,695	95%
Tax collector	-	-	46,260	0%
Total other fees & charges	<u>33,084</u>	<u>33,084</u>	<u>80,955</u>	41%
Total expenditures	<u>139,782</u>	<u>139,782</u>	<u>2,837,813</u>	5%
Excess/(deficiency) of revenues over/(under) expenditures	(87,704)	(87,704)	17,301	
Fund balances - beginning	528,779	528,779	651,165	
Fund balances - ending	<u>\$ 441,075</u>	<u>\$ 441,075</u>	<u>\$ 668,466</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 OCTOBER 31, 2015**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Misc income	\$ -	\$ -	\$ -	N/A
Total revenues	<u>-</u>	<u>-</u>	<u>-</u>	N/A
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Total debt service	<u>-</u>	<u>-</u>	<u>-</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	-	-	-	
Net change in fund balances	-	-	-	
Fund balances - beginning	-	-	-	
Fund balances - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</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 OCTOBER 31, 2015**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Special assessment: off-roll	\$ -	\$ -	\$ -	N/A
Total revenues	<u>-</u>	<u>-</u>	<u>-</u>	N/A
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Total debt service	<u>-</u>	<u>-</u>	<u>-</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	-	-	-	
<b>OTHER FINANCING SOURCES/(USES)</b>				
Transfer in	-	-	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>-</u>	<u>-</u>	N/A
Net change in fund balances	-	-	-	
Fund balances - beginning	-	-	-	
Fund balances - ending	<u>\$ -</u>	<u>\$ -</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 1999)  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ -	\$ -	\$ 900,221	0%
Interest	7	7	-	N/A
Total revenues	<u>7</u>	<u>7</u>	<u>900,221</u>	0%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	685,000	0%
Interest	-	-	182,400	0%
Total debt service	<u>-</u>	<u>-</u>	<u>867,400</u>	0%
<b>Other fees &amp; charges</b>				
Property appraiser	13,412	13,412	14,066	95%
Tax collector	-	-	18,755	0%
Total other fees & charges	<u>13,412</u>	<u>13,412</u>	<u>32,821</u>	41%
Total expenditures	<u>13,412</u>	<u>13,412</u>	<u>900,221</u>	1%
Excess/(deficiency) of revenues over/(under) expenditures	(13,405)	(13,405)	-	
Fund balances - beginning	643,473	643,473	636,623	
Fund balances - ending	<u>\$ 630,068</u>	<u>\$ 630,068</u>	<u>\$ 636,623</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 OCTOBER 31, 2015**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ -	\$ -	\$ 554,407	0%
Interest	1	1	-	N/A
Total revenues	<u>1</u>	<u>1</u>	<u>554,407</u>	0%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	480,000	0%
Interest	-	-	54,194	0%
Total debt service	<u>-</u>	<u>-</u>	<u>534,194</u>	0%
<b>Other fees &amp; charges</b>				
Property appraiser	8,261	8,261	8,663	95%
Tax collector	-	-	11,550	0%
Total other fees & charges	<u>8,261</u>	<u>8,261</u>	<u>20,213</u>	41%
Total expenditures	<u>8,261</u>	<u>8,261</u>	<u>554,407</u>	1%
Excess/(deficiency) of revenues over/(under) expenditures	(8,260)	(8,260)	-	
Fund balances - beginning	119,105	119,105	112,400	
Fund balances - ending	<u>\$ 110,845</u>	<u>\$ 110,845</u>	<u>\$ 112,400</u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2014-1 (REFUNDED SERIES 2002B)  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy: on-roll - net	\$ -	\$ -	\$ 548,373	0%
Interest	<u>7</u>	<u>7</u>	<u>-</u>	N/A
Total revenues	<u>7</u>	<u>7</u>	<u>548,373</u>	0%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	165,000	0%
Interest	<u>-</u>	<u>-</u>	<u>363,381</u>	0%
Total debt service	<u>-</u>	<u>-</u>	<u>528,381</u>	0%
<b>Other fees &amp; charges</b>				
Property appraiser	8,170	8,170	8,568	95%
Tax collector	<u>-</u>	<u>-</u>	<u>11,424</u>	0%
Total other fees & charges	<u>8,170</u>	<u>8,170</u>	<u>19,992</u>	41%
Total expenditures	<u>8,170</u>	<u>8,170</u>	<u>548,373</u>	1%
Excess/(deficiency) of revenues over/(under) expenditures	(8,163)	(8,163)	-	
Fund balances - beginning	<u>604,168</u>	<u>604,168</u>	<u>215,065</u>	
Fund balances - ending	<u>\$ 596,005</u>	<u>\$ 596,005</u>	<u>\$ 215,065</u>	



**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2014-2 (REFUNDED SERIES 2002A)  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy	<u>\$ 388,953</u>	<u>\$ 388,953</u>	<u>\$ 1,107,906</u>	35%
Total revenues	<u>388,953</u>	<u>388,953</u>	<u>1,107,906</u>	35%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	330,000	0%
Interest	-	-	<u>777,906</u>	0%
Total debt service	<u>-</u>	<u>-</u>	<u>1,107,906</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	388,953	388,953	-	
Fund balances - beginning	8,914	8,914	8,913	
Fund balances - ending	<u><u>\$ 397,867</u></u>	<u><u>\$ 397,867</u></u>	<u><u>\$ 8,913</u></u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2014-3 (REFUNDED SERIES 2005)  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy	\$ 219,450	\$ 219,450	\$ 593,900	37%
Total revenues	<u>219,450</u>	<u>219,450</u>	<u>593,900</u>	37%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	155,000	0%
Interest	-	-	438,900	0%
Total debt service	<u>-</u>	<u>-</u>	<u>593,900</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	219,450	219,450	-	
Fund balances - beginning	-	-	2,243	
Fund balances - ending	<u>\$ 219,450</u>	<u>\$ 219,450</u>	<u>\$ 2,243</u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2014-4 (REFUNDED SERIES 2005)  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy	<u>\$ 231,750</u>	<u>\$ 231,750</u>	<u>\$ 623,500</u>	37%
Total revenues	<u>231,750</u>	<u>231,750</u>	<u>623,500</u>	37%
<b>EXPENDITURES</b>				
<b>Debt service</b>				
Principal	-	-	160,000	0%
Interest	-	-	463,500	0%
Total debt service	<u>-</u>	<u>-</u>	<u>623,500</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	231,750	231,750	-	
Fund balances - beginning	-	-	2,367	
Fund balances - ending	<u><u>\$ 231,750</u></u>	<u><u>\$ 231,750</u></u>	<u><u>\$ 2,367</u></u>	

**FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2005  
FOR THE PERIOD ENDED OCTOBER 31, 2015**

	<u>Current Month</u>	<u>Year To Date</u>
<b>REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 <b>EXPENDITURES</b>		
Capital outlay	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -	 - -
 Fund balances - beginning	 <u>(139,383)</u>	 <u>(139,383)</u>
Fund balances - ending	<u><u>\$ (139,383)</u></u>	<u><u>\$ (139,383)</u></u>



**Wrathell, Hunt and Associates, LLC**

TO: Fiddlers Creek CDD #1 Board of Supervisors

FROM: Cleo Crismond – Assistant Regional Manager

DATE: November 18, 2015

SUBJECT: Monthly Status Report – Field Operations

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**Holiday Lighting:** This year (no additional charge) our contractor is adding lights and garland/bows to the two marquee's at the entry abutting 951/Parkway. Decorations/lighting will be fired up the week of November 23<sup>rd</sup>. This is to include the colored lenses on the entry water fountains.

**Lake Maintenance:** Lake tour conducted on Tuesday, October 27<sup>th</sup> with District Manager Chuck Adams, myself, Vicki DiNardo and Bill Kurth of Lake Masters. Observations included Torpedo Grasses, Alligator Weed, Cattail and minimal Crista Lilly. Over all the lakes were in excellent condition.

**Landscape:** Management continues to meet with Landcare on a monthly basis. Our last tour was completed on Wednesday, November 4<sup>th</sup>. Observations included continued removal of vines observed in shrubs, dead plant replacements, trimming of Mexican petunia's, etc..

**Palm Pruning:** Pruning continues and will be completed prior to the holidays.

**Ficus Pruning on Championship/Deer Crossing:** Pruning of dead limb material was completed October 20<sup>th</sup>.

**Cotton Green Entry Landscape:** The Bougainvillea in the center median as well as both entry signs were hit by catipillars and are on the schedule for replacement Monday, November 16<sup>th</sup>.

**Mulberry Lane:** Due to several sections of wall replacements required there are areas of landscape that require replacement. Management obtaining cost estimates prior to moving forward with this project.

**Mulberry Lamp Post:** Replacement fixture “decorative top” located at 7650 is on order and will be replaced upon receipt. (light fixture is working). **Per Contractor:** Believes on the schedule for next week – waiting for confirmation.

**Patrol Services:** November Stats: Total Stops: 5, (3) Details completed as of Thursday, November 12<sup>th</sup>: (4) Warnings and (2) Citation issued. (5) Issued to Residents.

- STOP sign: 02
- Speeding: 02

**Note:** On November 3<sup>rd</sup> the Sheriff's department commenced with adding one extra patrol per week. (4 hour shifts x's 2 – eight details are on the schedule for this month).

**Street post/signs:** Board approved Mahogany Bend painting on October 28<sup>th</sup>. Contractor is confirming to commence the week of the 16<sup>th</sup>. Will update the Board on Wednesday.

**Street Sweeper:** Currently, the District pays (\$399.00) per month to have all District roadways cleaned. Staff was requested to obtain cost to clean Mahogany Bend/Club Center Drive; as these two areas are the only streets where there is construction activity. Quote should be available for Wednesdays meeting to discuss/consider.