

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

A Regular Meeting of the Board of Supervisors of the Fiddler’s Creek Community Development District #1 was held on **Wednesday, June 22, 2016 at 8:00 a.m.**, at the **Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting were:**

Phil Brougham	Chair
Richard Peterson	Assistant Secretary
Robert Slater	Assistant Secretary
Charles Turner ( <i>via telephone</i> )	Assistant Secretary
Gerald Bergmoser	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Terry Cole	District Engineer
Tony Pires	District Counsel
Carrie Robinson ( <i>via telephone</i> )	Special Counsel
Ron Albeit	The Foundation
Shannon Benedetti	Resident, Landscape Committee
Frank Weinberg	Resident
Torben Christensen	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 8:03 a.m., and noted, for the record, that Supervisors Bergmoser, Brougham, Peterson and Slater were present, in person. Supervisor Turner was attending via telephone.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, authorizing Mr. Turner’s attendance and full participation, via telephone, due to exceptional circumstances, was approved.**

**SECOND ORDER OF BUSINESS**

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

Mr. Brougham asked and received the Board's consideration in moving the July 27 meeting ahead to July 20, subject to Board, Management and meeting room availability.

Ms. Shannon Benedetti, representing the Landscape Advisory Committee, along with Ms. Cathy Feser, Horticulturist, provided renderings and recommendations for the front entrance monument area. In front of the two main entranceway monument walls, waist-high green schefflera, a shrub, was proposed; a permanent row of greenery, in the front and underneath the "Models for Sale" sign. The objective of going through the expense of having shrubbery installed was to reduce the flowering bed, so that, seasonally, as the beds change, costs would be reduced. The schefflera would be solid green, to avoid possible conflict with the flower beds. Mr. Brougham asked if this was Ms. Benedetti's recommendation for the autumn planting, the redo. Ms. Benedetti responded there is a proposal for that.

Page 3 of Ms. Benedetti's proposal reflected seasonal recommendations for annual plantings. Beginning February/March, two rows of annuals would be planted; a white/silver dusty miller in front of the schefflera. A pink/purple petunia would be planted, as well, to continue along the parkway up to and at the guardhouse. It was noted that all colors and varieties of recommended greenery are subject to market availability and would be planted in the same location. In May, pink pentas, currently planted, were recommended. For August/September, the recommendation was one row of orange and red, trusty rusty coleus, which grow to a height of 24" to 30". These varieties were selected so as not to overtake the schefflera shrubbery. In November/December, two varieties were under consideration; red coleus, which reaches a maximum height of 30", or a black dragon coleus, a maroon colored variety that grows 12" to 18." The committee would like to add the annual, white ageratum, in front of the coleus, for holiday color. These flowers were chosen for their beauty, hardiness, ease of care and ability to be trimmed.

Mr. Brougham wanted to know what impact the flowers would have on the proposed budget amount for flowers, which was tentatively set at \$65,000. Mr. Adams stated that \$65,000 was for three changes. Ms. Crismond pointed out that installing permanent shrubbery would reduce the cost but she did not know what the budget amount would be. Ms. Benedetti asked that Ms. Crismond procure a proposal for the shrubbery. Mr. Brougham expressed that the Board would have no objections to Ms. Benedetti and Ms. Feser choosing the plantings. He asked Ms. Crismond to seek proposals, for a more precise budget amount.

Mr. Slater asked why the Landscape Advisory Committee was not considering perennials. Ms. Benedetti responded that she was following previous plans, which the Board approved, historically. Mr. Slater stated that other villages have flowers that remain, whereas this District complains, makes changes and spends a lot of money. While the plantings look beautiful, he questioned whether it could look as beautiful with perennials.

Ms. Benedetti stated with Mr. Albeit's approval, perennials would be researched with Ms. Feser.

Mr. Albeit believed that perennials would not be approved by the Design Review Committee (DRC), based on feedback about the front entrance. The higher-end communities that Mr. Slater was referring to have seasonal annuals that "pop" and he believed The Foundation would continue to pursue four change outs.

Ms. Benedetti noted that perennials require attentive maintenance and occasional replacement, for various reasons. She presented Ms. Feser's two renderings, which showed what the proposed plantings would look like, from the front, along with hers. The intent, going forward, was to eliminate expense by reducing the size of the beds while still having color.

Mr. Peterson stated that the Main Entry Sales sign detracted from the beauty of the entranceway and, to make the area as attractive as possible, he asked if the sign could be moved. Ms. Benedetti responded that it was not within her power; it was discussed with Mr. DiNardo and he will not move the sign because of the expense.

Mr. Slater and Mr. Peterson were in favor of asking for relocation of the sign, further away from the main entrance monuments.

Ms. Benedetti suggested that the Board request relocation. Mr. Brougham agreed to a written request to remove, reduce or relocate the sign.

**On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, authorization for Staff to prepare a letter requesting relocation of the Main Entry "Models For Sale" sign further away from the monuments, was approved.**

Mr. Brougham explained that the Board was reflecting comments made repeatedly at Board meetings and by residents, and hoped that the letter would not be received as a declaration of conflict. He assured Ms. Benedetti that proposals would be sought quickly and did not want

the letter to interfere with the Committee’s recommendations. The pricing would be considered at next month’s meeting, with or without a response about the sign.

In response to a question, Ms. Benedetti suggested that the schefflera be purchased in eight-gallon containers, to reach waist height, not wanting the main entranceway lettering on the Fiddler’s Creek sign to be blocked.

Mr. Frank Weinberg, a resident, asked if the District’s issue with the County regarding landscaping around the traffic signal was resolved. Mr. Brougham responded that the Florida Department of Transportation (FDOT) is the governing body. The specifications were received; a 6’ clearance was required. Ms. Feser recommended not planting shrubbery, as it would draw attention. Mr. Cole added the caveat from the State, mandating a 4’ hedge height, and the equipment is higher than 4’.

**THIRD ORDER OF BUSINESS**

**Special Counsel Update**

Ms. Carrie Robinson stated that the District received notice, last week, that the Court entered an Order granting Plaintiff’s Motion for Clarification and two amended Orders, of no consequence, related to CDD #2, were issued. Ms. Robinson believed that CDD #1 would likely receive a jointly amended Order, reflecting minor typographical errors, which were corrected. Additionally, U.S. Bank’s Request for Relief was very minor but, it may obviate the need for the July 25 hearing. Additionally, U.S. Bank answered the pleadings in the case and the District was set to reply to the Affirmative Defenses. Efforts were made to schedule a hearing on the various requests to add claims of punitive damages; that hearing would be set for mid-July, based on court availability.

***\*\*\*Ms. Robinson left the meeting at 8:26 a.m.\*\*\****

**FOURTH ORDER OF BUSINESS**

**Developer’s Report**

There being no report, the next item followed.

**FIFTH ORDER OF BUSINESS**

**Engineer’s Report**

Mr. Brougham asked the Board to consider instituting a full inspection of all sidewalks within the District, every six months and assumed that Mr. Cole or a subcontractor would

perform that inspection. Mr. Cole responded that an inspector from his company could be dispatched. The Board concurred.

Mr. Cole's primary concern for the sidewalks was cracking, upheaval and tripping hazards. Mr. Brougham stated that slipping and tripping were his concerns and asked that the inspection note areas which have significant algae and mildew build-up. Mr. Brougham believed it unnecessary to ask for Board approval for repairs that were indicated; they should be addressed immediately. Mr. Adams concurred.

**On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, authorization for the District Engineer to perform semi-annual sidewalk reviews for trip hazards, slip/fall, cleaning needs and structural integrity, was approved.**

Mr. Cole stated that the first inspection would be scheduled and he would verify, with Ms. Crismond, that all CDD areas are covered. Mr. Pires noted that, after the inspections are performed, the District Engineer should identify and mark issues, take photos, and keep a timeline of implemented corrective measures.

Mr. Cole reported that, within the last month, Landshore Enterprises, LLC (Landshore), began the Phase 5 lake erosion repair project. They are currently working in the vicinity of Pepper Tree and Cherry Oaks Lane and between Mulberry Row and Cardinal Cove. Depending on the rains, work should be completed faster than last year. A walk through was performed when work began and, based on conditions and contractor input, a Change Order would be sent for the type of repairs. If the total changed from the initial figure of approximately \$75,000, Mr. Cole would follow up. In response to a question, he responded that the repairs on Whisper Trace were added to this phase.

Mr. Brougham asked if the funds expected from CDD #2 were received for their portion of the traffic signal. Mr. Adams responded that the check was received from the Trustee on June 2 and would be reflected in next month's financials. The income was projected in "Miscellaneous".

Mr. Adams presented spreadsheets, prepared by Ms. Alice Carlson, of AJC Associates, Inc. (AJC), recognizing a loss of 77.00 Equivalent Residential Units (ERUs) for the upcoming fiscal year. The units are located in Phases #5 and #6, Series 2014-3 and 2014-4 Restructured Bond Issues, respectively. The Marsh Cove neighborhood was being replatted, to plat a larger product type than originally anticipated, which would result in a reduction in units. A buy down must be performed on the restructured bonds, which anticipated a larger number of units; on the operating side, there is a loss of units.

Mr. Brougham understood that the change was based on the market but was concerned about what it meant for residents, in terms of assessments, which have been a “roller coaster” since 2014. He asked that Staff send a letter to homeowners, explaining the changes, and why. Mr. Adams explained that assessment increases always trigger a notice and Staff always includes an explanation of the assessments, along with the legal language. Mr. Brougham wanted the notice to include a brief history on assessable units over the last three years.

Mr. Adams stated there was one adjustment to the budget, as a not-to-exceed figure was received from Mr. Albeit, for “Access control”. When the figure was entered, it reduced the “Contractual services” requirement for “Access control” to \$360,979, which resulted in a per unit on-roll assessment of \$1,603.53.

Mr. Bergmoser wanted clarification about “Other contractual – Flowers”, on Page 6, which showed a figure of \$64,500. Ms. Crismond responded that the figure represented three changes but four were being considered; however, the quantity would be reduced. The figure may remain the same, due to the proposed shrubbery.

Mr. Bergmoser clarified that, even though the ERUs were reduced, the District’s share of total expenses, for access control and other things, went down, slightly. Mr. Adams agreed, stating that CDD #1 was at 57%, as shown on Page 7, in the “Summary of Expenditures”, for “Access control”. It was 60% in the prior year.

Mr. Peterson noted that “Miscellaneous”, on Page 1, was budgeted for \$15,000, in Fiscal Year 2016 and inquired about the huge increase to \$248,000. Mr. Adams explained that \$232,000 was related to the traffic signal. On Page 2, regarding “Capital outlay – traffic signal”, Mr. Peterson asked if that figure of \$112,819 was related to the traffic signal, as well. Mr. Adams responded affirmatively. On Page 3, regarding “Fund balance - ending (projected)”, Mr. Peterson asked for clarity, noting that the adopted budget was \$668,466, the Actual, through

March 31, was \$1,538,667 and the projected budget through September 30, was \$674,452. Mr. Adams explained that the amount was the difference between expenditures and revenues for Fiscal Year 2016, which carries over. An increase to the fund balance was anticipated, plus the increase of \$145,690, bringing the total to \$674,452. The far-right column anticipated expenditures of all appropriations, so that number would be carried over, automatically. Mr. Peterson clarified that the actual figure through March 31, of \$1,538,667, was an overage and that projected expenditures were \$860,000, through September 30, for an ending balance of \$674,452. Mr. Adams affirmed. Mr. Peterson restated that the projected on-roll assessment, per unit, was \$1,603.53, which, from his perspective, takes all known costs, going forward, into consideration. Mr. Adams added that the District was increasing its total expenditures from \$2.837 million to \$2.936 million, reducing the number of assessable units to spread those costs by 77.

On Page 1, under "Insurance", Mr. Slater stated that the proposed budget of \$21,540 does not take into consideration the Insurance and Risk Management Services (IRMS) email he received, which cited a 17% rate increase. Mr. Adams did not recall sending the email and suggested the email was sent by the HOA. No one else on the Board received the email, either. Regarding the "Other contractual" line item, under "Water management", on Page 1, Mr. Slater asked what was included in the amount of \$412,000. Mr. Adams explained that lakes, wetland and Belle Meade were included and those details were on Page 5. Mr. Slater did not follow the figures in the line item "Electricity", under "Street lights", on Page 1, whose total and actual figure was \$36,573 and the proposed figure was \$38,000. Mr. Adams explained that a small contingency was included, based on fuel costs. Mr. Slater wanted to know why the total projected budget was \$985,000 and the proposed budget was increased to \$1.035 million, under "Other contractual", "Landscape maintenance". Mr. Adams explained that the contract was going out to bid this year and costs were rising. Further discussion ensued.

Mr. Slater questioned why "Roadway maintenance", for Fiscal Year 2017, decreased to \$110,000 from \$112,075, when the roads were aging. Mr. Adams responded that the roadway component had two items; striping, a unique event for Fiscal Year 2016, and sidewalk and curb pressure washing. Ms. Crismond added that, within that line item, the District pays for repairs to street signs and lights.

Mr. Slater asked Mr. Albeit if the builder was responsible for repaving Runaway Bay, as there were potholes throughout. Ms. Crismond responded that only a small section of Runaway Bay was CDD property. Mr. Albeit stated it is Runaway Bay's issue; it was turned over by the developer. Mr. Torben Christensen, a Runaway Bay resident, stated that construction was nearly finished, roads and curbs were inspected for damage and the second lift would be installed this summer.

Mr. Turner referred to the total and actual projected figure of \$674,000 "Fund balance - ending (projected)", on Page 3, and asked if those were the funds needed for the months of October through December, 2016, until the assessments are received. Mr. Adams responded yes and added that a \$500,000 line of credit was available. Mr. Peterson asked if \$674,000 would be adequate for three months of expenses. Mr. Adams responded affirmatively. Mr. Turner asked for a spreadsheet detailing projected expenditures for those months. Mr. Adams responded affirmatively and advised of what could be expected for monthly accruals and seasonal items in the spreadsheet.

On Page 1, Mr. Brougham asked what the projections were regarding "Litigation", and how accurate the \$50,000 figure was. Mr. Adams responded that the figure was chosen in a "conservative and cautious" manner and if there was money left over, it could be added to the fund balance. Mr. Peterson noted that, if current projections were nearly \$33,000, next year's projection of \$50,000 was almost 50% over budget and asked if it warranted. Mr. Adams explained that he could not foresee potential legal fees and wanted to keep the projections the same, year over year. Mr. Brougham believed the amount should be reduced, as the action was nearly finished. Mr. Peterson asked that the amount be reduced to \$35,000. The Board agreed.

Mr. Brougham stated that the District had an issue with the \$100,000 tree trimming budgeted in Fiscal Year 2016, under "Other contractual – landscape maintenance", on Page 2, as more work was incurred. Half of the work must be completed in Fiscal Year 2016, with the remainder after October 1, so the budget would not be exceeded. Ms. Crismond explained that the District may potentially exceed the budgeted amount due to unanticipated costs. Mr. Brougham suggested increasing the line item by at least \$25,000, due to yearly recurring costs. Mr. Turner recalled that the CDD inherited or received additional areas in Cherry Oaks, for which the District bears responsibility, which would mean increased non-budgeted expenses. Mr. Brougham responded affirmatively, due to developer inaction. The tree pruning was a three-



year cyclical event. The trees that are in an area out of cycle tend to be reported, as far as intrusions on roof lines and other vegetation and must be pruned, which was likely to continue. Mr. Peterson believed this would be an increased cost. Mr. Brougham responded that the District neglected Antilles, the last few years, and required attention. Ms. Crismond stated that the Arborist advised waiting until the spring to improve the buffer area of Pepper Tree and Bent Creek. Mr. Brougham agreed the area had been neglected for several years and must be addressed.

Mr. Peterson asked if there was a standard to assist the Board in coming to a reasonable expectation, such as a 10% to 15% increase, and \$25,000 was 25%.

Mr. Brougham explained that 50% of the tree pruning program that should have occurred in Fiscal Year 2016 was delayed. The Board agreed and hoped that the proposed \$25,000 was enough of an increase.

In response to a question, Mr. Adams stated that, due to the "great recession" and other priorities, the trees on the other side of the fence, in Mulberry, did not receive necessary attention.

Mr. Slater asked if the CDD was authorized to access the area. Ms. Crismond responded that there was an easement but the District must cut through the fence, for access, which was granted through July 15. Regarding the gates, Mr. Albeit asked that Ms. Crismond resend the paperwork to Allison. The discussion was tabled.

Mr. Brougham commented that \$900,000 in "Other contractual – landscape maintenance" on Page 2, was anticipated for LandCare or whichever contractor was chosen. Also on Page 2, under "Access control", Mr. Brougham asked if the figure included extra patrols during the season. Mr. Adams responded affirmatively, adding that the number rose from \$10,000 to \$15,000, for increased patrols, for that reason.

Mr. Brougham asked which phase the District was currently in regarding "Water management", on Page 5. Mr. Cole responded that the upcoming budget projects Phase 6. Mr. Brougham asked, regarding Belle Meade, who carries out the work, and how often it occurs. Mr. Adams responded that LakeMasters performs the work, on a quarterly basis, although twice per year was required. Mr. Brougham asked if reports were provided to Management. When Ms. Crismond responded negatively, Mr. Brougham asked how Management knows the work was performed. Mr. Adams explained that there is an annual monitoring report, by Turrell, Hall and

Associates (THA), which is submitted to the South Florida Water Management District (SFWMD) and Collier County. Mr. Brougham asked for an explanation of how the contract was structured. Mr. Adams explained that it was an annual, fixed priced contract. Part of the \$75,000 was for the contractor and the other for annual monitoring. The review in THA's annual report ensures that the contractor is performing properly and meets permit requirements. Mr. Slater asked if the Board receives a copy of THA's report. Mr. Adams responded that the reports are sent to the District, County and SFWMD. Mr. Pires, referring to an agenda from 2010, asked for clarification that the annual monitoring was in perpetuity or for a finite period of time. Mr. Cole stated it was finite, although unsure of the time frame, and would provide the information upon receipt. Monitoring continues in another District, regardless, due to the nature of the exotic plants in preserve areas and suggested considering continued monitoring for this District, as well. Mr. Brougham requested a report from Mr. Cole, next month, answering these questions.

Mr. Brougham asked if LakeMasters was competitive, if other companies provide these services and, if so, should the contract be put out to bid. Mr. Adams explained that those services were bid as part of the lake and wetland bid. Mr. Brougham asked if the District would be better served with a different contractor. Mr. Adams responded that the District was doing due diligence by using a competitive bidding process for lake and wetland bidding, which provides bulk pricing, versus a separate contract, because other preserve areas were included in the cost. Mr. Pires suggested posting the annual monitoring report on the CDD website or in the agenda package. Mr. Brougham responded that the report could be posted on the website.

Mr. Brougham discussed the proposed Long Term Capital Improvement Reinvestment Guide, which he believed could affect the District's budget. In an offline conversation with Mr. Brougham, Mr. Adams suggested that the District not entertain going out for bonds at this point, as it would be akin to borrowing money for each project. Borrowing would occur in the year of initiation of each project and then paid in subsequent years, as shown in the spreadsheet.

Mr. Adams explained that the financing term is the number of times an assessment number was applied to a particular line item; an example given was Roadway Resurfacing Phase 1, 2018, 2019 and 2020. It would be a three-year financing term, assumed at 4.25%. Mr. Peterson clarified that this scenario required borrowing money, then repaying it over a three-year period for that particular project; an aggregated, accumulated debt that the homeowners would repay over a fixed period of time. Mr. Adams agreed, stating that the idea was to spread

payments out over a reasonable period of time, to trigger them when the projects are anticipated to begin; it is a ten-year plan. Not every project had to begin at the same time. The dates shown were anticipated, reasonable dates to begin projects and dates to help the District spread out the costs, keeping assessment levels steady.

For the benefit of the Board Members who may not have received the spreadsheet, Mr. Brougham explained that the Board asked Mr. Adams for a Five-Year Capital Improvement Plan to show prospective infrastructure reinvestment. These items include roadway milling and repaving, gatehouses, the parkway, entrance monuments, landscaping, wall post replacement and streetlight, street signs updating. There are many options as to how to handle the projects, whether a bond is issued and how it is financed. He was informed that it does not make sense to issue the bond to begin all of the projects at once, for various reasons. Mr. Adams explained that the Cost of Issuance (COI) on a bond is approximately \$250K. Mr. Brougham noted the importance of having this completed prior to Fiscal Year 2017, so as not to affect the budget. He also stressed reconsidering the largest item on the list, Fiddler's Creek Parkway 951 entrance monuments, landscaping, decorative fountains and lighting, totaling \$1 million. He believed that all of those projects were important, just not in Fiscal Year 2017. First, the Board must receive firm answers from the developer as to whether the entrance road would be reconfigured. If the Board cannot receive answers, he suggested delaying the Parkway off the list, for now. Secondly, Mr. Brougham stated that the Gatehouse roof-replace and facelift was necessary and suggested moving the project up into Fiscal Year 2017; it would only be a \$49 assessment. Mr. Adams stated that the item did not anticipate financing and a loan was not necessary. Mr. Peterson asked if Mr. Brougham was suggesting increasing the annual budget by \$90,000, in Fiscal Year 2017, to pay for the project. Mr. Adams stated that the item was actually \$150,000, however, it is a cost share with CDD #2; CDD #1 would pay \$90,000.

Mr. Adams added that the cost share items were in the proposed budget under "Access control program". Conversation was necessary regarding these capital investment items but it has not yet occurred. Mr. Peterson stated that by increasing the annual budget by \$90,000, it implies that CDD #2's budget would increase, as well.

Mr. Brougham suggested also adding "Entry ponds bulkhead replacement/renovation", for \$200,000, and leaving the other items until next year, at least. Mr. Slater asked if there was a way in which the projects could be spread out over a two-year period. Mr. Brougham responded

that, when a contractor is involved, the job should be completed as quickly as possible. Mr. Slater meant borrowing the money for two years, not performing the work over a two-year period. Mr. Slater asked if a \$150,000 loan could be procured for a two-year period. Mr. Adams responded that he would look into it. Mr. Brougham added that there were two months before the budget was finalized.

Mr. Weinberg asked why the District would not increase assessments to pay the \$150,000 for the project and avoid borrowing money. Mr. Adams stated that the cost listed was not a financed number; it was a straight-up one-year figure. Mr. Brougham stated that Mr. Adams recommended completing the project, which would increase assessments by \$49 per, home.

Mr. Adams stated that the bulkhead project was not necessary, yet; for being 20 years old, it was in remarkably good condition. Mr. Brougham suggested having the District Engineer inspect it and, if structurally sound, it could be delayed. Mr. Adams felt that, if the bulkhead was structurally sound, he would anticipate renovating it in five years, and then it should last another 20 to 25 years. Discussion regarding the bulkhead ensued.

Regarding the front gatehouse, Mr. Peterson asked what was done to the roof and if the work was so poor that it must be repaired again, in Fiscal Year 2017. Mr. Adams recalled that, two years ago, there was a valley gutter issue. The current issue was along the ridged, soffit line extending down through the wall and into the restroom. Recently, the major issue with the restroom was poor drainage and the heavy rain in January. The outside drainage issue was addressed; shrubbery was removed and the area was regraded so that water flows away more easily than before. Mold was remediated and new drywall and vanity were installed. Mr. Peterson noted that the line item identified it as "roof replacement"; however, the roof was not the culprit. Mr. Adams clarified that there was a spot leak, which was repaired; however, the major issue was water entering, due to poor drainage. Mr. Brougham asked if the roof must be replaced. Mr. Adams replied affirmatively. The roof was constructed in 1996 and was probably ready to be replaced, which was why replacement was anticipated, along with a general Guardhouse facelift, which could possibly include technology, among other things.

For the next meeting, Mr. Brougham directed Mr. Adams to speak with CDD #2 regarding the shared cost items and reiterated moving the Gatehouse roof-replace and facelift project up into 2017. All Board Members were in agreement. Mr. Brougham asked if there were anticipated costs associated with stormwater management, in terms of capital for these projects

and noted the tunnels and water controls. Mr. Cole believed that the District was in good shape, having no substantive repairs anywhere. Two unforeseen and unrelated irrigation repairs were made within the last year. Mr. Brougham asked if increased irrigation supply was necessary. Mr. Adams responded that no expansion was indicated for CDD #1 and, if CDD #2 required expansion, the funds would come from the construction fund.

Mr. Christensen asked that he receive a spreadsheet for next month. Mr. Adams provided the spreadsheet.

**SEVENTH ORDER OF BUSINESS****Approval of May 25, 2016 Regular Meeting Minutes**

Mr. Brougham presented the May 25, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 26 and throughout: Change "Brundine" to "Rendine"

Line 27: Insert "Carol Rendine" and "Resident"

Line 31 and throughout: Change "Burn" to "Bury"

Line 32 and throughout: Change "Vicaro" to "Vaccaro"

Line 66: Change "northeast" to "northwest"

Line 148: Change "Alba" to "Albaugh"

Line 168: After "that", insert "as a general proposition"

Mr. Brougham stated that a suggestion was made, last month, regarding the Antilles settlement, to add a stipulation that Mr. Albaugh provide access, which was rejected. Access was permitted, through Port-au-Prince Road, through July 15, which did not interfere with the settlement. Mr. Albaugh was supposed to send a check to Mr. Reyes, which should be in a trust account, upon receipt. Mr. Adams would research the check and inform the Board, when received.

Line 358: Change "District" to "Foundation"

Line 387: Change "light" to "traffic signal"

<p><b>On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, the May 25, 2016 Regular Meeting Minutes, as amended, were approved.</b></p>
---

**EIGHTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements  
as of May 31, 2016**

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2016; there were no questions or red flags.

**NINTH ORDER OF BUSINESS**

**Action Items**

Mr. Brougham stated Action Items were missing and could not be commented upon.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being no report, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Pires stated that, on June 4, a call was received from Attorney John Cardillo regarding a Notice of Claim. Before entering into a lawsuit against a governmental body for a tort, a Notice of Claim must be given. The District has six months to deny or settle the case; not acknowledging it or responding to it gives the Plaintiff the ability to file a lawsuit. Mr. Brad Scribner and Mrs. Carol Scribner filed the claim, asserting that Mrs. Scribner tripped and fell on a raised portion of District sidewalk, on December 10, 2014. The Notice was forwarded to the District's insurance carrier. The incident is also the subject of a lawsuit filed against Sauvignon Village Association. The suits were forwarded to the insurance carrier for evaluation and coordination with the District Manager and, possibly, with Counsel for the Scribners. Typically, the insurance carrier takes care of the defense; the District pays the \$5,000 deductible. Costs are kept down, in part, because the insurance carrier coordinates with District Counsel and Management.

**B. District Manager**

Mr. Brougham asked when the audit would be presented. Mr. Adams responded that it was nearly complete and must be filed by June 30, as required by statute. Mr. Brougham expressed displeasure that the audit was being presented so close to the deadline. It was preferred that the audit be presented in May, for contractual purposes. Discussion regarding

auditors ensued and a presentation date to be assigned in future contracts was added, to begin after receipt of the audit.

**i. NEXT MEETING DATE: July 27, 2016 at 8:00 A.M.**

Mr. Adams indicated that, as discussed in the Second Order of Business, the next meeting would be held on July 20, 2016 at 8:00 a.m., subject to Board, District Management and meeting room availability, at this location.

**C. Operations Manager**

Ms. Crismond recalled that, at last month's meeting, the Board approved a not-to-exceed amount of \$11,220. After further evaluation, it was determined that additional oak trees must be added to the area and that three ficus trees must be removed.

Mr. Brougham stated that LandCare miscounted, resulting in the changes.

**On MOTION by Mr. Brougham and seconded by Mr. Turner, with all in favor, the proposal to purchase nine (9) oak trees and to remove three (3) ficus trees, for \$7,620, was approved.**

Ms. Crismond stated that, having reviewed the back side of the Mulberry, Pepper Tree and Bent Creek areas, walls in disrepair were identified and must be repaired. Pricing is being sought and project completion was hoped to be swift.

Ms. Crismond stated that Management was awaiting approval from the DRC for gate access installation. Mr. Albeit stated that since he had not received pricing from TEM Systems (TEM) and suggested that Ms. Crismond send an email to Alyson, stating the District understands the alarm monitoring and limited access after July 15, until Antilles gains gate approval. Mr. Brougham asked which entity was managing this part of the project. Mr. Albeit responded that the Foundation was handling the alarm side and asked that the gates be installed prior to the alarm installation.

Mr. Albeit apologized for neglecting to discuss this item earlier, regarding an email for additional insurance coverage, beginning on December 1 instead of January 1, in the amount of \$950. Mr. Brougham explained that necessary procedures must take place beforehand; otherwise, the process would have completed earlier.

Mr. Albeit stated that the budget he presented to Mr. Adams only included January 1 through April 30. Mr. Adams asked for a revised number from December 15.

**TWELVE ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Slater, referring to the email discussed earlier, stated that every village that has IRMS would be increased by 17.1% on insurance coverage.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Brougham and seconded by Mr. Peterson, with all in favor, the meeting adjourned at approximately 9:47 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



  
Secretary/Assistant Secretary

  
Chair/Vice Chair