

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

The regular meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #2 was held on Wednesday, September 26, 2007, at 9:05 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Drive, Naples, Florida 34114.

Present and constituting a quorum were:

Chip Olson	Chairman
James Robertson	Vice Chairman
Victoria DiNardo	Assistant Secretary
Gretchen Scott	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Corinne Norton	Assistant Regional Manager
Cleo Crismond	Assistant Regional Manager
Anthony Pires	District Counsel
Terry Cole	District Engineer
Ron Albeit	Foundation Manager
Phillip Brougham	Chairman/Fiddler's Creek #1

**FIRST ORDER OF BUSINESS:**

**Roll Call.**

Ms. Norton called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS:**

**Approval of August 22, 2007  
Meeting Minutes.**

**On MOTION by Mr. Olson and seconded by Ms. Scott with  
all in favor of approving the August 22, 2007 Meeting Minutes  
as amended.**

**THIRD ORDER OF BUSINESS:**

**Consideration & Approval of  
Resolution 2007-5.**

Ms. Norton explained that Resolution 2007-5 is for the purpose of providing notification of the Landowner's Election to be held on November 28, 2007 and approving the form of ballot and proxy to be utilized.

Mr. Olson questioned, what two candidates are up for election?

Mr. Olson asked Mr. Pires, Tony do you want to talk about that?

Mr. Pires responded, typically there is an announcement for anybody who is a property owner can appear in person or by proxy and cast a ballot for individuals they wish to be the Landowner's Board members. The requirement of the candidates is that they be residents of the State of Florida. Each platted lot constitutes one vote, each acre constitutes one vote and then the votes are allocated. The two highest ranked candidates serve for four years and the remaining candidate serves for a two year period. The Manager acts as the Chairman of that meeting and right after that at the regular Board meeting, there is a ratification and confirmation of the vote.

Mr. Adams stated there is no need for the Board to participate in the Landowner's election, but you are more than welcome, it is a Public meeting. The candidates would be seated at the next Regular meeting. There is a portion of the Agenda that opens up for all nominations and the meeting is advertised twice.

**On MOTION by Mr. Olson and seconded by Ms. DiNardo with all in favor of approving Resolution 2007-5; providing notification of the Landowner's Election on November 28, 2007 and approving the form of ballot and proxy as discussed.**

**FOURTH ORDER OF BUSINESS:**

**Other Business.**

Mr. Robertson stated I have two items on Safety and Security; the first item is fairly simple: in anticipation of the seasonal residents returning, we spent some time discussing the three gates and the purpose of the three gates. We discussed that the Board should recognize that the main gate is for residents and their guests, primarily. The Championship Gate is for residents and commercial traffic. The Route 41 east gate is for construction traffic only and we need to let the residents know that is not a Public gate, the State has not given Public access, it is only for construction. We need the minutes to show that so that the returning residents will understand what the three gates are used for.

Mr. Robertson stated, the other item is regarding the negotiated inter-District agreement on Cost Sharing. In my opinion, it is good for both Districts; between the negotiation and the District Counsel review, there is a lot of arbitration required which we are going to have to pay for which I don't agree with and I don't think the Board should agree with. Our protection in

C.D.D. #2 is gone now and it stays the way it is written now, I would recommend that perhaps this Board not agree with this negotiated agreement.

Mr. Pires stated one correction, in regards to a violation of 2, 3 and 4, which would void the agreement; it was to be edited and that is my mistake. It was not in the original draft and it was my error, it was intended to be in there, and I apologize for the misunderstanding. As to the arbitration, I believe that was thought to be put in there in case of any disagreement as to what the agreed upon costs were and that would be the arbitration, I believe that is how it is phrased, it deals with the Budget issue.

Mr. Adams clarified, no, I think what we were intending was that the Manager is the common link between the Districts and would be working towards providing options to mediate any difference of opinion on the two sides. Not a formal arbitration program at all. I did not get that in time to provide the clarification.

Mr. Brougham commented the way I think we both left it, both Boards last month, was direction to Staff to work out the appropriate means so that Staff could negotiate any differences and so forth. There were no specific instructions to point towards arbitration as such.

Mr. Pires stated, I took it one step too far and I apologize for that. I will make the corrections.

Mr. Robertson requested, you will re-insert the protection for this Board that we had negotiated?

Mr. Pires answered, yes sir. I saw those in the minutes and it is my error in not placing them in the agreement.

Comment was made that the methodology is not attached and that perhaps the agreement could be considered at a later date.

Mr. Robertson recommended that the draft be reiterated and be tabled until such time and that due to the late receipt of the draft, the Supervisors did not have adequate time to review it.

Mr. Pires stated I will make sure that goes out to the Board members this week and make sure that Chuck has it for the sub-Committee members as well.

Mr. Adams commented that you will be meeting in joint session next month so we can include this item for discussion.

Mr. Pires referred to paragraph 10, page 5; and noted the subsequent changes that will be made to the agreement will be less formal.

Mr. Adams stated in regard to your Auditor, Berger, Toombs, Elam, Gaines & Frank. They have respectfully resigned and are terminating their contract due to loss in personnel. We have started the RFQ process, request for Auditor qualifications. We will bring those back to you along with a ranking sheet that will explain how you rank the submittals. I will have you convene as the Auditor Selection Committee and you will select your Auditor. The goal this year is to have your Audits in the first quarter of 2008.

Discussion followed regarding the recent fee increase by the Auditing firm and the difficulty in the timing of the RFQ process.

Mr. Adams stated your website is up and running, it is *Fiddler's Creek C.D.D.2.net*.

**FIFTH ORDER OF BUSINESS:**

**Staff Reports.**

**A. Attorney**

There being no further report, the next item followed.

**B. Engineer**

Mr. Cole presented two draws; Draw #1 was the 2003 Series Bond; draw #49 for approximately \$130,000.00 consisting of roadwork, sidewalks, irrigation, sewer, excavation, landscape plants, fountains and lake bank sodding. The balance remaining is approximately one million dollars. There is some work remaining such as asphalt paving within 5 U1, etc. Draw #2 is the 2005 Series Bond, draw #20 for approximately 1.6 million dollars; there are approximately a dozen areas of work, the off-site turn lane, work in 5 U2, sewer and irrigation mains, landscaping planting, lake excavation. The balance of that Bond after this draw is approximately 16.2 million dollars.

**C. Manager**

The unaudited financials as of August 31, 2007 were included within the Agenda Packages.

Mr. Olson questioned the budgeted amount for electric of \$7,000.00 and the District only used \$2,000.00; are all the street lights working?

Mr. Adams answered, yes they are all working, this is a timing issue; we budgeted in anticipation for the additional areas of lighting.

**SIXTH ORDER OF BUSINESS:**

**Supervisors Request & Audience  
Comments.**

Mr. Robertson asked, Chuck, since the next meeting is a joint meeting, can we schedule our meeting for the first fifteen minutes so that the Fiddler's Creek #1 Board doesn't have to sit through our normal stuff and they can do their normal stuff at the end of the meeting.

Mr. Adams concurred, that is what I was planning, to have the joint session first. You will take a little longer than fifteen minutes due to the business to consider. This way we can advertise one time for both Districts.

**SEVENTH ORDER OF BUSINESS:**

**Adjournment.**

There being no further business, all members were in agreement with adjournment.

**On MOTION by Mr. Olson and seconded by Ms. DiNardo  
with all in favor, the meeting adjourned at 9:30 a.m.**



Secretary/Assistant Secretary



Chairman/Vice Chairman