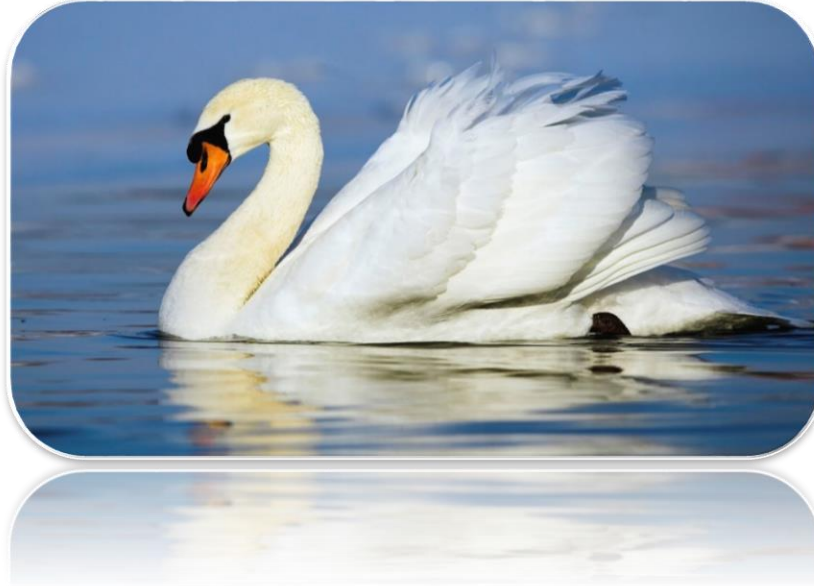


# **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**

---



## **REGULAR MEETING AGENDA**

APRIL 15, 2021

---

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2301 NORTHEAST 37<sup>TH</sup> STREET, FORT LAUDERDALE, FL 33308

T: 954-658-4900 E: [JimWard@JPWardAssociates.com](mailto:JimWard@JPWardAssociates.com)

# FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

April 8, 2021

Board of Supervisors  
Flow Way Community Development District

Dear Board Members:

This Regular Meeting of the Board of Supervisors of the Flow Way Community Development District will be held on **Thursday, April 15, 2021 at 1:00 P.M.** in Conference room of the offices of **Woods, Weidenmiller, Michetti, & Rudnick, 9045 Strada Stell Court, Suite 400, Naples, Florida 34109.**

The venue for this meeting is the offices of Woods, Weidenmiller, Michetti, & Rudnick and was specifically chosen such that the District will be able to meet the social distance guidelines for this meeting for Board Members/ and Staff only for the meeting. With the limitation for people in the meeting room the District encourages members of the public to join by video or audio using the link below.

***Please ensure that all Board Members and Staff in attendance bring and wear masks during the meeting.***

The following WebEx link and telephone number are provided to join/watch the meeting.

**Weblink:**

<https://districts.webex.com/districts/onstage/g.php?MTID=e46416998d477f7b7a6587121fcc1521>

Access Code: **129 791 5923**

Event password: **Jpward**

**Call in information if you choose not to use the web link:**

Phone: **408-418-9388** and enter the access code **129 791 5923** to join the meeting.

The link to the meeting will also be posted on the District's web site: [www.Flowwaycdd.org](http://www.Flowwaycdd.org).

## *Agenda*

---

1. Call to Order & Roll Call.
2. Public Comments for NON-Agenda items. (limited to Three (3) minutes) Individuals are permitted to speak on items on the Agenda during that item and will be announced by the Chairperson.

### *New Business*

---

3. Consideration of Minutes:
  - I. March 18, 2021 – Regular Meeting
4. Staff Items
  - I. District Attorney – Woods, Weidenmiller, Michetti, & Rudnick
  - II. District Engineer – Calvin, Giordano & Associates
  - III. District Manager – JPWard & Associates, LLC
    - a. Financial Statements for period ending March 31, 2021 (unaudited)

### *Old Business*

---

5. Agreement with Master Homeowner’s Association and District. ***(Continuing Item until Final Decision)***
6. Discussion of Future Funding of Preserve Mitigation and Maintenance ***(Continuing Item until Final Decision)***
7. Staff Items
  - I. District Attorney
    - a. Complaint regarding Ownership and Maintenance responsibilities for the Main Preserve located within the boundaries of Flow Way CDD.
    - b. Developer relocation of Resident Walkway/Golf cart Pathway
      1. 1<sup>st</sup> Notice of Trespass to Taylor Morrison – March 9, 2021
      2. Response to 1st Notice of Trespass – March 18, 2021
      3. 2<sup>nd</sup> Notice of Trespass to Taylor Morrison – March 22, 2021
      4. Response to 2<sup>nd</sup> Notice of Trespass – March 31, 2021
  - II. District Manager
8. Board Items (None)

### *Final Board Items*

---

9. Audience Comments
10. Announcement of Next Meeting – ***May 20, 2021***
11. Adjournment

**Meetings for Fiscal Year 2021 are as follows:**

<b>April 15, 2021</b>	<b>May 20, 2021</b>
June 17, 2021	July 15, 2021
August 19, 2021	September 16, 2021

***Staff Review of New Items***

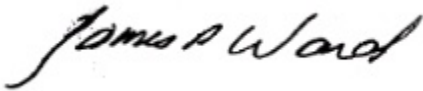
---

The Third Order of Business is the consideration of the March 18, 2021 Regular Meeting Minutes.

---

The balance of the Agenda is standard in nature and I look forward to seeing you at the meeting, if you have any questions and/or comments before the meeting, please do not hesitate to contact me directly at (954) 658-4900.

Yours sincerely,  
Flow Way Community Development District



**James P. Ward**  
District Manager

1  
2  
3  
4  
5  
6  
7  
8  
9

**MINUTES OF MEETING  
FLOW WAY  
COMMUNITY DEVELOPMENT DISTRICT**

10 The Regular Meeting of the Board of Directors of the Flow Way Community Development District was  
11 held on Thursday, March 18, 2021 at 1:00 P.M. in the conference room of the offices of Woods,  
12 Weidenmiller, Michetti, & Rudnick, 9045 Strada Stell Court, 4th floor, Naples, Florida 34109.  
13  
14  
15  
16  
17

18 **Present and constituting a quorum:**

19 Zack Stamp	Chairperson
20 Ron Miller	Vice Chairperson
21 Tom Kleck	Assistant Secretary
22 Martinn Winters	Assistant Secretary
23 Andrew Miller	Assistant Secretary (Mr. Miller left the meeting during 24 the Engineering Presentations.)

25 **Also present were:**

26 James P. Ward	District Manager
27 Greg Woods	District Counsel
28 Jessica Tolin	District Counsel
29 Tony Grau	Grau and Associates
30 David Caplivski	Grau and Associates

31 **Audience:**

32 David Boguslawski	
33 Steven Murray	
34 Jonathan Oriole	
35 Jenna Martinetti	Calvin, Giordano & Associates
36 James Messick	Calvin, Giordano & Associates
37 Dave Underhill	Bank's Engineering
38 David Schmidt	Hole, Montes and Associates
39 Charlie Krebs	Hole, Montes and Associates
40 Andrew Tilton	Johnson Engineering
41 Jordan Varble	Johnson Engineering
42 Adrian Robaina	Connect Engineering
43 Daniel Greenberg	Connect Engineering
44 Rodney Devera	Connect Engineering

45 All resident's names were not included with the minutes. If a resident did not identify  
46 themselves or the audio file did not pick up the name, the name was not recorded in these  
47 minutes.  
48

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE  
TRANSCRIBED IN *ITALICS*.**

**49 FIRST ORDER OF BUSINESS Call to Order/Roll Call**

50

51 Chairperson Zack Stamp called the meeting to order at approximately 1:00 p.m. Roll call was conducted  
52 and all Members of the Board were present constituting a quorum. He stated there would be a period  
53 of public comment at the end of the meeting for non-agenda items.

54

55

**56 SECOND ORDER OF BUSINESS Public Comments for NON-Agenda items**

57

58 **Individuals are permitted to speak on items on the Agenda during that item and will be announced by**  
59 **the Chairperson; comments limited to three minutes**

60

61 Chairperson Stamp indicated there would be a time for public comments regarding non-agenda items at  
62 the end of the meeting; however, he would be happy to recognize speakers for brief comments during  
63 regular Agenda Items. He asked how Mr. Drew Miller was doing.

64

65 *Mr. Drew Miller: I had potential exposure, but everything was okay.*

66

67 Chairperson Stamp welcomed the HOA elect Board Members present for today's Meeting.

68

69

**70 THIRD ORDER OF BUSINESS Consideration of Minutes**

71

**72 January 21, 2021 Regular Meeting Minutes**

73

74 Chairperson Stamp asked if there were any additions or corrections to the Minutes; hearing none, he  
75 called for a motion to approve the January 21, 2021 Regular Meeting Minutes as presented.

76

77

**On MOTION made by Mr. Tom Kleck, seconded by Mr. Martinn  
Winters, and with all in favor, the January 21, 2021 Regular Meeting  
Minutes were approved.**

78

79

80

81 *Chairperson Stamp: Drew at the last Meeting you said you were voting against some of this stuff*  
82 *because the community was not supporting what we are doing here. Could you explain to us what the*  
83 *basis of that statement is?*

84

85 *Mr. Drew Miller: I don't believe that the entire community supports the lawsuit and the dollars that are*  
86 *going to be spent, that's what I meant.*

87

88 *Chairperson Stamp: I would agree that's probably a true statement.*

89

90 *Mr. Drew Miller: I haven't taken a poll. Have you taken a poll?*

91

92 *Chairperson Stamp: Well, let's go around the room, is that what you're hearing Tom?*

93

94 *Mr. Tom Kleck: I think everybody is for it.*

95

96 *Mr. Ron Miller: People I bump into on the golf course and when I'm out walking my pooch around the*  
97 *community people bump into me, and I don't even know some of them, and they say, "Sure glad you're*  
98 *doing this," and "keep on going."*

99  
100 *Mr. Martinn Winters: I have heard only positive comments. The only negative comment I heard was*  
101 *"isn't a shame we have to sue Taylor Morrison."*

102  
103 *Chairperson Stamp: I've heard that too, that it hurts the community to have to do this, but they didn't*  
104 *say don't do it. I was just curious when you made that statement if you had any polling or research or*  
105 *how much time you spent in the community talking about it.*

106  
107

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Ranking of Engineering Proposals**

108  
109  
110 **Consideration of ranking of engineering proposals to serve as District Engineer and agreement with**  
111 **the Number 1 ranked firm**

112  
113 Chairperson Stamp asked District Manager Jim Ward to review this Item.

114

115 *Mr. Jim Ward: As you are aware, we go through a process called the Consultants Competitive*  
116 *Negotiations Act. It's the Engineer's full employment act, or the auditor's full employment act, where we*  
117 *go through a process where we accept proposals for whatever services we are looking for on a non-*  
118 *priced basis. They submit those proposals to you. They are qualification based. The Board has to review*  
119 *them. You may use whatever form you decide in terms of ranking. You can use the format I put in your*  
120 *Agenda. You may just discuss it and rank them as you deem appropriate. To the extent that you receive*  
121 *more than one proposal, you have to rank at least the top three. Beyond that there is no ranking*  
122 *required. The process here that I am suggesting to you is all of the engineers be given 10 minutes or so*  
123 *in order to provide a short presentation to you. Then they will be in a position to answer questions that*  
124 *you have with respect to their proposals and then we will go on to the next proposal. In normal*  
125 *circumstances, in pre COVID days, we generally asked those firms who were not presenting to step out of*  
126 *the room. That is a voluntary thing that they can do or not do, but with the use of the video call-in, all of*  
127 *the participants will hear each other's presentations. I want the Board to be aware of that as you hear*  
128 *each of the presentations. I put them in order on your Agenda, in alphabetical order. You may listen to*  
129 *them in the order that I identified or in any other order the Chair deems appropriate.*

130

131 *Chairperson Stamp: That's fine.*

132

#### **I. Presentation by Engineers**

- 134 **a. Bank's Engineering**
- 135 **b. Calvin, Giordano & Associates**
- 136 **c. Connect Engineering**
- 137 **d. Hole, Montes and Associates**
- 138 **e. Johnson Engineering**

139

140 *Mr. Ward: The first Engineer is Banks Engineering. Mr. Dave Underhill is on the phone with us today*  
141 *representing that firm. He asked Mr. Underhill to take no more than 10 minutes to make his*  
142 *presentation and then answer questions.*

143

144 *Mr. Greg Woods: Mr. Chair, do you mind if the District Attorney adjourns during the interview process?*

145

146 *Chairperson Stamp: You are free to leave.*

147

148 *Mr. Woods: Let us know when the Meeting resumes.*

149

150 Mr. Dave Underhill introduced Bank's Engineering: 80 employees, offices in Ft. Myers and Port  
151 Charlotte, with a specialty in private land development. Mr. Underhill indicated he had been with  
152 Bank's Engineering for 25 years and had completed numerous projects similar to Esplanade Golf Course  
153 Community. He indicated he had been involved with more than 20 CDDs through the formation and  
154 funding of the Districts, writing Engineer's Reports. He noted Bank's Engineering remained as the  
155 District Engineer for many CDDs. He noted once projects were completed Bank's Engineering served  
156 more as an on-call entity to respond to maintenance items such as lake bank erosion, traffic calming,  
157 etc. He stated he had known Jim Ward for several decades, had worked with Mr. Ward in several  
158 Districts and enjoyed working with Mr. Ward. He noted he lived locally in Long Shore Lake. He stated  
159 he was familiar with the Esplanade project. He indicated he had been involved with the Parklands  
160 development which was now Riverstone which had suffered the same environmental litigation as did  
161 Mirasol. He noted the site plans may be a little different, but the main points were the same: wetland  
162 preserves, bypass canal, etc. He stated he was familiar with this project. He noted Bank's was used to  
163 working with large residential communities, golf course communities, and would be happy to work with  
164 Flow Way CDD as a District Engineer. He asked if there were any questions.

165

166 *Mr. Ron Miller: Are you currently working with any communities like ours in the area at the moment?*

167

168 *Mr. Underhill: We are in Collier County. We work for Cedar Hammock. That's a District I designed back*  
169 *in the late 1990s and we have stayed on with them. Just to the north of you in Bonita I am involved with*  
170 *a number of Districts: Parklands, Parklands West, and several others out at the east end of Bonita Beach*  
171 *Road.*

172

173 *Mr. Kleck: What specifically would you have in mind for our preserves and our lakes? Have you done*  
174 *any review yet? Have you looked at our facilities?*

175

176 *Mr. Underhill: I have not gone through the project or reviewed it or walked the lakes or anything like*  
177 *that. Collier usually has a higher standard since all the lakes end up being surveyed and at the time the*  
178 *excavation permits are completed the lakes are usually in pretty good shape, but again, lakes always*  
179 *need maintenance. There is always some erosion, bank erosion. We are doing projects where we are*  
180 *going back in and retrofitting some yard drains and installing drains and things like that to help stop the*  
181 *erosion, installing some geofabrics or different things like that if you have problems. But no, I haven't*  
182 *gone through the project to see what kind of condition everything is in.*

183

184 *Mr. Kleck: Can you tell me what's involved with the County accepting the lakes to turnover by Taylor*  
185 *Morrison to the CDD? What does that involve? Does the County have specifications they are looking at*  
186 *before they will allow Taylor Morrison to turn that over to the CDD?*

187

188 *Mr. Underhill: I think that you are really describing two separate processes. The County excavation*  
189 *permit with Collier requires surveys to be completed and inspections to be performed for the County to*  
190 *close out the permits. That would have happened immediately following construction, so if the lakes*  
191 *have not been turned over to the CDD a quick look at the property appraiser site indicated that the*



192 *District did not own the lakes, so I don't know if they have formally accepted them or not, but really the*  
193 *District would control the process for the acceptance of them. It wouldn't be unreasonable for the*  
194 *District to prepare their own inspections and then want to accept lakes that are in good shape, but again*  
195 *that would be a separate issue.*

196  
197 *Mr. Kleck: Basically, you are saying it is up to us at this point whether we accept them or not?*  
198

199 *Mr. Underhill: I don't think it is quite that simple, but I think you control the process and if you haven't*  
200 *accepted them, again, I think you may have funded them, you may have easement rights over them. I*  
201 *don't think you can just say no you won't take them, but it's not unreasonable to have them be in good*  
202 *shape and for you to inspect them and want repairs to be done before you accept them if you have not*  
203 *already done that.*

204  
205 *Mr. Winters: How much experience do you have dealing with the Army Corps of Engineers and what*  
206 *experience do you have in seeing how escrow funds are calculated for eternal maintenance funding?*  
207

208 *Mr. Underhill: I have been involved a little bit through projects that are typically donated properties to*  
209 *Crew where Crew had their escrow amount that they set per acre. Other than that, I don't know of any*  
210 *others where there is any set process. I am familiar with the Corps, but normally in projects that we are*  
211 *involved with, the environmental consultants would take the lead on permitting things with the Corps or*  
212 *handling those processes. Typically, those funds are associated with the long-term maintenance of the*  
213 *exotic removal and funding that ongoing maintenance. Typically, those costs are what the*  
214 *environmental consults do; they take the lead more so than I would.*

215  
216 *Chairperson Stamp: I assume you are going to handle us out of the Ft. Myers office?*  
217

218 *Mr. Underhill: Yes.*  
219

220 *Chairperson Stamp: Have you, or are you now, doing any work for Taylor Morrison?*  
221

222 *Mr. Underhill: We have probably done some work for Taylor Morrison. We generally work for most of*  
223 *the national builders, but I will say I don't recall doing a project for Taylor Morrison and I don't have any*  
224 *ongoing work right now with Taylor Morrison.*

225  
226 *Chairperson Stamp: Minority business. The scoring sheet Jim gave us has a column for that. You have*  
227 *any certification or people you employ or contract with that allows you to claim to be certified in*  
228 *minority business?*  
229

230 *Mr. Underhill: Our firm is not a minority business. As far as working with other firms, we work with all*  
231 *the environmental firms around the region. We are flexible to use who the District wants to use.*  
232

233 *Chairperson Stamp: Do you have any experience working with Troon, our new incoming manager?*  
234

235 *Mr. Underhill: No. Is that the maintenance company? Who is that?*  
236

237 *Tom Kleck: They are a management company who is going to be responsible for all our management of*  
238 *the Esplanade Golf and Country Club, everything inclusive.*  
239

240 *Mr. Underhill: So, they are going to run the golf course and take care of the wetlands and the grounds*  
241 *and all of that? I am not familiar with them.*

242  
243 *Mr. Kleck: They are taking the place of Pope Golf.*

244  
245 *Chairman Stamp: Okay, last question. In looking at all these proposals, I think everybody could do the*  
246 *job. Why should we pick you? Everybody has the same certifications, and the narration is pretty much*  
247 *the same all the way through. What makes you stand out from the others?*

248  
249 *Mr. Underhill: I don't know that anything that stands us out. Us engineers, I would look at it as being*  
250 *pretty boring. Your community is pretty similar to the developments throughout the region. I think the*  
251 *other engineers that you have – you have Johnson Engineering and Hole Montes that I recognize – those*  
252 *are two of the most well-established firms in the region. I think it's really going to come down to the fit*  
253 *with your community and the manager and who you think you guys like the best and who fits. I'm sure*  
254 *that those other firms are qualified as well.*

255  
256 Mr. Ward asked Mr. Jim Messick to make his presentation.

257  
258 Mr. Jim Messick thanked the CDD for the opportunity to possibly provide District Engineering Services  
259 for Flow Way. He indicated he would be the project manager and main contact responsible for  
260 overseeing any Professional District Engineering Services. He introduced Calvin, Giordano & Associates,  
261 a small interdisciplinary firm able to provide many inhouse services (engineering, planning,  
262 environmental engineering, landscape architecture, survey, construction management and inspection,  
263 traffic engineering, utility and community maintenance services). He indicated there were others  
264 available to answer questions. He reviewed the CGA submittal noting each discipline needed for a CDD  
265 were located in the CGA office. He listed the communities for which he and CGA served as District  
266 Engineers including Wentworth CDD, Miromar Lakes CDD, Aqua Isles CDD, Bonaventure Development  
267 District, and Indian Trace Development District. He discussed the work and responsibilities of CGA in  
268 these communities. He stated he believed the services expected by Flow Way CDD were in line with the  
269 services and experience CGA previously provided. He stated the multi-disciplinary services provided by  
270 CGA would fit seamlessly with Flow Way CDD. He indicated he would serve as District Engineer, would  
271 always be available in a timely manner, and he would be happy to serve Flow Way CDD.

272  
273 Mr. Winters asked how much experience Mr. Messick had in dealing with the Army Corps of Engineers  
274 and how much experience Mr. Messick had in the calculation and establishment of escrow funds.

275  
276 Mr. Messick responded he had several projects where he was the Engineer of Record which had wetland  
277 impacts. He noted CGA had environmental staff and similar to Bank's he would be overseeing the  
278 environmental staff and assisting in the permitting process. He indicated he was familiar with the  
279 permitting process. He indicated he was the client liaison for the Florida Department of Environmental  
280 Protection. He stated prior to moving to the east coast he worked at a small engineering firm in Ft.  
281 Myers and was very familiar with the Water Management District and the permitting requirements in  
282 Naples, Collier and Lee County.

283  
284 Mr. Winters asked if Mr. Messick had any experience in establishing escrow funds.

285

286 *Mr. Messick: We have helped put together costs that would be used by the Board to establish future*  
287 *replacement costs should anything come up. We have worked alongside, but haven't directly worked, to*  
288 *put those reports together.*

289  
290 *Mr. Winters: Are you familiar with any land management agencies that might be willing to take over our*  
291 *external preserve with accompanying escrow fund?*

292  
293 *Mr. Messick: No, but I would be hitting the ground running trying to do that for you if you select us to be*  
294 *your District Engineer. That is something that would be right up our alley of services to provide.*

295  
296 *Ms. Jenna Martinetti (CGA): Mr. Bruce Bernard who is working over there doing a lot of the field*  
297 *maintenance for some of the other CDDs, he is familiar with those types of companies and that would*  
298 *also be something easy to get going on immediately.*

299  
300 *Mr. Kleck: What experience have you had doing a transition, where a CDD is new like we are, and the*  
301 *Board Members are all fairly new, and we are all going through a changeover or transition from a*  
302 *developer to us with a lot of surprises, and wanted to check and make sure you guys have the experience*  
303 *to handle those and direct us as well?*

304  
305 *Mr. Messick: We actually were with Jim Ward at the Wentworth Estates CDD where we helped turnover*  
306 *and combine all of the District permits for all of the various communities within that District, alongside*  
307 *the Asset Manager to turn over the cost associated with, and the responsibilities for maintenance, for all*  
308 *of the assets in addition to the lakes. So, I am somewhat familiar with that process and we have*  
309 *provided that for a previous CDD.*

310  
311 *Chairperson Stamp: Are you on the east coast?*

312  
313 *Mr. Messick: Right now, I am located in Ft. Lauderdale in our corporate office. We have offices in Estero*  
314 *which I can work out of if we need a morning meeting. I can make sure I am available at any time. I*  
315 *have two kids on the west coast, and I go pick them up on Fridays and we are able to usually to work out*  
316 *those travel times on my own time because I am over there a lot for them. I used to be in Ft. Meyers*  
317 *before I moved over to Broward County, but I am over there a lot with work, and I don't see it being a*  
318 *problem.*

319  
320 *Chairperson Stamp: Work for Taylor Morrison? Past relationship?*

321  
322 *Mr. Messick: No. I do not have a relationship with Taylor Morrison.*

323  
324 *Chairperson Stamp: Do you have any knowledge of Esplanade, where we are at and what challenges we*  
325 *are facing?*

326  
327 *Mr. Messick: Not very detailed information. I have looked at an aerial and looked over the layout*  
328 *briefly, but again if you were to select us, we would start digging in a lot more detail in permits and any*  
329 *other documentation you might have that we need to familiarize ourselves with.*

330  
331 *Chairperson Stamp: Minority business?*

332  
333 *Mr. Messick: We probably would not qualify for that.*

334

335 *Chairperson Stamp: Any experience working with our new management company?*

336

337 *Mr. Messick: Yes, we have worked with Jim Ward before.*

338

339 *Chairperson Stamp: Have you worked with Troon?*

340

341 *Mr. Messick: Not myself, but I'm not sure from an asset side if we have worked with them. I would have*  
342 *to get back to you to give you a full answer on that.*

343

344 Mr. Ward indicated the next presenter was Connect Engineering, Adrian Robaina.

345

346 Mr. Adrian Robaina with Connect Engineering stated he would be the project manager for the District.  
347 He stated Rodney Devera and Daniel Greenberg were also present. He stated Connect Engineering was  
348 a small minority firm. He discussed his qualifications and the qualifications of Connect Engineering. He  
349 stated Connect Engineering was a civil engineering company with experience with FDOT, municipalities  
350 and the private sector. He stated Connect Engineering had grown in the homeowner's association and  
351 condominium community sector which made Connect Engineering uniquely qualified to work with  
352 public communities. He discussed the growth of Connect Engineering over the years. He indicated  
353 Connect Engineering was on call 24 hours a day. He stated he understood how a community worked  
354 and how to work with the Board Members. He indicated Connect Engineering had experience with  
355 permits, inspections, contract management, change orders, special assessments, consultants, etc.

356

357 Mr. Rodney Devera introduced himself. He noted he would serve as a Deputy Project Manager;  
358 however, the Board's point of contact would remain Mr. Robaina. He discussed his various  
359 qualifications. He noted Connect Engineering had a full understanding of client services and could take a  
360 Board's vision and bring it to fruition. He noted Connect conducted its due diligence and would bring  
361 value to Flow Way. He noted Connect was familiar with public involvement, understanding how to  
362 explain projects in laymen's terms. He thanked the CDD for the opportunity.

363

364 Mr. Robaina stated Connect Engineering won contracts with the Village of Estero for continuing  
365 engineering services, and the Town of Ft. Myers Beach. He indicated Connect Engineering would be  
366 very involved with the community.

367

368 *Mr. Winters: Do you have experience working with the Corps and establishing escrow funds for*  
369 *perpetual maintenance? Are you familiar with any land management agencies that might be willing to*  
370 *take our 1,000 acres preserves?*

371

372 *Mr. Robaina: No, we do not have any experience but from what I understand this is one of the things*  
373 *that we will need to do early on.*

374

375 *Mr. Devera: With respect to experience, we do have experience with respect to the Army Corps of*  
376 *Engineers where we have done wetland mitigation on several projects, however, when it comes to the*  
377 *land management and who would be taking over the district, no we do not. But again, we have the*  
378 *capability of assisting and doing the research to assist when it moves in that direction.*

379

380 *Chairperson Stamp: Are you going to handle this out of the Ft. Lauderdale office?*

381

382 *Mr. Robaina: No, we are currently located in Miami Dade County, 30 to 40 minutes away.*

383

384 *Chairperson Stamp: Have you done any work for Taylor Morrison?*

385

386 *Mr. Devera: No, we have not.*

387

388 *Chairperson Stamp: Do you have any knowledge of Esplanade?*

389

390 *Mr. Ward: Our connection is weak, and they are not hearing us very well. I see I'm not even on screen at*  
391 *the moment. The Chairman is asking if you have seen the project or done any behind the scenes work*  
392 *regarding what this District is about.*

393

394 *Mr. Danny Greenberg (Connect Engineering): We have done our research. We have not been to the*  
395 *community physically, but we have done our due diligence. We have looked into the issue with the*  
396 *preserve. That's something we are ready to start working with the District as soon as hopefully we are*  
397 *selected. That's something that I think can be handled through a project handoff meeting, doing a*  
398 *maintenance overview, but we have experience with similar communities just like your own. Our office is*  
399 *not too far. We understand the needs of the community. We understand what you are going through as*  
400 *far as development and the new construction, so as far as doing our due diligence, we have done that.*

401

402 *Mr. Devera: We do understand there are two primary purposes of the District and one of the first things*  
403 *of course is the finance and also the infrastructure which is going to be required for the golf and country*  
404 *club community and at the same time is also to provide secondly with the infrastructure that's going to*  
405 *be needed to support this type of facility. And eventually to provide the operation and ultimately the*  
406 *maintenance of the community. We know that overall, that is the purpose that Flow Way is looking to*  
407 *accomplish.*

408

409 Mr. Ward indicated Mr. David Schmidt was next to present.

410

411 Mr. David Schmidt with Hole, Montes and Associates stated he has been with Hole, Montes for over 10  
412 years and in south Florida for over 30 years. He indicated he was very familiar with the area. He noted  
413 he was a civil engineer but was multidisciplined in the civil engineering field. He discussed his  
414 experience. He noted Charlie Krebs was present as well. He reviewed a brief history of Hole, Montes  
415 and Associates (HMA), one of the leading firms in southwest Florida. He stated HMA offered civil  
416 engineering services, land development, utility work, transportation work, surveying and landscape  
417 architecture. He noted HMA would bring in specialized consultants when needed for services such as  
418 electrical. He indicated HMA was currently serving approximately 16 CDDs. He listed some of the CDDs  
419 HMA provided services for including Fiddler's Creek, Lakeland Community Development, and others. He  
420 asked Mr. Krebs to speak.

421

422 Mr. Charlie Krebs stated he was a civil engineer who worked out of the Hole, Montes and Associates Ft.  
423 Meyers office. He stated he worked with several districts in Lake County. He stated he worked with Mr.  
424 Ward for several years in multiple communities. He stated the first CDD he ever worked with was in  
425 Estero, Pelican Sound, in 1996. He noted he was still working with Pelican Sound (River Ridge CDD). He  
426 stated Hole, Montes and Associates had longevity with the communities it served. He noted he had  
427 experience providing the services needed whether it be engineering, landscaping or assistance finding  
428 contractors to do wetland preserve work or help with water quality. He stated Hole, Montes and  
429 Associates knew the resources available in the community and knew how to draw said resources in to

430 provide services to the CDD. He stated he had been with Hole, Montes and Associates for 27 years. He  
431 indicated HMA had grown and continued to grow.

432

433 *Mr. Winters: How much experience do you have with establishing escrow funds and do you know any*  
434 *land management agencies which might be willing to take over the external preserves with the proper*  
435 *funds?*

436

437 *Mr. Schmidt: I have not been involved with establishing escrow funds for environmental needs. I have*  
438 *been involved with helping municipalities in establishing a capital improvement program budget which*  
439 *would look into the immediate needs and also into the future a little bit, so they can be setting aside*  
440 *some of their monies as time goes on that they are able to complete some larger scale type*  
441 *improvements without having to get bonds necessarily. One of the districts has water and wastewater*  
442 *facilities, so they do have some specialized needs as far as making sure they do have funds for regular*  
443 *plan improvements and so forth.*

444

445 *Mr. Krebs: As the others have said we have worked with environmentalists to come up with those*  
446 *escrow accounts, determining the dollar amounts, but they are usually the lead. As for finding an agency*  
447 *who would be willing to take over the management, I know we have discussed it before in other*  
448 *communities but are yet to have somebody come forward and say they would take over wetland areas*  
449 *and relieve the CDD of that burden. So, I can't say we have been successful anywhere.*

450

451 *Mr. Kleck: If you guys have had a lot of experience with SW Florida, you know what some of the builders*  
452 *do in developing a community. Some of the challenges I think that we are going to have here is, in*  
453 *addition to the preserves, will be the lakes and the waterways that right now I think are critically*  
454 *mismanaged or taken care of to the point that they are becoming swamps again. I want to know if you*  
455 *have any experience, or what your approach would be to alleviate those issues in our community.*

456

457 *Mr. Schmidt: We've dealt with that in some other CDDs, especially some of the older ones who are*  
458 *having the lake erosion occur. We get in there and we look at different ways that we could mitigate that*  
459 *and also repair the banks and bring them back to what they had been before. There is also the need to*  
460 *make sure you are eradicating the exotics and so forth and making sure the littoral plantings are*  
461 *maintained.*

462

463 *Mr. Kleck: A lot of the issue as I see it are the lake banks are a minor part of our problem. The lakes*  
464 *when we moved here in 2016, the condition, the clarity and the amount of open water, was a lot more*  
465 *significant than what it is today. I think there has been a lack of maintenance on the lakes that we are*  
466 *going to have to play catch up to take care of. Is that something that needs an ongoing crew or*  
467 *something that can be alleviated with regular maintenance?*

468

469 *Mr. Krebs: As far as water management, we work closely with Solitude and other lake and wetland*  
470 *providers to help with water quality, to help with maintaining algae and littoral plants and improve the*  
471 *clarity of the water. As the District Engineer that would be one of the goals, to work with whoever the*  
472 *lake and wetland maintenance company is to resolve any shore erosion, to resolve any water quality*  
473 *issues, that are in the water management system.*

474

475 *Mr. Kleck: You would be able to direct us to those management companies that would be able to take*  
476 *care of that issue? Is that correct?*

477

478 *Mr. Krebs: Correct. We have worked with several over the years, and we can provide contact*  
479 *information and start a dialog with them.*

480

481 *Chairperson Stamp: Which office would be handling our project?*

482

483 *Mr. Schmidt: We would primarily be handling it out of the Naples office. We are ten to fifteen minutes*  
484 *away from you at this office. Of course, we have Charlie and many other resources in Naples and also in*  
485 *Ft. Myers. Even the Ft. Myers office is probably less than a half hour away so if we need to bring some*  
486 *resources from there, we do have them available.*

487

488 *Chairperson Stamp: Have you ever, or are you now currently doing work for Taylor Morrison?*

489

490 *Mr. Schmidt: I am not aware of us doing any work for Taylor Morrison. I am not even sure we have done*  
491 *work in the past for Taylor Morrison.*

492

493 *Chairperson Stamp: What is your knowledge of our development. Is there anything you can advise us*  
494 *on? Next steps or problems you can see?*

495

496 *Mr. Schmidt: One of the first things we will definitely get up to speed on is the pending litigation and so*  
497 *forth. Getting familiar with your community itself. That's the key thing, getting familiar and helping you*  
498 *guys out wherever you do have the needs. In any community one of the important things is making sure*  
499 *that regular inspections are done of the facilities to make sure they are being maintained, being*  
500 *proactive if there is any kind of maintenance that needs to be planned for. That the budgets are there.*  
501 *That you've got the money available to do those maintenance items.*

502

503 *Chairperson Stamp: Any experience with Troon the management company?*

504

505 *Mr. Schmidt: I do not have any experience with them.*

506

507 Mr. Ward indicated the final presenter was Johnson Engineering, Mr. Andrew Tilton.

508

509 Mr. Andrew Tilton with Johnson Engineering gave a brief history of Johnson Engineering noting he had  
510 worked for Johnson Engineering since 1986. He stated Jordan Varble was also present. He stated  
511 Johnson Engineering had extensive experience working with governmental entities in the State of  
512 Florida including being the City Engineer for the City of Clewiston. He discussed his personal experience  
513 which spanned four decades in south Florida. He noted Johnson Engineering was a broad-spectrum  
514 service company with experience in water, sewer, stormwater, roads, groundwater, landscape  
515 architecture, electrical engineering, environmental experts, permitting, and water quality improvement.  
516 He indicated Johnson worked for over two dozen CDDs currently. He noted Johnson Engineering had a  
517 number of specialists on staff, including a panther specialist.

518

519 Mr. Jordan Varble with Johnson Engineering stated he and Mr. Tilton had expertise in surface water  
520 permitting and design. He discussed a local regional watershed planning study he and Mr. Tilton had  
521 worked on together. He noted Johnson Engineering's utility groups were working with Collier County  
522 regarding the lift stations in Collier County including the lift station in Esplanade.

523

524 Mr. Tilton indicated he understood Flow Way had ongoing litigation; Johnson Engineering were not  
525 litigation experts but had done expert testing for bond validations for Chapter 120 hearings and had

526 served as expert witnesses in a small number of project court cases relating to past work or problems  
527 which have been encountered in past work. He stated Johnson Engineering had a lot of experience with  
528 Community Development Districts in south Florida, as well as the Tampa area. He explained Johnson  
529 Engineering was a multidisciplinary firm who would provide the CDD with a single point of contact and  
530 would bring the expertise needed for every project. He stated Johnson Engineering was established in  
531 1946. He indicated the offices which would handle the Flow Way CDD were in Ft. Myers and Naples.

532  
533 *Mr. Winters: How much experience do you have dealing with the Corps and/or establishing escrow*  
534 *funds, and can you help us find a land management agency to take over the preserves if we get an*  
535 *escrow fund established?*

536  
537 *Mr. Tilton: Our environmental people have a lot of experience with the Corps. Sometimes, it takes a*  
538 *long time to deal with the Corps. I just finished up a project that took all of about 14 months to get the*  
539 *water management permit and about 42 months to get the Corps permit, but eventually we get there*  
540 *because we keep wearing them down. As far as helping to find an agency to take over. We've done that*  
541 *a couple of times. It is not as common as some people would like it to be, so I am not going to tell you*  
542 *that's a slam dunk or an easy process. We can help work with that. The Conservancy or somebody else*  
543 *may be interested in it to go with something else that they are doing.*

544  
545 *Mr. Winters: Do you have any experience in calculating escrow funds or helping to get them*  
546 *established?*

547  
548 *Mr. Tilton: We have had experience working on bond projects and establishing the cost and evaluation*  
549 *that goes into that from the engineering side. A lot of those things also have a major financial*  
550 *component as you well know, so there have been others that have been part of that process.*

551  
552 *Chairperson Stamp: Have you worked for Taylor Morrison?*

553  
554 *Mr. Tilton: Our company, I haven't personally worked with them, but our company has in the past. I've*  
555 *talked more recently to our development group which has dealt with them and one, we are not working*  
556 *for them now, and their position at the moment is, if they don't have to work them in the future, they are*  
557 *going to be very happy.*

558  
559 *Chairperson Stamp: In your packet, it says you worked for Flow Way CDD. Could you tell me what you*  
560 *did for them and when you did it?*

561  
562 *Mr. Tilton: I think that was probably a misprint. But as Jordan mentioned, long before it was Flow Way*  
563 *CDD, we did do the modeling in the area. I believe we intended to put Cypress CDD there, and not Flow*  
564 *Way.*

565  
566 *Chairperson Stamp: Any experience with Troon management company?*

567  
568 *Mr. Tilton: The Crew organization, we have worked with them. One of the things we did with Water*  
569 *Management District in the early 2000s was when they were expanding Crew into the area on the east*  
570 *side of Bonita Springs, just north of your community. We had done the initial South Lee County*  
571 *Watershed Plan, and as an outgrowth of that, the Water Management District was acquiring properties,*  
572 *some of which had to go through a property taking and we worked with Crew and South Florida to help*  
573 *them through that legal process of acquiring those parcels.*



574  
575 Mr. Ward indicated this concluded the presentations; this portion of the hearing should be closed to  
576 continue with deliberations.

577  
578 Chairperson Stamp asked the engineering companies to leave the call to allow the CDD Board to  
579 deliberate.

580  
581 Mr. Ron Miller thanked the engineering companies for the presentations.

582  
583 **II. Board Discussion and Ranking of Engineering Proposals**

584  
585 *Mr. Ron Miller: I have my own ranking. I would ask Jim's advice as he has worked with these people in*  
586 *the past and they were all strangers to me.*

587  
588 *Mr. Ward: Other than Connect Engineering, because I am old these days, I have now worked with all of*  
589 *these firms. Usually the older members of the firms. The firms that I am most familiar with currently are*  
590 *Calvin, Giordano and Hole, Montes. CGA, that firm and I, transitioned what is now the City of Weston,*  
591 *from a CDD to a City. That's my familiarity with them; it goes back more than 20 years. Banks*  
592 *Engineering, Hole, Montes and Johnson, Andy Tilton I have known since he was 20 something years old*  
593 *as Johnson Engineering did work for some of the Districts that I managed at that time. Hole, Montes*  
594 *more recently, and obviously Banks to a lesser extent on some of their projects. I hate to provide*  
595 *recommendations to you because it is really your decision. I will work with any of them that you want. I*  
596 *think for you all, I will go out on a limb and tell you I think CGA is a very good firm. Johnson Engineering*  
597 *is a very good firm. They are two of the ones that I particularly think are the better ones. I don't know*  
598 *anything about Connect, so I can't tell you if they are good, bad or indifferent. Their resume is*  
599 *impressive. I can tell you what they submitted is a very impressive resume. Banks and Hole, Montes, are*  
600 *also good firms, but to a lesser extent. Based upon what I know you need for this project I think one of*  
601 *the other firms would suit you better.*

602  
603 *Chairperson Stamp: Down on the Agenda we are going to hire Calvin, Giordano as the field manager. Is*  
604 *there any economy or reason why that should give them a leg up to coordinate?*

605  
606 *Mr. Ward: I don't want to tell you it gives them a leg up. It does provide some significant help to me on*  
607 *an admin business in terms of coordination of the day-to-day activities of an entity. Now, CGA does field*  
608 *management and engineering services for my CDDs. CGA also works with Hole, Montes on one of the*  
609 *CDDs that I have where they are the Asset Manager and Hole, Montes is the District Engineer. I do find it*  
610 *much easier to have one person to call versus 2 or 3, and it also is better coordination within the firm*  
611 *itself if they are doing both sides of the equation. Hole, Montes does not do the asset management or*  
612 *field management side of the work. CGA does. So, the next item on the Agenda, as your Chair had*  
613 *mentioned, is the firm that I recommended the field management or asset management side of that, so*  
614 *there are some symbiotic relationships I get when having them in both seats.*

615  
616 *Mr. Kleck: Does the location of their offices matter?*

617  
618 *Mr. Ward: No. Their field management offices are here on the west coast. They are based in Estero, if*  
619 *my memory serves me. The actual individual here lives in Naples that does all of that. And as Mr.*  
620 *Messick had pointed out to you, I never have a problem with them if I need them on this coast at any*  
621 *time from an engineering perspective.*

622

623 *Mr. Winters: From my perspective you could pick any one of these firms and they would all do a good*  
624 *job. They are all qualified. The way that they distinguish themselves, in my opinion, and I have based on*  
625 *my questions, a bias in favor of firms who have had past experience with Army Corps of Engineers,*  
626 *and/or establishing reserves, and/or looking for land management agencies. The two that stand out to*  
627 *me are CGA and Johnson Engineering, with maybe a slight edge to Calvin, Giordano because*  
628 *(indecipherable) Bruce Bernard, even though he wasn't on the call, was recognized by one of the*  
629 *speakers as having had that past experience in dealing with other land management agencies that might*  
630 *be willing to take over our preserves. For that reason, I guess I would put Calvin, Giordano in a 1 position*  
631 *and Johnson Engineering in the second position. Also, for the reasons that Jim stated, as Calvin,*  
632 *Giordano would give him some efficiency in the way things operate.*

633

634 *Mr. Ron Miller: I have H&M and Johnson tied at #1, and Banks at #3. By the way. I know I didn't ask*  
635 *questions, but I did go through all five of the presentations and kind of came to the same conclusion that*  
636 *Martinn came to. They all appear to be well qualified and somewhat homogenous and that led me to*  
637 *asking Jim as he had worked with these guys.*

638

639 *Mr. Kleck: My first choice would be H&M, my second choice would be Calvin, and my third choice would*  
640 *be Banks.*

641

642 *Chairperson Stamp: The way I would do it would be Calvin 1, Hole, Montes 2, and Johnson 3.*

643

644 Discussion continued regarding the ranking of the Engineering Firms. It was decided the ranking would  
645 be as follows: 1. Calvin, Giordano and Associates; 2. Hole, Montes and Associates; 3. Johnson  
646 Engineering.

647

648

**On MOTION made by Mr. Tom Kleck, seconded by Mr. Zack Stamp,  
and with all in favor, the engineering firms were ranked as follows: 1.  
Calvin, Giordano and Associates; 2. Hole, Montes and Associates; 3.  
Johnson Engineering.**

649

650

651

652

### 653 **III. Consideration of Form of Agreement**

654

655 *Mr. Ward: There are two ways to do this. The Statute normally says that I would go back and negotiate*  
656 *with the #1 ranked firm and bring an agreement back to you for the April Meeting. If you would like to*  
657 *circumvent that because these are not things that have never been written before, I did put in your*  
658 *Agenda Package a form of standard agreement that I use, and most other firms use, with engineers and*  
659 *CDDs around the State. If you would like to approve this in substantially the form that's in your package*  
660 *and then allow me, and to the extent that I need Mr. Woods, the opportunity to make any changes to it,*  
661 *you may do that and I can finalize this before the next meeting, which is what I would recommend to*  
662 *you.*

663

664 *Mr. Winters: We didn't talk about economics with these proposals. Is there a material difference in the*  
665 *numbers between the financial aspect of the cost of these?*

666

667 *Mr. Ward: No. These firms all have a standard schedule of fees for whatever their engineers – there is*  
668 *probably a list of 20 of them on all of their fee schedules. They are all generally the same.*

669  
670 *Mr. Winters: I would propose we authorize Jim Ward to negotiate the contract based on what was*  
671 *provided in the Agenda.*

673 **On MOTION made by Mr. Martinn Winters, seconded by Mr. Tom**  
674 **Kleck, and with all in favor, the District Manager was authorized to**  
675 **negotiate a contract based on the Form of Agreement provided in the**  
676 **Agenda.**

677  
678

#### 679 **FIFTH ORDER OF BUSINESS**

#### 679 **Consideration of Agreement**

#### 681 **Consideration of Agreement with Calvin Giordano & Associates to provide field management services**

682

683 *Mr. Ward: In order to transition the District's assets from the homeowner's association to the CDD, this*  
684 *is the form of agreement used to retain that firm in order to do that. If you choose to do that, I would*  
685 *suggest that we do that subject to any further discussions with the homeowner's association which I*  
686 *know is in transition between the Board that was formally Taylor Morrison individuals, that are now*  
687 *represented by individuals (indecipherable 1:22:20). It will give you a step up to have that in place in*  
688 *case you decide to do that.*

689

690 *Mr. Ron Miller: We have talked about this at least a couple of times. Where I am on this, I think we*  
691 *would be best served to continue to continue the OHA/CDD contract at least until we get through the*  
692 *transition which we now hear won't occur until May 31, and perhaps even extending until sometime*  
693 *after that. My thought on this is that this has gone on for many years and to me it's kind of making*  
694 *(indecipherable) election. Once you make the election it's irrevocable and you can't go back on it. I don't*  
695 *see any downside in continuing that for a short period into the future. We don't know whether or not a*  
696 *surprise or two may arise in this transition period where the HOA still has the vendor responsibility to do*  
697 *maintenance on everything and their connected to Taylor Morrison who has done all of the past budgets*  
698 *in this regard. So, this is not at the moment a situation of the CDD versus the HOA. This is a bigger*  
699 *picture situation of the best situation for the residents of the community. We are they. I don't see any*  
700 *upside in canceling it now and just letting this play out a while longer.*

701

702 *Chairperson Stamp: Greg, do you think this has any impact on the lawsuit?*

703

704 *Mr. Greg Woods: No, I don't think so. We can certainly wait until the homeowners are in charge of the*  
705 *HOA and evaluate it at that time.*

706

707 *Mr. Winters: To me the pro and the con of it is, if the CDD takes control of it we might get better service.*  
708 *The con is that if we take it over, we might be inheriting some of the maintenance that hasn't been done*  
709 *that should be done and shouldn't be our expense but should be Taylor Morrison's expense.*

710

711 *Mr. Kleck: I agree with that and I think that our attorney should perhaps make that decision for us.*

712

713 *Mr. Woods: I don't make any decisions. It is your decision, but your attorney would recommend that we*  
714 *wait until the new HOA Board is in place.*

715

716 *Mr. Ron Miller: At the time we want to move forward on this (indecipherable 1:26:29). We are they.*  
717 *We should not make a unilateral decision. We should work together with the HOA Board.*

718  
719 This Item was removed from the Agenda.

720

721

722 **SIXTH ORDER OF BUSINESS**

**Consideration of Audited Financial Statements**

723

724 **Consideration of Audited Financial Statements for Fiscal Year 2020, which ended September 30, 2020**

725

726 Mr. Ward indicated Mr. Tony Grau with Grau and Associates was present via telephone to review the  
727 Audited Financial Statements. He stated these were final Statements that should be accepted for  
728 purposes of inclusion in the record only.

729

730 Mr. Tony Grau with Grau and Associates reviewed the Audited Financial Statements Fiscal Year 2020  
731 ended September 30, 2020. He reported the audited opinion was on page 1 and 2 and reflected a clean  
732 opinion with respect to the financial statements and disclosures of the CDD. He stated management  
733 discussion analysis was a recap of the financial activity during the Fiscal Year. He indicated page 4  
734 reflected a summarized statement of position which showed the assets and liabilities and net position  
735 including capital assets and debt. He indicated page 5 showed the changes in net position and  
736 comparative amounts between the two years; the change in net position went from a loss of \$190,000  
737 dollars to a loss of \$93,000 dollars for Fiscal Year 2020. He reported the government-wide statements  
738 were on page 7 and 8. This was the same information as in the management discussion and analysis,  
739 just in more detail. He stated page 9 showed the governmental funds, assets (cash and investments),  
740 and fund balances, with \$3.2 million dollars in the debt service fund, the capital project fund had \$1.1  
741 million dollars and the general fund had approximately \$366,000 dollars. He reported page 11 showed  
742 the income statement and showed the special assessments, revenues, expenditures, general fund, and  
743 debt service. He stated page 13 began the notes to the financial statements. He indicated the notes  
744 were similar to the prior year. He stated there were no new accounting standards which required any  
745 major changes to the notes. He indicated on page 19 was the summary of the capital assets; \$23 million  
746 dollars in infrastructure, with \$2.8 million dollars in appreciation, and a balance of \$20.4 million dollars.  
747 He stated page 19 reflected a description of the different bonds issued throughout the years. He stated  
748 page 20 reflected the changes in the debt for the principal paid during the fiscal year. He noted the  
749 District owed approximately \$31.5 million dollars as of September 30, 2020. He reported on page 21 the  
750 amortization schedule showed how much debt would be paid off per year for the first five years and  
751 summarized in five-year increments. He noted there was a disclosure on the litigation. He stated on  
752 page 22 was the budget to actual. He indicated the remainder of the report contained the various  
753 reports required under government auditing standards. He noted there were no findings and clean  
754 opinions. He asked if there were any questions.

755

756 *Mr. Winters: Your footnote on litigation says that the nonwasting escrow fund cannot be determined at*  
757 *this time. Should we be booking a contingent liability for that nonwasting escrow fund?*

758

759 *Mr. Grau: No. The way it works with a contingency is, it's recorded, and this is subjective because*  
760 *obviously if we knew exactly what it was, and if it was a liability it would be recorded, so there are two*  
761 *criteria. 1) It is probable that the event has occurred and 2) it could be reasonably estimated what the*  
762 *amount is. At this point it is not probable and to estimate the amount, it is too broad right now to*  
763 *accurately estimate it, but the first criteria basically, as long as the land is not turned over, then you*

764 *don't have to establish the escrow. At this point it hasn't been determined whether that will happen or*  
765 *not. The other thing that would have to be negotiated; you would have to come up with the amount.*  
766 *Let's say that in a year from now it actually does happen, and we negotiate, and we know the amount*  
767 *even after the year is over, then we would book it. Does that help? Can you hear me?*

768

769 There were technical difficulties with no audio for approximately 1 minute.

770

771 *Mr. Winters: But if we were to donate/transfer the land to a proper land management agency there*  
772 *would be an escrow fund required for them to accept the transfer.*

773

774 *Chairperson Stamp: Unless they would take it without one.*

775

776 *Mr. Ron Miller: In my view there is a liability hanging out there to maintain the preserves in perpetuity*  
777 *subject to any change that comes out of litigation. The CDD will be hammered with that in the future.*  
778 *Even if there is I think there will be significant damages, those damages would come over to the CDD to*  
779 *fund that liability, but the liability is real. It is more of a situation due to accounting rules that require*  
780 *you to recognize that liability and put it on the books or put it in the financial statements as a foot note*  
781 *or do nothing. What I'm hearing is because it is still vague enough that there is no reason to do anything*  
782 *at this time, but that may change by the time we get to this point next year. The only solution to that*  
783 *long term, should we not get the damages we seek that are justifiable, is that this Board would then*  
784 *have to face the reality of do we start assessing the residents for something we think is not a CDD*  
785 *responsibility. That's kind of a touchy point there.*

786

787 *Chairman Stamp: We are already doing that. We are assessing them for something that we think is not*  
788 *a CDD responsibility.*

789

790 *Mr. Ron Miller: But we are contemplating discontinuing.*

791

792 *Chairman Stamp: I just don't see where it is any different than any government body that knows it going*  
793 *to have to maintain – Naples is going to have to maintain the streets out there forever. They have the*  
794 *ability to tax, so they don't have to work with the liability of maintaining the streets in perpetuity and put*  
795 *that on their books as a debt.*

796

797 *Mr. Ron Miller: But you are jumping to the conclusion that the Board would approve a motion to tax the*  
798 *residents in the future for something that some Board Members might not approve of.*

799

800 Discussion ensued regarding how maintaining the preserves compared to city street maintenance, and  
801 liability versus non liability. (Some of this conversation was indecipherable.)

802

803 *Mr. Winters: I think Supervisor Miller's question is, what are the accounting rules regarding booking a*  
804 *potential liability, and I hear that it is too vague to figure out what the mechanics are of estimating the*  
805 *amount, and I actually think the mechanics of estimating the amount are fairly straightforward. It's the*  
806 *annual cost divided by investment rate of return, which the Army Corps of Engineers has historically*  
807 *always used 2%. So, that's the denominator and the numerator is our annual costs, so we could in fact*  
808 *recognize a number, even if it is a range of numbers. I guess what I'm hearing is that the only reason not*  
809 *to do it is that the eventuality of this is too vague from an accounting standpoint to recognize it as yet. Is*  
810 *that correct?*

811

812 *Mr. Grau: Yes. At this point, without the event occurring that would trigger that, the liability has not*  
813 *been incurred. You don't record a liability until it is incurred. The trigger is when the land is transferred.*

814

815 *Mr. Ron Miller: It already has happened. The land has been transferred.*

816

817 *Mr. Ward: Away from us.*

818

819 *Mr. Grau: So, if you are just maintaining it like you maintain the common area, that's something you do*  
820 *every year, then the expenditure is recorded every year because it has not been incurred yet. That's just*  
821 *the way it works. With this situation, there are two variables. The event has not occurred yet that would*  
822 *trigger it and to determine the amount you have to come up with the annual maintenance cost that has*  
823 *to be agreed upon and the discount rate. Now, you said that they used 2%. From reading the permit it*  
824 *did not say 2%, it just said that it had to be determined. If it is 2% then it is an enormous amount of*  
825 *money compared to – it is a lot of money, but the lower the discount rate, then the higher the amount.*

826

827 *Mr. Winters: That's just in a conversation with Army Corps of Engineers. That's what I was told by one*  
828 *of their representatives. They default 2% because nobody can really agree on what the rate is and the*  
829 *rate fluctuates. Right now, the rate would be 0.5% or 1%, so the Corps defaults to 2%.*

830

831 *Mr. Grau: Yeah, but I think that could be negotiated or argued, because if you are funding something*  
832 *long term, like a pension plan, then you are looking more at like the 6% to 7%. But again, it depends on*  
833 *what gets agreed to because it didn't say in there what it is.*

834

835 *Mr. Ron Miller: I would quickly comment that 6% or 7% is not even possible because I have taken a look*  
836 *at it, and we are restricted basically to treasury notes.*

837

838 *Mr. Grau: It is not what you could invest it in, it is what they could invest it in.*

839

840 *Mr. Ward: Ron, I think your analogy is fine. They are basically the same at this point. They act in similar*  
841 *fashion that we do, so their investments may be a little bigger, but basically the rates are the same.*

842

843 *Mr. Ron Miller: Nevertheless, Florida government agencies are restricted by Statute as to what they can*  
844 *invest in, and that's basically treasury notes. I think you can probably the CDD's or money market funds,*  
845 *but basically treasury security.*

846

847 *Chairperson Stamp: If we were transferring it to somebody else, they might not be under those*  
848 *restrictions.*

849

850 *Mr. Ward: Correct.*

851

852 *Mr. Ron Miller: If our accountant is opining that we need neither a booking liability, nor even a footnote,*  
853 *if those are the accounting rules, I am good with that. I simply wanted to make sure that our accountant*  
854 *was aware of our situation, so there would not be an oversight of this.*

855

856 *Mr. Grau: We based the disclosure from what the attorneys had in their letters and updates. There was*  
857 *no amount provided, so that's what's disclosed, because it is unknown.*

858

859 *Mr. Ward: If you are fine with that, I will ask for a motion to accept them for inclusion in the record. I*  
860 *will finalize them and then file them with the appropriate regulatory agencies.*

861  
862 **On MOTION made by Mr. Tom Kleck, seconded by Mr. Martinn**  
863 **Winters, and all in favor, the Audited Financial Statements for Fiscal**  
864 **Year 2020, ended September 30, 2020 were accepted for inclusion in**  
865 **the record.**

866  
867

868 **SEVENTH ORDER OF BUSINESS**

**Staff Reports**

869

870 **Staff Reports**

871

872 **I. District Attorney – Woods, Weidenmiller, Michetti, & Rudnick**

873

874 No report.

875

876 **II. District Engineer**

877

878 No report.

879

880 **III. District Manager – JPWard & Associates, LLC**

881

882 **a) Financial Statements ending January 31, 2021 (Unaudited)**

883

883 **b) Financial Statements ending February 28, 2021 (Unaudited)**

884

885 No report.

886

887

888 **EIGHTH ORDER OF BUSINESS**

**Agreement with MHOA and District**

889

890 **Agreement with Master Homeowner’s Association and District (Continuing Item until Final Decision)**

891

892 This Item was continued.

893

894

895 **NINTH ORDER OF BUSINESS**

**Discussion of Preserve Funding**

896

897 **Discussion of Future Funding of Preserve Mitigation and Maintenance (Continuing Item until Final Decision)**

898

899

900 This Item was continued.

901

902

903 **TENTH ORDER OF BUSINESS**

**Staff Items**

904

905 **I. District Attorney**

906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952

- a. **Complaint regarding Ownership and Maintenance responsibilities for the Main Preserve located within the boundaries of Flow Way CDD**
- b. **Developer relocation of Resident Walkway (companion item to 10 (II) (b))**

*Mr. Woods: The complaint has been filed. Taylor Morrison has filed a motion to dismiss. Fairly standard procedure. He discussed the process and the technical requirements involved. Our general position remains the same; it is just a matter of meeting requirements.*

*Chairperson Stamp: What do we think their chances are?*

*Mr. Woods: None. But the motion to dismiss could be granted with leave to – a judge would not dismiss it in the first or second motion typically. It is cleaning up the pleadings, so to speak. The judge could grant the motion, but it would be a lot of – meaning the judge says “yeah, I think they are right on that technical point.”*

*Chairperson Stamp: Can you bring us up to date on Tim Hall and the HOA?*

*Mr. Woods: I spoke with Tim Hall’s counsel and he will be making an appearance shortly in the lawsuit. Insurance issues with coverage or something like that. Tim Hall is in the lawsuit and they will probably file a motion to dismiss too as that is standard procedure. I would expect that shortly. The HOA, I spoke with Taylor Morrison’s counsel and they had asked for an extension regarding the HOA, till the new HOA Board got involved. I agreed to that extension to whatever date the HOA needs; subsequently, Taylor Morrison decided to retain an attorney for the HOA. An attorney up in Tampa by the name Neil Sivier (ph), he has filed a motion to dismiss the HOA. I have no idea why they did that. I would be surprised if they could even get a hearing on the motion to dismiss. If they got a hearing on the motion to dismiss heard, by the time we had the leave to amend the HOA would be turned over and so they are jumping through –*

*Mr. Ron Miller: Why are they doing that?*

*Mr. Woods: I have had general discussions with the HOA attorney. Just keeping each other informed of issues.*

*Chairperson Stamp: Just so everyone knows, Greg, I and (indecipherable) and Dave Boguslawski have had some joint calls as well. (Indecipherable 1:49:30.) I call it the trespass letter.*

*Mr. Woods: The trespass letter went out. I received a response just a little while ago which I will forward to Jim. The long and the short of it is, their response generally doesn’t follow Florida law, but it essentially says the developer had an internal of the HOA, in the Declarations, they have the ability to move things and that sort of things, but it really does not address the fact that the property is now the CDD’s property and not the HOA’s. That would be a significant flaw in their logic. I will share that with you, and we will draft a stern response.*

*Chairperson Stamp: I was hoping that Drew or Mr. Cook were here because if you look in the packet. I had Jim contact him about the bridge, the bridge is probably a legitimate thing they had to do and ask them what are you doing, and why are you doing it. The response we got back*



953 indicated they really didn't go into the preserves; they went into the buffer of the preserves. I  
954 looked at the maps and I didn't find any buffer. Did they retain an easement over a buffer?

955  
956 Mr. Woods: If they needed to do this to comply with South Florida Water Management permitting  
957 then whatever. The proper procedure would still be to contact Jim Ward, give him the plans, let  
958 him know what you are anticipating, give us proof of insurance, all the standard things you do for  
959 your neighbor to comply with things. They did nothing. They just said, here we go, here's what  
960 we're doing. That in my mind is a trespass. That's kind of where we are at on that issue.

961  
962 Mr. Winters: I have asked Forge Engineering to look at the bridge to see if it creates any – we've  
963 already got a maintenance problem with weeds and grass and everything growing in the pond.  
964 Does this make our maintenance obligations worse or more expensive that we now have a bridge  
965 to maintain? We weren't given any drawing or engineering plan of this thing to review. No  
966 approvals were sought. I just think for some reason we haven't gotten their attention yet. I want  
967 to resurrect this issue. I would ask your opinion, when they voted to accept these preserves, should  
968 the Taylor Morrison employees have recused themselves from the vote based on the Ethics Law  
969 that they should not take a vote that benefits their employer financially?

970  
971 Mr. Woods: The statement you just said is true. The question is whether the facts – when did they  
972 have knowledge that the bridge had to be done. We don't know all the facts. If South Florida  
973 Water Management District came in after the fact and said hey, we've got to have (indecipherable  
974 1:53:15) then when the Board Members voted they were not aware of that. That we do not know  
975 at this point.

976  
977 Mr. Winters: There is no direct correlation between the two events. They also, the Taylor  
978 Morrison employees took a vote in favor of amending the permit with South Florida Water  
979 Management District, which I feel they should have recused themselves from. And I'm wondering  
980 whether we should notify the Army Corps of Engineers that they've made this modification to the  
981 preserves without involving them as far as a review. This is another example of them acting with  
982 impunity and it doesn't seem like we have yet gotten their attention, that they need to act like they  
983 are at least a partner in this process while we go through it and get it all figured out.

984  
985 Mr. Woods: I think contacting the Army Corps is a good idea (indecipherable 1:54:15).

986  
987 Chairperson Stamp: Did you check on the county for permits?

988  
989 Mr. Woods: (Indecipherable.) Our real estate people (indecipherable), but yeah, we are checking  
990 to make sure we pull the proper county permits. The problem is the legal process takes a long time  
991 to get where you want to go. Once you are there you will be happy with the results, but there is  
992 not a lot you can do instantaneously.

993  
994 Mr. Winters: I understand. I know where Supervisor Miller stands on the Ethics complaint. I am  
995 starting to get more in favor of it. I have not heard Supervisor Kleck state an opinion.

996  
997 Mr. Kleck: I guess, if it's going to get us further down the road, and it's going to get us some  
998 satisfaction, I say yes. If it's not going to gain us anything, I think your recommendations were that  
999 –

1000

1001 *Mr. Woods: It is an independent action. It does not affect what Taylor Morrison is doing or not*  
1002 *doing.*

1003  
1004 *Mr. Kleck: It's not going to make a difference in our final –*  
1005

1006 *Mr. Woods: At the end of the day, if the complaint were successful, you would end up with a fine*  
1007 *against the individual Board Member of \$2,500 dollars. It could be more, but it's not typically a*  
1008 *huge fine. It's actually a very lengthy process.*

1009  
1010 *Mr. Kleck: Slap on the hand.*  
1011

1012 *Mr. Woods: Generally speaking, that's what I've seen.*  
1013

1014 *Mr. Ron Miller: So, there have been some successful complaints?*  
1015

1016 *Mr. Woods: I have been involved in a complaint that was successful against someone which the*  
1017 *end result was a reduced fine of \$800 dollars and he agreed not to run for public office in the*  
1018 *future. That was the extent of the year long process. Just by way of example. You never know*  
1019 *what's going to happen, but that's an example.*

1020  
1021 *Mr. Winters: Well, do you feel like the process – it looks to me like this golf cart trail has nowhere*  
1022 *to go. In order for them to move the golf cart trail, they have to enlarge the pond or shrink the*  
1023 *pond by creating more bank area because they are now in the buffer zone of the pond. So, do you*  
1024 *anticipate that their solution is going to be to come up with an Engineer's report to modify the*  
1025 *pond in order to allow the gold cart trail to be moved?*

1026  
1027 *Mr. Woods: To my estimation, I would not rely on Taylor Morrison to figure that out. I believe that*  
1028 *we need to undertake and have an Engineer take a look and see what kind of problems have been*  
1029 *created and some solutions.*  
1030

1031 *Mr. Winters: And does the Army Corps of Engineers have to weigh in on what happens to a pond*  
1032 *that is being modified without their involvement and approval? Do we put a stop work order in*  
1033 *place, so we get them to the table to make sure they do this properly, or do we just allow them to*  
1034 *continue doing what they are doing and wait for it to be done before we make --? What would you*  
1035 *recommend?*  
1036

1037 *Mr. Woods: In some respects, it is a business decision to be honest kind of would like a fully built*  
1038 *nice pathway, you leave it in limbo and (indecipherable 1:59:00).*  
1039

1040 *Mr. Ward: I will weigh in on that question. Those lakes were financed with bond funds. This*  
1041 *District has to aggressively pursue anybody who tries to modify that water management system in*  
1042 *any way, shape or form. So, if Taylor Morrison or anybody, or the homeowner's association, wants*  
1043 *to go fill in a part of a lake, that has to be aggressively pursued up front.*  
1044

1045 *Mr. Winters: How do you know until they do it? That's the problem.*  
1046

1047 *Mr. Ward: Right. If Zack sees it on Sunday and he calls me, then I'm going to say call Greg*  
1048 *because we need to get started on some way to stop that work from moving forward. That's a*  
1049 *major breach in our fiduciary responsibility if we do not pursue that.*

1050  
1051 *Mr. Winters: That puts us in a position to be vigilant about everything that they do because they*  
1052 *are not coming to the table proactively to cooperate with us in any way, shape or form.*

1053  
1054 *Chairperson Stamp: The HOA elect Board sent a note, I haven't seen it yet, saying you told us you*  
1055 *were going to give us all this information and you have given us nothing, so I think after this*  
1056 *meeting we should sit down with the HOA Elect Board and decide, and I was going to have Greg*  
1057 *walk us through what our options were.*

1058  
1059 *Mr. Woods: In terms of the bridge and the pathway.*

1060  
1061 *Chairperson Stamp: The pathway more than the bridge.*

1062  
1063 *Mr. Ron Miller: That's what's going through my mind: where do we go from here, what are the*  
1064 *consequences.*

1065  
1066 *Mr. Woods: You can do the stop work and attempt to get the County out there to take action. We*  
1067 *would have to prove that it's our property, but I think that's probably easy to prove. You could get*  
1068 *the County to stop work and that leaves it in limbo which perhaps we want because at that point*  
1069 *maybe we could negotiate.*

1070  
1071 *Mr. Winters: Maybe that's a way to get their attention. They just seem to be oblivious to the fact*  
1072 *that they have to work with other parties on this at all.*

1073  
1074 *Mr. Woods: (Indecipherable 2:01:24) halfway done as it is, but you've got this corner of a building*  
1075 *in the cart pass a foot away from it. It's a hazard, so I can't imagine they would just leave it the*  
1076 *way it is.*

1077  
1078 *Mr. Ron Miller: What I'm thinking of is the consequences. Are we in danger of shooting ourselves*  
1079 *in the foot here because they've got somebody telling them that they must do this with no*  
1080 *alternative, and now they are hearing from us that they can't do this? Where does that go?*

1081  
1082 *Mr. Woods: If we shut them down, they are going to have to negotiate with us, getting out*  
1083 *permission to do it. Which is what they should have done from the start. That's the real problem.*  
1084 *If they had come to us and had a reasonable explanation, provided a reasonable plan, reasonable*  
1085 *protections, we might have said fine, go ahead and do it. But that's not what they did. They just*  
1086 *decided they were not going to deal with the CDD and just do what they wanted to do. That's the*  
1087 *problem. So, if you guys want to try and get a stop work order, you are going to get their*  
1088 *attention.*

1089  
1090 *Mr. Ron Miller: They've taken the position to go forward, and if they get caught ask for*  
1091 *forgiveness. If we don't forgive them and we shut them down, then we've got a couple of places in*  
1092 *our community where the trail just stops and comes to a dead end.*

1093

1094 *Mr. Kleck: Then the golfers can't go through unless they go on the gravel. From a litigation*  
1095 *standpoint is it better to stop them doing what they are doing and force them to the table or to let*  
1096 *them go as one more example of bad behavior?*

1097  
1098 *Mr. Woods: I like it in terms of the overall lawsuit because factually it just shows a developer run*  
1099 *amuck. They don't care. They are going to do what they are going to do and put everything else*  
1100 *on everyone else. So, from a lawsuit perspective – Just let them keep being idiots.*

1101  
1102 *Mr. Kleck: I agree with that. I think they have shown their colors too many times to our*  
1103 *organization, to our neighborhood, and I think they are getting themselves deeper and deeper.*

1104  
1105 *Mr. Winters: But to your point, you can't just let them go in there and change the pond, right?*

1106  
1107 *Mr. Ward: Let's separate the two issues. The boardwalk is something that sits on top of our water*  
1108 *management system. When I saw that, Zack and I talked about it, and it was – okay, we*  
1109 *understand it needs to get done. It clearly was done absolutely wrong, but it's got to be fixed at*  
1110 *some point. The cart path however, moving it into that lake bank is substantively more dangerous*  
1111 *for residents. My point was if Taylor Morrison tries to go in there, or anybody tries to go in there,*  
1112 *and fill that lake in, because that's where that cart path is now, that's where we have to say the*  
1113 *rubber meets the road and we have to stop them from doing that because that impacts a system*  
1114 *that was paid for from bond funds and we have a responsibility to maintain the integrity of that*  
1115 *system and not let anybody make those kinds of modifications.*

1116  
1117 *Mr. Winters: Maybe that's what your next letter needs to say. If you intend to do anything, we are*  
1118 *going to put in a stop work order.*

1119  
1120 *Mr. Ron Miller: Taking Jim's comments, could Taylor Morrison solve the safety issue by building a*  
1121 *very significant boardwalk around there? (Indecipherable 2:05:43.)*

1122  
1123 *Mr. Winters: Could you say something like insofar this is clearly CDD property, and we have an*  
1124 *obligation based on the bonds, our obligation to maintain the waterways, we insist that you*  
1125 *involve us in the planning process?*

1126  
1127 *Mr. Woods: I think that's a good letter because if you say "we insist" we are not doing it on the*  
1128 *back of an invitation. If Taylor Morrison then ignores us, we can at least proceed with seeking a*  
1129 *stop work order, and factually for the lawsuit this proves –*

1130  
1131 *Chairperson Stamp: We also have the third issue which is those stakes, and we have no idea what*  
1132 *they are; up the east side of the property. There are about 20 stakes.*

1133  
1134 *Mr. Winters: Yeah, because the whole boardwalk started out as a series of stakes, so it indicates*  
1135 *that something is going to happen.*

1136  
1137 *Chairperson Stamp: Are they going to move the fence? Move the sidewalk? So, is the consensus*  
1138 *here that we are going to proceed with another letter and then we are going to go for a stop work*  
1139 *order? (Indecipherable 2:07:12) contact the Corps.*

1140

1141 *Mr. Ward: Greg, for your information, the lake is going to be permitted through South Florida*  
1142 *Water Management District. I doubt it is Corps, but I would probably start with the Corps, Collier*  
1143 *County permitting, to at least put them on notice that we have a problem.*

1144  
1145 *Mr. Woods: And also, South Florida Water Management District?*

1146  
1147 *Mr. Ward: South Florida Water Management District, yes, sir.*

1148  
1149 **II. District Manager**

1150  
1151 **a. Audit of Preserves Expenditures (Grau and Associates)**

1152 **b. Developer relocation of Resident Walkway**

1153  
1154 Chairperson Stamp asked about the expert on lakes and littorals who was hired.

1155  
1156 *Mr. Winters: I haven't gotten any feedback other than they are knee deep in the process and they*  
1157 *have looked at the trail. We haven't even talked about the nature trail that goes around.*

1158  
1159 *Mr. Ward: They have pretty much been issued their field work with respect to all of that with*  
1160 *exception of one notable item, and that is the cameras that need to go into the pipework systems*  
1161 *for which they will need to work with me because I will need to get a vendor on board to do that.*  
1162 *The next phase is to start the drafting of the report. They didn't give a time schedule, but I suspect*  
1163 *this is at least another two more months out before we even see a draft of a report and at least a*  
1164 *month or six weeks from when they decide who they want to use to do the inspection work. I am*  
1165 *guessing it will be June before you see this in front of the entire Board, the full report.*

1166  
1167 *Mr. Ron Miller: Do we have any knowledge as to the condition of the littorals on the lake banks?*  
1168 *Are they as they should be? Are they overgrown? Are they not enough? Are they the right*  
1169 *littorals?*

1170  
1171 *Mr. Kleck: I have been reviewing the littoral situation and the lake banks and what I see is, what*  
1172 *my experience tells me, there are some littorals on that lake bank. Very few and very slim. I don't*  
1173 *see, and have not noticed, that Taylor Morrison has added any more littorals to the lake banks*  
1174 *since I've been there. The growth of the wild grasses and the lily pads, in both the flow way, which*  
1175 *is the canal so to speak. If you get out and look at the canal along Immokalee, it's clear. It's*  
1176 *perfectly clear, but the canal coming down on the west side of our property is full of lily pads and*  
1177 *swamp grasses, as are the ponds. I just think that they've ignored our lakes and our ponds*  
1178 *completely.*

1179  
1180 *Mr. Ron Miller: I assume you are referring to the swamp grasses. They seem to have a limit based*  
1181 *upon the depth of the water. They cannot go in 10 or 12 feet of water.*

1182  
1183 *Mr. Kleck: They are overtaking the ponds significantly.*

1184  
1185 *Mr. Ron Miller: But are those swamp grasses consider appropriate littorals for a pond.*

1186  
1187 *Mr. Kleck: As far as I'm concerned, and what I've dealt with in the past, they are not supposed to*  
1188 *be there.*

1189  
1190  
1191  
1192  
1193  
1194  
1195  
1196  
1197  
1198  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236

*Mr. Ron Miller: How did they get there?*

*Mr. Kleck: Like every wild weed, if they are not cut back and trimmed on a regular basis, and I have seen no boats of any kind in our ponds or lakes that Taylor Morrison would put in there in the 16 years I've been there. Those years that I've been in that neighborhood I have not see them do anything to the waters of that community. Unlike other communities you will see down on Immokalee. That canal that runs parallel with Immokalee is crystal clear. We need to push them hard on that because I don't want to be in a situation where it's out of control to the point where they walk away from it and we are stuck with it. As I see it right now, they have not done anything.*

*Chairperson Stamp: Let's stay on that.*

*Mr. Winters: I gather the engineer's report will address it. And when we take over the maintenance of it, we can --?*

*Mr. Ward: Once we take over the maintenance, you are absolutely right, we can correct it, but before – the expert report will cover what's wrong with it.*

*Mr. Kleck: And how do we make sure that Taylor Morrison is going to fix it before they give it to us?*

*Mr. Ward: That's his job.*

*Mr. Kleck: When's that expert report supposed to be done?*

*Mr. Ward: I suspect probably your June Meeting you will have the report.*

*Mr. Kleck: When is the turnover?*

Discussion ensued regarding the turnover date being March 8, but officially May 31.

*Mr. Ward: The audit of the preserve expenditures that we had talked about some time ago. Tony Grau is still with us today after 2 hours. I applaud him for those efforts today. Tony I will ask you go ahead and do your review of the preserve audit that you did.*

*Mr. Grau: If you could hold on a second, I will have David come in as he is the one who did the work.*

*Mr. David Caplivski: I am an audit partner here at Grau and Associates and we were engaged to perform an agreed upon procedures engagement. Basically, we received two schedules from District Management that represented the cost of the District from October 1, 2013 to September 30, 2020. There were 750 items on those schedules that represented \$30.4 million dollars. The procedure we performed is we inspected the invoices and requisitions that were represented on those schedules for the word preserve. Appendix A, on page 4 of the report, shows the 44 invoices we found that have the word preserve. Appendix B, on page 5, shows the one requisition we found that had the word preserve. Appendix C, starting on page 6 and through the end of the report, is*

1237 *all of the pages from those invoices and requisitions that have the word preserve. It was a pretty*  
1238 *straightforward engagement, and I am available for any questions or comments.*

1239

1240 *Mr. Winters: I took your sheets and numbers and looked at every page and reconstructed this in a*  
1241 *spread sheet so that it summarizes the totals by year and what is shows is that there were*  
1242 *\$258,636 dollars spent in 2015. There was nothing for 2016 or 2017. In 2018 there was \$5,400*  
1243 *dollars spent for maintenance, \$11,500 dollars for legal, \$1,100 other for a total of \$18,000*  
1244 *dollars. In 2019 the amounts spent were \$244,000 dollars for maintenance, \$13,630 for legal,*  
1245 *\$1,500 for other, for a total of \$259,540 dollars in 2019 and in 2020 there was \$205,000 for*  
1246 *maintenance, \$3,000 for legal, for a total of \$208,975 dollars in 2020, which stops in September,*  
1247 *so it does not capture through the calendar year. It stops in the fiscal year. The grand total is*  
1248 *\$714,920 dollars. I was the one who requested this retroactive account so we would have a*  
1249 *number to include in our claim, and that's what the result was.*

1250

1251 *Mr. Ron Miller: I had a question on the work that was done. I'm sorry I didn't look at this earlier, I*  
1252 *just missed it. But using the label of preserve and looking at the expenses, is that too narrow of a*  
1253 *search or are there other expenses, invoices or whatever, incurred that don't have that word*  
1254 *present in the invoice. That would seem to be maybe a likely scenario. When Tim Hall gives us his*  
1255 *bills, just using him as an example, would his invoice say preserve work? Or would it say general*  
1256 *billing for services performed? Have we missed a huge amount of money in expenses by narrowing*  
1257 *it to the word label?*

1258

1259 *Mr. Ward: The list of the vendors that Grau has on page 1 of their report includes all of the*  
1260 *vendors that have been paid by this CDD from October 1, 2013 through September 30, 2020. This*  
1261 *is every vendor in the system. Honestly, I can look at these vendors and tell you whether or not,*  
1262 *just by eyeing them, whether they have done any work in or for this District that are related to the*  
1263 *internal preserves or the external preserves. For example, because I know all these vendors, I was*  
1264 *able to point Grau to all of the vendors who I knew were in this District related to any type of*  
1265 *preserve work and they all have the word preserve in all of their invoices. He further explained*  
1266 *how the vendors were or were not related to the preserves. He noted he was able to look at this*  
1267 *audit and point Grau in the right direction related to the vendors who worked on the preserves.*

1268

1269 *Mr. Kleck: You were here during the entire duration?*

1270

1271 *Mr. Ward: Yes, I was.*

1272

1273 *Mr. Kleck: Is that number small that he gave you?*

1274

1275 *Mr. Ward: No. That's the right number; \$750,000 to \$760,000 dollars is the correct number. It*  
1276 *grows. This year we will have more expenditures to add to that number now that we are starting*  
1277 *up the maintenance on the external preserve again. We replaced Tim Hall.*

1278

1279 *Mr. Ron Miller: When we go back to the 2015 amount of \$258,000 dollars. That has an April 28*  
1280 *date. I am trying to find this because I have seen it once, but my recollection is that the wood stork*  
1281 *area was conveyed over sometime in 2015. It was somehow connected to a bond issue and some*  
1282 *bond funds. In respect to the payment of (Indecipherable 2:23:12.) were we actually paying for*  
1283 *expenses or reimbursing Taylor Morrison for expenses incurred prior to the actual conveyance of*  
1284 *the property to the CDD? That being an important feature. (Indecipherable 2:23:46.)*

1285

1286 *Mr. Ward: Mr. Grau and David, we thank you for joining us today.*

1287

1288 *Mr. Grau and Mr. Caplivski left the meeting.*

1289

1290

**1291 ELEVENTH ORDER OF BUSINESS****Board Items**

1292

1293 There were no Board Items.

1294

1295

**1296 TWELVTH ORDER OF BUSINESS****Audience Comments**

1297

1298 Chairperson Stamp asked if there were any audience comments; there were no audience comments.

1299

1300 *Mr. Ron Miller: I just want to share some information with the Board. Over the past number of weeks, I*

1301 *have had some curiosity. What Taylor Morrison has done through this situation, alleging that they are*

1302 *still in charge of the HOA Board, which is not our business as the CDD, but why would they allege that? It*

1303 *seems to me they are doing this for a reason. What might be in the background? I am curious with the*

1304 *Hatcher Property, that they are needing to do some things. So, I think I know some things, but it may*

1305 *just not be so. Keep that in mind. I tried to do a little homework, and what I think is the case, Taylor*

1306 *Morrison with respect to the Hatcher property, they have sold no lots and that's a fact. Why they have*

1307 *sold no lots is a good question knowing there are people standing in line. Probably they can't. I spent*

1308 *lengthy time on the phone with people in Collier County Planning, Diane Lynn, who gave me two hours of*

1309 *her time. She tells me that Taylor Morrison have yet to come to Collier County with construction plans.*

1310 *The project has been approved, it has been for some time, but no construction plans, and so it hasn't yet*

1311 *entered that stage. It kind of makes me think that maybe they are going to need to do something*

1312 *between now and May 31 to get to this thing. And then, I walk the dog past that thing all the time and I*

1313 *see the mut pit. I have gotten into the details of what was the approved project in back and forth with*

1314 *Collier County. Picture on the north end of that property. There was an existing lake. Small, but existing,*

1315 *and that has now been expanded threefold or fourfold to the south. The original lake has an elevation of*

1316 *12.2 feet. I asked her if she thinks that the pond was that deep and then the extension of that, this says*

1317 *proposed lake expansion and it has more elevation. It does have a legend on it that shows littorals as*

1318 *opposed to (indecipherable). When you dive down deeper, down through the engineering on that, the*

1319 *Waldrop Engineering Report, shows all sections of that expansion with basically the same elevation of 12*

1320 *feet deep. Clearly there is not that much. Clearly, they have not dug down. They have raised the*

1321 *property behind it, which makes it appear higher. It makes me wonder if Taylor Morrison is going to go*

1322 *back to Collier County and ask that (indecipherable). Basically, they have completed that project, to*

1323 *come in now it would be a mess. Anyway, it seems to me, what we see is what we get. It seems to me*

1324 *that they are going to put that on the HOA. They can't put it on us without our permission, so they are*

1325 *going to put it on the HOA. Maybe in order to pull that off they need to retain control of the HOA. I think*

1326 *as a community we need to be aware that something is going on. The CDD can insulate itself somewhat,*

1327 *but can the HOA? I just don't see a good ending. If the HOA were to ensure its legality (indecipherable).*

1328 *They can't do something separate from the CDD, but I just think there is something going on there, that*

1329 *even though we may not be able to insulate ourselves from it, but we need to have an awareness.*

1330

1331 *Mr. Winters: I've got pictures of them planting in that area. You can see it and stop and look at it. Some*

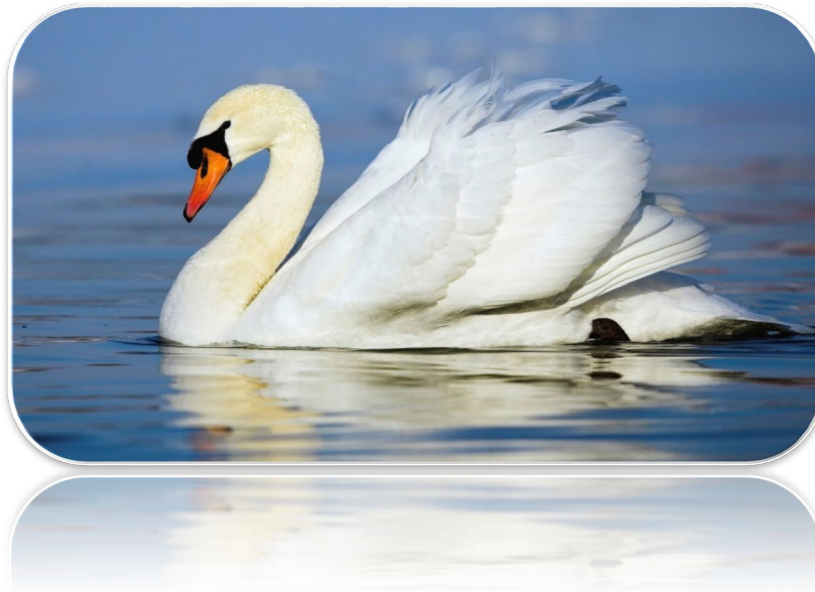
1332 *kind of plant. They clearly are planting there.*





# **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**

---



## **FINANCIAL STATEMENTS - MARCH 2021**

FISCAL YEAR 2021

---

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2301 NORTHEAST 37<sup>TH</sup> STREET, FORT LAUDERDALE, FL 33308

T: 954-658-4900 E: [JimWard@JPWardAssociates.com](mailto:JimWard@JPWardAssociates.com)

---

*Flow Way Community Development District*

---

*Table of Contents*

	<i>Page</i>
<i>Balance Sheet—All Funds</i>	<i>1-2</i>
<i>Statement of Revenue, Expenditures and Changes in Fund Balance</i>	
<i>General Fund</i>	<i>3-6</i>
<i>Debt Service Fund</i>	
<i>Series 2013 Bonds</i>	<i>7</i>
<i>Series 2015 Bonds (Phase 3)</i>	<i>8</i>
<i>Series 2015 Bonds (Phase 4)</i>	<i>9</i>
<i>Series 2016 Bonds (Phase 5)</i>	<i>10</i>
<i>Series 2017 Bonds (Phase 6)</i>	<i>11</i>
<i>Series 2019 Bonds (Phase 7, Phase 8, Hatcher)</i>	<i>12</i>
<i>Capital Project Fund</i>	
<i>Series 2016 Bonds (Phase 5)</i>	<i>13</i>
<i>Series 2017 Bonds (Phase 6)</i>	<i>14</i>
<i>Series 2019 Bonds (Phase 7, Phase 8, Hatcher)</i>	<i>15</i>

*JPWard & Associates, LLC*  
*2301 Northeast 37th Street*  
*Fort Lauderdale, Florida 33308*

**Flowway Community Development District  
Balance Sheet  
for the Period Ending March 31, 2021**

	Governmental Funds			Debt Service Funds				Capital Projects Funds			Account Groups	Totals
	General Fund	Series 2013	Series 2015 (Phase 3)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 8 Hatcher)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 8 Hatcher)	General Long Term Debt	(Memorandum Only)
<b>Assets</b>												
<b>Cash and Investments</b>												
General Fund - Invested Cash	\$ 797,681	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 797,681
<b>Debt Service Fund</b>												
Interest Account	-	-	-	-	-	-	-	-	-	-	-	-
Sinking Account	-	-	-	-	-	-	-	-	-	-	-	-
Reserve Account	-	539,000	246,188	161,930	174,589	118,375	257,378	-	-	-	-	1,497,459
Revenue	-	620,280	332,135	235,621	372,828	241,521	558,484	-	-	-	-	2,360,869
Prepayment Account	-	-	0	-	-	-	1,069,048	-	-	-	-	1,069,048
General Redemption Account	-	-	-	2,471	-	-	-	-	-	-	-	2,471
Construction	-	-	-	-	-	-	-	19,948	12,974	33,317	-	66,240
Cost of Issuance	-	-	-	-	-	-	-	-	-	-	-	-
Retainage Account	-	-	-	-	-	-	-	-	-	-	-	-
<b>Due from Other Funds</b>												
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-
<b>Market Valuation Adjustments</b>												
Accrued Interest Receivable	-	-	-	-	-	-	-	-	-	-	-	-
Assessments Receivable/Deposits	-	-	-	-	-	-	-	-	-	-	-	-
Amount Available in Debt Service Funds	-	-	-	-	-	-	-	-	-	-	4,569,952	4,569,952
Amount to be Provided by Debt Service Funds	-	-	-	-	-	-	-	-	-	-	26,165,048	26,165,048
Investment in General Fixed Assets (net of depreciation)	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Assets</b>	<b>\$ 797,681</b>	<b>\$ 1,159,280</b>	<b>\$ 578,323</b>	<b>\$ 400,022</b>	<b>\$ 547,417</b>	<b>\$ 359,896</b>	<b>\$ 1,884,910</b>	<b>\$ 19,948</b>	<b>\$ 12,974</b>	<b>\$ 33,317</b>	<b>\$ 30,735,000</b>	<b>\$ 36,528,769</b>

**Flowway Community Development District  
Balance Sheet  
for the Period Ending March 31, 2021**

	Governmental Funds		Debt Service Funds					Capital Projects Funds			Account Groups		Totals (Memorandum Only)
	General Fund	Series 2013	Series 2015 (Phase 3)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 & 8 Hatcher)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 & 8 Hatcher)	General Long Term Debt		
<b>Liabilities</b>													
<b>Accounts Payable &amp; Payroll Liabilities</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Due to Other Funds</b>													
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Bonds Payable</b>													
Current Portion	-	-	-	-	-	-	-	-	-	-	-	605,000	605,000
Long Term	-	-	-	-	-	-	-	-	-	-	-	30,130,000	30,130,000
Unamortized Prem/Disc on Bds Pybl	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Liabilities</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 30,735,000</u>	<u>\$ 30,735,000</u>
<b>Fund Equity and Other Credits</b>													
<b>Investment in General Fixed Assets</b>	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Fund Balance</b>													
<b>Restricted</b>													
Beginning: October 1, 2020 (Unaudited)	-	960,943	486,992	346,002	434,323	359,896	671,391	18,059	11,693	1,070,321	-	-	4,359,621
Results from Current Operations	-	198,336	91,331	54,020	113,094	-	1,213,519	1,890	1,281	(1,037,003)	-	-	636,467
<b>Unassigned</b>													
Beginning: October 1, 2020 (Unaudited)	366,305	-	-	-	-	-	-	-	-	-	-	-	366,305
Results from Current Operations	431,376	-	-	-	-	-	-	-	-	-	-	-	431,376
<b>Total Fund Equity and Other Credits</b>	<u>\$ 797,681</u>	<u>\$ 1,159,280</u>	<u>\$ 578,323</u>	<u>\$ 400,022</u>	<u>\$ 547,417</u>	<u>\$ 359,896</u>	<u>\$ 1,884,910</u>	<u>\$ 19,948</u>	<u>\$ 12,974</u>	<u>\$ 33,317</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 5,793,769</u>
<b>Total Liabilities, Fund Equity and Other Credits</b>	<u>\$ 797,681</u>	<u>\$ 1,159,280</u>	<u>\$ 578,323</u>	<u>\$ 400,022</u>	<u>\$ 547,417</u>	<u>\$ 359,896</u>	<u>\$ 1,884,910</u>	<u>\$ 19,948</u>	<u>\$ 12,974</u>	<u>\$ 33,317</u>	<u>\$ 30,735,000</u>	<u>\$ -</u>	<u>\$ 36,528,769</u>



**Flowway Community Development District**  
**General Fund**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Property Appraiser Fees	9,966	-	-	-	-	-	9,966	16,000	62%
Bank Services	-	-	-	-	-	-	-	400	0%
<b>Travel and Per Diem</b>	-	-	-	-	-	-	-	-	N/A
<b>Communications &amp; Freight Services</b>									
Postage, Freight & Messenger	19	-	30	7	222	75	353	600	59%
<b>Rentals &amp; Leases</b>									
Meeting Room Rental	-	-	200	-	-	-	200	-	N/A
<b>Computer Services - Website Development</b>	50	50	-	-	-	-	100	2,000	5%
<b>Insurance</b>	6,503	-	-	-	-	-	6,503	6,300	103%
<b>Printing &amp; Binding</b>	-	-	152	-	-	295	447	750	60%
<b>Office Supplies</b>	-	-	-	-	-	-	-	-	N/A
<b>Subscription &amp; Memberships</b>	175	-	-	-	-	-	175	175	100%
<b>Legal Services</b>									
Legal - General Counsel	2,135	-	613	683	7,503	2,152	13,085	10,000	131%
Boundary Expansion	-	-	-	-	-	-	-	-	N/A
SFWMD - Permit Objection	-	-	185	-	5,615	-	5,800	-	N/A
Special Counsel - Litigation	-	-	-	-	14,720	6,492	21,212	100,000	21%
<b>Other General Government Services</b>									
Engineering Services - General Fund	150	-	-	1,468	-	-	1,618	5,000	32%
Capital Outlay	-	-	-	-	-	-	-	-	N/A
<b>Stormwater Management Services</b>									
<b>Preserve Area Maintenance</b>									
<b>Environmental Engineering Consultant</b>									
Task 1 - Bid Documents	-	613	-	-	-	-	613	-	N/A
Task 2 - Monthly site visits	-	-	-	-	-	-	-	13,350	0%
Task 3 - Reporting to Regulatory Agencies	-	-	-	-	-	-	-	8,000	0%
Task 4 - Fish Sampling to US Fish & Wildlife	-	-	-	-	-	-	-	10,350	0%
Task 5 - Attendance at Board Meeting	-	-	-	-	-	-	-	1,000	N/A

**Flowway Community Development District  
General Fund  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Clearing Downed Trees/Cleanup	-	-	-	-	-	-	-	1,000	0%
Code Enforcement for Incursion into Preserve	-	-	-	-	-	-	-	-	N/A
Contingencies	-	-	-	-	-	-	-	-	N/A
<b>Repairs and Maintenance</b>									
Wading Bird Foraging Areas	-	-	-	-	-	-	-	1,522	0%
Internal Preserves	-	-	-	-	-	-	-	6,598	0%
Western Preserve	-	-	-	-	-	-	-	33,215	0%
Northern Preserve Area 1	-	-	-	-	-	-	-	64,560	0%
Northern Preserve Area 2	-	-	-	-	-	-	-	113,120	0%
Clearing Downed Trees/Cleanup	-	-	-	-	-	-	-	5,000	0%
Code Enforcement for Incursion into Preserve	-	-	-	-	-	-	-	2,500	0%
No Trespassing Signs	-	-	-	618	-	-	618	-	N/A
<b>Lake, Lake Bank and Littoral Shelf Maintenance</b>									
Professional Services									
Asset Management	-	-	-	-	-	-	-	15,000	0%
Repairs & Maintenance									
Aquatic Weed Control	-	-	-	-	-	-	-	35,000	0%
Lake Bank Maintenance	-	-	-	-	-	-	-	15,000	0%
Water Quality Testing	-	-	-	-	-	-	-	5,000	0%
Littortal Shelf Planting	-	-	-	-	-	-	-	10,000	0%
Aeration System	-	-	-	-	-	-	-	-	N/A
Capital Outlay									
Aeration Systems	-	-	-	-	-	-	-	-	N/A
Littortal Shelf Replanting	-	-	-	-	-	-	-	-	N/A
Lake Bank Restoration	-	-	-	-	-	-	-	-	N/A
Erosion Restoration	-	-	-	-	-	-	-	-	N/A
Contingencies	-	-	-	-	-	-	-	1,600	0%
<b>Landscaping Services</b>									



**Flowway Community Development District  
General Fund  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
Professional Services									
Asset Management	-	-	-	-	-	-	-	5,000	0%
Utility Services									
Electric	-	-	-	-	-	-	-	2,400	0%
Irrigation Water	-	-	-	-	-	-	-	3,000	0%
Repairs & Maintenance									
Public Area Landscaping	-	-	-	-	-	-	-	30,000	0%
Irrigation System	-	-	-	-	-	-	-	25,000	0%
Well System	-	-	-	-	-	-	-	10,000	0%
Plant Replacement	-	-	-	-	-	-	-	-	N/A
Operating Supplies									
Mulch	-	-	-	-	-	-	-	5,000	0%
Capital Outlay	-	-	-	-	-	-	-	-	N/A
Lake Bank Restoration	-	-	-	-	-	-	-	-	N/A
<b>Reserves for Future Operations</b>									
Future Operations/Restorations	-	-	-	-	-	-	-	-	N/A
<b>Intragovernmental Transfer Out</b>	-	-	-	-	-	-	-	-	N/A
<b>Sub-Total:</b>	<b>31,098</b>	<b>7,829</b>	<b>8,780</b>	<b>17,533</b>	<b>39,701</b>	<b>21,543</b>	<b>126,485</b>	<b>679,690</b>	<b>19%</b>
<b>Total Expenditures and Other Uses:</b>	<b>\$ 31,098</b>	<b>\$ 7,829</b>	<b>\$ 8,780</b>	<b>\$ 17,533</b>	<b>\$ 39,701</b>	<b>\$ 21,543</b>	<b>\$ 126,485</b>	<b>\$ 679,690</b>	<b>19%</b>
Net Increase/ (Decrease) in Fund Balance	(27,240)	242,612	213,998	7,381	6,191	(11,566)	431,376	-	
Fund Balance - Beginning	366,305	339,065	581,677	795,675	803,056	809,247	366,305	-	
<b>Fund Balance - Ending</b>	<b>\$ 339,065</b>	<b>\$ 581,677</b>	<b>\$ 795,675</b>	<b>\$ 803,056</b>	<b>\$ 809,247</b>	<b>\$ 797,681</b>	<b>797,681</b>	<b>\$ -</b>	

**Flowway Community Development District**  
**Debt Service Fund - Series 2013**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
<b>Revenue and Other Sources</b>									
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
<b>Interest Income</b>									
Interest Account	-	0	0	-	-	-	0	8	1%
Sinking Fund	-	0	0	-	-	-	0	-	N/A
Reserve Account	1	5,830	0	0	0	0	5,832	1,600	365%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	2	2	0	1	2	2	10	975	1%
<b>Special Assessment Revenue</b>									
Special Assessments - On-Roll	3,589	232,943	207,214	23,174	41,808	9,280	518,007	539,344	96%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
<b>Intragovernmental Transfer In</b>									
	-	-	-	-	-	-	-	-	N/A
<b>Total Revenue and Other Sources:</b>	<b>\$ 3,591</b>	<b>\$ 238,774</b>	<b>\$ 207,215</b>	<b>\$ 23,176</b>	<b>\$ 41,811</b>	<b>\$ 9,282</b>	<b>523,849</b>	<b>\$ 541,927</b>	<b>N/A</b>
<b>Expenditures and Other Uses</b>									
<b>Debt Service</b>									
<b>Principal Debt Service - Mandatory</b>									
Series 2013 Bonds	\$ -	\$ 115,000	\$ -	\$ -	\$ -	\$ -	115,000	\$ 115,000	100%
<b>Principal Debt Service - Early Redemptions</b>									
Series 2013 Bonds	-	-	-	-	-	-	-	-	N/A
<b>Interest Expense</b>									
Series 2013 Bonds	-	210,513	-	-	-	-	210,513	417,575	50%
<b>Operating Transfers Out (To Other Funds)</b>									
	-	-	-	-	-	-	-	-	N/A
<b>Total Expenditures and Other Uses:</b>	<b>\$ -</b>	<b>\$ 325,513</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>325,513</b>	<b>\$ 532,575</b>	<b>N/A</b>
Net Increase/ (Decrease) in Fund Balance	3,591	(86,738)	207,215	23,176	41,811	9,282	198,336	9,352	
Fund Balance - Beginning	960,943	964,535	877,797	1,085,011	1,108,187	1,149,997	960,943		
<b>Fund Balance - Ending</b>	<b>\$ 964,535</b>	<b>\$ 877,797</b>	<b>\$ 1,085,011</b>	<b>\$ 1,108,187</b>	<b>\$ 1,149,997</b>	<b>\$ 1,159,280</b>	<b>1,159,280</b>	<b>\$ 9,352</b>	

**Flowway Community Development District**  
**Debt Service Fund - Series 2015 (Phase 3)**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
<b>Revenue and Other Sources</b>									
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
<b>Interest Income</b>									
Interest Account	-	0	0	-	-	-	0	-	N/A
Sinking Fund	-	0	0	-	-	-	0	-	N/A
Reserve Account	0	2,663	0	0	0	0	2,664	550	484%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	1	1	0	1	1	1	5	300	2%
<b>Special Assessment Revenue</b>									
Special Assessments - On-Roll	1,702	110,460	98,260	10,989	19,825	4,400	245,636	255,873	96%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Special Assessments - Prepayment	-	-	-	-	-	-	-	-	N/A
<b>Intragovernmental Transfers In</b>									
Debt Proceeds	-	-	-	-	-	-	-	-	N/A
<b>Total Revenue and Other Sources:</b>	<b>\$ 1,703</b>	<b>\$ 113,124</b>	<b>\$ 98,260</b>	<b>\$ 10,990</b>	<b>\$ 19,827</b>	<b>\$ 4,402</b>	<b>248,306</b>	<b>\$ 256,723</b>	<b>N/A</b>
<b>Expenditures and Other Uses</b>									
<b>Debt Service</b>									
<b>Principal Debt Service - Mandatory</b>									
Series 2015 Bonds (Phase 3)	\$ -	\$ 70,000	\$ -	\$ -	\$ -	\$ -	70,000	\$ 70,000	100%
<b>Principal Debt Service - Early Redemptions</b>									
Series 2015 Bonds (Phase 3)	-	-	-	-	-	-	-	-	N/A
<b>Interest Expense</b>									
Series 2015 Bonds (Phase 3)	-	86,975	-	-	-	-	86,975	172,463	50%
<b>Operating Transfers Out (To Other Funds)</b>									
<b>Total Expenditures and Other Uses:</b>	<b>\$ -</b>	<b>\$ 156,975</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>156,975</b>	<b>\$ 242,463</b>	<b>N/A</b>
Net Increase/ (Decrease) in Fund Balance	1,703	(43,851)	98,260	10,990	19,827	4,402	91,331	14,260	
Fund Balance - Beginning	486,992	488,695	444,844	543,105	554,095	573,921	486,992	-	
<b>Fund Balance - Ending</b>	<b>\$ 488,695</b>	<b>\$ 444,844</b>	<b>\$ 543,105</b>	<b>\$ 554,095</b>	<b>\$ 573,921</b>	<b>\$ 578,323</b>	<b>578,323</b>	<b>\$ 14,260</b>	

**Flowway Community Development District**  
**Debt Service Fund - Series 2015 (Phase 4)**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
<b>Revenue and Other Sources</b>									
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
<b>Interest Income</b>									
Interest Account	-	0	0	-	-	-	0	-	N/A
Sinking Fund	-	0	0	-	-	-	0	-	N/A
Reserve Account	0	1,751	0	0	0	0	1,752	500	350%
Prepayment Account	0	0	-	-	-	-	0	-	N/A
Revenue Account	1	1	0	0	1	1	4	400	1%
General Redemption Account	0	0	0	0	0	0	0	-	N/A
<b>Special Assessment Revenue</b>									
Special Assessments - On-Roll	1,440	93,439	81,776	9,296	16,770	3,722	206,442	216,250	95%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
Special Assessments - Prepayments	-	-	-	-	-	-	-	-	N/A
<b>Operating Transfers In (To Other Funds)</b>	-	-	-	-	-	-	-	-	N/A
<b>Debt Proceeds</b>	-	-	-	-	-	-	-	-	N/A
<b>Total Revenue and Other Sources:</b>	<b>\$ 1,441</b>	<b>\$ 95,191</b>	<b>\$ 81,776</b>	<b>\$ 9,296</b>	<b>\$ 16,771</b>	<b>\$ 3,723</b>	<b>208,198</b>	<b>\$ 217,150</b>	<b>N/A</b>
<b>Expenditures and Other Uses</b>									
<b>Debt Service</b>									
<b>Principal Debt Service - Mandatory</b>									
Series 2015 Bonds (Phase 4)	\$ -	\$ 55,000	\$ -	\$ -	\$ -	\$ -	55,000	\$ 55,000	100%
<b>Principal Debt Service - Early Redemptions</b>									
Series 2015 Bonds (Phase 4)	-	20,000	-	-	-	-	20,000	-	N/A
<b>Interest Expense</b>									
Series 2015 Bonds (Phase 4)	-	79,178	-	-	-	-	79,178	157,256	50%
<b>Operating Transfers Out (To Other Funds)</b>	-	-	-	-	-	-	-	-	N/A
<b>Total Expenditures and Other Uses:</b>	<b>\$ -</b>	<b>\$ 154,178</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>154,178</b>	<b>\$ 212,256</b>	<b>N/A</b>
Net Increase/ (Decrease) in Fund Balance	1,441	(58,987)	81,776	9,296	16,771	3,723	54,020	4,894	
Fund Balance - Beginning	346,002	347,443	288,456	370,232	379,528	396,299	346,002		
<b>Fund Balance - Ending</b>	<b>\$ 347,443</b>	<b>\$ 288,456</b>	<b>\$ 370,232</b>	<b>\$ 379,528</b>	<b>\$ 396,299</b>	<b>\$ 400,022</b>	<b>400,022</b>	<b>\$ 4,894</b>	

**Flowway Community Development District**  
**Debt Service Fund - Series 2016 (Phase 5)**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
<b>Revenue and Other Sources</b>									
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
<b>Interest Income</b>									
Interest Account	-	0	0	-	-	-	0	2	3%
Sinking Fund	-	0	0	-	-	-	0	-	N/A
Reserve Account	0	1,888	0	0	0	0	1,889	345	548%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	1	1	0	1	1	1	6	220	3%
<b>Special Assessment Revenue</b>									
Special Assessments - On-Roll	2,329	151,169	134,472	15,039	27,131	6,022	336,162	350,060	96%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
<b>Debt Proceeds</b>									
Operating Transfers In (To Other Funds)	-	-	-	-	-	-	-	-	N/A
<b>Total Revenue and Other Sources:</b>	<b>\$ 2,330</b>	<b>\$ 153,058</b>	<b>\$ 134,472</b>	<b>\$ 15,040</b>	<b>\$ 27,133</b>	<b>\$ 6,023</b>	<b>338,057</b>	<b>\$ 350,627</b>	<b>N/A</b>
<b>Expenditures and Other Uses</b>									
<b>Debt Service</b>									
<b>Principal Debt Service - Mandatory</b>									
Series 2016 Bonds (Phase 5)	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	100,000	\$ 95,000	105%
<b>Principal Debt Service - Early Redemptions</b>									
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	-	N/A
<b>Interest Expense</b>									
Series 2016 Bonds (Phase 5)	-	123,074	-	-	-	-	123,074	247,763	50%
Operating Transfers Out (To Other Funds)	0	1,888	0	0	0	0	1,889	-	N/A
<b>Total Expenditures and Other Uses:</b>	<b>\$ 0</b>	<b>\$ 224,962</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>224,963</b>	<b>\$ 342,763</b>	<b>N/A</b>
Net Increase/ (Decrease) in Fund Balance	2,330	(71,904)	134,472	15,039	27,133	6,023	113,094	7,864	
Fund Balance - Beginning	434,323	436,653	364,749	499,221	514,261	541,393	434,323		
<b>Fund Balance - Ending</b>	<b>\$ 436,653</b>	<b>\$ 364,749</b>	<b>\$ 499,221</b>	<b>\$ 514,261</b>	<b>\$ 541,393</b>	<b>\$ 547,417</b>	<b>547,417</b>	<b>\$ 7,864</b>	

**Flowway Community Development District**  
**Debt Service Fund - Series 2017 (Phase 6)**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
<b>Revenue and Other Sources</b>									
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
<b>Interest Income</b>									
Interest Account	-	0	0	-	-	-	0	-	N/A
Sinking Fund	-	0	0	-	-	-	0	-	N/A
Reserve Account	0	1,280	0	0	0	0	1,281	2,200	58%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	1	1	0	0	1	1	4	1,100	0%
<b>Special Assessment Revenue</b>									
Special Assessments - On-Roll	1,570	101,890	90,636	10,136	18,287	4,059	226,578	235,848	96%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
<b>Debt Proceeds</b>									
Operating Transfers In (To Other Funds)	-	-	-	-	-	-	-	-	N/A
<b>Total Revenue and Other Sources:</b>	<b>\$ 1,571</b>	<b>\$ 103,171</b>	<b>\$ 90,636</b>	<b>\$ 10,137</b>	<b>\$ 18,288</b>	<b>\$ 4,060</b>	<b>227,863</b>	<b>\$ 239,148</b>	<b>N/A</b>
<b>Expenditures and Other Uses</b>									
<b>Debt Service</b>									
<b>Principal Debt Service - Mandatory</b>									
Series 2017 Bonds (Phase 6)	\$ -	\$ 65,000	\$ -	\$ -	\$ -	\$ -	65,000	\$ 65,000	100%
<b>Principal Debt Service - Early Redemptions</b>									
Series 2017 Bonds (Phase 6)	-	-	-	-	-	-	-	-	N/A
<b>Interest Expense</b>									
Series 2017 Bonds (Phase 6)	-	83,850	-	-	-	-	83,850	166,563	50%
<b>Debt Service-Other Costs</b>									
Operating Transfers Out (To Other Funds)	0	1,280	0	0	0	0	1,281	-	N/A
<b>Total Expenditures and Other Uses:</b>	<b>\$ 0</b>	<b>\$ 150,130</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>150,131</b>	<b>\$ 231,563</b>	<b>N/A</b>
Net Increase/ (Decrease) in Fund Balance	1,570	(46,959)	90,636	10,137	18,288	4,060	77,732	7,585	
Fund Balance - Beginning	282,164	283,735	236,776	327,412	337,549	355,837	282,164		
<b>Fund Balance - Ending</b>	<b>\$ 283,735</b>	<b>\$ 236,776</b>	<b>\$ 327,412</b>	<b>\$ 337,549</b>	<b>\$ 355,837</b>	<b>\$ 359,896</b>	<b>359,896</b>	<b>\$ 7,585</b>	

**Flowway Community Development District**  
**Debt Service Fund - Series 2019 (Phase 7, Phase 8 and Hatcher)**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget	% of Budget
<b>Revenue and Other Sources</b>									
Carryforward - Capitalized Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
<b>Interest Income</b>									
Interest Account	-	0	0	-	-	-	0	-	N/A
Sinking Account	-	0	0	-	-	-	0	-	N/A
Reserve Account	1	1	1	1	1	1	7	2,700	0%
Prepayment Account	-	-	-	-	-	-	-	-	N/A
Revenue Account	2	2	0	1	2	2	8	1,100	1%
<b>Special Assessment Revenue</b>									
Special Assessments - On-Roll	3,851	249,964	222,355	24,867	44,863	9,958	555,858	578,774	96%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	N/A
<b>Debt Proceeds</b>									
Operating Transfers In (To Other Funds)	-	-	-	-	-	1,037,102	1,037,102	-	N/A
<b>Total Revenue and Other Sources:</b>	<b>\$ 3,854</b>	<b>\$ 249,967</b>	<b>\$ 222,357</b>	<b>\$ 24,869</b>	<b>\$ 44,866</b>	<b>\$ 1,047,063</b>	<b>1,592,976</b>	<b>\$ 582,574</b>	<b>N/A</b>
<b>Expenditures and Other Uses</b>									
<b>Debt Service</b>									
<b>Principal Debt Service - Mandatory</b>									
Series 2019 Bonds (Phase 7,8,Hatcher)	\$ -	\$ 180,000	\$ -	\$ -	\$ -	\$ -	180,000	\$ 180,000	100%
<b>Principal Debt Service - Early Redemptions</b>									
Series 2019 Bonds (Phase 7,8,Hatcher)	-	-	-	-	-	-	-	-	N/A
<b>Interest Expense</b>									
Series 2019 Bonds (Phase 7,8,Hatcher)	-	199,387	-	-	-	-	199,387	395,759	50%
<b>Debt Service-Other Costs</b>									
Operating Transfers Out (To Other Funds)	1	1	64	1	1	1	70	-	N/A
<b>Total Expenditures and Other Uses:</b>	<b>\$ 1</b>	<b>\$ 379,388</b>	<b>\$ 64</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>\$ 1</b>	<b>379,457</b>	<b>\$ 575,759</b>	<b>N/A</b>
Net Increase/ (Decrease) in Fund Balance	3,853	(129,421)	222,293	24,868	44,865	1,047,062	1,213,519	6,815	
Fund Balance - Beginning	671,391	675,244	545,823	768,116	792,984	837,849	671,391		
<b>Fund Balance - Ending</b>	<b>\$ 675,244</b>	<b>\$ 545,823</b>	<b>\$ 768,116</b>	<b>\$ 792,984</b>	<b>\$ 837,849</b>	<b>\$ 1,884,910</b>	<b>1,884,910</b>	<b>\$ 6,815</b>	

**Flowway Community Development District  
Capital Project Fund - Series 2016 (Phase 5)  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget
<b>Revenue and Other Sources</b>								
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
<b>Interest Income</b>								
Construction Account	0	0	0	0	0	0	0	-
Cost of Issuance	-	-	-	-	-	-	-	-
<b>Debt Proceeds</b>								
Operating Transfers In (From Other Funds)	0	1,888	0	0	0	0	1,889	-
<b>Total Revenue and Other Sources:</b>	<b>\$ 0</b>	<b>\$ 1,888</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 1,890</b>	<b>\$ -</b>
<b>Expenditures and Other Uses</b>								
<b>Executive</b>								
Professional Management	-	-	-	-	-	-	\$ -	\$ -
<b>Other Contractual Services</b>								
Trustee Services	-	-	-	-	-	-	\$ -	\$ -
<b>Printing &amp; Binding</b>								
	-	-	-	-	-	-	\$ -	\$ -
<b>Legal Services</b>								
Legal - Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	\$ -	\$ -
<b>Other General Government Services</b>								
Stormwater Mgmt-Construction	-	-	-	-	-	-	\$ -	\$ -
<b>Capital Outlay</b>								
<b>Construction in Progress</b>								
<b>Cost of Issuance</b>								
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	\$ -
Underwriter's Discount	-	-	-	-	-	-	\$ -	\$ -
Operating Transfers Out (To Other Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Expenditures and Other Uses:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Net Increase/ (Decrease) in Fund Balance	0	1,888	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,890	-
Fund Balance - Beginning	18,059	18,059	\$ 19,947	\$ 19,948	\$ 19,948	\$ 19,948	18,059	-
<b>Fund Balance - Ending</b>	<b>\$ 18,059</b>	<b>\$ 19,947</b>	<b>\$ 19,948</b>	<b>\$ 19,948</b>	<b>\$ 19,948</b>	<b>\$ 19,948</b>	<b>\$ 19,948</b>	<b>\$ -</b>



**Flowway Community Development District  
Capital Project Fund - Series 2017 (Phase 6)  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget
<b>Revenue and Other Sources</b>								
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
<b>Interest Income</b>								
Construction Account	0	0	0	0	0	0	0	-
Cost of Issuance	-	-	-	-	-	-	-	-
<b>Debt Proceeds</b>								
Operating Transfers In (From Other Funds)	0	1,280	0	0	0	0	1,281	-
<b>Total Revenue and Other Sources:</b>	<b>\$ 0</b>	<b>\$ 1,280</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 1,281</b>	<b>\$ -</b>
<b>Expenditures and Other Uses</b>								
<b>Executive</b>								
Professional Management	-	-	-	-	-	-	\$ -	\$ -
<b>Other Contractual Services</b>								
Trustee Services	-	-	-	-	-	-	\$ -	\$ -
<b>Printing &amp; Binding</b>								
Printing & Binding	-	-	-	-	-	-	\$ -	\$ -
<b>Legal Services</b>								
Legal - Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	\$ -	\$ -
<b>Capital Outlay</b>								
Water-Sewer Combination-Construction	-	-	-	-	-	-	\$ -	\$ -
Stormwater Mgmt-Construction	-	-	-	-	-	-	\$ -	\$ -
Off-Site Improvements-CR 951 Extension	-	-	-	-	-	-	\$ -	\$ -
<b>Construction in Progress</b>								
Construction in Progress	-	-	-	-	-	-	\$ -	\$ -
<b>Cost of Issuance</b>								
Series 2017 Bonds (Phase 6)	-	-	-	-	-	-	-	\$ -
<b>Underwriter's Discount</b>								
Underwriter's Discount	-	-	-	-	-	-	\$ -	\$ -
Operating Transfers Out (To Other Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Expenditures and Other Uses:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Net Increase/ (Decrease) in Fund Balance	0	1,280	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,281	-
Fund Balance - Beginning	11,693	11,693	\$ 12,974	\$ 12,974	\$ 12,974	\$ 12,974	11,693	-
<b>Fund Balance - Ending</b>	<b>\$ 11,693</b>	<b>\$ 12,974</b>	<b>\$ 12,974</b>	<b>\$ 12,974</b>	<b>\$ 12,974</b>	<b>\$ 12,974</b>	<b>\$ 12,974</b>	<b>\$ -</b>

**Flowway Community Development District**  
**Capital Project Fund - Series 2019 (Phase 7, Phase 8 and Hatcher)**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Through March 31, 2021**

Description	October	November	December	January	February	March	Year to Date	Total Annual Budget
<b>Revenue and Other Sources</b>								
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
<b>Interest Income</b>								
Construction Account	0	0	0	0	0	0	1	-
Cost of Issuance	-	-	-	-	-	-	-	-
Retainage Account	4	4	4	4	4	6	28	-
<b>Debt Proceeds</b>								
<b>Contributions from Private Sources</b>								
Operating Transfers In (From Other Funds)	1	1	64	1	1	1	70	-
<b>Total Revenue and Other Sources:</b>	<b>\$ 6</b>	<b>\$ 6</b>	<b>\$ 68</b>	<b>\$ 6</b>	<b>\$ 6</b>	<b>\$ 8</b>	<b>\$ 99</b>	<b>\$ -</b>
<b>Expenditures and Other Uses</b>								
<b>Executive</b>								
Professional Management	-	-	-	-	-	-	\$ -	\$ -
<b>Other Contractual Services</b>								
Trustee Services	-	-	-	-	-	-	\$ -	\$ -
<b>Printing &amp; Binding</b>								
-	-	-	-	-	-	-	\$ -	\$ -
<b>Legal Services</b>								
Legal - Series 2019 Bonds (Ph 7, Ph 8 & Hatcher)	-	-	-	-	-	-	\$ -	\$ -
<b>Capital Outlay</b>								
Water-Sewer Combination-Construction	-	-	-	-	-	-	\$ -	\$ -
Stormwater Mgmt-Construction	-	-	-	-	-	-	\$ -	\$ -
Off-Site Improvements-CR 951 Extension	-	-	-	-	-	-	\$ -	\$ -
<b>Construction in Progress</b>								
-	-	-	-	-	-	-	\$ -	\$ -
<b>Cost of Issuance</b>								
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	\$ -
<b>Underwriter's Discount</b>								
-	-	-	-	-	-	-	\$ -	\$ -
Operating Transfers Out (To Other Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,037,102	\$ 1,037,102	-
<b>Total Expenditures and Other Uses:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,037,102</b>	<b>\$ 1,037,102</b>	<b>\$ -</b>
Net Increase/ (Decrease) in Fund Balance	\$ 6	\$ 6	\$ 68	\$ 6	\$ 6	\$ (1,037,094)	\$ (1,037,003)	-
Fund Balance - Beginning	1,070,321	1,070,326	\$ 1,070,332	\$ 1,070,400	\$ 1,070,406	\$ 1,070,412	1,070,321	-
<b>Fund Balance - Ending</b>	<b>\$ 1,070,326</b>	<b>\$ 1,070,332</b>	<b>\$ 1,070,400</b>	<b>\$ 1,070,406</b>	<b>\$ 1,070,412</b>	<b>\$ 33,317</b>	<b>\$ 33,317</b>	<b>\$ -</b>

Gregory N. Woods  
*Board Certified Civil Trial Lawyer*  
*Board Certified Business Litigation Lawyer*  
gwoods@lawfirmnaples.com

March 9, 2021

**VIA U.S. REGULAR MAIL:**

Taylor Morrison  
Attn: Barbara Kininmonth, Division President  
28100 Bonita beach Road  
Suite 102  
Bonita Springs, FL 34135

**RE: Notice of Trespass**

Dear Ms. Kininmonth:

This Firm has been retained by the Flowway CDD (“CDD”) to place Taylor Morrison (“TM”) on notice of its trespass. It has come to our attention that TM, through its contractors, without notice, permission or insurance is committing a significant trespass, including physical damage, to CDD property. Ironically, this is just a continuation of TM’s improper actions of misusing separate legal entities as if they were a part of TM and ignoring legal rights and obligations of owners of real property all for its own financial benefit.

As you are aware, TM improperly and prematurely transferred title of the Preserves to the CDD. Significantly, ignoring the requirements of its permit with the Army Corp of Engineers, TM has not obtained an appropriate conservation entity to take over the long term maintenance of the Preserves, nor, has TM established a fund to ensure the perpetual maintenance of the Preserves. In fact, TM representatives have expressed that TM has no intent of meeting its obligations to establish the perpetual maintenance fund.

Despite prematurely transferring title to the Preserves to the CDD, in violation of the conditions set forth in its Army Corp Permit, TM has now decided that it can unilaterally trespass upon and destroy portions of property that it improperly deeded to the CDD. TM apparently wants “to have its cake and eat it too.”

Please take notice that the CDD intends to hold TM responsible for its improper actions. Specifically, these actions include the relocation of the trail, which runs through CDD property; the relocation or reconstruction of the golf cart path between holes 15 and 16 on the golf course, which also encroaches into lakes a part of the Internal Preserves; and the construction of a bridge through at least one of the lakes. There are also stakes now placed throughout the east edge of the community, between the path and the fence, for which TM has provided no information to the CDD. To the extent these stakes are indicative of additional work to be performed, which could affect or otherwise encroach upon CDD property, TM is to immediately advise as to same.

Failure to properly keep the CDD Manager informed of proposed actions on CDD property will result in the CDD seeking a “stop work order” from the County and/or filing suit for damages related to these trespasses.

Sincerely,

**WOODS, WEIDENMILLER, MICHETTI  
& RUDNICK, LLP**

*s/ Gregory N. Woods*

Gregory N. Woods

cc: Clients (via email)

Reply To: St. Petersburg  
khennessy@llw-law.com

March 18, 2021

Gregory N. Woods, Esq.  
9045 Strada Stell Court  
Suite 400  
Naples, Florida 34109-4438  
Via Email: [gwoods@lawfirmnaples.com](mailto:gwoods@lawfirmnaples.com)

Dear Mr. Woods:

We are in receipt of your correspondence dated March 9, 2021 to our client Barbara Kininmonth of Taylor Morrison Esplanade Naples, LLC (TM). As you know, TM is represented by counsel and therefore all communication between your firm and TM should be by and through counsel. Please direct all future correspondence regarding this matter to our attention.

As to your allegation that TM has trespassed on the Flow Way Community Development District (CDD) property we draw your attention to Article XIII, Section 6 of the *Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade Golf & Country Club of Naples* (Declaration) which gives TM certain rights as to the Club Property and Golf Property, including the Preserves which were at the time of the Declaration deemed Club Property. Specifically, the Declaration provides:

### Article XIII

#### GENERAL PROVISIONS

Section 6. CERTAIN RIGHTS OF DECLARANT. Notwithstanding anything to the contrary herein contained, no Improvements constructed or installed by Declarant shall be subject to the approval of the Club or the Owners or the provisions and requirements of this Declaration, although it is the intent of Declarant to create a community with a common scheme of development. Notwithstanding the other provisions of this Declaration, ... Declarant further reserves the right to make repairs to the Club Property and Golf Property and to carry on construction activity for the benefit of the Property ... Declarant, its affiliates and their respective nominees, may exercise the foregoing rights without notifying the Club and/or the Owners.

**JACKSONVILLE**  
245 Riverside Ave., Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**  
100 Second Ave., South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**  
315 South Calhoun St., Suite 830  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**  
301 West Platt St.  
Suite 364  
Tampa, Florida 33606  
T: 813.775.2331

**WEST PALM BEACH**  
515 North Flagler Dr., Suite 1500  
West Palm Beach, Florida 33401  
T: 561.640.0820  
F: 561.640.8202

... In addition, Declarant hereby has, shall have and hereby reserves the right to enter upon the Club Property and Golf Property (including, without limitation, all drainage, Lake maintenance, and utility easements, whether located on a Lot or Club Property or Golf Property) in order for Declarant to final-out and/or close-out any and all approvals, permits, orders, conditions and/or requirements that have been issued or imposed by any governmental entity in connection with the development and construction of Esplanade Golf & Country Club of Naples and all Improvements therein, and for Declarant to comply and adhere to the same, and such rights shall survive the date of Turnover and continue for such period of time as is necessary for Declarant to fully comply with all such governmentally issued approvals, permits, orders, conditions and/or requirements. Without limiting the generality of the foregoing, in exercising any such rights, Declarant shall have the right to remove and/or relocate any and all items (including, without limitation, landscape materials, fences and/or other Improvements) that may be required to be removed and/or relocated to final-out and/or close-out any and all such approvals, permits, orders, conditions and/or requirements without compensation to the Club or the Owners. This Section 6 may not be suspended, superseded or modified in any manner by any amendment to this Declaration unless such amendment is consented to in writing by Declarant.

... Declarant shall also have the right, but not the obligation, to conduct inspections and tests from time to time of all or any portion of the Club Property and Golf Property in order to ascertain the physical condition of the Improvements and to determine if maintenance, repair or replacement of any such Improvement is necessary. If Declarant conducts any such tests or inspections, it shall pay all costs thereof and restore the affected portion of the Property to its condition immediately prior to the inspections and tests. Declarant shall have such rights of entry on, over, under, across and through the Property as may be reasonably necessary to exercise the rights described in this Section 6. Declarant's right of inspection shall exist whether or not the Turnover Date has occurred. In the event Declarant exercises its inspection right, it is acknowledged by the Club and all Owners that Declarant is performing any such inspection for its own benefit and not for the benefit of the Club and/or the Owners and further, Declarant shall have no obligation to inform the Club and/or the Owners of the result of any such inspection.

ALL OWNERS, OCCUPANTS AND USERS OF ESPLANADE GOLF & COUNTRY CLUB OF NAPLES ARE HEREBY PLACED ON NOTICE THAT DECLARANT AND/OR ITS AGENTS, CONTRACTORS, SUBCONTRACTORS, LICENSEES AND OTHER DESIGNEES MAY BE, FROM TIME TO TIME, CONDUCTING EXCAVATION, CONSTRUCTION AND OTHER ACTIVITIES WITHIN OR IN PROXIMITY TO ESPLANADE GOLF & COUNTRY CLUB OF NAPLES ...

Gregory N. Woods, Esq.

March 18, 2021

Page 3

When the CDD took title to the Preserves it did so by Special Warranty Deed subject to the Declaration.

TM's access is consistent with its rights under the Declaration, does not require notice per the Declaration and is lawful. As to your other allegations made in the letter, they are the subject of the litigation that your client the CDD has filed against TM, the Club and other co-defendants and it is not appropriate to address them in private correspondence not before the court.

Yours sincerely,

*/s/ Kevin S. Hennessy*

Kevin S. Hennessy  
Michelle Diffenderfer

KSH/mlo

CC: Kristy Boss, via email  
Barbara Kininmonth, via email

Gregory N. Woods  
*Board Certified Civil Trial Lawyer*  
*Board Certified Business Litigation Lawyer*  
gwoods@lawfirmnaples.com

March 22, 2021

**VIA EMAIL ONLY:** (khennessy@llw-law.com)

Kevin Hennessy  
Lewis Longman Walker  
100 Second Ave. S., Ste. 501-S  
St. Petersburg, FL 33701

**RE: Taylor Morrison/Flow Way Community Development District**

Dear Mr. Hennessy:

As you know, this firm represents the Flow Way Community Development District (“CDD”), and previously sent notice to Taylor Morrison Esplanade Naples, LLC (“TM”) of its trespass upon CDD property. I am in receipt of your response letter, dated March 18, 2021, wherein TM is apparently taking the position that it can take any action within the Preserves without notice to the CDD due to a reservation of right to enter Club or Golf Property. For several reasons, this position is incorrect.

First, the “Club Property” is defined by Article I, Section 12 of the Declaration to specifically **exclude** “those areas dedicated to the public or the CDD by the Plat or Additional Plat, if any...” The term “Golf Property” is defined only as “golf course, golf cart facilities, and other facilities and property directly related to the golf course...and designated by Declarant as Golf Property”, exclusive of the club house. See Declaration, at Art. I, § 12.

TM clearly dedicated the Preserves to the CDD by Special Warranty Deed, as your letter also recognizes. While that transfer of ownership is being contested in litigation, until a Judge rules on the issue, the Preserves remain as CDD-dedicated property and outside the definition of “Club Property”. Further, the Preserves are clearly unrelated to the golf course and have not been designated as “Golf Property”, thereby making that term irrelevant entirely to this discussion. The CDD therefore maintains its position that TM is actively trespassing upon CDD property through its unapproved actions taken with respect to the moving of the cart path and boardwalk construction.

Second, and with regard to a building that TM is constructing, it has not gone unnoticed that the cart path is seemingly being moved into a lake bank, which is a part of the water management system the CDD is obligated to maintain under the current documentation and permits. Please be advised that to the extent TM is planning to fill that lake, in any capacity, and/or take any other actions that would affect (whether directly or indirectly) the lake or water management system, the CDD is to be immediately advised of such plans and be made a part of the process in approving or disapproving such actions being taken.



Third, stakes have been placed along the east edge of the Esplanade community, between the path and north/south fence, which tend to indicate that additional construction activities may take place. The CDD requires advance notice of permits, plans, and proof of insurance before any construction begins.

To the extent that TM continues to take action without proper notice being provided to, and/or without authorization given by, the CDD, the CDD will take action with the County to have a stop work order issued and notify the appropriate permitting authorities of these improper activities.

Please provide me with all specifications, plans, and permitting documents TM has with respect to the cart path and boardwalk construction, such that I, along with the District Manager, can review and evaluate same. Please also provide the applicable proof of insurance. Should TM's actions impede upon the water management system for which the CDD could be held liable, or should TM continue to trespass on CDD property, the CDD expressly reserves the right to add damages claims to the pending litigation.

Your client's anticipated cooperation with this matter is appreciated.

Sincerely,

**WOODS, WEIDENMILLER, MICHETTI  
& RUDNICK, LLP**

*s/ Gregory N. Woods*

Gregory N. Woods

cc: Clients (via email)

*Reply To: West Palm Beach  
mdiffenderfer@llw-law.com*

March 31, 2021

Gregory N. Woods, Esquire  
9045 Strada Stell Court  
Suite 400  
Naples, Florida 34109-4438  
Via Email: gwoods@lawfirmnaples.com

Dear Mr. Woods:

We are writing to respond to your correspondence dated March 22, 2021 regarding our client Taylor Morrison Esplanade Naples, LLC (TM) rights of access to community property, including the Preserves. Thank you for directing your communication to counsel.

As to your allegation that TM has trespassed on the Flow Way Community Development District (CDD) property we continue to draw your attention to Article XIII, Section 6 of the Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade Golf & Country Club of Naples (Declaration) which gives TM certain rights as to access to and work within the Preserves which pursuant to the Declaration are deemed Club Property. As you state, Club Property is defined to exclude “those areas dedicated to the public or the CDD by the Plat or Additional Plat”. The Preserves remain a part of the definition of Club Property; were not dedicated to the public or the CDD by Plat; and were dedicated as Common Areas by Plat. When the CDD took title to the Preserves it did so by Special Warranty Deed subject to the Plat and Declaration. TM’s access is consistent with its rights under the Declaration, did not require notice to the CDD per the Declaration and is lawful.

It is our understanding that the CDD has not adopted any specific rules or regulations governing access to CDD property and TM has never provided the CDD with notice of construction and maintenance activities within the Preserves or other easement areas. However, TM is willing to start providing the CDD with notice of activities that TM plans to conduct in areas owned by the CDD or that the CDD has easement rights over.

**JACKSONVILLE**

245 Riverside Ave., Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**

100 Second Ave., South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**

315 South Calhoun St., Suite 830  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**

301 West Platt St.  
Suite 364  
Tampa, FL 33606  
T: 813.775.2331

**WEST PALM BEACH**

515 North Flagler Dr., Suite 1500  
West Palm Beach, Florida 33401  
T: 561.640.0820  
F: 561.640.8202

Gregory N. Woods, Esquire

March 31, 2021

Page 2

To that end, as part of the continued process of preparing for turnover of the community to the Esplanade Golf and Country Club of Naples Inc. (Club) we provide notice of the following permitted activities:

- Lake maintenance throughout the property per Collier County punch list requirements, consistent with existing Collier County and South Florida Water Management District (SFWMD) permits;
- Relocation of existing Golf Cart Path, located between golf hole 15 & 16, adjacent to Building 16 located on Pocida Court and platted Lake 22/23, consistent with County and SFWMD permits; and
- Completed work: relocated boardwalk from upland buffer area of Internal Preserve 4 to Tract O27, outside the boundaries of the buffer area. No further work needed, stakes in that area will be removed.

We enclose copies of the County and SFWMD. Insurance for all work is in place.

We are also in receipt of your recent letter to SFWMD reporting the activity and seeking SFWMD's enforcement of permit terms. Please provide us with copies of any other correspondence that has been sent on behalf of the CDD to the respective permitting entities. To the extent necessary consider this as a public records request to the CDD for all correspondence from the CDD to the SFWMD, Collier County, U.S. Army Corps of Engineers or other permitting agencies regarding TM's recent and proposed work at the Esplanade community.

Please let us know if you and Mr. Ward would like to have a meeting to discuss any questions you may have as to the attached permits and ongoing work that TM is doing to expeditiously prepare for turnover of the community to the Club.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michelle Diffenderfer', with a long horizontal line extending to the right.

Michelle Diffenderfer  
Kevin S. Hennessy

- c. Kristy Boss, via email  
Barbara Kininmonth, via email