

**MINUTES OF MEETING
MIROMAR LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Miromar Lakes Community Development District's Board of Supervisors was held on Thursday, June 11, 2015, at 2:00 p.m., at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum were:

Mike Hendershot	Chairman
Doug Ballinger	Assistant Secretary
David Herring	Assistant Secretary
Alan Refkin	Assistant Secretary

Staff present:

James Ward	District Manager
Greg Urbancic	District Counsel
Bruce Bernard	Calvin Giordano & Associates
Paul Cusmano	Calvin Giordano & Associates
Glenn Smith	Special Counsel

Audience present:

None

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Ward called the meeting to order at 2:25 p.m., noting that the record should reflect that all members of the Board were present with the exception of Supervisor Donoho.

SECOND ORDER OF BUSINESS

Consideration of Minutes

a. May 14, 2015, Regular Meeting

Mr. Ward stated you've all been previously distributed a copy and if there are any additions, corrections or deletions, it would be appropriate at this time to so indicated. Otherwise, a motion for their approval would be in order.

Mr. Urbancic stated I only had one little thing, and it was on page 15. It was in the second motion box the resolution number should be 2015-8.

Mr. Ward stated sorry, thank you.

Dr. Herring stated page 11, it's M-O-T-E, every time it says mote marina, it's not M-O-A-T, it's not M-O-A-T, it's M-O-T-E. There are three of them. Then on page 12: Dr. Herring stated in that way the lake stays navigable, not habitable.

Mr. Hendershot stated I've got a number of typos, non-substantive changes. I'll just give you my copy for ease of reference.

Mr. Ward stated thank you.

Dr. Herring stated page 17. It's not David Rans, it's R-E-N-Z, Renz. Then the infamous Rick Eudaley, E-U-D-A-L-E-Y. I can't use the word non-substantive, or I would have done that and given you those corrections later, but it's a new word for me.

Mr. Ward stated if there are no other corrections, a motion to approve as amended would be in order.

On MOTION by Mr. Refkin and seconded by Mr. Ballinger, with all in favor of approving the May 14, 2015, Regular Meeting minutes as amended.

THIRD ORDER OF BUSINESS

Consideration of request by District Counsel for advice from the Board of Supervisors concerning litigation and to discuss settlement negotiations and strategy related to litigation expenditures.

Mr. Urbancic stated one of the requirements of the Florida Statutes is that, as you know, under Chapter 286, our meetings are required to be in the Sunshine. There are only various limited exceptions when you can have what we would call a shade meeting or an executive session meeting to discuss certain litigation matter. One of the prerequisites to holding such a meeting is for District Counsel to, basically, ask for advice from the Board concerning litigation, and to discuss settlement negotiations and strategy relating to litigation expenditures.

You should consider this a request from your special counsel, Glenn Smith, and me for advice related to strategy and settlement negotiations related to litigation expenses in the matter of Miromar Lakes Community Development District, Petitioner, vs Alico West Fund, LLC, and South Florida Water Management District (SFWMD), respondents in case

number 15-1051 State of Florida, Division of Administrative Hearings. We're checking the boxes to one of our prerequisites. We have previously advertised for this special session, expecting that you will want to have this executive session today.

That's also the reason that we have the court reporter present, because that's one of the other prerequisites, is we must have that proceeding transcribed. The transcription will be closed until the litigation is complete. After the litigation is complete, that transcription becomes part of the minutes of the record for our meeting. Consider that the request, and Glenn, I don't know if you have anything else to add.

Mr. Smith stated no.

Mr. Urbancic stated we'll go through the balance of the regular meeting agenda, and then we'll have the special session afterwards.

Mr. Hendershot asked if we wanted to object to the form of that meeting or to preserve the right to the form of that meeting, should we do it now, or should we wait till the start of the meeting.

Mr. Urbancic asked do you want to object to it?

Mr. Hendershot stated just the form, not the substance, because I still don't see how it's constitutional that a privileged communication between the Board and it's outside attorney is made a public record.

Mr. Urbancic stated when we go into the executive session, it won't be public. Nobody can get it.

Mr. Hendershot stated it eventually will.

Mr. Urbancic stated it will be some day, but the law says after the litigation is concluded, that's when it becomes a public record. I mean we could debate it, but that's what the law says.

Mr. Ward stated but your form of objection will be noted of record. Any other questions from the Board on the Executive session? Hearing none, Ooay, so when we finish the public portion, we will close our public meeting and then go into executive session at that point.

FOURTH ORDER OF BUSINESS

Continued discussion of the Fiscal Year (FY) 2016 Proposed Budget.

Mr. Ward stated as I noted in the agenda index page to you, that staff had no additional comments or presentations to you with respect to your budget at this time. As we move through this process, we'll certainly make any changes on the downward side, so to speak, as they relate to the Center Place litigation, if appropriate. Hopefully we'll get through that by the end of your August meeting, so that we can go into our public hearing in September. However, as I've indicated to you at your last meeting, at the end of July, we will be individual noticing residents as to the date, time, location and, most importantly, the proposed rate for our General Fund for the next year for our public hearing in September.

Our goal is to try to get through this as quickly as possible, so that we will have the best rate we can have by the time we do the notice to our residents for next year. If you have any questions with respect to the budget or, most specifically at this point, the operational aspects of our budget, we can go through them. Otherwise, we had no additional presentation for you at this point.

Mr. Hendershot asked there's no change from last month?

Mr. Ward stated there's no change from last month. Any questions from the Board?
Additional comments from staff?

FIFTH ORDER OF BUSINESS**Staff Reports****a. Attorney**

Mr. Urbancic stated I don't have any additional report today.

b. District Engineer

Mr. Ward stated Mr. Krebs is not with us today. His wife is having surgery today, and as of an hour ago, was still in surgery, so he was not able to make it.

c. Asset Manager

Mr. Bernard stated our report is going to highlight the MRI cleaning report showing our areas for this fiscal year have been cleaned that we plan on spending the money on this year. You have a photo of the lake six outfall that has an erosion problem after our cleaning that needs to be handled by the MIromar Lakes Developer. We also had something on the NPDES. We had a meeting with the County, myself and our NPDES engineer, Johnson Engineering. We went down there as all the stakeholders in the Lee County permit for the NPDES.

The report that went in, we had a meeting with man out of Tallahassee, we went over certain things in everybody's report. We had a couple housekeeping items that have to do on our report. We might have some additional testing having to go in that, not in this year's cycle, but next year's cycle, just the further testing of the lake on our loading coming out of our outfall into the Lee County at the weir.

Mr. Cusmano stated from the weir down.

Mr. Hendershot asked did you meet with the NPDES after you put together your report?

Mr. Bernard stated no, I met with him. We met with him before, and then today, Paul and I met with Johnson Engineering again, and went over those items to see what we got to do. We've got some paperwork ones we have to put in, but the only fiscal impact one looks like we might have to do a little additional testing, maybe next year.

Mr. Hendershot asked the additional testing, is that a requirement of NPDES or is this something that we're going to do our own?

Mr. Bernard stated this is a requirement of NPDES. It has to go on the yellow reports. They want to see your nitrates and phosphate loading coming out of our lake into the Lee County, where we do the (Unclear 9:46). That will be next year's if we have to do it.

Mr. Hendershot asked are we overlaying that on any assessment or other water quality testing to be doing for the Alico West permit challenge?

Mr. Bernard stated no. We're going to be testing ourselves four times a year that we have in this coming budget starting in November. If we have to do that testing, we'll just add those samples under that testing, so it won't be a separate time you have to come out to do it. We'll wrap it all into one. What we'll try to match is our quarterly samples against the Lee County samples to see how much of an impact we have. Hopefully, they have same loading factors, and if we do that, if we look like we're, for some reason, above their loading factors, we'll have to test a little more frequently just to give us a range.

Mr. Refkin stated Bruce, this is very well done by the way.

Mr. Bernard stated thank you.

Mr. Refkin stated a really nice job, especially when your reference the lakes on the side here. I think it's very well done.

Mr. Bernard stated that comes from MRI, they do that, take pictures.

Mr. Refkin stated this gives us a very, very good visual on this.

Mr. Cusmano stated yes, it the vendor does that for us.

Mr. Hendershot asked do you know which one is lake 1A?

Mr. Ballinger stated that's a good point. Lake 6 is the south lake, the big lake. The one that's ours. Lake 5, is that the one that's the north lake?

Mr. Bernard stated yes.

Mr. Ballinger asked where is 1A?

Mr. Cusmano stated if you go to two meetings ago, I gave you a full size plan, remember that full size plan? That has all the lakes mapped on it.

Mr. Ballinger stated I didn't memorize them Paul, I didn't bring them.

Mr. Cusmano stated point taken. 1A is across over here.

Mr. Refkin asked is that the one across from Sienna?

Mr. Cusmano stated yes.

Mr. Bernard stated we have a report on the San Marino and I-75 berm, plus the Ben Hill Griffin berm, for Porto Romano, so all our planting is done, infill planting, to hopefully go ahead just to keep the noise (Unclear 12:35) the traffic. (Unclear 12:37) see through from the development out to the (Unclear 12:40).

Dr. Herring asked what about the median on Ben Hill Griffin?

Mr. Bernard stated the median on Ben Hill Griffin, they're still working on it. They sent me a timetable. They're looking for the middle of August to have it back to where it should look like. What's good about our contract with our firm this year, we're holding back ten percent retainage every month, and not releasing it till after the third month, so if we don't get the work done, we're going to keep holding their money, where we didn't have that before. If it doesn't come back August, we're going to have to have another meeting to decide what we want to do, if we have to spend some of the money we have, and then get someone else to come and fix it. We'll have to do something.

You can see if you went out there, it's browned out in spots where they smoked it, got rid of some of the weeds and stuff. He said it's going take till the middle of August to get it back.

Mr. Refkin stated I saw three trucks back to back out there the other day, working on it.

Dr. Herring stated good, because it still looks like crap, that's C-R-A-P.

Mr. Bernard stated just a couple other things we have. I received a preconstruction video of the construction work that's going on on Ben Hill Griffin, of our berm and everything. They took the video of what's there now. The good news is, they're not taking out as much of that berm originally were. The construction, they changed how they're doing it. There's only going to be an opening on one end, in the middle of the berm, and the on the end, rather than go diagonally through the berm, as it had called for. Now we've got to fill in maybe 12 to 14 foot on the middle and the end and the center, so that's the only plantings we'll have to lose. Everything else will still stay, and they'll replant those areas. Originally, it was going be like 60 to 70 foot of that berm would have been at.

The last thing on my list is the homeowners' guide to drainage. You asked us last month to put something together to be able to give to the homeowners. I don't know if we want to actually try to give the homeowners or really give them to the homeowners associations and let them.

Mr. Hendershot stated yes, give it to the head of the homeowners' association and let them distribute it, and then post it on the website. Yeah, I think it's a good job. There are a couple comments that I got on page four, where we talked about point four, where we have down spouts and sump pumps discharge on your property, and direct the flow away from the home and the property line. Should we say that it's consistent with County requirements as well? Only because it's on the recreational lake, that flow needs to be away from the lake for the front of their property .

In places like Sienna, where it can go back into the lake, so that doesn't really matter. On the recreational lake,.

Mr. Bernard stated I could take out the property lines, just stay away from the home?

Mr. Hendershot stated yes. Is that a County requirement or a developer requirement?

Mr. Urbancic asked about which direction the drainage goes?

Mr. Hendershot stated, yes, I thought it was the County.

Mr. Urbancic stated it's sort of a regulatory SFWMD issue.

Mr. Cusmano stated SFWMD requires anything that's on the main lake to be filtered before it goes out, that's why it drains to the road to the storm to the two dry retention areas, and it seeps out.

Mr. Urbancic asked why don't you just say from the home consistent with SFWMD regulations? It may be too technical for people.

Mr. Ballinger stated there's another item in here that's not stated specifically, but on all of our reports coming back from Paul last year about cleaning out, they referred to, on several occasions, dog poop and plastic bags. It probably needs to be specifically stated in here somewhere in here about that, because that's the only specific that I heard about, that and the grass clippings.

Mr. Cusmano stated the clippings.

Mr. Ballinger stated the clippings are there, dog poop does not. I've never seen any.

Dr. Herring stated I was at Kensington about two weeks ago, and their lakes are down like ours are, and I saw in the back of every single house, they obviously have an in ground drain, and then at least a six-inch PVC pipe that goes out, it looked like, well into the lake for those things to drain.

Mr. Hendershot asked do those lakes drain into any major waterway?

Mr. Ballinger stated that I couldn't tell you.

Mr. Cusmano stated they probably do. Ours goes into Lee County.

Mr. Hendershot stated but ours go into the big lakes.

Mr. Cusmano stated the ones on the other side of the boulevard by the golf course, all go down, out and across 75, so they do drain out.

Dr. Herring stated wherever they go, their drainage plan, when those houses were constructed, accounted for having to have that outflow well into the lake, regardless of whether it drains public or not. That stuff can't be that expensive, six-inch PVC pipe.

Mr. Cusmano stated the building could have put those in his plans when he first built it.

Dr. Herring stated but those things don't look like they're that hard to retrofit.

Mr. Bernard stated the biggest part is where you redirect your water, how did they get the water to those drains. If the builder did it, he'd shape the lots to get the water there. We're probably seeing a lot of them here, but we're not shaped that way.

Mr. Refkin stated like Sienna, for example, Sienna is a whole different ball game, because it's coming off the roofs, and trenching itself down over there.

Mr. Bernard stated it has no gutters on the roofs, they have nothing .

Mr. Refkin stated just the way Rutenberg planned it.

Mr. Ballinger stated Charlie Krebs, now he was at a meeting at 11 o'clock this morning.

Mr. Cusmano stated we were, Charlie was not there.

Mr. Bernard stated we met with him, they had issues on how can they fix their erosion, like that plan. They're throwing things up against the wall, seeing what's going to stick, is what I say. They want to know where the CDD stands, and what they're going to do. They feel we should be contributing had written a report that said at the 18-foot level is another responsibility at the water level. From there on, it's whoever, CDD, Developer, or whatever.

Charlie said we told them we would and report to the CDD and tell them what they're looking for, and they said they were going to want to come to next month's meeting to discuss issues on their properties. We need to, as the CDD, decide from Charlie, exactly where our property stops and starts, and what, if anything, we want to do. They were showing us the 18-foot of barren area, a bank missing, so the erosion problem has happened over the years, whether it's developers issue or the homeowners issue.

It can't be the CDD, because we're below water level. You're looking for the CDD to come out and help with something that we had no part in. You ask about the plantings. It shows that there's supposed to over 3,000 plants put out there. When you look around their end, there's hardly any plants. The littoral shelves aren't there. There's no plants, and then he's still complaining about the bulrush on the golf course side, and on his side. They're looking for all kinds of remedies.

Mr. Refkin stated it's between Sienna and Bellavista.

Mr. Cusmano stated yes, it is. The two lakes that Sienna had is what he was talking about. They want to know where is the CDD's responsibility, where is theirs.

Mr. Refkin asked is that Marv?

Mr. Cusmano stated yes, that's Marv. They want to stop at their property line. Between the CDD line and the property line, they want to know who's going to take care of it.

Then they want to know, once this is fixed, whether it's a riprap, whatever they have to do, what are we going to do, being the CDD, about the plantings.

Mr. Hendershot stated we need to be careful too and draw the distinction between an easement right and a responsibility right, because those are completely different.

Mr. Bernard stated we told them we're going to get with Charlie, we'll have a meeting on the issue, get everything down, so we know when they come to the next meeting exactly where our responsibility ends per docs or whatever it's going to take.

Mr. Refkin stated but they have a lot of baggage out there. At least one of them has built out into the lake. They've had their drains on top, under, through, beyond, all over the place.

Mr. Bernard stated they're trying to come up with one solution that everybody will agree on.

Mr. Refkin stated that's a very expensive solution.

Mr. Bernard stated well, they weren't really talking about money wise to us. They say we know we're going to spend some money. To me, they're not far enough along in the process, because they haven't picked what they want to do. They haven't got approvals by Lee County that they can do this, where the building permit is, and all the residents on board, so they're just, like I said, throwing stuff out there, trying to get someone to answer this and this for them.

Mr. Ballinger stated they're almost to the sense of frustration.

Mr. Cusmano stated I had the meetings with them first.

Mr. Ballinger stated I'm talking about back when that was built.

Mr. Refkin stated I was there when it was originally built, I had a house there. If you take a look at the pictures, just on one lake, for a sample, between Bellavista and Sienna on that side, the bulrushes were nonexistent. I mean there's nothing, just flat, nice over there. Then they made the golf course look friendlier; they filled it in a little bit, and they grassed over there on the side of the water, but that whole area was completely different. Now the bulrushes have a life of their own.

Mr. Cusmano stated that's what he was showing. He had pictures showing from 2007, etc., and how nice, there was nothing growing there.

Mr. Refkin stated yes, I think Marv was there just before us, I mean we were one of the first houses there, it's like right across the street from Marv. It's changed a lot there, and the lake in back, to tell you the truth, the drainage there has really gone down and it has really changed quite substantially. Then again, there was always a drainage problem, at least when I was there, it was always an issue.

Mr. Ballinger stated there's another issue, maybe, and I wasn't there. It's been called to my attention that Rutenberg built that whole area, so he's got both that one pond, and then on the backside, the golf course. Then there's a rumor, I don't know if it's true or not, but guys might know, that Rutenberg got Miromar Development to sign off on it, saying it was okay. Do you know that that was right or not?

Mr. Refkin stated, as far as I know, it's just rumor. The only thing I know is that when I lived there, and when it was first built, that it was kind of a bank problem there when it was first built. I mean we're talking about three days after it was built, so there's not much coming off the house in the first three days of the week, but they did, because that bank was in there. I remember Jerry Schmoyer, God rest his soul, I called him up and said, "Can somebody put some dirt in here? Because my house is next, this thing is moving south." He just headed over and, at that time, he said he and Rutenberg were talking about whose responsibility it was, and they brought the same issue Doug had.

Rutenberg said Miromar signed off on it, we're golden. Miromar said maybe that's not the case. I didn't get involved in it from that, I was just a homeowner at that point, and all I really cared about was to fill that part in, but part of that existed day one over there. Now it's gotten much worse, because when I was there, there was at least one palm tree that went from vertical to the horizontal, and I was there as the bank eroded, so it's continually gotten worse. If you are an original homeowner there, like Mike Rizzo was at the time, and some other ones, you would see that they had some erosion problems existing there, and it's become exacerbated over the years.

Mr. Hendershot stated three of the homeowners have taken steps to correct it on their own in that development. Once you develop a final position with Mr. Krebs, and go through all the material, it seems to me that if they want to correct it on their own, we would have no reason to object to that. We'll give them whatever consent they need to go ahead.

If they want to add fill to it to go back to the original property line or whatever they want to do, we'd have no problem with them doing that.

Mr. Bernard stated some of it might go out into our area.

Mr. Cusmano stated yes, there's three different ways they were looking at it. For one of them to do it, they would have to cross our line mark, so that the (Unclear 28:06) where the slope is at the end would have to start under the water line here and come up. We would have to give them permission to come in, but they would have to return it the way it is.

Mr. Hendershot asked is that an issue for us?

Mr. Cusmano stated I don't see it as an issue, because they're correcting it and coming back. You can't ask them to bring a bank in here, and then when they have to bring the (Unclear 28:22) down, oh, by the way, you're at our line, you can't finish your bank slope.

Mr. Hendershot stated just to develop a timeline on it, Miromar has specs that builders build to. Rutenberg comes in, he submits, he buys the property, he develops it, Miromar supervises it all along. At what point in time did that property on that lake get assigned to the CDD, after Rutenberg development or before, do we know?

Mr. Refkin stated at that time, there wasn't any residents on the CDD, just the developer, correct?

Mr. Hendershot stated I know that, yes.

Mr. Cusmano asked are you talking about just the pond?

Mr. Hendershot stated yes.

Mr. Cusmano stated because they're going to dig the lake.

Mr. Hendershot stated we take title to assets.

Mr. Cusmano stated it's you dig the lake and you get the permit, and once the permit is signed off on lake, that lake can sit there forever until the builder comes in, so that lake is done, signed off first, it has to be. Then the next step is it gets turned over to the CDD for management at some time along the line, so the builder can come in, like they're building over in San Marino.

Mr. Ward stated that's not actually always true.

Mr. Hendershot asked when an asset is transferred to the CDD, do we assume it with all liabilities?

Mr. Ward stated we have in the past so far.

Mr. Urbancic stated essentially, yes.

Mr. Hendershot stated we would have to go after the developer, whomever we deem responsible, if they came after the CDD.

Mr. Ward stated correct, right.

Mr. Ballinger stated that seems to me to be an important issue, because if they're looking for somebody to get after, and evidently we're the most visible, and we have partial responsibility for what's going on out there in that pond. If this infraction was done before us, or if it was done by Miromar, the developer, then they should be going that direction, because they're very visible, and they're there.

Dr. Herring stated the developer is just as visible as we are, and probably the developer is more responsible than we are.

Mr. Hendershot asked if we take title to an asset before it's fully built out, is there a duty on us to ensure that it's being developed in accordance with Lee County specs and developer's specs or whatever?

Mr. Urbancic asked what do you mean take title to a property? Which property, a lake?

Mr. Hendershot stated the right-of-way or whatever it is we have, 5 foot from the 18-foot high watermark on all these lots.

Mr. Ward stated yes, we would have a responsibility to ensure that, not that I think we've ever done that.

Mr. Hendershot stated right, that's my point.

Mr. Ballinger stated the way that this CDD Board was manned back in those days.

Mr. Hendershot stated that doesn't change your liability going forward though.

Mr. Ward stated right, it doesn't change your liability. I think Mike brought up the perfect solution, and that is to let them propose a solution to us. If they want to move forward with that, that's fine. If they don't want to move forward with that, then we can come up with a solution that will solve the problem, and I think we can budget for it appropriately, charge those particular residents that are affected by it, assess that development, and move forward with the solution.

We've been talking about this for more than a year now that I can recall. I don't see much movement. At the end of the day, I think the process that Bruce is going through now will, hopefully, flush out some solution, and then we can decide how to fund it at that point.

Mr. Bernard stated they have no problem funding it. They're talking with us about definitely funding their solution in-house.

Mr. Hendershot stated I know they want a contribution from us, if they can get it.

Mr. Bernard stated some type of contribution if they can get it.

Mr. Hendershot stated our contribution is a consent.

Mr. Bernard stated they were talking more of replanting the shelf around out there.

Mr. Hendershot asked the carp and bulrush.

Mr. Bernard stated there's no carp out there.

Mr. Refkin stated there's no carp in there.

Mr. Hendershot stated there could be. We could move some of them out of this big lake over to that little lake.

Mr. Ballinger stated we might do an experiment in the big lake and capture some of the carp and just accidentally drop them in the pool.

Mr. Hendershot asked where are we on the carp issue.

Mr. Bernard stated we're still trying to locate someone to do the work.

Mr. Cusmano stated I just talked to Mike McMillan from Lake Masters in Orlando that just had a guy remove tilapia. He's going to get in touch with me and see if this guy will remove the carp, a licensed guy.

Mr. Ward stated but in terms of this issue, let's just go back to that. Let's let them propose solution; let's see how far we get with that issue at that point, and then we can make a determination as to how best to proceed from a business perspective.

Mr. Bernard stated we'll get with Charlie and hopefully find out when the conveyance date of that lake was done, so we'll at least have a timeframe to work with.

Mr. Refkin stated it should be around '03.

Dr. Herring stated as far as the landscaping concern, we shouldn't be responsible for plantings on property that's not ours.

Mr. Bernard stated it used to be back in our shelf.

Dr. Herring stated they expect plantings in our shelf?

Mr. Bernard stated they were there originally, because Charlie had them listed on this report, that there's 3,000 between the two.

Dr. Herring stated so then their lack of water management killed those plants, there you go. Who's responsible for that if they created the damage?

Mr. Refkin stated I agree with Jimmy, let's take it one step at a time.

Mr. Ward stated I think we need to take it a step at a time and let's get a business solution on the table that will solve the problem, and then we can determine how best to handle the financial matters that go forward with it. Bruce, did you have anything else?

Mr. Bernard stated that's it.

Mr. Ward asked any more questions from the Board for Bruce? No.

d. District Manager

I. Financial Statements for the period ending April 30, 2015

Mr. Ward stated I had nothing for you, unless you have any questions on your financial statements for April. Doing okay. The balance of the fiscal year will be extremely difficult, obviously, because of the Center Place litigation that we were in, so we'll pay very close attention to that. The professionals have all been very good at working with the District in terms of billing and holding payments until such time as we have sufficient cash for that. This will be a chore for our General Fund for the balance of this current fiscal year.

SIXTH ORDER OF BUSINESS

Supervisor's Requests/Audience Comments

Mr. Ward asked any supervisor's requests? Anything from the Board. The record will reflect that there are no audience members present. If you are ready, I will walk you through the process to go to your executive session.

Mr. Urbancic stated yes, this will be the time, and we'll have to let those two guys go. Can you guys pull the door on your way out, pull the door.

Mr. Cusmano stated okay. See you guys later.

Mr. Ward stated I'll ask for a motion to recess your public portion of today's meeting.

On MOTION by Mr. Refkin, seconded by Mr. Hendershot, with all in favor of recessing the public meeting at 2:59 p.m. to open the closed executive attorney-client session.

THE PUBLIC PORTION OF THE MEETING WAS RECESSED AND THE DISTRICT WENT INTO EXECUTIVE SESSION AT THIS TIME, WITH A COURT REPORTER IN ATTENDANCE. THE TRANSCRIPT OF THE EXECUTIVE SESSION WILL REMAIN CLOSED PURSUANT TO FLORIDA LAW UNTIL THE LITIGATION IS CONCLUDED AT WHICH TIME THE TRANSCRIPT WILL BE AVAILABLE FOR PUBLIC.

EIGHTH ORDER OF BUSINESS

Reopen Public Meeting and notice of termination of executive session.

Mr. Ward stated let me go ahead and reconvene the regular meeting of the Board of Supervisors of the Miromar Lakes Community Development District for Thursday, June 11th, 2015. It is approximately 4:50 in the afternoon. We are just coming out of an executive session. The record will reflect again that all members of the Board are present at roll call with the exception of Supervisor Donoho. I would also like to note of record that we have terminated the executive session at 4:49 this afternoon.

NINTH ORDER OF BUSINESS

Discussion of potential action on matters related ot the matter of Miromar Lakes Community Development District, Petitioner, vs. Alico West Fund, LLC and South Florida Water Management District, Respondents; Case No. 15-1051, State of Florida, Division of Administrative Hearings.

Mr. Ward stated that the next item is any discussion and potential action on matters related to the matter of the Miromar Lakes CDD, Petitioner, vs. Alico West Fund, LLC, and SFWMD, Respondents, case number 15-1051 State of Florida, Division of Administrative Hearings.

Mr. Urbancic stated I don't believe, unless the Board has any further discussion in open session that you want to make. Otherwise, we'll proceed forward.

Mr. Ward asked any questions from the Board? There's no action that we're requesting of you at this point.

Mr. Hendershot asked is this the general session meeting?

Mr. Ward stated yes.

Mr. Hendershot stated we'd talked briefly about a letter that some of the residents have received, a letter to cover the legal fees as a result of their being subpoenaed in a number of these litigations. The letter says that Miromar will pick up any legal fees attended to the providing information under that subpoena, and the agreement provides for the sharing of all information that the residents might have, amongst all the residents and all the parties as well. It talks about a waiver of any conflict that might potentially arise.

I know in my deposition, they focused on or at least one of their questions was about any legal fees that Miromar might be picking up, as far as the CDD goes. Our answer was no, that they are not doing that, but they are doing it, apparently, for a number of residents, and two of those residents are Board members here. Is that an issue for us, do you think?

Mr. Urbancic stated I don't think it's for an issue. For disclosure purposes, I probably wouldn't have the representation go any further than what they've stated as a collective response to the subpoena, just so we don't get into any other 112 ethics issues. I think if we leave it there, we're okay. I mean in terms of disclosures, we have to comply with the public records law anyway, so to the extent that somebody who's a Board member in this letter has to comply with the public records law, they'd have to do it anyway. I'm not overly concerned that.

Mr. Hendershot asked there's not a chance that they would get any information under this that they wouldn't otherwise be entitled to then?

Mr. Urbancic stated I don't believe so.

Dr. Herring stated well, we've already had the hearing about throwing all those subpoenas out.

Mr. Ballinger stated there's not been a ruling on that.

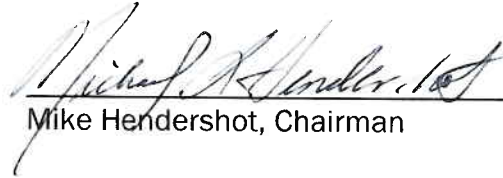
Mr. Hendershot stated it's been deferred is all. There's been no decision on it.

Dr. Herring stated no, he said he's going to make his decision; I don't know when that's going to be, but he seemed to be leaning towards throwing it out. I remake my motion that the meeting be adjourned.

SEVENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Dr. Herring, seconded by Mr. Ballinger, with all in favor of adjourning at 4:54 P.M.


James P. Ward, Secretary


Mike Hendershot, Chairman