

**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, December 13, 2012, at 2:00 p.m.**, at the offices of **Miromar Development Corporation, 10801 Corkscrew Road, Suite 305, Estero, Florida 33928.**

Present and constituting a quorum were:

Mike Hendershot	Assistant Secretary
David Herring	Assistant Secretary
Alan Refkin	Assistant Secretary

Also present were:

James Ward	District Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Ward called the meeting to order at 2:00 p.m. and the record will reflect that all members of the Board are present at roll call with the exception of Supervisor Donoho.

SECOND ORDER OF BUSINESS

Consideration of the Acceptance of the Resignation of Mr. Timothy Byal as a Member of the Board of Supervisors

Mr. Ward stated items two, three and four are essentially the same thing. First, we do this perfunctory, as a matter of record for you. I've provided you with a copy of his resignation letter in your agenda package. If you have any questions, I'll answer them, otherwise a motion to accept the letter of resignation is in order.

Mr. Hendershot stated Jim, it would be nice to write him a thank you letter as well for the time he served on the Board or whatever, to acknowledge this contribution somewhere.

Mr. Ward stated we'll prepare a thank you letter for him from the Board of Supervisors. If there were no other questions and comments, all those in favor signify by saying 'aye.

On MOTION made by Mr. Hendershot and seconded by Mr. Refkin, with all in favor, the acceptance of the resignation of Timothy Byal from the Board of Supervisors was approved.

THIRD ORDER OF BUSINESS

Consideration of Replacement Supervisor for the Balance of the Unexpired Term of Office of the Position Previously Held by Mr. Byal

Mr. Ward stated Mr. Byal's term is set to expire in November 2014. The statute gives the Board the unilateral authority to replace a member who has resigned, a simple vote and majority in favor of that. You may use whatever process you desire to replace Mr. Byal. You can advertise for the position, you can talk amongst yourself and decide how you want to do that, but it is really your decision on who you want to replace that particular member, and I'll go ahead and let you have some conversations, since I know you haven't had an opportunity to do so.

Dr. Herring stated this brings up several points. Number one, we can only discuss this here, correct?

Mr. Ward stated correct.

Dr. Herring stated number two. His resignation letter was 9/18/12, September 18. Why are we only getting the opportunity to do this now on December 13th? Why haven't we met before to discuss this and prepare for it?

Mr. Ward stated, because I did not think it was an urgent matter to appear before the Board.

Dr. Herring stated it became urgent when we tried to have a quorum for this meeting. We're limited if we have one less Board member.

Mr. Ward stated that is true. My apologies to you.

Dr. Herring stated it's not just to me, I mean it just, again, brings out the other major point that I've always had, you know I've always voiced this, is that we don't meet often

enough, especially when there's something that you may not think is critical, but I certainly did, and we can't discuss it, so I can't find out if Mike thinks it's critical or not, or Alan or Bernie. I think when a member, especially someone who is the president of our Board sends in his resignation, we need to meet immediately. I mean our community deserves to have that.

Mr. Ward stated fine.

Dr. Herring stated that's my feeling.

Mr. Ward stated that's fine, we'll do that.

Dr. Herring stated it ties our hands not being able to discuss it except for here, so have you thought about it at all, how you'd like to go about it?

Mr. Hendershot stated well, the person that I thought of, have you talked to anybody?

Dr. Herring stated I've not talked to anybody.

Mr. Refkin stated I talked to one person; I talked to Doug Ballinger.

Mr. Hendershot stated Ballinger; I was going to talk to Mark Rizzo; I met him on a cruise, so I haven't talked to him yet, but I think he would be good as well, if he's willing to do it. Ballinger has a lot of travel commitments.

Mr. Refkin stated I've talked with Doug before. I've actually served with Mike before when I lived in (Inaudible 4:09). But I think it's okay, but I'm not a big Mike fan. Doug does have travel commitments, you're right, but he's also part of the community in a big way. You and I talked before, didn't we, when we were trying to fill another vacancy initially over there, and he was the one that actually you brought up, I think, initially.

Mr. Hendershot stated Doug, yes.

M. Refkin stated yes, Doug over there too. He's a very smart businessman too.

Mr. Hendershot stated oh, yes.

Dr. Herring stated I like Doug; he's a neighbor of mine. I like Doug a lot. I don't know Mike that well.

Mr. Refkin stated they're both good guys.

Dr. Herring asked what's the problem with Doug, is it travel? Because he's there most of the time I see him.

Mr. Refkin stated he goes to Africa I think twice a year. He goes in October and April is it? April and October, I think he goes twice a year. He goes to Memphis sometimes.

Dr. Herring asked for long stretches of time?

Mr. Refkin stated no, no, no.

Mr. Hendershot stated no. Those trips are to be as long as two weeks, but that's about it.

Dr. Herring asked so are they structured enough that he could arrange, I mean it's predictable.

Mr. Refkin stated yes, for his trips, he goes out to the orphanage that he supports out there, and Doug is always around. The reason I like him is because he has good business sense; he runs his own business. He's been pretty good, in fact, he's part of the community, and he's always there. He golfs, and he's just involved. He's really involved in this thing and he's a good guy. I mean there's lots of good people out there, there just is. You guys are probably more familiar than I am with most of them.

Mr. Hendershot stated when we looked the last time, we were trying to get people from different sections is the only thing that I would say about that.

Dr. Herring stated I was just going to bring that up. We live in different communities, one stop sign apart. Maybe we want to find somebody in another community.

Mr. Refkin stated there's some good people and lots of communities here, I mean not very far.

Mr. Hendershot asked did you talk to Doug?

Mr. Refkin stated yes, I have.

Mr. Hendershot asked did he show a willingness?

Mr. Refkin stated yes, he did, when I talked to him. Now, to be really honest with you, I talked to him just after I knew that Tim was leaving, so I haven't talked to him about that in the next month, month and a half. I see Doug and Winnie all the time. I don't know if he's still willing, but I would believe he is. There's probably other people too; we may want to advertise to ask other people, I don't know.

Dr. Herring stated you know the thing about Doug, even though he lives in my community, essentially, he has a lot of contact with people in every community in this whole development.

Mr. Hendershot stated oh, yes, oh, yes.

Mr. Refkin stated for sure, for sure.

Dr. Herring stated I don't think you would be limiting our contact.

Mr. Hendershot stated he's active, he's very ethical and extremely generous.

Mr. Refkin stated just a great human being, a great human being.

Mr. Herring stated I agree with you, I agree with you.

Mr. Refkin stated I mean he's just a nice man.

Mr. Urbancic asked well, how do you guys want to do it? I mean you guys have the ability to appoint, do you want to wait to authorize somebody to talk to him to see if he's willing to accept.

Mr. Refkin stated can I ask you another question, it may be out of sequence of over here. We have to appoint a chairman now to take Jim's place, right?

Mr. Ward stated Tim's place, yes.

Mr. Refkin stated Tim's place.

Mr. Ward stated right.

Mr. Refkin asked so do we set in the agenda?

Mr. Ward stated yes, we have that on the agenda. You can either do that later in the agenda and then redo it again.

Mr. Refkin stated just from my way of thinking, I guess it should be Mike over here, because he is the Vice Chairman.

Dr. Herring stated I hear a train whistle, you're going to be railroaded.

Mr. Hendershot stated well, I've got a little bit of a health issue; I'm trying to get on the transplant list.

Mr. Refkin stated really.

Mr. Hendershot stated Lee Memorial for a kidney, so I don't know; other than that, I would gladly do it. That may or may not interfere with what you have in mind.

Dr. Herring stated I think if you're willing to accept it, I would love to see you be the president of the Board.

Mr. Refkin stated you're always in the front of this thing anyway. I mean, really, you ask the great questions, you're always in front of everything, so I think is this railroading you? Nevertheless, I think you do a great job.

Dr. Herring stated I make a motion that we make Mike the president.

Mr. Ward stated let me suggest.

Mr. Hendershot stated let Jim.

Mr. Ward stated yes, we'll just skip down to the resolution then.

FOURTH ORDER OF BUSINESS

**Administration of Oath of Office for
the Newly Elected Supervisor**

**a. Guide to the Sunshine Amendment and Code of Ethics for Public Officers and
Employees**

No Discussion

b. Membership Obligations and Responsibilities

No Discussion

c. Form 1 – Statement of Financial Interests

No Discussion

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2013-
1 Re-designating the Officer's of
the Miromar Lakes Community
Development District**

Mr. Ward stated so you're going to replace the Chairman and the Vice Chairman, since Mike is your Vice Chair, all you really want to do is adopt Resolution 2013-1 with Mike as your Chairman and then decide whom you want as your Vice Chair. Then we'll make the remaining two of you Assistant Secretaries until you replace the fifth member.

Mr. Refkin stated I think the guy who is the person who asks the most questions here besides Mike, and that's Dr. Herring.

Dr. Herring stated I do ask a lot of questions.

Mr. Refkin stated and that's good.

Dr. Herring stated that's probably because I don't understand as much as the rest of your guys.

Mr. Refkin stated you know what, you're doing a great job.

Dr. Herring stated I guess I can't make that motion, can I?

Mr. Ward stated yes, you can make the motion.

Dr. Herring stated we'll make the motion that we accept that with the motion.

Mr. Ward stated okay, so Mr. Hendershot is Chairman, Dr. Herring is Vice Chairman.

Mr. Hendershot asked has anybody talked to Bernie, as to what Bernie wants to do?

Mr. Ward stated we'll make Bernie an assistant secretary, and then I'll remain your treasurer and secretary. A motion to adopt Resolution 2013-1 as stated would be in order.

On MOTION made by Mr. Refkin and seconded by Mr. Hendershot, with all in favor, Resolution 2013-1 was approved.

Mr. Ward stated so let's go back to your replacement of Mr. Byal.

Mr. Hendershot stated well, you talked to Doug or actually either one of us, see how interested he is. I can't think of anybody else.

Mr. Refkin stated he has his group meeting tonight. I might see him there. He has a small group meeting tonight, Thursdays, a Truth Project.

Mr. Ward stated if he's interested, Alan, probably what might be appropriate is just give him my contact information or have him email me his resume.

Mr. Refkin stated okay.

Mr. Ward stated what I'll do is I'll just reagendaize this item in January, and ask him to attend the meeting, if that's what you want to do, appoint him.

Mr. Refkin stated sure.

Mr. Hendershot stated whatever we do, we need to find somebody who's going to be more attentive than we are.

Mr. Refkin asked is that hard?

Dr. Herring stated he may push us to be attentive. Do you know him?

Mr. Ward stated no.

Dr. Herring stated he's a nice guy.

Mr. Refkin stated yes, great guy.

Mr. Ward stated that's good.

Mr. Refkin stated I'll have him call you.

Mr. Ward stated okay, and then we can just put him on the Board in January, and we'll do this resolution again, but what I'll do is I'll just leave it at just adding him as an assistant secretary.

Mr. Refkin stated okay.

Mr. Hendershot stated all right.

SIXTH ORDER OF BUSINESS

Consideration of Minutes

a) September 13, 2012, Regular Meeting

Mr. Ward stated you have all been previously distributed a copy. If there are any additions, corrections or deletions, it would be appropriate at this time to so indicate, otherwise a motion for their approval would be in order.

Mr. Hendershot stated it looks fine to me. That fourth order of business, well third and fourth, the last time, is that all the last steps that we need to perfect the reissuance of the debt?

Mr. Ward stated yes, sir, it is. We have closed on the deal, and your assessment rates that were put on the tax roll reflected the lower annual assessments for residents.

Mr. Hendershot asked did we ever send anything out to residents on that. In the letter that we get from the state, I forget what it's called, CDD Professional Association, or whatever it is.

Mr. Ward asked CDD Professional Association?

Mr. Hendershot stated there's something for CDD board members, a newsletter or something that's sent out on a state level.

Mr. Ward stated oh, that.

Mr. Hendershot stated or a national level, maybe.

Mr. Ward stated it's not a state, it's a private organization.

Mr. Hendershot stated I noticed one of the things that they were highlighting in it were all the money that's being saved to Districts through refinancing. That's why I was wondering if maybe we couldn't put together something for our residents to show that we are, in fact, looking out for their interests, as inattentive as we are.

Mr. Ward stated we can do that. They did get notice of the reassessments, and their tax bills would have the lower numbers. But we can do another letter.

Mr. Hendershot stated well let's do the minutes first, I'm sorry.

Mr. Ward stated okay, you want to do the minutes first, so a motion to approve.

On MOTION made by Dr. Herring and seconded by Mr. Refkin, with all in favor, the Minutes of September 13, 2012, was approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Greg or Charlie, did you have anything?

Mr. Urbancic I think you already mentioned the bond closed. The other point that's sort of a follow up. A while back we did a promissory note with the developer, regarding the special assessments. That has been repaid. What happened, the process was a tax certificate was issued for that property. The property owner didn't pay the taxes, a tax certificate was issued. When a certificate is issued, that means somebody has paid the taxes for that property. That money came back through to us, so we were made whole; we paid back the developer for that money.

Mr. Herring asked we never paid the taxes or did we?

Mr. Hendershot asked so it's a wash on our books?

Mr. Urbancic stated it's not necessarily advertised in the public.

Mr. Hendershot asked is that PNC Bank thing still going?

Mr. Urbancic stated that's another point I wanted bring up. The PNC Bank thing is still going on. The litigation is going on, and I know I had some communications with all of you guys to try to see if you had any records. We provided all the records that they requested. They have deposed Alice Carlson, who is our assessment roll coordinator. I sat through that deposition just to see what exactly they were asking her. They've asked to depose Jim and they've asked to depose me, probably not until next year some time.

The developer hasn't been able to settle that case, it's still ongoing. There's a claim and counterclaim, and it's a big mess right now. The numbers just keep piling up in terms of what that property owner owes, so it's a real mess, but that's still ongoing. We have not been sued as a CDD; they asked Alice Carlson some very pointed questions, and so we'll see what happens.

Mr. Hendershot asked Carlson's involvement is a result of her work for the CDD?

Mr. Urbancic stated yes.

Mr. Ward stated Alice handles what we call the assessment rolls.

Mr. Hendershot states she's very good.

Mr. Ward stated she's very good, right.

Mr. Hendershot stated I wouldn't mind getting a look at the questions that she got.

Mr. Urbancic stated I can forward you a copy of the deposition if you like. I have it in email form if anybody wants it. You've probably read enough of that stuff for your liking.

Dr. Herring stated I wouldn't understand a word of it.

Mr. Urbancic stated no, I'd be happy to forward it to you. I'll make a note. I'll send it to you when I get back. That's all from me.

b. Development Manager

No report.

c. Engineer

Mr. Ward asked Charlie, do you have anything?

Mr. Krebs stated just at the last meeting Mike spoke about how we were doing inspections of the lake, as far as NPDBS permit. We did those, and we sent that information over to Johnson to coordinate with the County. I think the submittal is under review. We just haven't seen any questions back that we need to respond to. Then, in the spring, as we discussed with Mike, we'll go in and we'll try to address any of the outstanding items that are with the South Florida permits that are holding up from being transferred. There are some repairs that need to be done, but we want to wait until we got to the dry season, so the lake level will drop down below those weirs, so we could fix them.

d. Manager

I. Financial Statement for October 31, 2012

No discussion

EIGHTH ORDER OF BUSINESS

**Supervisor's Requests/Audience
Comments**

Mr. Ward stated we'll just move down to Supervisor's requests and then we'll go back to staff reports. Go ahead, Mike.

Mr. Hendershot asked are we better to do a separate letter, or should we just put it in a newsletter, the Miromar newsletter?

Dr. Herring stated well it will certainly make us look better than Miromar looks, because they raised some of our fees.

Mr. Hendershot stated yes.

Dr. Herring stated I'm surprised that there wasn't a notice in there about our lowering it.

Mr. Hendershot stated, yes, the good news.

Dr. Herring stated I mean it's a negligible amount, but it's still an increase.

Mr. Refkin asked how much is it?

Mr. Hendershot stated it's up to as high as \$217. Is that the highest per unit that's saved?

Mr. Ward asked for the CDD?

Mr. Hendershot stated yes, CDD fees. There was something in the minutes.

Mr. Ward stated if you'd like, I can certainly do a small article with the old rate and the new rate by product type. Product types are only that long.

Mr. Hendershot asked does it sound better if we do an aggregate?

Mr. Ward asked the aggregate and total debt service?

Mr. Hendershot stated yes.

Mr. Ward stated oh, that's a big number, yes, sir.

Mr. Hendershot stated a lot of them, they don't understand that Miromar pays it as well as we, but it's a savings to them as well as to us.

Mr. Ward stated sure. Actually, that would be a nice kind of bullet point, small article.

Mr. Hendershot stated yes.

Mr. Urbancic stated yes, because otherwise you get into questions of a product.

Mr. Hendershot stated yes.

Mr. Ward stated well you have to have a whole chart, because it's like 20 product lines.

Mr. Hendershot stated yes, that's right.

Mr. Ward stated okay, so I'll prepare something and work with whoever does that to try to get it in. I'll send it out to you ahead of time so you all can take a look at it. Any other Board members? We'll go back to staff reports, but any other Board members?

Dr. Herring stated I have a major, major, major issue. I'm going to once again voice my displeasure with the way the schedule has been handled for our meetings. Lack of notice until the very last minute, whether or not we're having a meeting. We all have schedules that we have to keep, and finding out last minute, yes or no, we're going to have a meeting is very inconvenient, number one. Number two, the whole issue with Tim Byal's thing. Not having a meeting for three months is unconscionable. We can't serve our community the way we should

I'd like to know how everybody else feels about it, because we obviously can't talk about this outside of here. It's an uncomfortable situation but, Jim, you know I'm just not happy with the way things are being run right now.

Mr. Refkin stated, just a thought. Maybe it can be solved with just maybe a little bit different procedure where we assume that the meeting is on every month, have a fixed date maybe two weeks before at a fixed time that we say, we're not going to have a meeting for these reasons, and we communicate that to all of us. At that time, that one person will call the meeting off, we'd all agree, no, I have something I want to talk about, or, yes, there's something we want bring up, so, no, let's keep it, so that we all get input as to if the meeting is going to proceed. But there's a hard stop where if we don't decide it's not going to happen by a certain date, then we know it's going to happen, however long we want, two weeks before, whatever you think is appropriate.

Dr. Herring stated it's better than it's being done now.

Mr. Refkin stated an all-inclusive procedure, maybe, Mike, if you have something else.

Dr. Herring stated if it were up to me, I would have a meeting every month. I don't know how much these meetings cost, and I don't think that this thing should be cost driven, because I think we have ample funds. If we come here and we sit down for just 20 minutes and say, this is the state of affairs, and this is what we have going on, something new might have come up yesterday. Because, I can tell you right now, just like I told you with the lighting situation over at FGCU, I will never come in here and vote for something that's

already been a fate accompli and you just need us to rubber stamp it. That's just never going to happen, that's just me personally, it's just one vote, the others can decide what they're going to do.

Mr. Hendershot asked have you looked at this?

Mr. Herring stated I have.

Mr. Hendershot stated I think this is helpful in terms of talking about the different matters that's going to be coming up over the next year, so that we can decide when and where we do need to meet, which I think he's attempted to try.

Dr. Herring stated we've attempted it before.

Mr. Hendershot asked we have?

Dr. Herring stated we have attempted it before, absolutely.

Mr. Refkin stated even in the years before, it's pretty good.

Mr. Hendershot stated it is good, it is a good help. Out of fairness to Jim, if you look at how it's operated in the past, you've had Tim, who's the Miromar rep, who's very involved, and you have a big history on it and knows the things on a day-to-day basis. He and Jim take care of most of everything, which allows us to be as inattentive as we are. The problem we're going to have now is we're going to have to start putting in more time, and looking at issues without a Miromar rep on the Board. We're going to have to be more responsible ourselves.

Mr. Refkin stated I think it can be just as easy of us just showing up every month and seeing where that takes us.

Dr. Herring stated how much is it? Is that it? Is it a financial reason why we don't meet every month?

Mr. Hendershot stated no.

Mr. Ward stated no, no, no.

Mr. Refkin stated if we're just sitting here after a while, if we have something to talk about, we don't, we figure it out, it's done.

Mr. Ward stated it's not a cost issue from my perspective. I mean you certainly have the budget to do it, and it cost what it cost kind of thing, and it's a policy-making legislative body. If that's what you want to do, that's certainly not a big issue.

Mr. Refkin stated it's not a big deal.

Dr. Herring stated it's what I've been shooting for all along.

Mr. Refkin stated this is for all of us. It actually makes it easier on the schedule, because I plan all my travel. Sometimes I may get fixed, because I have unmovable dates but, generally, same as you, I move it around this date.

Mr. Hendershot stated if we did more homework too, we can decide at this meeting whether we need to meet in January.

Dr. Herring stated unless something happens two weeks from now.

Mr. Hendershot stated that's right, if something else comes up that would drive it, because this would look like we want to meet next January; one, for the replacement, and the other, the financial statements, right?

Mr. Ward stated yes. This was intended to try to give you what I know we're going to do, that's from a managerial or a legal perspective, we've got to put it on an agenda for you to give you an outline of what would be for the balance of this year. I have no problem with us meeting every month; it's certainly not a big issue one way or another. If that's what you want to do, that's fine. As you can see, there's a few meetings we will miss, but if you want to just add those back into the schedule, that is certainly not a problem.

Dr. Herring stated yes, I can't see why we would go from February to May; March and April, that's, again, another big gap.

Mr. Hendershot stated now I think it's what do we have that's business.

Dr. Herring stated we can't predict, that is what I'm saying.

Mr. Ward stated this doesn't predict, but if you look on page two, I tried to add to this, things that I know are out there in Greg's mind and my mind that need to be taken care of over time. This was intended to try to just give you the flavor of exactly what may come up at some point in the future. There's really two issues on here. One is a business matter you have mentioned before, this irrigation system that you have in the community that is owned and operated by the developer.

I know the developer has made some overtures or have said a few things to me about they'd like to try to figure out a long-term solution to that. That's clearly an item that I think is going to take a ton of time, probably a year for us to try to figure out what solutions are out there. I thought this might be a good planning tool for you to have an opportunity to discuss that also and decide if that's something you want to explore, and between Greg and

I, we can just put together how to do that and what needs to be done, and what kind of options.

The field operations issues I know we've handed those over to Miromar, so there may be some opportunities if you want to try to bring that back into another into the fold, into the CDD now that we have all-resident Board members on the Board at this point. It's kind of something you all might want to think about also. The legal matters, I think, at the moment, thank gosh they're not pervasive in this District. Those are two bigger issues that I know we'll need to discuss over the next year or so.

Mr. Hendershot asked do you have a list of all the agreements that we have with their expiration dates? The ones that are coming up over the next year.

Dr. Herring asked like maintenance and things like that?

Mr. Hendershot stated yes, whatever it is. The maintenance, the tax service; I can't remember when that expires. The firm that takes care of the --

Mr. Refkin stated Alice Carlson.

Mr. Hendershot stated yes. I don't know if we do those on an annual basis or biannual.

Mr. Ward stated you do those more on a three to five-year term.

Mr. Hendershot stated a three to five-year basis, okay.

Mr. Ward stated if you'd like, what we can do is I could probably add to this, maybe which contracts I know are expiring for you.

Mr. Hendershot stated yes, that would be good.

Dr. Herring asked do we have a contract with Miromar, so that Mike provides the maintenance?

Mr. Ward stated yes, we did do that. If I recall that one correctly, that's an ongoing contract, unless otherwise terminated, because it was so inexpensive, and you could do that at will.

Mr. Urbancic stated there's something out there, yes.

Dr. Herring stated so he didn't do that with the previous master group? They provided maintenance, correct? We paid for it, obviously. Cleo, didn't she do the maintenance stuff?

Mr. Ward stated yes.

Mr. Hendershot stated yes, the lights, yes.

Dr. Herring stated so, as an option, if we decided that Mike couldn't or didn't want to do this anymore, do you have an option for us?

Mr. Ward stated yes, I have options for you.

Dr. Herring asked someone that would be local.

Mr. Refkin stated yes, she went out with Lake Masters, didn't she.

Mr. Herring stated she did a lot of that stuff, I know.

Mr. Ward stated yes, I have other firms that actually do this for other Districts that I have that are extremely well qualified, more qualified than your last firm in terms of doing this kind of work for you. I mean those are bigger issues that are important for you that I know may come up over the next year as you transition.

Dr. Herring stated we could actually say, where there's this big gap here, March and April, we could assign each of those months with a purpose, and say, we know that these are long, ongoing projects that need to be decided on. But that would be the focus of that meeting. Because, again, I understand the reasons for the Sunshine rules that we can't talk about it.

Mr. Ward stated I think it's a good idea, that's why I put them on the unscheduled open item, so we get you all thinking about a longer range, more community oriented kind of projects that we know we need to go and just do it, instead of just like, "Oh, here it is, go ahead and vote on it," kind of thing. I know the long-term field management opportunities are out there, along with, I know I've heard you mention before, this irrigation system, I think that's probably something that does need to be addressed on a long-term basis for the communities.

Dr. Herring stated I really thing that work will expand over the time allotted to it.

Mr. Hendershot stated you may well be right, because it would be good. A lot of this stuff that we take for granted that you and Tim used to handle properly over the phone or whatever, we really haven't a sense of it enough to realize whether it's an issue or not. I don't know how, if you could give some thought to all the different issues that you think we should be aware of. Because it's going to be almost like a learning basis for us to make sure that we hit all of those areas that we should be responsible for.

Mr. Ward stated yes, I can do that. I can tell you the big issues, to me, for this community over the next couple of years are this irrigation system analysis and how to develop a long-term provision of field operations for this District. A huge issue, you've completed the refinances, one series of your bonds, and that will actually set you up for many years to come, and that was a good thing, a very good thing to do.

Mr. Hendershot stated yes, yes, yes.

Mr. Ward stated but the actual operational aspect, because I see that as something you need to be much more integrated and involved in.

Mr. Hendershot stated I agree, that's right, yes.

Mr. Ward stated it is actually not something I'm particularly involved in, because within the context of the developer, they handle all of those things.

Mr. Hendershot stated that's right, yes.

Mr. Ward stated which is fine, but I can see you wanting or needing the opportunity to have a better understanding of that, which means it's going to require some sort of change in the way in which that's managed on a day-to-day basis. I think that's something that's important.

Mr. Hendershot stated because with the investment that Miromar still has, the undeveloped properties, I was surprised that they don't want to have somebody on this Board.

Mr. Ward stated with having someone on the Board, someone within the context of the developer has to live in this community and be a registered voter, and I'm not aware that actually, other than Tim, there wasn't anybody else that was able to do that.

Dr. Herring stated I don't think it's a question of them not wanting somebody on this Board, I think it's a question of him not wanting to live in the community anymore, otherwise he'd be on the Board. Do they have direct contact with you? I mean do you have contact with Tim still?

Mr. Ward stated oh, yes, I talk to Tim relatively frequently, I talk to Mike Elgin. Mike and I kind of talk more on email than we do anyway else, because they're handling all of the invoicing and that kind of stuff, so all of that come through me for processing. I get weekly reports from the landscaping companies. It's a lot different than actually being here and

trying to manage that facility and, on a long-term basis, I think it's probably a good idea that we start to think about how to handle that in a better way for all of you.

Mr. Hendershot stated I agree.

Mr. Ward stated I don't think it's a level of detail that you could ask me what happened on Lake X or which tree came down and why, so I think we need to handle that. I'm kind of sensing the developer is very, very busy with other issues at the moment. That might just be something in the context of a private development company that works just fine. But in the context of a governmental agency, it gets a little murky sometimes, so it might be a good idea on a long-term basis to think about that.

Dr. Herring asked, so with Tim gone, and this is not a disparaging remark about Tim or the developer or anybody else, is it possible that he would have made unilateral decisions on operations that maybe should have been discussed here?

Mr. Ward stated oh, no, I think they are extremely detailed on what gets done. What I think is they just don't, because of when you work within the context of those private development companies, it's kind of hierarchy driven, and they have a reporting, and they do it in house. They handle it and it's just done at that point. I think we kind of sit on the outside looking in, and over a long term, it's an opportunity for you to think about how to better handle that.

Mr. Hendershot stated yes.

Mr. Ward stated an operational, a kind of management company that handles that and interface with them better, and then provide a kind of interface at the Board level that might be needed. From what I've seen of this developer, and clearly what I know of this developer from years of working with some of their internal people on other projects, they do an amazing job, and I'm sure they will continue to do that. I'm just trying to bridge this gap on how we make this work better for you.

Mr. Hendershot stated I agree, yes.

Dr. Herring stated what with your time with the developer now that Tim is gone, you're still going to have that communication link.

Mr. Ward stated, as he's left the Board, I'm sure it won't change whatsoever. We've talked, as I said, just about on a daily basis.

Mr. Hendershot stated I think the only difference is, we're going to have to be more informed than we were before.

Mr. Ward stated right. I think this is why the field operational aspect of it is more important. I mean, administratively, this is not a particularly difficult District to do. It's kind of easy, frankly. It's the operational side of this that's important to you, and that's why I'm suggesting to you that might be an opportunity to look at how to bridge that gap even better than the way it's being handled at the moment.

Mr. Urbancic stated that February/March/April timeline might work, because then you get the budget, so they'll know how much to budget if we have to bring somebody in to help in that aspect.

Mr. Ward stated yes, definitely on a field operational aspect of that; the irrigation is a very long term, and it's a very laborious process under the statute to go through, but I think I need to do an overview memo on what the legal aspects are, what the District's issues are. The we can try to ferret our way through those decisions, and we need to have discussion with the developer and their desires to give, sell it, whatever they want to.

Dr. Herring stated I know that it's one of the items here, but I really appreciated the communications I've had with Greg explaining some of these things to me before we had meetings, so we can individually prepare to think about it. A lot of these things are going to be issues that you've thought about, you're dealing with. You have to also keep us informed in between meetings, because we can't talk, obviously, to give us a chance to do whatever mental gymnastics we have to do to catch up with learning curve, so we don't come in here and have to think about it off the cuff.

Mr. Ward stated these are longer-term issues too, so I'm not going to come in here and go, "Hey, decide today." I'm kind of more the slower paced, more methodical, let's take a look at this, and plan in advance and make sure we get it done when we need it to get done. These is nothing that needs to get done next month or even, three months from now, but there are longer-term issues that I think that are important. I'm going to try to help you get through that process.

Dr. Herring stated yes, I mean it's better if we're prepared for it.

Mr. Ward stated much better if you're prepared for it.

Mr. Hendershot stated the dedication of systems or properties from developer to the CDD, that was like the irrigation thing that you were talking about?

Mr. Ward stated no, that's more like there are lakes or wetlands or properties as they begin to develop that you need to get dedicated facilities from. That's mostly a Charlie/Greg issue. It's just designed for you to know that's always out there in the development phase of the project.

Mr. Hendershot stated I didn't look at the map. Does our CDD cover all the way up to the property they're trying to shift the zoning on?

Mr. Krebs asked what do you mean, the old line property?

Mr. Hendershot stated no, from the southeast corner there on Ben Hill and Alico, you know where the hotel is going to go?

Mr. Krebs state right.

Mr. Hendershot stated they're trying to change the zoning on that to residential and shift it down to below the University.

Mr. Krebs stated we have everything from Sarah Parkway on the west side of Ben Hill, up to those apartments on the north that are located north of (Inaudible 36:56). So from the west side, that part of the CDD, and then from the University north to Alico Road, not including the old line property. The western border of the lake is the boundary of the CDD, so the major part of that northern lake is outside of the CDD itself, but there's agreements that allow the use as recreation, so that's in the CDD. The land that is south of the University, that's not the CDD; that's a whole different District.

Mr. Hendershot stated right, that would be a different District.

Mr. Refkin stated that would be another CDD, because we have a specific appropriate maximum that we can have per CDD.

Mr. Krebs stated it's not a maximum. I mean you can be as large as you want, but I think once you get over 1,000 acres, it has to go to the state..

Multiple people speaking at the same time, conducting two separate conversations - cannot distinguish separate speakers and conversations.

Mr. Ward stated if we could bring this back to one discussion, the minutes are going to be difficult to transcribe.

Mr. Hendershot stated oh, I'm sorry.

Mr. Ward stated we'll go ahead and try to do that over the coming months. I don't know how this CDD is set up in terms of its mapping systems and infrastructure analysis, but one of the other things that's kind of on a long-term basis I'd like to do is maybe have the engineers start the process of preparing smaller versions of maps that you can have with you that give you boundary lines of the maps and where the infrastructure is and what it is, tie it back to our capital program.

Mr. Hendershot stated you've done some good maps in the past.

Mr. Krebs stated yes, we have GIS software and, as we become more proficient with that, we can give a proposal to Jim to actually come in there and create those maps in a GIS format, where it will be accessible to everybody. They just click on it.

Mr. Refkin stated yes, we've talked about that before, haven't we?

Mr. Krebs stated the previous firm either has somebody or contracts out somebody who does that, but we've never discussed creating that.

Mr. Ward stated on a long term basis you have a lot of infrastructure in this community and from an engineering perspective, I think it's a good idea, though not something that has to be done in six months, a year, but it's something that we ought to, on a long-term basis, think about getting in place, so everybody at the table knows where everything is.

Mr. Hendershot stated that's right.

Mr. Ward stated as people change, then it's going to be much easier to educate everybody as we go through this process.

Mr. Hendershot stated I mean how do we know what the engineer checks on a daily, monthly or quarterly basis on behalf of the CDD. That's what you're talking about, right?

Mr. Ward stated right.

Dr. Herring stated I saw something in the Mirormar monthly question and answer thing, when they asked for suggestions about what people would like to see at those meetings. I don't know if you go to them or not.

Mr. Hendershot asked the Q&A?

Dr. Herring stated the Q&A. One of the things they put on there is they want a representative from the CDD. It would be nice to be better prepared and telling them what we administer. A spoiler alert, I have to leave in five minutes.

Mr. Ward asked I'm sorry?

Dr. Herring stated I have leave in five minutes.

Mr. Ward stated I'm actually done. We kind of got into what I was going to do during Supervisor's requests. Unless the Board has anything else? We'll start that process with you over the coming months.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Ward stated if there's nothing else, I know David's on a time schedule, a motion to adjourn would be in order.

On MOTION by Dr. Herring,,seconded by Mr. Refkin, with all in favor of adjourning at 2:45 p.m.

James P. Ward, Secretary

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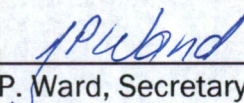
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