

Hammocks Community Association Inc.

Minutes of the Advisory Board of Directors Meeting October 10th, 2023 – 7:00PM

1. Call to Order

The meeting of the Advisory Board was called to order by Judge David Gersten at 7:03pm.

2. Pledge of Allegiance

Don Kearns led everyone in reciting the pledge of allegiance.

3. Determination of a quorum

Present: Receiver, Judge Gersten, is present; therefore, Quorum is established.

Advisory Board Members Present:

Don Kearns
Kristen Gurucharri
Carlos Villalobos
Pete Cabrera
Marcoantonio Real
Juan Franco

Jesmany Jomarron, Association Counsel; Corey Tickner, Zoe Azpeitia, Anthony Serrone, FirstService Residential.

Resident sign in sheet attached, and approximately 11 residents attending via Zoom.

Judge Gersten formally appoints Anthony Serrone, with FirstService Residential, as Secretary for the purpose of taking minutes.

4. Proof of Notice of Meeting

Corey Tickner advised that Management posted notice for the meeting on all the bulletin boards throughout the community and on the association website on Saturday, October 7th, 2023.

5. Approval of Minutes

Management presented minutes for the prior meeting held on September 19th, 2023.

MOTION

To approve the meeting minutes for the September 19th, 2023, Advisory Board of Directors Meeting.

Motioned by: MarcoAntoio Real

Seconded by: Pete Cabrera

DISCUSSION

Discussion:

- Pete Cabrera – There are some changes that need to be made:
 - Page 4 – Miami Police Department needs to be changed to Miami-Dade Police Department.
 - Page 7 – Carlos suggested approving the gray slate for the survey. I (Pete Cabrera) made a motion to approve the gray slate for the survey and it was seconded by Carlos Villalobos. The motion passed unanimously.

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- Don Kearns – Do we have a vote to accept the minutes of the meeting with the changes outlined by Pete Cabrera?

VOTE

Vote – Motion carried unanimously.

- **Corey Tickner requests a Point of Privilege from the Chairperson, Don Kearns, which was granted by the Chair.**
 - Corey Tickner – I would like to introduce the new member of the team, Zoe Azpeitia, she will be the new on-site General Manager.
 - Zoe Azpeitia – I am very happy to be here tonight and to work with everyone to the best of my ability. It is an honor to be here.

6. Receiver's Status Report – Judge Gersten

- It is an honor to be here with you tonight. The last two meetings I was on ZOOM because I was not in Miami, but it is such a pleasure to be back here with all of you. I will be giving you all a very full Receivers report. Judge Butchko is going to hear all the reports that I have given in November, so you all are getting the information faster.
- I have more big news. As of today, we have just secured another three hundred thousand dollars. It was from a settlement that was mediated with the Alfaro Law Firm. The settlement will be filed tomorrow with Judge Butchko to sign off on the settlement. So, in the last meeting we reported the collection of two million dollars and this meeting we are reporting the collection of three hundred thousand and I will get you more. We are not going to spend it just because we have it, we are going to save it for you and future boards. The fees on a settlement of three hundred thousand dollars would be somewhere around one hundred to one hundred and fifty thousand dollars if it was billed by contingency. The legal fees for The Hammocks for recovering three hundred thousand is minimal; I do not have the exact number because it was settled today. Melanie Damian's office is pursuing one million dollars, and I am hopeful that we will get it. They are currently going back and forth with the insurance company to get the money. We filed a civil remedy notice in this case. We filed it this way because if a judge determines that we are entitled to the money, we can get more than a million dollars. We must follow the steps on the legal remedy notice first. Our team is being very aggressive in getting money back for the community.
- The forensic accountants that we hired have just given us a very important report that will be valuable in getting more money back for you. The forensic accountants have found more wrongdoing by the previous Board. I will share the report, but not tonight as advised by my council. We must be careful with the information we give out so we can make the best decisions for the neighborhood to move forward.
- There are other lawsuits that have been mentioned before regarding the lawyers that were representing the prior Board in criminal cases that we are pursuing. If we are successful in mediation, that will bring hundreds of thousands of dollars into the community.
- All the vehicles that are not being used by the Association have been sold. The prior Board took out loans on the cars and we have paid all those loans off. We have more than \$23,000 left over after paying all the banks for the loans on cars we no longer need or use that will go back into the Association.
- We are going to start going after the unpaid assessments that I talked about at the last meeting. We are carrying the load of \$1,372,845.11. Next week, we will be sending out past-due notices called Notices of Late Assessment for any owners that have a balance of \$400 or more. I don't like the idea of hounding people for money, but if you are paying money and others aren't it isn't right. If you have a

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particular problem, contact FirstService. If there is a problem, it will be funneled to me, and I will handle the issue as I did earlier today.

- The budget was prepared and circulated. It is only a proposed budget, not the actual budget. All the homeowners are encouraged to talk about their concerns. I encourage everyone in this room and on Zoom, if they are a homeowner, to show up at the Finance Committee meeting on October 18th. We must finish adopting the final budget in 4 weeks and we have a lot of things to do in a short amount of time. I am confident in the Finance Committee team. Thank you, Kristen, and Chicky, for stepping up. As far as the CPA, it is only right that we have a CPA with ties to the Association dealing with this homeowner situation. We are going to go over the questions from the open, non-secret, Finance Committee. Ultimately the questions are going through the Finance Committee, which then comes to me and then I make the decision on what is going to be accepted or not accepted.
- As you know, we have received questions regarding the draft budget. FirstService did an initial draft of the questions, which range from security, to fencing, to attorney's fees. We will have those posted on the website before the budget meeting. We are listening to you all and taking everything into consideration. Thank you to Kristen, Chicky, and the CPA. The answers will be available, and if you are concerned about the budget please show up to the Finance Committee meeting. Your concerns will be listened to for the most transparent budget in the history of The Hammocks. Everyone will be listened to. That does not mean that everyone is going to get what they want, but if it has merit and makes sense it will be listened to. We need homeowners to show up to duly noticed meetings, transparent meetings. Everything that I want for you is completely the opposite of what the old Board of Directors did: transparency and notice of all meetings for homeowners.
- With the financial information that the forensic accountants have put together we can almost do the audits that we have not done. We have retained an independent CPA that only works with the Finance Committee with limited engagement for a limited of time unless Finance Committee needs her for longer. We are doing our best for the community to not do what the old Board of Directors did.
- I am going to give the Receiver's recommendations. I have heard complaints about how the Finance Committee was formed. I am going to explain the process of the selection. At the May 9th Advisory Board meeting, we almost broke down completely because the Treasurer resigned, which was explained at the last meeting. We almost blew up the advisory board because Treasurer position needs to be filled per the documents. Also, per the documents, the Treasurer will be the Chair of the Finance Committee, so without the Treasurer there is no Finance Committee. At that point I suggested, which Kristen accepted, to get an independent CPA; Kristen then agreed to fill the position of Treasurer. Chicky said she would help, also. At the Finance Committee meeting, we requested people to sign up and when they signed up, they were taken on a first come, first served basis. We understand that not everyone could be at the meeting. As far as I am concerned, first come and first served is a very fair way to decide who gets to be on this Committee. We have not had complaints about the formation of any other committee. There have been a lot of issues on social media with attacking people. I just want you to remember you have an Advisory Board here working for free, and they are doing everything they can so that the same thing will not happen as did with the previous Board. It is sad to see, and it is easy to type a few keys and say something not nice but remember that they are your neighbors and working for free, so cut them a little slack. They are not required to answer on social media. Please treat the Advisory Board with dignity and respect as they are your neighbors.
- All of you can come to the committee meetings and voice your concerns, and we have FirstService Residential here to take the minutes, so I know what happens at meetings. Who here is in favor of secret meetings? Jesmany, is anyone raising their hands on Zoom?
- Jesmany Jomarron – No.
- Judge Gersten - If you participate you will be heard, so show up to the meetings. The old Board operated in secret. Some of you may be new to community, but most of you have been through the

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trauma, and the horror of people doing terrible things, all done in secret. Under the old Board of Directors how many of you were aware of what they were doing? No one, because if you knew then you would know they took millions of dollars. If you were in the room, you would have said you can't do this. Now, raise your hand if you would like all the committee meetings to be noticed meetings? Hands are going up.

- Jesmany Jomarron – hands coming up on Zoom now, as well.
- Judge Gersten – The hands are all going up for noticed meetings. Thank you to all the people participating on Zoom. I'm sure you are aware of the notice of violation towards a Board member for meetings that were not noticed. I did not know about it, Jesmany didn't know about it, FirstService Residential didn't know and I have an email saying that they were properly noticed meetings. I did not know what happened at these meetings, just as you did not know. I will not accept secret meetings on my watch. The meetings must all be open, especially when recommendations are being considered.
- Mr. President, I know that on the agenda, we have composition of the Finance Committee. I am not inclined to change what we have and what has been approved. I think it will be wasting everyone's time. I will listen, but I don't see any reason to open the Finance Committee and re-establish any committees, especially the Finance committee considering we are on very tight timing with the budget meeting. Just show up to the Finance Committee meeting and convey your concerns and that's all you must do.
- I have some issues that I am going to refer to the Advisory Board for consideration. You all know we have recovered 2 million dollars and that we are also considering a reserve account. I promised you that you will have a reduction in association dues. I do not know the amount yet, as I am waiting to hear on how much the budget will be reduced. The Finance Committee is in place for four more months, because elections will happen in February. At that point, the Board can decide if they want to reconstitute the committees. If there is another way that is more fair, that is fine, too.
- What are we going to do with the 2 million dollars? I am making a recommendation to The Finance Committee for a reserve fund for capital improvements, so we don't have to worry about levying a special assessment in the future. A couple of ideas for consideration are re-roofing the clubhouse, fencing, and potholes. All of you can make suggestions to the Finance Committee, and they can give their suggestions to me. Shout out to Pete Cabrera and Chicky Ardisson on the fence issue, which seems to be the biggest issue. Kristen, I am going to put that on your plate. Doing these jobs little by little is not getting the job done.
- I am going to give a shout out to Marco Antonio regarding the fireworks that were taken out of the budget. I will consider adding more funds for the fireworks for the New Year's Eve and Fourth of July events during the year.
- I would like to make a recommendation (from Pete) for a tree study. Some of you have noticed trees as you drive into the neighborhood on Kendall. If we have a tree study done it will be money well spent on how to replace the trees, because the trees are beautiful and can make a difference in what the neighborhood looks like.
- Next thing is to consider security going forward. I am not suggesting that we go with Elite, but we need to look at adding more security personnel and adding more security from the Miami-Dade Police Department. I just wanted you all to know, I hear you and I know what is going on and I have a pulse on the community.
- I have heard a lot of complaints about what is going on in the community. Unkempt landscaping, parking violations, businesses operating out of homes, people doing car repair businesses. Those are violations we are going to deal with. I don't want to fine people, but when you live in community there is a social contract to follow rules that are good for everyone. FirstService Residential provided a detailed outline for a Fining Committee to get the people who are not following the rules in line. I am going to forward that recommendation to the Advisory Board for their consideration.

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- For those who are concerned about the safety issues of the trees on Kendall Drive, Corey determined that the Florida Department of Transportation is responsible for those trees that were trimmed. I have been in contact with FirstService Residential and with Chicky, Don, Pete, and Kristen. We are trying to see what we can do about that situation.
- During the research of the trees, it became apparent that the Property Appraiser listed certain common areas and neighborhoods of the property that don't exist. We might have to go to a title company so that we are not liable for things that we are not liable for.
- Pools: Our pool attendants should always know the rules in operation and all the rules should be conspicuously posted in two locations.
 - The Wild Lime Pool is open.
 - In Black Creek, we have installed new pumps, and we now need electrical work and piping, which we didn't know until the pumps were put in. That is being worked on now.
 - Water Oak: "The electrical system is not working and there is more maintenance needed on the pool; we are not sure yet what needs to be done. I apologize but it might be another 8 weeks.
- Lakes
 - I received recent reports from Chicky, Don, and Corey. Corey, please explain the issue of the lakes and the sand.
 - Corey Tickner– The team is going out to inspect lakes and take pictures. The sand was put down in the rainy season when the water is higher than it is now. The discoloration of sand is from the water going down and the weeds growing now that the weather is dryer. We are having Turf go out and re-sand those areas. We may have to do another re-sanding in the dry season when there is less water. It will probably be a cycle that we have to deal with year – round.
 - Judge Gersten – We bid out the sand project to various companies. The Hammocks owned \$61,000 in landscaping equipment. Turf paid for that equipment in exchange for the contract. We do need to keep up with them to make sure that they are holding up their end of the contract.
 - Judge Gersten – Is there a report on the lakes and their condition?
 - Corey Tickner – Last week we cleaned and removed debris, but, of course, with all the bad weather there are more issues to take care of. We have received a proposal from The Lake Doctors to have the water tested for E. Coli. Until then, we do not recommend people swim as they are essentially just retention ponds.
- I have heard complaints about the Architectural Committee and how FirstService can make the process better, which I have already addressed with FirstService. There is a survey that FirstService will be conducting regarding colors for roofing. I have heard a lot of feedback and from that feedback. I am going to approve certain shades of gray and brown roofing, including metal roofing. If you bring an option from another manufacturer that is close to the approved style and colors that will be acceptable.
- Light Fixtures
 - Corey, Is there any update on the light fixtures?
 - Corey Tickner – As soon as there is a vendor chosen, we will be moving forward with the installation. It takes about 4-6 weeks for material to come in and then the installation of those products.
- Judge Gersten – We had an inspector come out to determine if drains will collapse. We are finalizing those proposals and then we can wrap up the project.
- The last thing is Halloween. First thing, I am wishing everyone a Happy Halloween. I am aware of one neighbor trying to set up a Halloween event by the bike path. If people want to go, you must be off the

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bike path and away from everyone else; that is allowed. This is not a master association sponsored event.

Judge Gersten passes the floor to Don Kearns.

• 7. Committee Reports

- Don Kearns – People have been complaining about the length of the meetings. We are going to limit everyone to two minutes tonight to address the agenda items. I have placed a timer up here for two minutes.
- Before the committee meetings, I want everyone to realize how far we have come from last October. I take many notes and we are so far from where we were the same time last year, which I think is important to recognize.

7a. Neighborhood Committee

Kristen Gurucharri presented on behalf of the Neighborhoods Committee.

- The biggest complaint in the neighborhoods meeting was the businesses that were operating out of homes within the community. We notified FirstService Residential to give those homeowners violations and it seems to have subsided. I drove personally around and saw that they have stopped.
- The trees issue is an ongoing process. It doesn't look good from outside and still needs to get done on inside. We are working on a plan for the trees with the vendors in the community.
- The drainage is an issue that is being worked on. At the next Finance Committee meeting it will be brought up as a capital improvement item. We look forward to seeing everyone at next meeting and for their input.

7b. Architectural Control Committee

Don Kearns Presented on behalf of the Architectural Control Committee.

- We will read the findings of the ACC and recommend to the Advisory Board to go to Judge Gersten for final approval. We had 27 projects approved and three projects tabled to gather more information. One was denied for good reason because the individual selected paint that was not approved for that community.
- Is there a motion to accept the findings from the ACC for Judge Gersten's approval? I move to approve all the items instead of going one by one down the list.

MOTION

To approve the applications that were recommended for approval by the ACC and table the applications that were tabled at the ACC meeting held on October 5, 2023

Motion Made: Pete Cabrera

Seconded By: Kristen Gurucharri

VOTE

Motion carries unanimously

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7c. Governing Documents Committee

Carlos Villalobos presented on behalf of the Governing Documents Committee.

- The Governing Documents Committee will have its next meeting on Monday October 30, 2023 at the clubhouse and all unit owners are invited. We will review all 14 recommendations on the election process.
- We will also talk about the three recommendations that we could not reach a consensus on. All of this will be referred to Judge Gersten and Jesmany Jomarron.
- Then we will be asking for clarification on the future of the Governing Documents Committee and what happens after we hand in the recommendations.

7d. Finance Committee

Kristen Gurucharri presented on behalf of the Finance Committee.

- At the last meeting we got to see the draft budget that was posted online. Everyone had a lot of questions that have been passed along and those questions will be posted online with the answers to the questions. We will discuss all of those questions and answers on October 18th, 2023, at 7 P.M. in addition to taking any new questions that may be asked at that meeting.

7e. Public Safety Committee

Todd Botner presented on behalf of the Public Safety Committee

- I was a previous Board member as Vice President and was on the Security Committee. We encourage all owners to show up to the meetings and let us know what is going on in the neighborhoods. We are working to come up with tools to see what is happening in each neighborhood since Elite only has two guards patrolling the entirety of the Hammocks.
- Our first goal is to get Elite office space so that they have meetings, charge batteries, etc.
- The security budget is now being charged to the master association instead of the neighborhood committee. We are worried because they are already strained with only 2 guards, so we are trying to get more guards for the Hammocks so they are not even more strained with this change. We are considering off-duty cops and other options to patrol the neighborhood. We are going to try to make sure that what the budget sets forth will be used in the best way possible.

• 8. New Business

- We told you that we would put the forming of the Finance Committee on the agenda for this meeting and we did. Judge Gersten eloquently spoke about the forming of that Committee and what he sees moving forward and what he is comfortable with. I think judge Gersten has properly addressed this issue and the Committee, as it stands, is what Judge Gersten is going to move forward with.
- Marcoantonio Real – I would like to make a comment about what Judge Gersten said regarding the Finance Committee.
- Don Kearns – There needs to be a motion made before we can have a discussion.

MOTION

To respond to Judge Gersten's comment on the Finance Committee.

Motioned by: Marcoantonio Real

Seconded by: Kristen Gurucharri

Discussion

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- Marcoantonio Real – Judge Gersten said that first come first served is a very fair way to handle the composition of the Committee, but there were names written that were written down that wanted to be on the committee. I was one of them. Kristen promised me that I would be the first one to know about that.
- Don Kearns– Kristen is the Chairperson and Chicky is the Co-Chair; if you were on the Committee there would be a Board majority and with your presence it would become a Board meeting.
- Marcoantonio Real - She could have let me know. What was the criteria used to choose the member? When was the meeting announced? As far as I am concerned that is a secret meeting.
- Kristen – There was no secret meeting as it was announced. The sign in sheet was used to assign the members. You don't have to have a professional background in finance to be on the Committee. We ruled out people that are on other committees to give others an opportunity to be on a committee. If you own a home in this community, you have the right to be on a committee.
- Carlos Villalobos – You say it was first come first serviced basis, but Catherine Johnson wrote to you the follow day. Guillermo Roldan was not included because he is on another committee. I would like to know where that is in the By-Laws.
- Don Kearns – Just as with your committee, the Committee Chair and Co-Chair are allowed to make the determination on how that Committee is defined.
- Carlos Villalobos – Some Board members and residents would like to see Catherine Johnson on the Committee.
- Don Kearns– The Judge just spoke about the composition of the Committee. Let's put it to a vote.

VOTE

On whether to continue discussing the composition of the Finance Committee.

In Favor: Marcoantonio Real, Carlos Villalobos.

Not in Favor: Kristen Gurucharri, Pete Cabrera, Juan Franco, Don Kearns.

Motion does not carry

• **9. Old Business**

No old business to discuss.

10. Owner's Comments on Agenda Items

- Maria Lopez Peralta – I want to make a comment about the time limit of 2 minutes of speaking per person. Florida Statue states that three minutes are allowed.
- Jesmany Jomarron – That statute entitles people to speak at a members' meeting. This is not a members' meeting. This is a Board meeting. Therefore, this allows the Board members to select the time limit which has been decided at 2 minutes.
- Janine Manzano – Live Oak –
 - I would like to see the sign-in sheet of the Finance Committee that was presented.
 - Kristen Gurucharri – To clarify, Catherine Johnson sent an email the day after the meeting. Guillermo signed up, then the next name is crossed out, then Eliana, then Kelly Rosche, then Mabelle Jamaron, Frank Perez, Emilio Almeran, and Jorge. These were the only people that signed up for the Committee at the appropriate time.

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- Janine Manzano– When was the meeting that these members were approved for the Finance Committee.
- Jesmany Jomarron – We used the sign-in sheet at the meeting. There is no meeting to choose the Committee members because it was at that meeting. Until that meeting, it was unprecedented that you have had more volunteers for the Committee than open spots. In this instance, a lot of associations use sign-in sheets.
- Janine Manzano – Is there a limit to the amount of people on the Committee?
- Jesmany Jomarron– There has to be at least three committee members.
- Don Kearns – The two-minute limit has passed. We need to move on to the next person.
- Laura Chevel – Cedar Landing
 - Is it possible to post the contract that was signed for the beaches, and, moving forward, can all of the contracts that are signed be posted? I requested the contracts to be posted many times but I don't see the contract on the FirstService Residential website and I would like to see the cost.
 - Jesmany Jomarron – It will be presented by the Finance Committee at the next meeting if you asked that question.
- Guillermo Roldan – Live Oak
 - Regarding the fact that you cannot participate on more than one committee– if there was such a rule that was passed, was it done in a meeting and posted?
 - Jesmany Jomarron – The decision was made by the Receiver to maximize owner participation because if you are on more than one committee you are taking that opportunity away from another resident.
- Analoar Morales – Paseos I –
 - I like to attend most committee meetings via Zoom. The audio is horrible except at this meeting. Can these microphones be used for the other meetings on Zoom.
 - Jesmany Jomarron - Yes, they can.
 - Analoar Morales – Can these meetings be recorded so that people that can't attend can watch.
 - Don Kearns – We have noted that request.
 - Analoar Morales – Are we going to get updated IDs?
 - Don Kearns – I'll defer that question to FirstService Residential.
 - Corey Tickner – Not at this time. We are checking IDs to make sure that the addresses are from The Hammocks.
- Marisol Marie– Sunflower
 - Judge Gersten mentioned the reserve fund, are they going to be straight line or pooled reserve?
 - Don Kearns – The reserves are something that the Finance Committee will be in charge of discussing.
 - Marisol Marie– If you are using straight line you have to use it for that specific item. If you are using pooled reserves you can use the funds for several things.
- Chris – Spicewood
 - When are the fountains at the lakes going to be operational?
 - Corey Tickner – We are getting proposals from different companies. The previous Board hired a company that really messed up the fountains and they need to be fixed.
- Juan Ordenez – Paseos I
 - I wanted to say thank you for making this happen because we were in the dark last October. I have been a member before and it is a tough job. Thank you and keep doing what you are doing.

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- Jesmany Jomarron– There are some questions from Zoom.
 - Carolin Denery - I have been sending payments and proof of those payments. If all the payments were put onto the ledger, I should have a credit.
 - Jesmany Jomarron - Anonymous Attendee – Will the Governing Documents Committee’s recommendations be posted online for review?
 - Carlos Villalobos– Of course, we can post after the meeting with the help of FirstService Residential.
 - Jesmany Jomarron– Carolin Denery would like to ask a question.
 - Carolin Denery –I have sent my documents many times to FirstService Residential. I have scanned documents and hand delivered them. I don’ t know what else I need to do to get them posted.
 - Jesmany Jomarron– FirstService Residential is working on it; you’re not the only one with these concerns. There are many ledgers that need to be fixed.
 - Don Kearns – I am in the same boat and I am the Advisory Board President.
 - Carolin Denery – What reassurance do I have that I won’t get a letter from the attorney regarding my account since it has not been updated by FirstService Residential.
 - Corey Tickner – We have a list of people that have sent us their information and we will not be sending anyone on that list a collection notice since they have reached out to correct their account.
 - Carolin Denery - Thank you to everyone on the Advisory Board. I know how hard this job can be.
 - Jesmany Jomarron – There is an anonymous attendee that has a question on Zoom – Are we getting credit from the months when the fees were higher?
 - Jesmany Jomarron– The answer is no.
 - Jesmany Jomarron – Anonymous Attendee - I know the Black Creek pool is closed but why is the basketball court closed?
 - Corey Tickner – We do not have the Black Creek pool staffed. Also, if the basketball court is open you can get to the pool, and it is a public safety issue.
 - Don Kearns– We are close to having it open right?
 - Corey – Everything will be open soon.
 - Don Kearns – If there are no more questions, I think we can make a motion to adjourn.

11. Adjournment

Motioned by: Pete Cabrera

Seconded by: Kristen Gurucharri

Vote: Unanimous

Meeting of the Advisory Board of Directors was adjourned at 8:56pm.

X

Pete Cabrera

Advisory Board of Directors Secretary

X

Date