

Hammocks Community Association Inc.

Minutes of the Advisory Board of Director's Meeting December 12th, 2023 – 7:00PM

1. Call to Order

The meeting of the Advisory Board was called to order by Judge David Gersten at 7:02pm.

2. Pledge of Allegiance

Everyone stood and recited 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
Idalmen Ardisson
Kristen Gurucharri
Carlos Villalobos
Pete Cabrera
Marcoantonio Real
Juan Franco (ZOOM)

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

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

4. Proof of Notice of Meeting

Anthony Serrone advised that Management posted notice for the meeting on all the bulletin boards throughout the community and on the association website on Friday December 8, 2023.

5. Receiver's Status Report and Recommendations

- **Recovery of money** – We are aggressively pursuing avenues to recover money to get more than we predicted. I don't have a new amount today. Close to 3 million dollars has been recovered so far. We are aggressively pursuing a \$1 million dollar crime insurance policy. The insurer must pay, and they required us to do examination under oath, which we gave. One of the ways insurance companies get out of paying money is by saying that they didn't get the examination under oath. We should be getting information by New Years on this policy. We have another lawsuit open against Rasco Klock. On December 11, 2023, we had a mediation set. We showed up to the mediation and so did Rasco Klock. The insurance company did not show up for the mediation, which was not appreciated by the mediator. Filed other lawsuits against Gallego's attorneys who were paid over 300 which we are trying to get set up for mediation as soon as possible. New lawsuit against some insiders who were friends of relatives to do work in Hammocks and we are going after them now. Jesus Cue and his company Worldwide Businesses who was paid over \$600,000. Gallego's personal security company was paid over \$400,000. Over 1 million dollars in inside vendor payments. As well as other vendors that caused us to have an unfair election. We should have more of an update in about 1-2 months on those.

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- **Collection of homeowner accounts** – We have revamped the collection process to provide relief because of financial hardships. I have been in a lot of discussions with FirstService Residential and Jesmany Jomarron on what is a fair process for collection. Homeowners will not receive a fee for a reminder letter that they are behind. To be considered late they must be at least \$25 behind. Will be charged a \$20 late fee. We are not trying to hurt anyone, just want them to notice that they missed their payment and to get it in. Understand people fall behind. If you ignore the letter, and get behind \$400 or more, a Notice of Late Assessment will be sent, and collection fees will start to be added to your account. Hardship payment plans have been discussed with Don Kearnes and Marcoantonio Real; we will offer hardship payment plans which will be fair to the person in hardship and the association. For balances less than \$1000 will accept 50% down payment and a four-month payment plan. For balances between \$1000-\$2500 we will accept a 40% down payment 6-month payment plan. For balances over \$2500 we will accept a 30% down payment with 12 months to get caught up. Want to work with people as much as possible but this is only for homeowners that are going through financial hardship.
- **Account updates** – 250 homeowners are still under review, which is down from 6500. 123 continues to reflect outstanding balances. FirstService Residential is on top of things now more than before. It is not necessarily FirstService Residential's fault but there are banks that we have needed to subpoena, and the forensic accountants need to do more discovery. Get documentation to FirstService Residential if you have outstanding issues. If you have these issues, you will not be charged late fees or interest.
- **Budget** – I wanted to give an approval and reserve account update. This is the most transparent budget process that the Hammocks has ever had from the beginning. It was not approved in September to make sure my team, FirstService Residential, and anyone that could answer questions answered any questions that were posed from the Advisory Board of Directors, homeowners, etc. about the budget before final approval. We posted a budget last month, some edits were made, and you have the most updated version on the website, along with Q&A that came from anyone with questions. All the questions and answers are all up on the website. The annotated budget is online as well to understand what budget is about. On November 28th, we had a town hall and at that town hall heard from FirstService Residential, Turf, Elite, and Lake Doctors. At this point, we are prepared to make our final approval. With that being said, I have good news, I have promised that dues will absolutely go down. Under the proposed budget dues have gone down by about two dollars, technically \$1.93. The budgets for the individual neighborhood have gone down anywhere from 51.2%, in Paseos II, to 72.1% in Cedar Landing. For example, Paseos II was paying \$242.43 per payment cycle which is down to \$118.36 per payment cycle. You will have a reduction in master and in the neighborhoods. I have made a determination, and I am going to reduce the fees by another \$22 dollars per payment cycle or \$88 on a annual basis.
- **Specialized projects**– I have asked the Advisory Board of Directors, Finance committee, and owners' opinions on what ideas they had for these projects. We recovered almost \$3 Million and are going to cover more. I have not heard anything specific about what we are going to do with the money. I am going put aside monies for lighting, fencing, roofing, pools, potholes, and potentially landscaping. I can't say the number because we don't have hard estimates. I have tasked FirstService Residential with the responsibility to get the estimates. We are putting the money aside so that the money from the dues will not have to go to the repairs for those items. There will possibly be \$400,000-600,000, or more, that will be set aside for these projects.
- **Fireworks** – I know that there were talks about fireworks last fourth of July, and I know Marcoantonio was in favor of the fireworks. Last year the money was tight, so we didn't do it. The previous board committed to fireworks display and the firework company was going to sue, as well. I got the company to back off and we will be having fireworks on December 31st, 2023. So, we are going to have the fireworks display on December 31st, at midnight. FirstService Residential will be working with the vendor which will be posted once we have the details.

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- All meetings are to be open to homeowners and the meetings will be recorded and dually noticed so that homeowners can attend. One board member, Carlos Villalobos, was holdings. I made it clear that secret meetings will not be tolerated. Last month, I had to reprimand Carlos for holding secret meetings. To me it brings back the world of the old board. I thought it was clear it would not happen again, and rules were to be followed and they were not. Last Monday December 4th, there was to be a dually noticed Governing Documents meeting. It was cancelled by Mr. Villalobos even though I said that the meeting must go forward. Since the meeting minutes were not received by the chair. It was not until the day of the meeting that it was cancelled less than a half an hour before the meeting. Mr. Villalobos wanted the minutes, and he did not get them. The meetings are important as part of the historical reference of the community but not necessary to have a committee meeting or a board meeting. It appears that Mr. Villalobos had secret communications with his committee members. The proper thing to do would be to have the meeting and if you would like to adjourn the meeting, that is ok, but that never happened. FirstService Residential had meeting minutes for 40 days and FirstService Residential did not furnish the meeting minutes. I was not happy about that and I did relay that to FirstService Residential. FirstService Residential was trying to make the minute taking process more efficient since there are many meetings and there is still a little bit of a problem because there is only one person at FirstService Residential that can do the minutes in the fashion that we require. It was dually noticed that Mr. Villalobos approved the agenda subject to my approval, which I did. On the 4th Mr. Villalobos emailed and said that Jesmany Jomarron has been instructed to be at all the meetings as he is most familiar with the documents. I appreciate the efforts to have the meetings ASAP. We are, however, not ready without the minutes and the committee approved to postpone the meeting. This was not done out in the open, as it should have been. Mr. Villalobos went on to say, we will be proposing another time, most likely next Monday. This has the appearance of another secret meeting. The problem is that Mr. Villalobos was specifically instructed by Mr. Jomarron, who consulted with me, that even without the previous meeting minutes, the meeting must go forward. Mr. Villalobos decided that he didn't want to have the meeting. He must follow the rules that all of us follow. What hurt the most is that I showed up at the meeting, Jesmany Jomarron showed up for the meeting, and homeowners showed up to the meeting. This is reminiscent of the old board and their tactics, which is intolerable. Mr. Villalobos was sanctioned before by me and there was a notice of violation and caution of holding secret meetings will not be tolerated by The Hammocks. I did put in the violation if there was any repeated infraction, it will result in your removal as Advisory director and Chair of the Governing Documents Committee. Given that elections are coming up, Mr. Villalobos can still sit on the Advisory Board but will no longer be the head of the Governing Documents Committee, so he is officially removed as from that committee. I will ask that our president, Don Kearns, sit as the chair of that committee and how you operate that committee as the chair is subject to my approval. I ask that you sit as the chair through the elections until a new committee can be established. Mr. President do you accept the position?
- **Don Kearns:** Yes, Judge.
- **Judge Gersten** – I will be posting this on website because I believe in transparency and you, The Hammocks, deserve transparency. I apologize to everyone that showed up at the meeting who took their time out of their day. It hurts me to do this, but The Hammocks must operate coherently.
- **Transition Plan** – I have my draft ready, and I suspect it will be recorded in the court docket by the end of the week. It will also be on the website. It is important that the rules and regulations that were set up by me are followed. I am trying to put into place those are followed by order of court. Although, I want to stress compliance by the hammocks so what happened will never repeat happen again. Judge Butchko asked for a transition plan and you will all be able to see it on the website.
- **The Hammocks HOA Bill of Rights** – This is an additional safeguard for the Hammocks. The Homeowner's bill of rights will address gaps in what Florida law provides. It will be after the transition report is filed but hopefully by the end of the month. I will submit that to Judge Butchko for her approval. A court order is the best possible way to get things done.

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- **New Elections** – We have an order from the court and there is a date typo that will be corrected. Enhanced procedures will be in place. The deadline for candidate applications is this Friday. I encourage everyone who wants to run to run. This is a chance to serve. You do have to be qualified.
- **Lights** – We have fixed many of the association light poles. FirstService Residential has done an individual survey for every individual light. Approximately 80 lights are still out. We have two proposals for people to fix the lights and a subsequent periodic maintenance plan. We have old fixtures and new fixtures awaiting the decision on the styles by the ACC. Once that decision is made, we can go ahead with having the lights replaced. Lighting is one of my projects that I wanted the money to be earmarked for.
- **Judge Gersten** – I am now going to turn this over to Anthony to give a report on three items; Beaches, Fountains, and Fences.
- **Anthony Serrone** – I am going to start with the beaches. We received a quote from Aquagenic for periodic beach maintenance. What this will entail is that every so often, the company will come out to perform certain tasks to keep the beaches looking good. This would include adding sand to the beaches where there has been run off into the lake, as well as tilling the compacted sand to give the sand a nice, fresh look, and the removal of weeds from the beaches. As far as the fences go, we have reached out to a company called THD to survey the fences that are broken to come up with a proposal to repair or replace the fences. We have reached out to another company, URI, who is going to come out here on Friday just as THD to give us a proposal so we can the estimate to Judge Gersten so that he can save some money from the recovery to have the fences fixed. As far as the fountains go, we have one fountain that is completely out, which is this fountain right behind the clubhouse. The issue with this fountain is that it has been worked on so many times that it is hard to find parts for in addition to it being old. So, we can either pay for the fountain to be repaired at a cost of \$7000 with a warranty of a year on the work or we can buy a new fountain for \$12,000 with a five year warranty on the parts. I have a meeting with the fountain mechanic, Ryan McReedy, on Friday to take my team and I around to get an idea of what is going on with all the fountains to report back to the receiver.
- **Black Creek** – We have replaced the pumps and are currently trying to get a permit for a change of equipment violation from the previous board. FirstService Residential found the plans and we are awaiting the proposal to have this fixed.
- **Water Oak** – Three violations that are old violations. This encompasses the mesh on the fence, fire exit, and vent. We are looking for a General Contractor to do the work so that we have one person who is licensed to do all the work. We also need a proposal from Bright Blue for the pool pump permit.
- **Drainage** – There is no construction that needs to be done to the French drains, but we have a cleaning project that needs to be done to clean out the debris in the drains. Three proposals and I want a fourth. What we have is not apples to apples.
- **Roof Repairs** – We had some roof repairs that were done that were necessary between the legal team and the insurance company. We cannot afford to not have insurance. We already saved a lot of money on insurance already, which had to do with selling vehicles. Black creek required repairs to be done. They were not the cheapest company but they are a reputable company. We also have a termite issue at Black Creek. Main clubhouse, there are numerous leaks, we might go with Best Roofing again. This is important because we do not want anyone to get hurt in a slip and fall during an event.
- **Playground equipment** – The old board ordered outdoor fitness and playground equipment, we were locked into a contract, and we were unable to get out of it, but we did negotiate it down a bit. We had no legal basis to get out of the contract, but we did pay less than what was ordered. The permitting has been done by for the locations that it was slated for. If we want to shift them it will cost money. FirstService Residential is looking into how much it would be to close out those permits and open new ones.

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- **Kendall Drive Trees** – Aesthetically, it is a butcher job. FDOT did the job and they do have the right to do it. After many unsuccessful attempts to reach FDOT I asked the legal team to get involved in getting the person at the top of the chain. According to the FDOT, they may try to avoid butchering jobs. Pete has some things on the agenda that he will be talking about, and I can't wait to hear it.

Management presented minutes for the prior meeting held on November 14, 2023.

MOTION

To approve the meeting minutes for the November 14th, 2023, Advisory Board of Directors Meeting.

Motioned by: Idalmen Ardisson

Seconded by: Marcoantonio Real

Motion Carried Unanimously

Judge Gersten will now pass to Don Kearns.

6. Committee Reports

6a. Architectural Control Committee

Idalmen Ardisson Presented on behalf of the Architectural Control Committee.

- We had the ACC meeting December 7, 2023, with all committee members present. There were 24 applications in total. There were 2 denied for failure to provide docs/measurements. 2 were preapproved given the information was added on before this meeting, which it was.

MOTION

To approve the Architectural Control Committee report and recommendations.

Motioned by: Idalmen Ardisson

Seconded by: Marcoantonio Real

Motion Carried Unanimously

- Motion: Pete Cabrera
- Second: Don Kearns
- Discussion:
 - Pete Cabrera – Highly impressed with how the meeting was processed. You saved some homeowners from making mistakes. Very good job.
- Motion Carries Unanimously
- We tried to get a supplemental meeting to work out the colors for the homeowners. We will have a supplemental meeting to sit down and only talk about this. The ACC meetings take time due to the process that we must go through with the applications. We want to have a meeting to just speak on these topics solely so that we can conclude on the colors.

6b. Governing Documents Committee

Don Kearns Presented on behalf of the Governing Documents Committee

- Don Kearns – I do not have a report to give at this time.
- Carlos Villalobos – I wanted to speak and state my position.
- Jesmany Jomarron – It must be on the agenda to be discussed at the meeting.
- Carlos Villalobos – Judge Gersten was talking for a while and said many things, and I want to state my position.
- Jesmany Jomarron – This can be done in the owner's comments on the agenda items.

6c. Finance Committee

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Kristen Gurucharri Presented on behalf of the Finance Committee.

- The budget has not been approved. The questions that were asked from the last Finance Committee meeting were posted on the website. You can see that online. We are still going over the budget and it is still not finalized at this point. There are still things that need to be worked out.
- Idalmen Ardisson – We did receive the documents regarding the salaries and the light issue we have with FPL.

6d. Neighborhood Committee

Kristen Gurucharri Presented on behalf of the Neighborhoods Committee.

- Kristen Gurucharri - The Judge went over information about the fences and the pools. The only new update that I have is for the homeowner that reported there are peacocks that need to be removed. They are \$200 a piece to remove which is the only information. They will be moved to a reservation.
- Marcoantonio Real – What are the concerns of these homeowners?
- Kristen Gurucharri – The peacocks are a nuisance. They poop, they ruin landscaping, they peck at your cars and chip paint.
- Marcoantonio Real – Are we going to do something about the ducks too?
- Kristen Gurucharri – I am not sure about the ducks. There was a question posed about the peacocks and Zoe from FirstService did research in getting them removed.

6e. Public Safety Committee

Todd Botner Presented on behalf of the Public Safety Committee.

- **Todd Botner** - We reviewed three different security companies; Elite, Allied, and Maverick. We analyzed how many guards we can keep per shift for our budget. We feel that it is best to keep 2 guards per shift and add one guard at the times we need them the most, which is Thursday- Sunday from 8pm-4am. We are trying to cover the small amount of money that we have. We will be able to hire Miami Dade police for assistance on the weekends with this tactic. As we reviewed the three different vendors, we believed that Elite Guard was a good combination of price and quality, with that said we are recommending Elite Guard.
- **Idalmen Ardisson** – you interviewed Elite, Allied, and Maverick?
- **Todd Botner** – Yes. Allied, Elite, and Maverick.
- **Idalmen Ardisson** – And your recommendation is Elite?
- **Todd Botner** – Yes.

7. Old Business

- **The approval of the budget** –
 - **Jesmany Jomarron** – The budget has been posted online with the most updated numbers. Addressed all the revisions addressed by the Finance committee.
 - **Don Kearns** – Do we have a motion to approve the budget?
 - **Juan Franco** – Does this include the \$22 credit per unit per quarter?
 - **Jesmany Jomarron** – Correct. The budget that is now posted shows the number, the \$22 per quarter is a “Receiver’s Payback” that will be credited every quarter. How the mechanics of that is going to work, it is going to be included in a payment letter to the owners with the finalized version of the budget attached reflecting the \$22 off.

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- **Don Kearns** – Jesmany, the budget is dealing with the dollar total we can adjust the different line items, correct?
- **Jesmany Jomarron** – The budget is going to establish the revenues that we are expecting to offset the expenses that we will be spending. It is supposed to be a zero budget. Through the hard work from the Board, and the committees, FirstService Residential has been able to allocate for every single line item with what the estimated expenses are. Can they be more or less? Of course, we can spend less or spend more but these are just estimated expenses of the line items.
- **Don Kearns** – So if we can find significant savings, we can adjust throughout the year?
- **Jesmany Jomarron** – Absolutely, if you spend less the budget number is not going to change but the amount that you spent on that item will be below the budgeted amount.
- **Don Kearns** – Do we have a motion to approve the budget.
- **Idalmen Ardisson** – I am looking at the budget online and it still says the \$236.30. Does this include the \$22 that Judge Gersten just announced.
- **Jesmany Jomarron** – No this was just announced so the adjustment has not been made. Melissa Vazquez from FirstService Residential will make the adjustment. We can post that tomorrow, the final version, with the amount reduced accordingly.
- **Don Kearns** - a motion could include that \$22.
- **Kristen Gurucharri** – I still need time to review it.
- **Juan Franco** – Yeah.
- **Jesmany Jomarron** – I am going to promote Melissa so she can be a panelist to shed more light on the changes.
- **Melissa Vazquez** – Don what I would recommend is if you're going to make a motion to approve this budget today you can approve the dollar amount for expenses that way were approving what has been proposed as far as expenses are concerned that would allow me the opportunity to adjust the \$22 to show what the maintenance schedule will be but the budget itself will not change as far as the expenses are concerned and that total dollar amount at the bottom could be approved today
- **Idalmen Ardisson** – The savings that homeowners are going to have are tremendous. The 18 neighborhoods are going to have substantial savings from 52% to 71%. Cedar Landing has huge savings, and so does Paseos II. I hate to delay that process even more but there are still things we have questions about. For example, the validity of some of the electricity bills. For example, in Paseos II, the electricity is still \$16,000 for 10 light posts which seems unreasonable, Paseos II does have a decrease in its quarterly payments. I don't want to prolong the homeowners be able to save money come January 1st, 2024.

MOTION

To approve the proposed 2024 budget contingent upon the fact that we revisit this budget, and we have answers to the question of electricity and other questions that homeowners may have.

Motioned by: Idalmen Ardisson

Seconded by: Marcoantonio Real

Motion Carries – 5 in favor (Don Kearns, Idalmen Ardisson, Pete Cabrera, Marcoantonio Real, Carlos Villalobos. 2 opposed (Kristen Gurucharri and Juan Franco)

- **Juan Franco** – I think we should approve it for 30 days until the next board meeting, that way we can get these things in place. I have not had the chance to review it.
- **Don Kearns** – Juan Franco's idea is a little bit different than what Chicky proposed. So Chicky, do you want to make an amendment or do you want to stick with your original motion.
- **Idalmen Ardisson** – I am going to stick with the original because I do want the homeowners to save.

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- **Don Kearns** – Is there any other discussion on this?
- **Juan Franco** – I am not saying that I don't want them to save but I am not going to vote to approve this budget.
- **Marcoantonio Real** – I agree with Chicky. The main concern is the homeowners to be able to have a clear budget to spend.
- **Don Kearns** – Are there any other discussions? All in favor of the motion?

8. New Business

a. Procedures to issue violations

- **Kristen Gurucharri** – I suggested this discussion to implement procedures to issue violations. There is no real course of action to correct trash cans, cars parking on grass, business inside of garages. Needs to be violation implemented to have some effect to make our neighborhood look good again. We should have recourse to make a complaint, have their voices heard, and act against these homeowners.

MOTION

To have violations implemented.

Motioned by: Kristen Gurucharri

Seconded by:

- **Melissa Vazquez** – We can work with the Advisory Board and the receiver on the policies and how that is rolled out.
- **Idalmen Ardisson** – Don't we have a fining committee?
- **Jesmany Jomarron** – the fining committee is that statutory committee that we created per chapter 720, but I know The Hammocks has its original rules and regulations. So FirstService Residential has already proposed a plan for how to deal with standard operation procedure for violations. I am working on reconciling what FirstService Residential proposed, what the rules used to be, and the statutory requirements and I will make a recommendation to the Board and receiver to consider.
- **Don Kearns** – So potentially is your motion to enforce the rules and regulations already in place at The Hammocks Community Association?

Revision of
Motion

To implement rules that are already in place and start using them.

Motioned by: Kristen Gurucharri

Seconded by: Idalmen Ardisson.

Discussion:

- **Idalmen Ardisson** – Do we have a fining committee established with its members seated.
- **Corey Tickner** – Yes.
- **Idalmen Ardisson** – Their meetings are established; did they have a meeting yet?
- **Corey Tickner** – Yes, they had a meeting, they did make recommendations that were forwarded to the receiver and Jesmany has them as well and is working to consolidate those into a solid plan. The next meeting is scheduled for next week. We are waiting to hear from the

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third member of the committee, we do need three votes for any fine to be established. I have recommended to the receiver that we potentially expand the committee.

- **Idalmen Ardisson** – Right that committee is very specific, you cannot have a board member and you cannot have any employees sitting on the committee.
- **Don Kearns** – Any other discussion?

Motion carries unanimously.

b. Fireworks on December 31st, 2023.

- **Don Kearns** – After hearing the Receiver's report there is no reason to discuss this.

c. Green Wise Group (New Vendor for Tree Assessment)

- **Pete Cabrera** – There was a gentleman that met with FirstService Residential. I asked if I could go to that meeting with Gene Sherwood owner of Green Wise Group who used to be a vendor here before. He wanted to volunteer to give historical data and to be a vendor. We met to go over the needs of the community. He said that he would be here every day and gave a proposal. We just passed that budget and the number that Green Wise proposed is nowhere close to what is budgeted. This is just a proposal to see how to get the trees in line. The trees are an asset and have been let go for many years. Gene Sherwood and I drove around and he drove around himself.
- (Referencing PowerPoint) This is how we broke up The Hammocks. There's the lakes, the roadways, Clubhouse areas, and the 18 homeowners' associations that The Hammocks handles. I sent this PowerPoint to the board, and it talks about how to start the process of having the trees handled correctly. We have outlined what needs to be done at black lake, mimosa lake, wild lime lake and other lakes, as well. creek
- **Roads** – We still don't know which roads belong to The Hammocks. I have spoken with Turf and the County to see what our responsibility is to maintain and what is theirs.
- Next slide is all dead trees and stumps that need to be removed. There are about 20 in total. Are there any questions from the Board on this?
- **Don Kearns** – how would you phrase this as a motion? Are you advocating for Green Wise to be a new vendor?
- **Pete Cabrera** – I don't want to recommend them a vendor just yet. I want to go over the proposals. The proposals are out of line. To do this all year every day is \$445,000. Turf was \$350,000.
- **Don Kearns** – Should we recommend to the receiver to evaluate Turf and Green Wise proposals more?
- **Pete Cabrera** – I would like to show the proposals. One of the issues is that it is expensive to have the equipment here to do the trees where they are high. That's what Green Wise is talking about for having that equipment and an arborist on-site. I told him that is too much. There are other ways to do it having them come less frequently. I can sit with the judge and try to figure out what the best course is. Or we can meet with Turf for them to do it the correct way. Turf has been cutting the bottoms of the trees and we need to cut the trees on the top and in the middle.
- **Don Kearns** – Maybe we will go to the next item and create the Landscaping Committee to discuss this further.

d. Creation of the Landscaping Committee

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- **Pete Cabrera** – I would like to develop Landscaping Committee to meet with owners and develop a plan to cover the trees and a hurricane plan. I like the idea of working with two people, Turf, to do the landscaping and another company does the tree trimming. Our landscaping is what gives us great assets and makes the committee beautiful.

MOTION

To develop a Landscaping Committee

Motioned by: Pete Cabrera

Seconded by: Marco Antonio

Discussion:

- **Don Kearns** – I hope the Landscaping Committee seriously analyzes that proposal that was presented earlier because this is a road map of how to get back to where we were after 7 years of neglect.
- **Idalmen Ardisson** – I would like to clarify – I am not opposed to the Landscaping Committee. I am opposed to the logistics of it. Because my concern is now, we have a Landscaping Committee that falls under the approval of the ACC, then by the Finance Committee, and then the Advisory Board of Directors and finally The Receiver. My Recommendation would be to have it fall under the ACC at its meetings, with it as an agenda item at every meeting so Pete can come in and discuss this specific issue. as a line item on the agenda so that Pete can come in and talk to the landscaping. Therefore, we can get owners in her to have Landscaping discussed, as well.

Motion carries – 6 in favor. 1 opposed (Idalmen Ardisson)

e. Cost of the Election

- **Marcoantonio Real** – We are very happy that we are having a new election but the expense we had last year was enormous. Some of the listed functions of the elections which I think we do not need a \$500 an hour lawyer to do it. To put together power point \$500, to attend Zoom conference to explain the election procedure \$1000. Prepare 1st draft of election procedures \$500. This was done in one day, January 25th, 2023, which was \$2000. We do not need a \$500 lawyer to rehearse the setup of the clubhouse, which was \$750. \$500 for travel to destination. \$500 dollars to prepare this room. FirstService Residential prepared this room today and we did not spend any money. These expenses are unnecessary and FirstService Residential can do it. I am proposing that this year they do it. Another example is the map that shows the perimeter of the clubhouse that shows the candidates from where they can't campaign. Propose we use FirstService Residential this time around for these administrative things and not the legal team.
- **Don Kearns** – The election details were Court ordered by Judge Butchko so what is your proposal?

MOTION

To not use the legal team in conducting the 2024 election process and use FirstService Residential, instead.

Motioned by: Marcoantonio Real

Seconded by: Carlos Villalobos

- **Juan Franco** – Does FirstService Residential have the capability to do this?
- **Corey Tickner** – Yes, we do normally do elections and we were part of the election last year but since this is court ordered by Judge Butchko we will have to defer to the legal team.
- **Jesmany Jomarron** – Judge Butchko did enter an election order and Judge Gersten is appointed your election monitor. I don't see how you can do it without the legal team. You can make the recommendation today and Judge Gersten can your recommendation. Judge Butchko did order

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to have this election done in a specific way. I don't understand how FirstService Residential would take their place without Judge Butchko saying to do so.

- **Idalmen Ardisson** – It's a court order which means you can't go against it. I don't trust FirstService Residential to run the election as it was done last year. Last year it was iron clad, everyone got an opportunity, no one had to worry about ballot harvesting, it was done in an organized fashion, and it is court ordered so I think it is a moot point.
- **Marcoantonio Real** – I think the important thing is experience. In my opinion what experience has the legal team brought to the election? When have the lawyers, besides last year, done an election?
- **Idalmen Ardisson**– They did the election last year. Let me ask you, aside from the \$500 that will not be charged again, what do you think that they didn't do last year that would cause you to eject them as the election monitor?
- **Marcoantonio Real**– We are paying FirstService Residential to run the property and I believe that they are more experienced to run the election as a company. The legal team has never run an election before last year.
- **Idalmen Ardisson** – What action did they do or not do to make you think that they are not qualified?
- **Marcoantonio Real** – I have given three examples. It is the expense.
- **Idalmen Ardisson**- so you're saying expense over experience?
- **Marcoantonio Real** – I think FirstService Residential has more experience than the lawyers.
- **Carlos Villalobos** – I think Marcoantonio is referring to the money. Maybe finding the middle of the road. I know the receiver must run the election. I think that they can put some of the work onto FirstService Residential. I am asking Judge Gersten to review the expenses and see what administrative work can be done.
- **Pete Cabrera** – One of the things is, we just approved the budget and there are legal fees that are in there for the election. I think he has proven that he likes to cut costs and it will not cost \$80,000. I trust the receiver to run the election.
- **Marcoantonio Real** – I trust the receiver to be the guy to run the election, but he can use FSR too.
- **Don Kearns** – I agree with Pete Cabrera that the cost are already baked in to the legal fees.
- **Marcoantonio Real** – How is it that the cost is already baked in?

Motion does not carry. Marcoantonio Real and Carlos Villalobos in favor. Don Kearns, Idalmen Ardisson, Pete Cabrera, Juan Franco, Kristen Gurucharri opposed.

9. Owners' Comments on agenda items

- **Carlos Villalobos** – I just wanted to clarify some of the comments made by Judge Gersten about me and the Governing Committee. There are 3 members here. First, we did not hold a secret meeting, I asked around if we could cancel the meeting and I informed Judge Gersten. I had been asking those who are willing to attend, and the decision is to postpone it. I think Gary said that he could not attend the meeting. We did not hold a secret meeting despite what Judge Gersten said. The Governing Documents Committee meeting was on 10/30/23. I kept asking about the minutes, on Friday 12/1/23 I said that we have not received the minutes of the meeting for 10/30/23, will these eventually be produced? I am afraid that we will have to cancel the meeting if I do not have it. Judge Gersten said that I was correct, and Anthony said he will send them. On Monday, I said Dear Judge Gersten, regretfully it is 2pm on the date of the meeting and we have yet to receive the minutes yet and the decision is to cancel the meeting. I understand Judge Gersten is the CEO, but we said very clearly, every member needs to see the meeting minutes to know what happened.

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- **Janine Manzano – Live Oak** - I just want to state the 2-minute time limit is against the statute.
- **Fernando Figueroa – Haciendas** – I was on the elections committee, and we were dismissed by the previous board. There was an attorney for the elections every night of the elections to validate to make sure that everything goes as planned.
- **Mohammed Romain – Skylark** - I have attended meetings the concern of the hammocks is always the lakes, and big issues, what happens with communities like skylark. This is the first time we have mentioned this. There is a semi-truck parked on the property. We sometimes have cars that are trashed in front of houses. Mechanical work is performed on the property. It has been going on for the last four years. I have four years of pictures. It took them twice for them to receive my pictures. I understand that the previous board neglected the association.
- **Don Kearns** – you heard that we are instituting the violations committee so these issues should be taken care of.
- **Gary Held – Oak lake** - Compliment receiver, and his team on the budget and it is a very welcomed changed. As far as the Turf and landscaping issue – they came into our neighborhood, and they came in and trimmed the top of the tree. I think every day is way too much for tree trimming. Also, the trail is covered with duck poop.
- **Corey Tickner** – We are aware of the trail issue, and we already have scheduled for it to be cleaned.
- **Gary held** – For the iguanas, there is a company called humane iguana control that I used, and they were great and reasonable.
- **Damarys Flagiello – chantarelle** - Some of Robert’s rules are not being followed. Homeowner Bills of right – if it will mandate proper approval as required by the by laws. Can the board motion to give the administrative duties to FirstService Residential? When we are planning on auditing the financial statements? Ability to request a state monitor. Just want to see if we can test run the state monitor?
- **Guillermo Roldan – Live Oak** - I think that the landscaping committee should run on its own. It is a huge job for you, as well Chicky because your job is so big. As far as the Governing Docs committee – I don’t recall having a secret meeting.
- **Marcoantonio Real** – I would like to thank the person who allowed CV to have the right to speak. Judge Gersten has been misinformed and he has been given untrue facts. If I had the data, he had I would react the same way. I know for a fact that Carlos has never had a secret meeting.
- **Lilian Bernal – Heron** – The management company, up until a month ago, wasn’t even picking up the garbage at the waste stations. They just started. They are very disrespectful. I called about dead ducks behind a building in Heron.

11. Adjournment

Motioned by: Idalmen Ardisson

Seconded by: Kristen Gurucharri

Vote: Unanimous

Meeting of the Advisory Board of Directors was adjourned at 9:28pm