

Hammocks Community Association Inc.

Minutes of the Advisory Board of Director's Meeting
June 11, 2024 – 7:00PM – Clubhouse and ZOOM

1. Call to Order

The Meeting of the Advisory Board of Directors was called to order by the Receiver Judge David M. Gersten (ret.) at 7:05pm.

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.

Idalmen "Chicky" Ardisson
Pete Cabrera
Fernando Figueira
Don Kearns
Frank Perez
Juan Franco (Zoom) - (left at 8:16pm)
Kristen Gurucharri

Jesmany Jomarron, Association Counsel Eric Thompson; Anthony Serrone, Melissa Diaz, Alyson Theale; 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 the notice for the meeting on all the bulletin boards throughout the community and on the Hammocks Website on Friday, June 7th, 2024.

5. Approval of the Previous Meeting's Minutes

MOTION

To approve the meeting minutes for the Advisory Board of Directors Meeting held on May 14, 2024.

Motioned by: Pete Cabrera

Seconded by: Fernando Figueira

Motion Carried Unanimously

6. Receiver's Status Report and Recommendations – Honorable Judge David Gersten

- **Recovery efforts – Rasko Klock & Hilton Napoleon lawsuits** – After many depositions, it seemed as if this case was going to go to trial. We received a settlement offer from Rasko Klock. If the settlement is accepted, there will be over 6 million dollars total that has been collected through our recovery efforts. The settlement has been signed by Rasko Klock and Judge David Gersten. Hilton Napoleon is refusing to sign the settlement agreement without a provision in the agreement, which is totally unacceptable.
- **Criminal Attorneys** – There is an agreement with the criminal attorneys, which has not been signed yet, that will potentially bring an additional \$95,000 into the treasury. Additionally, there is a lawsuit against the accountant, Jesus Cue, that we are still working on. There will be more to comment on later, as the legal team does not want to give away their strategy in this case.

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- **Cepero Case**- There was a hearing recently where Cepero was seeking over \$57,000 in attorney fees. Last Thursday, the bankruptcy court announced its ruling, and they will have to be paid \$42,000 for attorney's fees.
- **Collections** - There's currently \$1,204,346.54 in assessments that are over 90 days delinquent. The Association will start filing cases against homeowners. There has been an independent collection agency chosen that will be pursuing delinquent accounts. All homeowners can reach out to FirstService Residential for payment plans.
- **Disputed accounts** - FirstService continues to work to resolve accounts with disputed balances. Almost every month the number of accounts fluctuates. FirstService has previously gotten the amount down to approximately 30 accounts. As of today, 238 accounts are under review by First Service. Any accounts that are under review will not be going to collections. They will be reviewed, and if the balance is valid, they could potentially go to collections.
- **Finances** - As of yesterday, the Association has \$3,813,719.83 in the bank. The Association is financially healthy. At the annual meeting the forensic accountant spoke. She stated that the financial statements from 2019-2022 presented the worst fraud, inclusive of almost \$9 million that she has ever seen in her 20-year career. With the new settlements, the Association will have collected over \$6 Million Dollars. Judge Butchko has extended the deadline to present the 2023 financial audit to August 30, 2024.
- **Bill of Rights** - The Bill of Rights is only for The Hammocks Community Association, which is something that has never been done in the history of any Homeowner Association. The bill has been posted on the Hammocks Website. These are protections that go well beyond what the law provides for HOAs. After the Board discusses the Bill of Rights, they will make a recommendation to me; then I will potentially present the recommendation to Judge Butchko if approved. Some features of the Bill of Rights include:
 - Protection against conflicts of interest in self-dealing, requiring all vendors to execute a no-conflict oath under penalty of perjury.
 - No Self-management of the HOA
 - Election monitors for all elections
 - No increase in assessments to exceed 125% of the assessment of the previous year.
- **Meeting with The Mayor**- Pete Cabrera & Idalmen "Chicky" Ardisson have been working with Miami-Dade County for them to complete work that is their responsibility. The Board of Directors is working to set up a meeting with the mayor.
- **Zoom Meetings**—There have been recurring problems with our monthly Zoom meetings. The Association is going to look into a "Zoom Room," which would set up the clubhouse to enhance the system that we use for our meetings.
- **Air Conditioning in Clubhouse**—The Association has had our air conditioning system replaced with a brand-new system that includes a long-term warranty.
- **Transition of Receivership** – This might be one of the last meetings with an Advisory Board and a the Receiver, as the Board of Directors could potentially take over the Association. The recommendation would be for Judge Gersten to stay on as a Court Monitor. If that happens, the Board of Directors would be making all the decisions on behalf of the Association, with Judge Gersten being the back-up in case the Board of Directors has any questions.

7. Committee Reports

7a. Architectural Control Committee

Idalmen "Chicky" Ardisson presented it on behalf of the Architectural Control Committee.

MOTION

To approve 40 homeowner ACC applications and deny 2 applications as was determined by the Architectural Control Committee at the meeting on May 2nd, 2024.

Motioned by: Idalmen Ardisson

Seconded by: Pete Cabrera

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Motion Carried Unanimously

MOTION

To approve the painting of the clubhouses using the color combinations that were recently approved by the ACC and Advisory Board of Directors for exterior home color options.

Motion by: Idalmen "Chicky" Ardisson

Seconded by: Pete Cabrera

Discussion:

Kristen Gurucharri asked if the murals would be painted over. The new paint would cover the murals that are currently there.

Motion Carried Unanimously

7b. Finance Committee

Pete Cabrera Presented on behalf of the Finance Committee.

- In April, the Association had approximately \$2.7 million cash on hand.
- Each month we attempt to collect approximately \$504,000, which, at the end of the year, will equal approximately \$6 million dollars.
- 9 - 10% of our homeowners are 90+ days delinquent.
- Budget timeline - Melissa Vazquez will give us the first draft of the budget by the August Financial Committee Meeting.

At the Finance Committee meeting, it was discussed that each of the 18 neighborhoods that are directly managed by The Hammocks Community Association need to start saving money for capital projects that need to be completed in each of the 18 neighborhoods.

MOTION

To Advise the Hammocks Advisory Board of Directors and the Receiver to analyze the top 5 needed improvements within all 18 communities and have FirstService Residential start looking for quotes on those improvements to budget for the projects.

Motioned by: Pete Cabrera

Seconded by: Kristen Gurucharri

Discussion:

- Kristen Gurucharri stated that we need to start allocating money to put towards projects that need to be completed within the 18 communities.
- Idalmen Ardisson stated that there are not representatives for all 18 communities in the Neighborhoods Committee and questioned what would happen for those without representation as they would not be able to advise what is needed within said neighborhood. The Neighborhoods Committee will have to go into those neighborhoods with no representation and do their best to assess what is needed.

Motion Carried Unanimously

MOTION

To Advise the Hammocks Advisory Board and Receiver to accept the following as the roles and responsibilities. (Attached to the minutes)

Motioned by: Pete Cabrera

Seconded by: Frank Perez

Discussion:

Idalmen "Chicky" Ardisson referenced the last meeting, stating that she holds the same position as she had mentioned at the previous meeting.

Motion Does not Carry Unanimously

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MOTION

To approve the roles and responsibilities items 1-4 as outlined on the document provided by the Finance Committee, excluding the phrase “as determined by the FC members”, in line 4.

Motioned by: Fernando Figueira

Seconded by: Idalmen Ardisson

Motion Carried Unanimously

The approved role of the Finance Committee is enumerated as follows:

1. Provide support, advice, and recommendations to the Management Company, Advisory Board of Directors, and to the Receiver in the development of the annual budget.
2. Provide financial advice and recommendations on the financial operations to the Advisory Board of Directors and the Receiver.
3. Review and monitor monthly and annual financial statements.
4. Request from Property Management certain general ledgers, invoices, bank statements, and supporting documentation for expenses line items with major variances.

Metropolitan Bank Account – FirstService Residential produced a Banking Analysis, and the Finance Committee discussed putting a portion of the money we have in the operating account into an interest-bearing account. Metropolitan Bank is offering 4.75% interest on funds placed with them.

MOTION

To advise the Hammocks Advisory Board of Directors and the Receiver to move any excess funds over \$1.5 Million dollars in the operating funds into an Interest-bearing money market account at Metropolitan Bank

Motioned by: Pete Cabrera

Seconded by: Frank Perez

Discussion:

Fernando Figueira requested clarification on if the funds are liquid. Frank Perez clarified that it is a money market account, not a Certificate of Deposit so the funds are liquid and able to be used at any time. Idalmen “Chicky” Ardisson would like legal to review the documents as she is concerned about this being handled by FirstService Residential solely. Fernando Figueira mentioned that the Association would be working directly with the bank, not FirstService. Don Kearns mentioned that he has done his own analysis and that the rate of return is one of the best he could find, the money is insured, and the Association would be working directly with the bank.

Motion Carried 4-2

In favor - Pete Cabrera, Don Kearns, Fernando Figueira, Frank Perez

Not In favor - Idalmen Ardisson, Kristen Gurucharri

7c. Fining Committee

Anthony Serrone presented on behalf of the Fining Committee.

- The Fining Committee’s last meeting was on May 30th, 2024. The Committee is still looking for a third member. The process approved by the Advisory Board of Directors was presented to the Committee members.

7d. Landscaping Committee

Pete Cabrera presented on behalf of the Landscaping Committee.

- The Turf invoice for the dead tree and stump removal has been received. FirstService has asked Turf to keep them updated as the project progresses, which they have not done. Turf will not be

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paid until the fulfillment of the contract is confirmed. Green Wise Group has started tree trimming on the property as the new tree trimming vendor. Frank and Pete spoke with the county about the royal palms. The Committee is now going to elected officials to see if we can get better answers since the results of the meeting were not favorable to the Association. Frank has been working on the asphalt for the bike paths and the sidewalks along all of Hammocks Blvd and 147th Avenue. The plan is to have all proposals for the asphalt project ready to be presented by the next landscaping committee meeting.

7e. Neighborhoods Committee

Kristen Gurucharri presented on behalf of the Neighborhoods Committee.

- The Neighborhood Committee is getting a lot of feedback from the homeowners & residents. The Committee has started to collect the top 5 major things needed within the 18 communities so that we can start working on collecting money for these capital projects.

7f. FirstService and Board Liaison Update

Anthony Serrone and Idalmen “Chicky” Ardisson presented in the Receiver’s Report.

- **Security Update Anthony Serrone**—All the communities within The Hammocks are now being patrolled, except those that have not provided access to security to their gated neighborhoods. The Association is working with Miami-Dade to provide Off-Duty Police Officers.
- **Fountains**—Per Lake Doctors, the electrical box at Mimosa Lake needs to be replaced. Lake Doctors has provided a proposal to fix the issue. The fountain at Little Oak Lake still needs troubleshooting to determine the issue.
- **Wild Lime Center**—Wild Lime Center was closed on Monday so the pool vendor could clear the algae on the bottom of the pool. It should be up by Thursday.
- **Water Oaks Center** - The Association is continuing to work on the violations imposed by Miami-Dade. The mesh around the fencing was removed and the canopy that was unpermitted was taken down by URI, which cleared a violation. The pool pump violation and the violation pertaining to the window and ventilation systems are still being worked on. Once the violations are cleared, there is still a lot to be accomplished at this pool to get it up to standard.
- **Beaches**—Aquagenix started the beach cleanup contract in April. They come every quarter to clean our beaches. Our maintenance team completed a cleaning of the beaches in May. Aquagenix will be back the second week of July for the second cleaning.
- **Chantarelle wall painting**—The Chantarelle wall was painted a couple of weeks ago. FirstService recommends planting bushes or putting mulch down in front of the wall so that dirt does not get on it when it rains.
- **Food Truck Friday** – The first Food Truck Friday will be taking place June 21st, 2024, from 5:00pm - 9: 00pm, weather permitting. There will be food trucks, games, and music at the Wild Lime Center.
- **Pathways** – The Association is working on getting a third proposal for the pathways, it’s a combination of getting an asphalt company & an arborist to tag team the job. An arborist to prune the roots and an asphalt company to repave the bike paths.

Idalmen Ardisson- Liaison Report:

- **Fencing** - Phase one is conservatively at least halfway done. Phase one repairs consist of those fences that are completely falling down. After that, phase two will start, which is a completely different triage of fences.
- **Light Poles** - The numbering of the poles was completed. This will assist homeowners in being able to report lights that are out to FirstService Residential. FPL has produced a preliminary

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cost to replace the light fixtures in the neighborhoods with LED fixtures. The other component that FPL is going to give us is the price of full conversion of lighting poles and fixtures that are not owned by them to convert them to FPL's equipment. The association attorneys are looking all the documents pertaining to the conversion. The next phase of the lighting project will be to label the major streets and avenues.

- **Playground** – The playground was approved for the Wild Lime Center. The playground company is going to outline what we need to do to prepare the area for the installation.
- **Furniture** - The furniture for the Wild Lime Center has been bought and placed at the pool. The Board of Directors is considering painting and cleaning the Wild Lime and Black Creek Centers to give them a fresh look.
- **Drainage** – The drainage project was approved we are supposed to start tomorrow. There is a schedule that we have and will be posting on the website. The entire project should take about 10 days weather permitting.

7g. Security Update

Guillermo Lanza presented the Security Update

- Elite has built a great relationship with the community and with Miami-Dade Hammocks Police. With the help of the residents and homeowners, we can make sure that the community is safe. We're patrolling all the communities. There are four or five communities we don't have access to because they are gated, but we're in the process of getting access to those communities. There are also patrols being conducted around the lakes.

8. Old Business:

No Old Business

9. New Business:

- **Roles of Committees**—Moving forward, The Association needs a document that states each committee's roles and responsibilities. This document should be available not only for the committee members but also for the homeowners and residents to know what each committee is meant to do.

MOTION

To instruct First Service Residential to construct a proposal for the generalized roles and responsibilities of the Committees that are currently serving the Hammocks Board of Directors and Receivership.

Motioned by: Idalmen Ardisson

Seconded by: Kristen Gurucharri

Motion Carried Unanimously

- **Fourth Of July Sponsorships** – FirstService Residential is contacting all the major vendors that service The Hammocks and asking them for sponsorship for the firework event on the Fourth of July to help offset the cost of the event. Cortland and GreenWise have committed. FirstService Residential will match the contribution from Cortlands.

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- **Bill of Rights** – Judge Gersten spoke about the Bill of Rights, and it is going to be put into effect by court order if approved. It will provide the Hammocks homeowners and residents more legal protections than those given by the State of Florida.

MOTION

To approve the bill of rights for the hammock's community association

Motioned by: Idalmen "Chicky" Ardisson

Seconded by: Kristen Gurucharri

Discussion:

- Pete Cabrera sought to clarify the exclusions from the portion of the Bill of Rights that speaks to the maintenance fees not being allowed to exceed 125% of the previous year. The items that are excluded from that calculation are –
- Insurance
- Authorized provisions for limited voluntary differed expenditure account
- Anticipated expenses of the association that the board of directors does not expect to be incurred on a regular or annual basis
- Assessment for the benefit of the association profit

Motion Carried Unanimously

- **Transition of Receivership** - Judge Gersten asked earlier in the meeting if the Advisory Board of Directors believes they are ready to become the Official Board of Directors.

MOTION

That the Advisory Board of Directors recommends that Judge Gersten end the Receivership thereby making the Advisory Board of Directors the Official Board of Directors of the Hammocks.

Additionally, the Advisory Board of Directors recommends that Judge Butchko-Sanchez enter a permanent injunction appointing Judge Gersten as Court Monitor of The Hammocks Community Association or in his absence a successor of his choosing remains in place. Also, that Judge Butchko-Sanchez retains jurisdiction over The Hammocks Community Association, Inc. in perpetuity.

Motioned by: Don Kearns

Seconded by: Idalmen "Chicky" Ardisson

- Pete Cabrera stated that he is ready to end the receivership under the condition that Judge Gersten stays on as the monitor as he can make correct and fast decisions.
- Fernando Figueira agreed that he is ready to become the Official Board of Directors as long as Judge Gersten stays on as the monitor of The Hammocks Community Association.
- Idalmen "Chicky" Ardisson agrees with Fernando and Pete. The Advisory Board of Directors is ready to become the Official Board of Directors, but she would like the extra support in knowing that Judge Gersten is there in case anything goes wrong.
- Frank Perez agrees with Idalmen "Chicky" Ardisson that they are ready to become the Official Board of Directors but with the extra support that Judge Gersten brings as the monitor.

Motion Carried Unanimously

10. Owner's Comments on Agenda Items

- **Monica Rivera - Heron at The Hammocks** – Brought up the issues that the Heron at The Hammocks is facing. She believes that the Master Association needs to step in to assist the community with the issues they face. Don Kearns clarified that the Master Association has no jurisdiction over the Heron at The Hammocks, as they have their own Board of Directors.
- **Lilian Bernal - Heron at The Hammocks** – Lillian echoed the remarks of Monica Rivera and added that we could help them using the Architectural Control Committee or Fining Committee. Idalmen Ardisson stated that the Board of Directors has listened complaints filed

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against the Heron Board of Directors and management company repeatedly but reinforced the fact that The Master Association has no jurisdiction over their community and that they would need to establish their own committees.

- **Yolima Tiger - Corella** - the peacocks are very heavy, and they scratch up all the cars & they poop everywhere it's very hard to maintain my house. they should be relocated too somewhere else. There are some trees that need trimming.
- **Don Kearns** - the tree trimming is an undergoing project we just started with a new company, so they'll be handling everything in a timely fashion. As for the peacock we've researched a couple companies as the city of Miami Dade doesn't relocate birds and the minimum price per peacock to relocated is \$220 so well must take another look at this situation and see what we can do.

11. Adjournment

Motioned By: Don Kearns

Seconded By: Idalmen Ardisson

Motion Carried Unanimously.

The Meeting of the Advisory Board of Directors was adjourned at 9:50 p.m.

Review the financials for April see attached

Review Budget Timeline

see FSR's previous budget time line attached

We will try have a draft budget for August 6th Finance Committee meeting

To show at the HABOD scheduled for August 13th

To finalize for the October 8th HABOD

Neighborhood Committee should be working on budgets

MOTION:

I motion to advise the Hammocks Advisory Board and the Receiver, to identify, through the Neighborhood Committee, the top five critical improvements in the 18 neighborhood and have FSR start on getting quotes.

Roles and Responsibilities of the Finance

1. Provide support, advice and recommendations to the Management Company, Advisory Board of Directors and to the Receiver in the development of the annual budget. **Ok**
2. Provide financial advice and recommendations of the financial operations to the Advisory Board of Directors and the Receiver. **Ok**
3. Review and monitor monthly and annual financial statements. **Ok**
4. Request from Property Management certain general ledgers, invoices, bank statements, supporting documentation for expenses line items with major variances, as determined by the FC members.

- The Finance Committee's intention - is to make recommendation to the Board of Directors in case the Finance Committee sees something out of sorts
5. Review major requests for expenditures (RFP's) submitted by the Management Company and advises the Receivers and Advisory Board of Directors on those requests. The Company, Advisory Board of Directors and to the Receiver in reviewing bids from contractors or vendors.
- The Finance Committee Finance Committee's intention – it can be a second pair of eyes to look at the RFP's and to ensure that, items, such as, the company having proper insurance.
6. Act as resource to other committees considering improvements and projects, (such as architectural or landscaping committee) providing advice on ways to fund those projects or to assess the financial impact of proposed projects.
- The Finance Committee's intention is – to assist the other committees from a financial perception.

MOTION:

I motion to advise the Hammocks Advisory Board and the Receiver, to accept the following as the Roles and responsibilities as written above.

OR give us the Roles and Responsibilities you wish the Finance Committee to have.

Interest Bearing Account see attached

MOTION:

I motion to advise the Hammocks Advisory Board and the Receiver, to move any excess of over \$1,500,000 million in the operating funds into an Ultra-Insured Money Market in the Metropolitan Bank.