

**MINUTES OF MEETING
FIDDLER'S CREEK
COMMUNITY DEVELOPMENT DISTRICT #1**

The Special Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held a on **Wednesday, September 9, 2009** at **10:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

Present at the meeting and constituting a quorum were:

James Curland	Vice Chairman
Jim Schutt	Assistant Secretary
James Robertson	Assistant Secretary
Robert Slater	Assistant Secretary
Phillip Brougham	Chairman
(via telephone, open session only)	

Also present were:

Chuck Adams	District Manager
Anthony Pires	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:40 a.m., and announced that all Supervisors were present at Roll Call, except Supervisor Brougham. He stated the primary purpose of this meeting is an Attorney-Client Special Session. He then asked Mr. Anthony Pires, District Counsel, to read a statement into the record regarding such.

Mr. Pires reviewed the process for conducting the closed-door session and noted that no decisions can be made during the closed-door session. Once the closed-door session is closed, they will return to the open session to take any action.

SECOND ORDER OF BUSINESS

**Attorney-Client Session: Pending Lawsuit
Between the District and Onesource
Landscape & Golf Services, Inc.**

Mr. Curland read aloud the following Commencing of the Session by the Chair statement:

“At this time we are going to commence an Attorney-Client Session between the Fiddler’s Creek Community Development District #1 and our Attorney. This Session will be closed to members of the public under Section 286.011, sub Paragraph 8 of the Sunshine Law, a governmental body may meet in private with its chief administrative officer and its Attorneys to discuss certain matters relating to pending litigation. The subject of this meeting will be to discuss the settlement negotiations and strategy relating to the litigation expenditures for the litigation between the District, OneSource Landscape & Golf Services, Incorporated, styled OneSource Landscape & Golf Services, Inc. vs Fiddler’s Creek Community Development District #1, Case Number 09-6126-CA (Charlie, Alpha), pending in the Circuit Court of the 20th Judicial Circuit in and for Collier County, Florida. This Session will be recorded by a certified court reporter who is directed to record the times of commencement and termination of the Session, the names of all persons speaking and all discussions and proceedings. Upon the conclusion of this litigation, a transcript of this Session will be made a part of the Public Record. The following persons will attend this Closed Session: Fiddler’s Creek Community Development District #1 Board of Supervisors, including Supervisor Curland, Supervisor Robertson, Supervisor Schutt and Supervisor Slater; Anthony P. Pires, Jr., District Counsel and Chesley Adams, District Manager, as the Chief Administrative Officer. Let the record reflect that, pursuant to the requirements of the Sunshine Law, notice has been given of the time and date of today’s Closed Session, as well as names of participants, as evidenced by a copy of the Affidavit of Publication. This Session is estimated to last approximately 1½ hours and the time is now 10:45 a.m., on September 9th, 2009.”

Mr. Pires asked that two (2) printed notices be placed on the floor outside the door, so that people do not, inadvertently, walk into this Session.

******The Special Meeting Public Session recessed and the Attorney-Client Session commenced at 10:42 a.m.******

******The Attorney-Client Session closed at 11:35 a.m.******

THIRD ORDER OF BUSINESS

Return to Public Session: Consideration of any Pertinent Actions Resulting from Attorney-Client Session

****The Special Meeting Public Session reconvened at 11:37 a.m.****

****Supervisor Brougham joined the meeting.****

Mr. Pires stated he placed a call last week to the Attorney for OneSource regarding the possibility of discussing resolution and settlement of this claim. He noted that Management and his firm had conversations with regard to what they believe to be appropriate.

Discussion commenced regarding a possible settlement proposal. Mr. Brougham stated he felt it would probably be in the District's best interests to pursue a settlement. A Board Member stated he felt they have a strong case, but, based on a cost benefit analysis, some negotiating offer should be made. Mr. Brougham asked the amount of the claim. Mr. Pires stated \$59,000, plus attorney's fees and pre-judgment interest. Discussion ensued regarding possible offer amounts.

On MOTION by Mr. Schutt and seconded by Mr. Slater, with all in favor of authorizing Staff and District Counsel to make an offer of settlement of \$10,000 to OneSource.

FOURTH ORDER OF BUSINESS

Audience Requests

Comments/Supervisors'

There being no Audience Comments or Supervisors' Requests, the next item followed.

FIFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Curland and seconded by Mr. Schutt, with all in favor of adjourning.

The meeting was adjourned at 11:40 a.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman