

**MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #2**

The Board of Supervisors of the Fiddler’s Creek Community Development District #2 held a Regular Meeting on February 22, 2023 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

Elliot Miller	Chair
Victoria DiNardo	Vice Chair
Linda Viegas	Assistant Secretary
Bill Klug	Assistant Secretary
John Nuzzo	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Representative
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Richard Renaud	Fiddler’s Creek Safety Manager
Jody Benet	Fiddler’s Creek Irrigation Manager
Valerie Lord	Foundation Representative
Ron Albeit	Foundation General Manager
Mike Barrow	GulfScapes Landscape Management
Bill Ahern	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. All Supervisors were present.

Mr. Miller asked if the Dorado Plat “No Objection” letter has been addressed. Mr. Parisi stated that Mr. Adams prepared the draft with the revisions required by the County.

Mr. Miller asked Mr. Parisi to follow up on the \$50,000 payment due from Halvorsen. Mr. Parisi stated Halvorsen requested a hard copy of the plans, which Mr. Adams provided, and Halvorsen advised the payment would be sent. Documentation for the next payment will be sent to Halvorsen as soon as it is available.

***Disclaimer:** These minutes are a summary of the meeting and are intended to highlight the topics discussed, items considered and actions taken.*

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items (3 minutes per speaker)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Continued Discussion: Claim Against Fiddler's Creek CDD #1 Regarding Anticipatory Breach of Interlocal Agreement [Traffic Signal Cost Sharing]

Mr. Miller recalled that a letter was sent to CDD #1 explaining that they are in violation of the Interlocal Agreement and explaining why CDD #2 is entitled to the full \$200,000 from Halvorsen, CDD #2's separate Agreement with and obligations to Halvorsen for which the \$200,000 is being given in consideration, and to which CDD #1 is not entitled. CDD #1 refused to respond to the letter. Mr. Miller recalled that, at the last meeting, he indicated that, if CDD #2 does not respond to CDD #1's lack of response promptly, there might be an issue of waiver; he stated that Counsel agrees that the issue of waiver could be raised if CDD #2 waits until next year, when the money is due. CDD #2 might prevail, but litigation is expensive; if CDD #2 brings the action now, there would be no such expense as that issue would not be raised and, as far as he can see, there is no real defense. The action CDD #2 would bring would be a declaratory judgment action; there would be no deposition and CDD #2 could probably move for summary judgment and get it. This would likely be the least expensive and most effective way to proceed and he suggested that action be brought against CDD #1 now.

Ms. Viegas requested clarification because it seems the crux of the matter is that CDD #1 has not responded to the letter. She read from the approved minutes from CDD #1's January meeting which state "Whether to respond to the letter from CDD #2, Mr. Adams voiced his opinion that it is not necessary." Ms. Viegas stated, if she were a CDD #1 Board Member and her District Manager stated they did not need to respond and since they do not have a lawyer on their Board, she would not have supported responding. She noted that CDD #1's minutes went on to say "CDD #1 will respond once an invoice is received." She asked if a letter can be sent, rather than a legal action taken, to advise CDD #1 that CDD #2 is not waiving its rights, but that CDD #2 will take action if necessary if CDD #1 does not respond when the invoice is received and accept that CDD #2 is entitled to the \$200,000. She expressed concern about

driving a wedge between CDD #1 and CDD #2 and getting into "legalese" when Mr. Adams advised CDD #1 that they do not need to respond.

Mr. Miller voiced his opinion that CDD #2 is not driving a wedge; he thinks that CDD #1 has driven a wedge. He feels very strongly that CDD #2 owes its constituents an obligation.

Mr. Adams stated that the basis for his comments to CDD #1 was that, in previous budgets, CDD #1 actually did take affirmative action to set aside funds for its portion of the funding for the traffic signal. In the subsequent year, CDD #1 collected some additional funds to make up the additional gap that arose because the price keeps increasing every year and, notwithstanding CDD #1's angst over the Halvorsen contribution, CDD #1 has not taken any affirmative action not to pay because CDD #1's duty to pay does not come until the project is completed and an invoice is received.

Mr. Miller stated he disagrees because CDD #1 has a budget which is specific in allocating the \$200,000 off the top and the CDD #1 Board said that at the meeting at which CDD #1's budget was adopted.

Ms. DiNardo stated CDD #1 has not made a statement in a meeting saying that CDD #1 is paying; the CDD #1 Board is thinking about it and it is an obligation that CDD #1 is not making a commitment to. Mr. Adams stated that is correct; nor does CDD #1 need to at this point. Mr. Miller felt that is a legal conclusion and CDD #1's adopted budget wrongly allocates the Halvorsen \$200,000 off the top.

Mr. Klug noted that CDD #2 will incur legal expenses if a lawsuit is initiated. Mr. Miller stated those expenses will be minimal if it is done now. He discussed the reasons.

Mr. Klug asked if there is an option that is more cost-effective than a lawsuit. He suggested sending another letter stating CDD #2 will proceed with initiating a lawsuit unless CDD #1 sends written confirmation recognizing CDD #1's obligation, and that there is to be no offset. He suggested giving CDD #1 another opportunity, through a letter with a stated deadline, before filing suit.

Ms. Viegas discussed the timing of the budget and asked Mr. Adams if his direction regarding a second letter would be that CDD #1 does not have to respond. Mr. Adams stated, if another letter is sent, he will not give an opinion; he will remain neutral.

Ms. Viegas agreed with Mr. Klug that the second letter should include a firm deadline.

Mr. Nuzzo felt that Mr. Klug has a good point, but CDD #2 has already been extremely accommodating to CDD #1 on this matter. He recalled that a CDD #1 Board Member came before the CDD #2 Board months ago and was disrespectful; he did not believe that anything will change CDD #1's decision. He felt that CDD #2 was too lenient and questioned whether CDD #2 wants to spend more time and money for legal fees on this matter. Mr. Miller agreed.

Mr. Klug asked if a judge might dismiss the matter, as there are currently no damages. He suggested sending a letter with a deadline date for a response and refer to the declaratory judgment.

Mr. Parisi suggested combining the two concepts; the second letter could act as a notice of service and a copy of the complaint could be attached.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, drafting a letter and an Action for Declaratory Judgment complaint and sending both to CDD #1, was approved.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Report

Mr. Parisi introduced Mr. Ryan Hennessey, the new Director of Community Services, whose responsibilities will include tree maintenance, irrigation, landscaping, sidewalk cleaning and safety. The role will be more visible throughout the community, including a presence at The Club and Spa and during Happy Hour at the Gator Grille.

Mr. Hennessey stated he was a State Trooper in Connecticut for 22 years. He is getting familiar with the particulars of the job; he can be reached via email.

A. Irrigation and Pressure Washing Efforts

Mr. Renaud reviewed the PowerPoint presentation and reported the following:

- Several email addresses are available for submission of concerns. Emails should be sent to irrigation@fiddlerscreek.com or pressurewashing@fiddlerscreek.com as appropriate. Emails are monitored daily, and issues are forwarded to appropriate staff.
- Irrigation Projected Usage: 20 programmable satellites within the villages are programmed to run Monday, Wednesday, and Saturday, from 9:00 p.m. to 8:00 a.m. There were 14 possible run days last month; 14 watering cycles were completed, with no rain holds. Nine programmable satellites within the common areas are programmed to run Tuesday,

Thursday, and Sunday, from 9:00 p.m. to 8:00 a.m. There were 14 possible run days last month; 14 watering cycles were completed, with no rain holds.

- An estimated 5.9 million gallons of water was used in January.
- Total water usage was 53.5 million gallons in January 2023, versus 55.8 million gallons in January 2022.

Mr. Miller stated he observed irrigation going off in Veneta, near the fountain, on Friday, when irrigation is prohibited. Mr. Renaud stated he was aware that wet checks were being done.

Mr. Barrow, of GulfScapes, stated that two valves required replacement and wet checks and special cycles were performed to ensure they were operational.

Ms. Viegas noted that the slide detailing estimated water usage usually includes two totals, one for the common areas and one for the villages. Mr. Renaud stated he left out one number. He is unsure about the numbers because he had to prepare the PowerPoint in one day; he will meet with Mr. Benet to confirm it before the next meeting. He is not sure if the 5.9 million gallons of water was attributed to the common areas or to the villages.

Mr. Klug asked if any villages are still not part of the satellite irrigation program. Mr. Benet stated there are satellites in the outside builder areas that are in manual mode. He is watching whoever is managing those to ensure they adhere to the Collier County regulations.

Mr. Klug asked if all established villages are on the program. Mr. Benet replied affirmatively; the older HOAs, that were in place before the outside builders came on board, are all in the central computer. In Isla Del Sol, Mulberry Row, and Mahogany Bend, the property owners were allowed to install individual irrigation systems for each home. The consensus was that the property owners with individual irrigation systems are all in CDD #1.

- Pressure Washing: During the past 30 days, work was completed on Fiddler's Creek Parkway and the Marsh Point parking lot. Championship Drive is the next area to be pressure washed, followed by Marsh Cove.

Mr. Miller asked if the new equipment is materially better. Mr. Renaud replied affirmatively and stated it works much better and is quicker.

B. Security and Safety Update

Mr. Renaud reviewed the PowerPoint presentation and reported the following:

- Mr. Hennessey is the new Director of the Department.

- Mr. Renaud is still serving as Safety Manager.
- Gatehouses and Patrols: The Automated Gate House line can be reached at 239-529-4139.
- Non-emergency information can be sent to safety@fiddlerscreek.com.
- The Safety Department officers are not first responders; in a police, fire or medical emergency, call 911 first. The Safety Department will respond as secondary help and assistance.
- Gate Access Control: Guest information can be entered on the members' website or mobile app, emailed to safety@fiddlerscreek.com, or via the Automated Gatehouse number.
- All three gatehouses are operational and manned 24-hours a day, seven days a week.
- Two road patrols are operational 24-hours a day, seven days a week. One patrol is assigned to each CDD, unless both patrols need to respond to a call.
- Gatehouse Activity by Gate: Sandpiper is the busiest. In January, the three gatehouses processed over 100,000 vehicles. In December, the gatehouses processed 80,000 vehicles.

Mr. Klug stated counting Creative Lane, there are four gate entrances into the community. Mr. Renaud agreed and noted that Creative Lane is not an open gate. Mr. Klug asked if, to his knowledge, the Safety Department has found that any vehicles gained access into Fiddler's Creek by some way other than through one of the four gates. Mr. Renaud replied no; on Creative Lane there is a gate outside and inside.

The condition of Creative Lane was discussed.

Mrs. Adams stated that the road is used for maintenance. Mr. Parisi noted the owner of the ten-acre parcel on US41, that abuts Creative Lane, would have to upgrade that road to develop the parcel. There have been multiple owners and issues with the property, over the years, and it is unclear what can be developed, due to contaminants.

- Incidents: Parking issues, open garage doors, and officer observations are the most common incidents. The officer observations listed are higher than usual because it includes vehicles ticketed in the sales parking lot, which will be a separate category in the future.

Mr. Miller asked what "Resident Complaints" entails. Mr. Renaud stated it can be for anything, including a vehicle parked the wrong way, a sign in a yard, residents complaining about each other, etc. In the case of a vehicle parked the wrong way, vehicle owners are located and asked to move their cars.

- The portable radar detection device is in use in the community. The stationary radar detection device on Cherry Oaks Trail is awaiting camera replacement.
- The cameras have proven useful. The portable radar device led to the issuance of ten warnings in December; none were referred to the Fining Committee, as they were not repeat offenders. Currently, six warnings are in the works. Low speed violators generally receive a warning letter and are forwarded to the Fining Committee on the second offense.

FIFTH ORDER OF BUSINESS

Discussion/ Consideration of Rescheduling the May Meeting to May 31, 2023 at 10:00 AM

Mr. Miller asked for the May meeting to be moved to May 31, 2023. The Board agreed to the change.

SIXTH ORDER OF BUSINESS

Developer's Report/Update

Mr. Parisi reported the following:

- The construction compound in CDD #1, at the corner of Cherry Oaks Trail and Sandpiper, should be complete by March 15, 2023. Landscaping should be installed soon; more landscaping than expected needed to be removed as exotics were found during the County's inspection.
- Construction in Dorado is continuing. Four or five more buildings will be underway in the near future. Oyster Harbor sales are proceeding as well.

Serena resident Bill Ahern asked about the first Dorado building across from the model currently under construction. He said it appears that the driveway access is from the circle which he thinks will cause a traffic problem. Mr. Parisi stated he will look at it.

- The golf clubhouse is under construction. Numerous residents walked up Arboretum Drive into the construction site, which is unsafe, and were upset about being redirected. Gates and "No Trespassing" signs will be installed when the 8" main line installation is complete.
- The Championship gatehouse plans were received from the architect. Bids were requested and information will be shared at the next meeting. The gatehouse will look similar to the existing gatehouses and will include revisions, as requested.

Ms. Viegas stated a problem also exists with residents walking and riding through construction areas on Dorado Lane. Mr. Parisi noted some owners are living in the model and accessing their mailboxes. He noted that the crew cleans up construction debris, such as nails. Ms. Viegas suggested installing a sign at the Millbrook end of Dorado Lane. Mr. Parisi stated that is a good idea.

SEVENTH ORDER OF BUSINESS**Engineer's Report: *Hole Montes, Inc.***

Mr. Cole distributed and presented Draw 183 which included Trebilcock Consulting Solutions and Hole Montes invoices totaling approximately \$24,000 for design and permitting of the traffic signal.

Mr. Cole reported the following:

➤ The traffic signal 100% design submittal was resubmitted. Information was provided to Mr. Parisi related to the first Halvorsen benchmark.

Mr. Parisi stated a letter and additional documentation requested was sent to Halvorsen to support the invoice. Halvorsen advised that the first installment will be paid promptly.

➤ Page 15 of the Financials reflects that the 2014-2 bond has a balance of about \$118,000. The capital projects fund will fund Draw 183 and soft costs, which are nearly complete.

➤ The bid opening for the traffic signal will be on March 21, 2023; the advertisement ran, as required, and Mr. Cole plans to make his recommendation regarding the bidder at the March 22, 2023 meeting.

➤ The 100% design submittal showed a cost of \$1.1 million, up about 10% since the last submission.

Ms. DiNardo asked if the bid amount will be subject to change, as costs increase. Mr. Cole stated it will not; once the bid is accepted the price is firm.

- **Update: Pumphouse Replacement Bid**

➤ The public notice for replacement of pumphouse #2 ran; one contractor expressed interest and additional bidders will be encouraged. Bids will be opened on March 21, 2023, and a recommendation will be made at the March 22, 2023 meeting.

➤ Mr. Cole and Mr. Benet met with Mr. Hennessey to explain CDD operations.

➤ As previously indicated, the roof of pumphouse #2 must be removed in order to replace all the irrigation equipment over the course of one week. An architect is needed to design the

new roof replacement. Mr. Cole met with Mr. Jordy Vazquez, of VC Architects (VCA); VCA has a long history working with Gulf Bay and VCA is working on Dorado condominium buildings and on the golf course irrigation pumphouse replacement. Mr. Jonathan Walsh, of Gulf Bay, provided his contact information and they met with VCA last week. VCA was unable to assemble all of the subcontractors' information, but assured that the information will be provided.

Mr. Cole asked the Board to approve a not-to-exceed amount of \$35,000, for VCA to prepare the design and commence the permitting for the roof design and replacement. CDD #1 already approved the expense.

Mr. Miller asked Mr. Parisi if he has dealt with this architect. Mr. Parisi replied affirmatively, named several projects they worked on, and stated he has worked with VCA for 20 years and had no issues. He suggested speaking to the other contractors working with him to take advantage of economies of scale, if possible.

Ms. Viegas asked if the \$35,000 is included in the funds budgeted. Mr. Cole stated the roof design was included in the budget, but he does not remember how much was budgeted.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, authorizing a not-to-exceed amount of \$35,000 for Professional Architectural Design Services for design and permitting for the roof design and replacement, in a not-to-exceed amount of \$35,000, was approved.

- Within the next few weeks, Collier Paving will begin the sidewalk repairs authorized at the last meeting.
- Multiple emails and pictures have circulated regarding oil spills caused by various entities, including Collier County, Juniper and Waste Management. Last month, an executive from a hydraulic fluids company was consulted and he emailed last week to advise that nothing can be done to clean up a hydraulic oil spill. The CDD has been dealing with oil spill issues for 20 years.

Regarding the Millbrook turnaround hydraulic oil spill, Mr. Parisi stated the cleaner reduced the stain, but the question is whether to clean it now or wait until the milling is completed. Concerns were expressed about the oil entering the storm drain which leads to the canal. The consensus was that the CDD needs to determine if the cleaner works or if it is better

to wait for the milling to be completed. Mr. Miller asked if this issue will cause liability for the CDD. Ms. Viegas noted there will be more oil spills during the Dorado construction. The consensus was to wait until the Dorado development is complete and then mill and repave.

Mr. Parisi noted that the worst stains were caused by hydraulic oil spilled by the street sweeper. Mr. Miller asked if that entity was notified because, if they are liable, he wants the entity to be held responsible. Mr. Parisi stated there was a meeting and discussion with the contractor; he can put funds aside from the contractor to do the milling; once it is milled it will not be an issue.

Mr. Pires asked if strong rainfall will cause the oils and fluids to come up out of the asphalt, or is it very imbedded in the asphalt. Ms. Viegas confirmed with Mr. Parisi that the stains were already pressure washed and the stains were not removed, so it is not an issue.

Mr. Cole felt that not much can be done about oil spills. He recalled that, in the past, Waste Management replaced the asphalt for several miles of Cherry Oaks Trail. Now Juniper and Waste Management had spills and other contractors will have spills.

The consensus was that not much can be done for spills of unknown origin.

Mr. Miller suggested the CDD send letters to the companies that we know are responsible for the spills, so the CDD does not waive any rights to pursue them. Mr. Pires will work with Mr. Cole on this.

Mr. Klug remembered Waste Management remediating a spill on Corfu Court, in Varenna and stated they removed the affected section of the road and repaved it.

The various oil spills of known and unknown origins in the CDD were discussed.

Mr. Miller asked if insurance covers oil spills. Mr. Adams will inquire.

➤ A restriping proposal from Collier Paving for stop bars and crosswalks inside CDD #2 will be presented at the next meeting. The area of the proposed traffic signal will not be done at that time.

Mr. Cole stated he had further discussions with Mr. Barrow about Ficus removal, replacement, and constructing a wall in the Veneta area. He obtained an order of magnitude cost for the wall. For 3,500' of wall at \$100 per foot, the estimated cost is \$350,000. Ficus removal and replacement with Clusia and irrigation is approximately \$500,000, so the total would be approximately \$850,000. He suggested that the existing conditions can be

supplemented with landscaping for a much lower cost and the addition of a wall could be eliminated.

Mr. Klug stated this is the third meeting at which this is being discussed and he is still not sure of the referenced area. He read a section from the December CDD #2 meeting minutes and stated he walked the entire area and did not see any of the Hurricane Ian damage that Ms. DiNardo described in the December minutes. He observed a few leaning trees from Hurricane Irma, that show new growth. He asked for the location of the hurricane damage.

Ms. DiNardo stated trees along Museo Circle are damaged and it is possible to just walk across to Creative Lane. Areas are open and there is no landscaping, so various areas are visible to traffic. She believed Mr. Barrows' team was cutting some of the damaged branches and the rest of the trees have decaying trunks.

Mr. Pires left the meeting at 11:05 a.m.

Mr. Klug felt that this is an aesthetic matter. Ms. DiNardo voiced her opinion that a buffer is not an aesthetic matter, and noted that everywhere along Museo Circle has a buffer; whereas, in these areas, traffic on Creative Lane is visible where the road is higher than the buffer. Mr. Miller stated he understands the point about aesthetics; however, it might impact home values. Ms. DiNardo stated funds were budgeted to trim the dying Ficus hedges. Mr. Klug noted that other border hedges are present in the area.

Mr. Barrow discussed other foliage that would have to be removed to address what Ms. DiNardo is requesting.

Mr. Klug restated his point from the last meeting and asked if there is any place in the CDD presently with a wall, other than an exterior boundary. Ms. DiNardo stated there is one across the way on Fiddler's Creek Parkway. Mr. Miller asked Mr. Barrow if there is a way to address the privacy issue without installing a wall. Mr. Barrow stated he and Mr. Cole discussed a strategy in which the Ficus trees are preserved, the Arboricola are allowed to grow taller and other plantings are installed. Mr. Miller asked Mr. Barrow to prepare a proposal. Ms. DiNardo expressed concern about dead Ficus. Mr. Barrow stated his proposal will include removal of dead trees.

Mr. Miller noted the need to address concerns about large expenditures, value of homes looking out on a busy area, and the need to find an inexpensive, effective solution.

The consensus was to cease discussion about installing a wall.

Mr. Miller stated Mr. Barrow was asked to develop a solution for aesthetically pleasing plantings that will be as effective as a wall and less expensive.

Mr. Parisi suggested if the purpose is to prevent people from cutting through, spiky and more protective plants might be considered. Mr. Miller felt that there could be liability with those types of plantings, given that residents might attempt to cut through.

EIGHTH ORDER OF BUSINESS

**Continued Discussion/ Consideration:
Proposals for CDD Insurance**

Mr. Adams stated he requested proposals from Florida Municipal Insurance Trust and Preferred Governmental Insurance Trust. When he receives the quotes, he will report the findings.

NINTH ORDER OF BUSINESS

**Discussion/ Consideration of Trimmers
Holiday Decor, Inc., Proposal for US 41
Entry Lighting**

Ms. Viegas recalled that CDD #1 and CDD #2 transferred the Safety budget back to The Foundation years ago, which included the gatehouses, gate arms, vehicles, officers, etc. She questioned why the CDD should pay to decorate the gatehouse, if the CDD is not responsible for it. In her opinion, the gatehouse decorations should be part of The Foundation’s budget. She expressed concern about liability related to installing lighting on an asset not owned by the CDD. Since the CDD maintains the palm trees, she had no problem with the CDD paying to decorate those. Because the proposal contains two line items; one for the palm trees and one for the gatehouse, she would like the \$5,000 proposal to be broken out by those two items.

Mr. Miller stated, in terms of liability, lighting would only be installed with the consent of The Foundation. Regarding ownership of the gatehouse, Mr. Miller stated the CDD owns the gatehouse but it is leased to The Foundation.

Mr. Pires rejoined the meeting at approximately 11:12 a.m.

Ms. DiNardo felt that CDD #1 pays for its area and CDD #2 should follow suit. Ms. Viegas stated, when she spoke with a CDD #1 Board Member and asked why CDD #1 is still paying for gatehouse decorations, the Board Member agreed it was a good point. Mrs. Adams recalled that, when maintenance responsibilities were transferred to The Foundation, the CDD #1 Board

agreed to continue their budgeting of the holiday lighting program. Mr. Miller stated that is not binding on CDD #2; CDD #1 can decorate its gatehouses and the CDD #2 Board can decide whether to decorate its gatehouse. Mr. Albeit stated, if CDD #2 does not decorate the gatehouse, when residents complain, he will indicate that it is a CDD #2 matter. Last year, residents in Oyster Harbor and Aviamar asked why their gatehouse was not as pretty as the main gatehouse. Ms. DiNardo believes that, given the minimal cost, CDD #2 should decorate the gatehouse, as it has historically done. Ms. Viegas stated that it has not historically been done since CDD #2 has never budgeted to decorate the gatehouse which previously was only a trailer. This is the first time the issue was raised.

On MOTION by Ms. Viegas and seconded by Mr. Klug, with Ms. Viegas, Mr. Klug, Mr. Miller and Mr. Nuzzo in favor and Ms. DiNardo dissenting, authorizing Staff to ask for the proposal to be broken out to reflect the costs to decorate the palm trees and the gatehouse, was approved. [Motion passed 4-1]

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2023

Mrs. Adams presented the Unaudited Financial Statements as of January 31, 2023.

Mr. Miller asked about the \$10,735 “due to Developer” amount. Ms. Viegas noted it has been there for a long time and that she previously questioned it but could not recall the reason. Mr. Adams will research it.

Mrs. Adams stated she received the \$13,883 hurricane reimbursement from The Foundation for the GulfScapes’ work after Hurricane Ian.

Mr. Miller questioned the \$46,481 “Due to CDD #1” amount. Mr. Adams stated that represents shared costs accruing related to expenses, such as irrigation. Mr. Miller stated he does not want to pay it until the issue of the claim against CDD #1 is resolved; this would be an offset against the claim.

Mr. Miller noted that the assessment revenue collections of 74% is much lower than usual due to the extension of the early-pay discount; the extension was because of Hurricane Ian. Mr. Adams stated the full 4% early-pay discount was extended from November 30, 2022 to December 31, 2022. The timing of collections and remittance by the Tax Collector can take 30

days; the CDD does not receive any interest during that time. Mr. Adams estimated that the percentage will be up to 90% in February. Mr. Pires stated the Collier County Tax Collector is in possession of the assessment revenues, not the County.

Mr. Miller asked if the “Other contractual-irrigation manager” line item is one-half of Mr. Benet’s salary. Mr. Adams stated it is one-half of what is due and payable to The Foundation for Mr. Benet’s services as the Irrigation Manager; CDD #1 pays an equal amount.

Mr. Miller asked why the budget is so much lower than the actual amounts. Mr. Adams stated the year-to-date ending fund balance reflects monies collected in the first quarter of the fiscal year that will be expended during the year. Another 25% remains to be collected, but then no additional funds will be received.

Mr. Klug repeated his question from last month regarding why some bonds have an “Other Fees and Charges” category, while others do not. Mr. Adams will inquire.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of January 25, 2023 Regular Meeting Minutes

Mrs. Adams presented the January 25, 2023 Regular Meeting Minutes.

The following changes were made:

Line 62: Change “recovered” to “received by the District under the agreement”

Line 94: Insert “on The Foundation’s behalf” after “paid”

Line 344: Change “of the” to “and”

Line 399: Delete “is” after “being”

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the January 25, 2023 Regular Meeting Minutes, as amended, were approved.

Mr. Adams stated he had an answer to Mr. Klug’s earlier question about the Tax Collector and Property Appraiser’s Fees in some debt service funds, but not others. If the revenue is solely from off-roll assessments, meaning a direct bill, and those two offices are not involved in collecting the monies, then the CDD is not charged a fee by those two offices.

TWELFTH ORDER OF BUSINESS

Action/ Agenda or Completed Items

Ms. Viegas noted that Item 11 was completed. Mr. Miller stated the 100% plan was sent, so that update can be made before it is marked complete.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Woodward, Pires and Lombardo, P.A.*

Mr. Pires distributed the Settlement Agreement between Taylor Morrison (TM) and CDD # 2. The Agreement was reviewed by Mr. Miller and TM agreed to it. Mr. Pires stated TM has 30 days from the time they receive the W-9 to remit payment. He asked Mr. Adams to send the W-9 right away so the payment is received as soon as possible.

Mr. Pires thanked Ms. Viegas for numerous corrections and noting that four pages of Exhibit A were missing. The copy distributed to the Board was not corrected but the original that Mr. Miller is signing is the corrected version with her edits and the missing pages.

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the Settlement Agreement between Taylor Morrison and CDD #2 and the Chair’s execution of the Agreement, were ratified.

B. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: March 22, 2023 at 10:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the March 22, 2023 meeting.

C. Operations Manager: *Wrathell, Hunt and Associates, LLC*

Mrs. Adams stated the Operations Report was emailed to the Board.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, the meeting adjourned at 11:36 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair