

**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 October 22, 2025 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present:

Elliot Miller	Chair
Linda Viegas	Vice Chair
John Nuzzo	Assistant Secretary
William Tomazin Jr.	Assistant Secretary
Scott Spitzer	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Jeff Pinder	Wrathell, Hunt and Associates, LLC
Tony Pires	District Counsel
John Baker III	Hole Montes, a Bowman Company
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Jody Benet	Fiddler’s Creek Irrigation Manager
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Robert Engler	Crystal Waterscapes
Maritza Stonebraker (via phone)	Berger, Toombs, Elam, Gaines & Frank
Sue Leone	Resident
Ray Magill	Resident
Michael Buck	Resident
Charlene Tomazin	Resident
William Schaefer	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.

SECOND ORDER OF BUSINESS

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

No public comment cards were submitted and no members of the public spoke.

- **Memorandum to the Board**

Mr. Adams stated the agenda package contained the previously presented Memorandum to the Board, the Annual Financial Report FY2024 [Revised Draft], and the Resolution to accept the Report. He stated that emails between Mr. Tomazin and Mr. Jeff Pinder, Controller at Wrathell, Hunt and Associates, LLC, were sent to the Board along with the Internal Controls Policy. Mr. Adams stated that Mr. Pinder is attending in person.

- **Annual Financial Report FY2024 [Revised Draft]**

Mr. Tomazin stated that he and Mr. Pinder conversed regarding comments raised after the draft financial statements were issued.

Ms. Stonebraker joined the meeting via telephone.

Mr. Tomazin stated that there were several discussions and emails with Mr. Pinder and Maritza Stonebraker, of Berger, Toombs, Elam, Gaines & Frank, about the nature of those comments, reissuance of the Annual Financial Report, and whether or not there would be a judgement that should be made around the effectiveness of the internal controls with respect to preparing and issuing the Annual Financial Report. After all of that, he reviewed his comments that he included in a PDF. It was characterized in some communications that they were comments that the Board asked to be included. He stated that every one of his comments was a question as to whether or not a disclosure should be included. He stated that he recommended no additional disclosures; he wanted to hear their view on whether or not they were required. In his experience, under General Accepted Accounting Principles (GAAP), there were three disclosures that he reviewed that he believed were required, regardless of whether under commercial standards or Governmental Accounting Standards Board (GASB) standards.

Mr. Tomazin discussed his auditing background and stated that, because the three disclosures he asked about were added to the revised version of the Annual Financial Report, his presumption is that they were required disclosures. In his opinion, the disclosures were omitted in the first draft, which he believes implies that there was a deficiency in the internal controls over the preparation and review of the Annual Financial Report. He agrees that the omissions are not material to the Report, but whether a deficiency exists is a separate conclusion.

Mr. Tomazin stated that Mr. Pinder and Ms. Stonebraker continue holding their opinion that the Annual Financial Report is materially correct in the numbers, and they do not think the omission of those disclosures was an indication of any sort of internal control deficiency. Mr. Tomazin stated that he disagrees with Mr. Pinder and Ms. Stonebraker's conclusion; therefore, he asked for a "walk-through of internal control" outlining the process used to close out the books and prepare financial statements, along with an explanation of what could go wrong in that process and the specific internal control designed to prevent that from happening. He requested, but has not received, the walk-through. He wants the Board to have a description of the process utilized to prepare and issue the Annual Financial Report, what the controls are, and he wants an answer to the question of how there was not a deficiency despite what he believes are required disclosures being omitted so that a discussion and Board judgment can be made regarding what type of deficiency or material weakness exists.

Mr. Tomazin stated that the disclosures he asked to be included were added to the Report; they were the same disclosures that were in all previous CDD #2 audits and in the most current CDD #1 audit. He noted that those audits were performed by other audit firms who apparently felt they were required. He thinks there should be a rationale for why the disclosures were taken out and believes that the Annual Financial Report and opinions are appropriate at this time. His concern was that, if the deficiency were judged to be other than an ordinary deficiency, Ms. Stonebraker advised that there would be a communication requirement to the Board and possibly a report related to internal controls. He noted the definitions and types of deficiencies and stated that his opinion about internal controls has not changed.

Mr. Tomazin stated that, in the course of the communications, Mr. Pinder sent him Resolution 2020-09, by which the Board adopted a set of internal controls. While he would like to discuss this at another meeting, he thinks some things characterized as internal controls are not actually internal controls and some modifications are needed. It was agreed that such a review could be an agenda item at a future meeting.

Mr. Tomazin wants the most recent internal review of the District's internal controls that the Policy states the District Management team is supposed to do annually to be presented to the Board, and for it to be presented on an ongoing basis.

Mr. Pinder stated his understanding is that Mr. Tomazin is looking for a statement of an internal control deficiency in the audit and that he wants Ms. Stonebraker to change her Annual

Financial Report. Mr. Tomazin disagreed and stated that he is looking for acknowledgment that there was an internal control deficiency, an understanding of how it happened, and for the appropriate analysis to conclude on its significance.

Mr. Pinder stated he understands what Mr. Tomazin is saying, but the internal controls related to preparation of the Annual Financial Report are very straightforward. District Management provides the CDD's financial information to the auditors who perform testing. When testing is done, the CDD's auditor prepares the Annual Financial Report, including the notes. District Management reviews that audit, including the financial statements and the notes for accuracy, completeness, and reasonableness. Audits are reviewed by Staff Accountants, the Accounting Manager, and himself. His understanding is that, in this instance, the auditor added one of the three disclosures at Mr. Tomazin's request. Mr. Pinder stated he does not believe that the other two were required at all. He thinks the auditor simply included them to accommodate the request and not because she thought they were required, as indicated in her written response. He stated the one disclosure that was required had absolutely no impact whatsoever on any numbers in the audit; it was simply a small, boilerplate blurb about the use of estimates. Nothing material could have gone wrong if the disclosures were not included. That language has been in all the CDD's audits for many years. This is a newly hired auditing firm, and the audit was received close to the State deadline. The review was performed, and that single item was missed in review one single year. Mr. Pinder does not think it rises to the level of an internal control deficiency. He believes the fact that the CDD has had clean audits, no material misstatements, no fraud, and no internal control deficiency notes over the past 18 years speaks for itself. Mr. Pinder stated that is his opinion, and the CDD's independent auditor expressed a similar view. At this time, he agrees with the auditor.

Ms. Stonebraker stated her firm's position has not changed. They issued the Annual Financial Report with an unmodified opinion. They felt that the Report was compliant with GAP. They made changes that they felt the Board requested because they believed they added transparency and clarity; it was not because they thought there was an omission from the original Report. The Report has an unmodified opinion, and they do not have any deficiencies to report.

Mr. Miller asked Mr. Tomazin if he objects to the adoption of the revised version.

Mr. Tomazin stated that, in his email, he explained how internal control deficiencies are analyzed and conclusions drawn, and stated his opinion is that the analysis was not provided.

He believes the three disclosures are required and, while he agrees they are not significant, one of them relates to balances due between CDD #2 and CDD #1, in the hundreds of thousands of dollars. He would argue that disclosure is not insignificant. He thinks it is required. He feels that the conclusion lacks rationale and he will not accept that conclusion. He stated that he will not vote to accept the Annual Financial Report until the actual assessment of why the disclosures were initially omitted is provided.

Mr. Pinder reiterated that something was missed in the review; the audit showed that the financial statements are materially correct. A single overlooked item does not constitute a deficiency in internal controls.

Mr. Miller asked if the changes Mr. Tomazin requested were made in the revised version.

Mr. Tomazin confirmed that all the changes were made and that he accepts the Annual Financial Report and the financial statement opinion. He disagrees with Mr. Pinder's statement and voiced his opinion that, according to the framework for evaluating controls, his conclusion is appropriate.

Mr. Miller asked Mr. Pinder why it is not easier to comply with Mr. Tomazin's request.

Mr. Pinder voiced his opinion that they complied. There is no reason that the item was missed; it was simply missed in review. There is no document or checklist. The process used is the same process used by the vast majority of governments in Florida. This is in compliance with GASB, the Florida Auditor General, the Joint Legislative Auditing Committee and Florida Statutes. He stated that they all agree that the financial statements are materially correct as presented. With regard to Mr. Tomazin's comment about internal controls, he welcomes the opportunity to review the internal controls going forward. Mr. Pinder stated that he does not believe that the internal controls were deficient, and the CDD's independent auditor's opinion is in agreement.

Ms. Viegas stated she has internal control issues outside of the audit. She complained that the audit was only received the day after it was filed and stated that, in previous audits, she found numbers from the prior year were not replaced with the current year's numbers. She added there have been other incorrect figures that have required revisions to previous draft audits. Mr. Pinder stated he would like to review the details with her individually.

Ms. Viegas expressed concern regarding internal control policies that Mr. Tomazin mentioned in his email, given the many levels of review and what she believes is insufficient

review of individual transactions as evidenced by miscoded Bowman invoices related to the traffic signal. In response to Ms. Viegas, Mr. Pinder stated he was not aware of any of these issues.

Mr. Pinder provided his business card and stated that he will address these concerns with Ms. Viegas another time.

Mr. Tomazin stated that he is not urging the Board not to accept the audit, but he is personally not accepting the opinions rendered by the auditor because he has not received the analysis he has been requesting for the last two months.

Ms. Stonebraker stated that she provided a Memorandum at the last meeting.

Mr. Tomazin stated his opinion that the Memorandum is too high level to be helpful.

Mr. Miller asked if Mr. Tomazin and Ms. Stonebraker could discuss the issues in advance of the next meeting. Mr. Tomazin voiced his belief that Mr. Pinder should prepare the analysis, and Ms. Stonebraker should review it and concur.

Mr. Pinder stated that, as far as he is aware, the Board has never formally adopted the Committee of Sponsoring Organizations of the Treadway Commission (COSO) Standards that Mr. Tomazin has referred to, and COSO Standards have not been adopted by the vast majority of Florida governments. He stated that he did not prepare a COSO analysis regarding the CDD's internal controls, but that in no way means the CDD's internal controls are insufficient. Asked what framework is used to evaluate internal controls, Mr. Pinder stated that District Management does not use COSO, as it is not required.

Debate ensued as to whether COSO standards are required.

Mr. Pinder stated that COSO Standards are not required for local governments; they are only for large corporations. Mr. Tomazin stated that he is willing to ask the State which framework ought to be applied and if COSO is required.

Mr. Pinder stated that he welcomes Mr. Tomazin's input and opinions. He reiterated that COSO is not the norm for the industry. If the Board would like to proceed in that direction, they can see what is involved, but to apply that standard to a completed audit when COSO was not adopted would not be appropriate.

Mr. Spitzer motioned to table discussion of acceptance of the Annual Financial Report FY2024 [Revised Draft] and to ask Management to provide the required information needed to respond to Mr. Tomazin in advance of the next meeting.

Regarding whether to discuss adopting COSO in the future, Mr. Tomazin stated the Board needs to know under what framework the controls for this District were designed, executed, and evaluated. Mr. Tomazin and Mr. Pinder will discuss this another time.

Mr. Pinder stated the financial statements are materially correct and asked if Mr. Tomazin is willing to accept them.

Mr. Tomazin stated that some of the opinions relate to internal controls, and he is not accepting the opinions of others that stated there are no matters to report.

Mr. Pinder stated he disagrees with Mr. Tomazin's opinion; ultimately, the only opinion that matters is the opinion of the Independent Auditor.

Mr. Miller suggested Mr. Tomazin, Mr. Pinder and Ms. Stonebraker discuss specifically what Mr. Tomazin wants to have in future audits and that Mr. Tomazin needs to be comfortable with what is presented.

Mr. Tomazin stated that he wants an analysis prepared that satisfies the Board as to the conclusions reached and for it to be part of the meeting and be included in the minutes.

Mr. Pinder asked if Mr. Tomazin is willing to accept the Annual Financial Report without the opinion on internal controls.

Mr. Pires stated there are two questions. First, to what extent does the Auditor General need to be notified of this, and second, to what extent does the issue trigger any disclosures on the Continuing Disclosure Agreement (CDA) related to the bond issue. He stated that the CDA includes listed events, and the District Manager is the Dissemination Agent and the Disclosure Agent. He asked if increasing Capital Costs from \$750 to \$5,000 would constitute an accounting principle change and require a notification under the CDA.

Mr. Tomazin voiced his opinion that it is not a change in accounting principle; rather, it is a change in accounting estimate. The principle is still the same.

Mr. Pires stated that he will confer with Bond Counsel to determine whether any notifications need to be sent. He asked if the Auditor General needs to be notified, should the Board accept the audit with the carveout.

Mr. Adams voiced his opinion that the motion should indicate that Mr. Tomazin voted in the affirmative and noted that he did not vote in the affirmative regarding internal controls, so that it is noted in the record.

Mr. Tomazin stated that he would make specific reference to whatever reports make reference to internal control.

Mr. Spitzer withdrew his motion.

- **Consideration of Resolution 2026-01, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024**

On MOTION by Mr. Tomazin and seconded by Mr. Nuzzo, with all in favor, Resolution 2026-01, accepting (1) Report of Independent Auditors, and (2) Independent Accountants' Report in compliance with Section 210.145, Florida Statutes, but not accepting (1) Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, and (2) Management Letter, for the Fiscal Year Ended September 30, 2024, was adopted.

Mr. Pinder left the meeting.

Mr. Pires asked Mr. Adams to schedule a call with Bond Counsel.

Mr. Adams will send a copy of the audit and the meeting minutes to Bond Counsel.

FOURTH ORDER OF BUSINESS

Update: Sunshine Law, Public Records Refresher

Mr. Pires presented the PowerPoint included in the agenda, and noted the following:

- Board Members should contact his office with any questions about the Sunshine Law.
- Matters involving any business of the District have to be public.
- The Sunshine Laws provide a constitutional and statutory right of notice of, and access to, governmental proceedings of public boards.

Mr. Pires read the law from the Florida constitution regarding meetings being noticed and open to the public.

- Nothing is binding unless it is done at a meeting.
- Meeting minutes must be transcribed and recorded.
- Two or more members of the same Board cannot interact with each other or with other Board Members outside of meetings, but they can interact with members of other Boards. There can only be one member interacting. There cannot be two members of the Board interacting with one member of another board.
- Emails cannot be sent between Board members. District Management can send emails to all Board members. They cannot forward an email from a Board Member to the other Board Members.

- Executive sessions can be held for pending litigation; they are not public meetings.
- Be very conservative in all Board dealings. Do not discuss anything Board related or that could come up as a Board matter with any other Board Member outside of a public meeting.
- Civil and criminal penalties can result from violations of the Sunshine Laws.

Ms. Viegas asked Mr. Pires to discuss ethics training requirements and course offerings and Form 1 at the next meeting, including when and how to complete the requirements.

Mr. Pires will also discuss public records at the next meeting.

FIFTH ORDER OF BUSINESS**Update: Superior Waterway Services, Inc.
Treatment Report**

It was noted that no Report was received, as Mr. Nott was on vacation. The Lake Treatment Report will be sent to the Board Members when it is received.

SIXTH ORDER OF BUSINESS**Health, Safety and Environment Report
(Ryan Hennessey)**

Mr. Hennessey presented the PowerPoint and reported the following:

- Concerns related to irrigation and pressure washing, etc., can be emailed to Irrigation@Fiddlerscreek.com and Pressurewashing@Fiddlerscreek.com for staff response.
- Tree Canopy Trimming: Juniper is trimming the coconuts at The Club, and is behind schedule. Juniper is being contacted daily.

A. Irrigation and Pressure Washing Efforts

- Precipitation Data: In September 2025, the average rainfall was 13.07". Last September it was 5.27".
- Irrigation Projected Usage: In September, villages had six rain holds and the common areas had seven rain holds. Total water usage in September 2024 was 51,839,853 gallons and September 2025 usage was 39,695,410 gallons. The difference is due to more rain this year.
- Pump Station Usage: Pump Station #1 is still working in a supportive role until it is fixed.
- Irrigation Report: There were a few minor communication failures this month, but they did not result in charges to CDD #2.
- Pressure Washing: Crews are working in Veneta, Laguna and The Club & Spa to prepare for the grand reopening. Aviamar will be next. The map will be corrected for next month.

Mr. Miller asked why irrigation communication failures happen so frequently. Mr. Hennessey stated that Mr. Benet is always there to address problems as it is an antiquated system and a large community. Ms. Viegas added there are a lot of storms and power outages.

B. Security and Safety Update

Mr. Hennessey reported the following:

- Gate Access Control: Both phone numbers are operational. Community Patrol's phone number is 239-231-9878, which should be called for assistance with security matters. In an emergency, 911 should be called first, followed by Community Patrol. The automated gatehouse number is 239-529-4139, which should be called to add vendors or visitors to the list. Information can also be emailed to safety@fiddlerscreek.com.
- Occupancy Report: Overall average weekly occupancy was almost the same; August occupancy was 897 compared to 905 in September.
- Gatehouses and Patrols: Sandpiper, Championship, and the Main gatehouses are operational 24 hours a day, seven days a week. There are two patrols per shift, generally one patrol in CDD #1 and one in CDD #2.
- Gatehouse Activity: Total gatehouse entries for all three gates were almost the same, with 38,407 in August compared to 38,188 in September. There were no issues at the gatehouses this month.
- Incidents: Incidents were low this month with The Club & Spa still being closed. An increase is expected as it starts to reopen and seasonal residents return.

Mr. Hennessey distributed year-over-year reports. Most incidents were much lower in 2025 compared to 2024, especially open garage doors, gate arm damage, and parking.

- Speed Detection and Enforcement: The portable speed detection device was in use in Marsh Cove and on Sandpiper Drive. First-time offenders accounted for six of eight violations; they were given written warnings. Two repeat offenders were referred to the Fining Committee.
- Per the Collier County Sheriff's Office (CCSO), there were 58 extra patrols in September, 16 medical calls, nine alarm calls, and four accidental calls to 911 (hang-ups).
- Mr. Pires addressed the Traffic Control Agreement. It was signed off on and entered in the database with the Sheriff beginning on September 27, 2025. Mr. Hennessey reported in the last four days of the month there were seven traffic stops and more are expected.

Mr. Spitzer appreciated Mr. Hennessey providing the additional reports. He was asked to include these in the agendas going forward.

SEVENTH ORDER OF BUSINESS**Continued Discussion: Wall Bordering Museo Circle**

Mr. Baker stated a contractor inspected the wall. He hoped to have a proposal to present today, but did not receive it; a proposal will be presented at the next meeting. He talked to Mr. Barrow about his portion. Mr. Barrow stated he sent his proposals to Mrs. Adams.

Mr. Baker stated the proposals will be by linear foot or by wall sections. The contractor will be Precast by Design. Mrs. Adams asked Mr. Baker to request a proposal from Coastal also.

EIGHTH ORDER OF BUSINESS**Developer's Report/Update**

Mr. Haak reported the following:

- Work continues at The Club & Spa. The pickleball courts are open. Everyone should be mindful and stay out of the areas that are still under construction.
- An October update on the renovations went out last week. Everything remains the same on timing of openings.
- Dorado building is underway.

In response to Mr. Miller's question, Mr. Haak believes three of the four units are sold.

Ms. Viegas asked if there is an update on the large irrigation project that will impact the entire community. Mr. Haak stated there are no material updates.

NINTH ORDER OF BUSINESS**Engineer's Report/Update: Bowman Company**

In Mr. Cole's absence, Mr. Baker reported the following:

- The traffic signal is still projected to be operational in mid-November. They worked out the power issues with Florida Power & Light (FPL). The date the signal will begin flashing is up to Collier County.

Mr. Miller asked what is being dug up now. Mr. Baker stated that he is unsure and will check with Mr. Cole.

Ms. Viegas asked about the cost summary that Mr. Nuzzo requested. Mr. Baker will follow up with Mr. Cole.

Mr. Baker distributed a memo from MRI, who performed the camera review of the Campanile drainage line. MRI found some silt in the pipes, but not enough to cause a blockage or for it to be the cause of the flooding. MRI found that control structures in the lines are missing and some are not connected to the lake. The lines were on the as-built drawings. He recommended sending the issue to Grady Minor, through Mr. Haak, for clarification, because the structures are on the as-builts but were never installed.

Mr. Miller asked Mr. Haak if he would follow up. Mr. Haak stated he just received the package and has not had any time to review it or review it with staff.

Ms. Viegas asked if Mr. Baker would respond to the resident who raised the issue. Mr. Baker stated he will since the findings have now been made public.

Mr. Pires asked for the date of the as-built drawings. It was noted that the drawings show the date of February 27, 2007.

Mr. Miller found it interesting that it would take 18 years to identify missing pipes. Mr. Baker was unsure if it is because that level of rainfall has not been received until now. He noted that a second opinion might be obtained. If it is verified by Grady Minor, his firm would want to ask Grady Minor for a plan to install an additional pipe, at their expense.

Mr. Baker stated he is still working with Mr. Pires on the Pumphouse 1 bid documents and hopes to advertise for the work soon.

Ms. Viegas asked if the Quilcene drainage issues were resolved. Mr. Barrow stated he needs to install the dome inlets to prevent debris from getting in; he is obtaining the parts.

Ms. Viegas asked about the fair share calculation payment from 7-ELEVEN towards the traffic signal since the calculation was approved. Mr. Baker stated he will follow up with Mr. Cole. Mr. Miller wants aggressive action taken with 7-ELEVEN. Mr. Baker stated he will make Mr. Cole aware.

TENTH ORDER OF BUSINESS**Continued Discussion: Existing Sign Inserts**

Mr. Baker distributed the updated Lykins-SignTek (Lykins) proposal, which was reduced by \$1,205 due to the deductions based on Ms. Viegas's report last month. Regarding questions raised, he did confirm that 4-Way signs are no longer allowed; instead, the signs must be All

Way. Regarding the cost difference between All Way and 3-Way signs, he believes the difference is less related to the verbiage; it is likely because one sign involves replacing a sign insert, and the higher cost includes the sign and the insert.

Ms. Viegas asked Mr. Baker why the 3-Way signs were much less expensive than the All Way since they are the same size. Mr. Baker stated he thinks it is because they will have new frames. Ms. Viegas referred to her photos in the agenda and asked why new frames are needed, as the current frames are fine. Mr. Baker will find out. Each All Way sign is \$155 more, and four are required.

Ms. Viegas asked if Mr. Baker checked with Lykins about why the Divided Highway sign must be a yellow diamond rather than the current rectangle. Mr. Baker stated that he will ask Lykins.

Ms. Viegas noted that the proposal says it expires on November 19, 2025, and the project will not be completed until after the poles are painted, so it is necessary to have them extend the date and hold their costs.

ELEVENTH ORDER OF BUSINESS**Consideration of Florida Painters Exterior Painting Proposal [Light Poles and Street Signs]**

Mrs. Adams recalled that the Board approved the light poles and street sign painting by Florida Painters for \$72,000. She realized that the proposal in the agenda was not correct for the number of light poles, so she worked with Florida Painters, who provided an updated proposal. The new proposal is in a not-to-exceed amount of \$81,000, which includes a discount of over \$16,000. Mrs. Adams stated that, in the proposal, Phase 2 has 67 light poles, but the correct number is 145. In Phase 3, the original number of light poles was 58, but the actual number is 90.

Mr. Miller asked if any competitive bids were obtained. Mrs. Adams stated one other company submitted a much higher bid. Ms. Viegas recalled that the other bid was \$115,000. Mrs. Adams added that the bid had incorrect numbers as well, so it could be even higher.

Mrs. Adams stated the project can be completed between January and March 2026. Ms. Viegas asked Mr. Baker to tell Lykins they need to hold their costs until after that period.

On MOTION by Mr. Tomazin and seconded by Mr. Nuzzo, with all in favor, the revised Florida Painters Exterior Painting Proposal for Light Poles and Street Signs, in a not-to-exceed amount of \$81,000, was approved.
--

TWELFTH ORDER OF BUSINESS**Continued Discussion: Irrigation Action Items**

Mr. Baker stated he had nothing to report. He has been unable to meet with Mr. Haak due to time constraints.

Ms. Viegas noted that Items 2, 3 and 5 had new notes that state "Pumphouse integrity and regular maintenance to address these issues is required for longevity of the pump stations." Since this is clearly not being done, she asked who is responsible for the regular maintenance. Mr. Baker stated that some of these are ongoing maintenance items; his firm is responsible for engaging contractors to perform the repairs. These items were passed on to him by Mr. Cole.

THIRTEENTH ORDER OF BUSINESS**Update/ Fountains: Crystal WaterScapes (Robert Engler)**

Ms. Viegas called attention to a \$5,000 error in the Aviamar proposal, which indicates that five VFD drives are needed, at a cost of \$6,000 each, for a total cost of \$35,000; however, it should be \$30,000. Mr. Engler will revise the proposal. Ms. Viegas noted that the attached PVF Industrial (PVF) quote was not attached to the proposal in the agenda, as the proposal states.

Mrs. Adams stated the PVF quote was distributed today.

- **Discussion/ Consideration of Proposals for Fountain Repairs**

- A. Oyster Harbor**

- This item was discussed following Item 13B.

- B. Aviamar**

- Mr. Engler asked the Board to look at the Aviamar fountain photos he submitted. The photos show the mess under the fountain. One of the photos shows a cracked PVC pipe that had been covered in concrete. He discussed the scope of work and proposed repairs and reminded the Board that there is still an open hole at the fountain until the work is approved.

- Mr. Engler will provide updated proposals for items discussed.

- Ms. Viegas noted that Mr. Engler's email addressed other changes to the proposal from three 6X6 pumps and two 5X5 pumps to five 6X6 pumps, increasing the price by \$4,000

because they were the quickest pumps, as far as availability. Ms. Viegas asked about the timing involved. Mr. Engler stated that there was a one-month difference.

Discussion ensued regarding the scope of work and the proposals.

Ms. Viegas noted that the pumps in the photos are falling apart due to rust and asked how the new pumps are protected. Mr. Engler stated the new pumps have a coating that will prevent rust.

Ms. Viegas stated she needed to review the new costs submitted today and any errors will need to be adjusted. Mr. Engler stated that, even if there are errors, he will not do the job for less. Mr. Tomazin stated that it is not acceptable. After discussion, it was agreed that, if the proposal errors are material, the price will be adjusted. The total proposed cost for the portion to be reviewed by Ms. Viegas is \$10,642.87.

Ms. Viegas noted that the work had already started and asked how long it would take for it to be completed. Mr. Engler stated the work will be completed in December.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, the Aviamar fountain proposal, in a not-to-exceed amount of \$221,355.87, unless substantial errors are found in the PVF Industrial proposal, was approved.

Mrs. Adams will provide a standard form of CDD Agreement. The consensus was that the work will be completed by mid-December.

▪ **Oyster Harbor**

This item, previously Item 13A, was presented out of order.

Mr. Engler discussed issues with the filtration system resulting from the current design with a VFD Drive and the four options presented. He recommended Option 2, which is a commercial sand filter that will allow the fountain to run to its full height and will not blow out the filtration system.

Ms. Viegas asked Mr. Engler to explain why he is recommending Option 2, which is the most expensive of the four options.

Mr. Engler stated that Option 1 involves installing new cartridges in the filter with a new pump. Option 2 includes installing a sand filter which is better than the current cartridge filters. Mr. Engler added Option 2 will be quieter and will last the longest. Option 3 involves fixing the current motor and installing a sand filter. Option 4 involves fixing the motor and installing a sand filter and a VFD drive, which is not ideal.

Ms. Viegas stated that the recommendation of Option 2 includes all new equipment rather than replacing equipment at a cost of \$10,675. She noted that Option 1 is \$5,675; Option 3 is \$10,080 and Option 4 is \$8,340.

Asked why Option 1 is not recommended, Mr. Engler stated that cartridge filters are not ideal; the fountain is large, and it would backwash into the lake or into the street.

Mr. Engler stated that, upon approval, he can order the filter and pumps, and the work could be completed within three weeks. Ms. Viegas voiced her opinion that the Aviamar fountain takes precedence, as the Oyster Harbor fountain is operational, and residents are not complaining.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, the Oyster Harbor Fountain Proposal Option 2, for a new filter pump and a new sand filter, in a not-to-exceed amount of \$10,675, was approved.

Ms. Viegas noted that, per the transaction detail report, Mr. Engler is charging the CDD \$2,400 for fountain maintenance. She asked what the CDD is paying for since Aviamar has been down for months and Veneta was down for months. Mrs. Adams stated the CDD is getting a \$1,200 monthly discount while the fountains have been down. When they are all up and working the amount will increase to \$3,600.

Mr. Engler left the meeting.

Mr. Tomazin noted that he had requested getting a consultant to review the work being proposed or have the District Engineer look at the fountain proposals. The CDD is going to be paying Mr. Engler a quarter of a million dollars. Ms. Viegas noted she wanted the same. The CDD is in a difficult position with the condition of the fountains and having to get the work done. The CDD is being forced to accept Mr. Engler's recommendations and costs.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2025

Mr. Miller asked what interest rate the CDD is earning with the Synovus account. Mr. Adams stated the current rate is between 3.5% and 3.6%.

Mr. Miller asked how Interest & Miscellaneous could be at 418%. Mr. Adams stated that interest was budgeted conservatively because of potential interest rate fluctuations. Ms. Viegas noted the amount includes the \$50,000 payment from Halvorsen towards the traffic signal.

Mr. Miller asked about the fountain line item at 178%. Mrs. Adams read from her Financial Highlights report and stated it includes renewal of the insurance policy, \$42,900 to Bentley Electric, and ongoing repairs by Mr. Engler.

Ms. Viegas stated, according to her calculations, Mr. Engler has been paid \$143,586, year-to-date. This month alone, of the \$54,076 expensed, \$50,360 was paid to Mr. Engler for repairs.

Mr. Miller asked about the streetlighting contractual services line item at 211%. Mrs. Adams stated that line item includes insurance, the holiday lighting program, streetlights, landscape uplights, and a Veneta monument repair. Ms. Viegas thinks several streetlights that were hit were repaired.

Ms. Viegas stated that Bowman invoices were mistakenly applied to the roadway capital outlay and roadway maintenance line items, causing the Engineering line item to be at 20% of budget at the end of the year. Mrs. Adams stated she will have Accounting forward some items. Accounting has been splitting expenditures shared with CDD #1. It was noted that the splits are included in the \$22,360 Bowman invoice. When all the information is gathered, Mrs. Adams will submit it to Board Members.

Mr. Adams stated the reconciliation of the traffic signal will be completed soon and they will have to determine the final amount to charge CDD #1. Ms. Viegas stressed her disappointment that the invoices continue to be coded incorrectly despite her raising this issue months ago. She stated the reason the Engineering line item is only at 20% of budget is due to the miscoding of the Bowman invoices.

It was noted that year end recoding will be done.

Mr. Tomazin asked for District Management to create a running analysis of all the fountain repairs, the proposals, and the amounts, and present it to the Board.

Ms. Viegas stated she requests the transaction detail every month and compares the invoices to the approved proposals. Mr. Tomazin voiced his opinion that Ms. Viegas should not have to do that. He thinks the District Management team should do it due to the amount being spent and that it should be an ongoing analysis until the fountains are all repaired.

Mr. Adams stated that a spreadsheet and copies of contracts will be provided.

The financials were accepted.

The following changes were made:

Line 68: Change "the Board" to "Management, who shared it with the Board"

Line 78: Change "find judgment" to "determine a finding"

Line 262: Change "He" to "Mr. Baker" and change "they" to "MRI"

Line 403: Delete the period before "Mr."

Line 488: Change "Engineer" to "engineer"

On MOTION by Mr. Miller and seconded by Mr. Tomazin, with all in favor, the September 24, 2025 Regular Meeting Minutes, as amended, were approved.

SIXTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Ms. Viegas reviewed the list.

Item 2: Ms. Viegas wanted it to be reflected in the minutes that, if the CDD stays with the same auditing firm, the Fiscal Year 2025 audit must be submitted to the Board at least by the May meeting. She wants District Management to notify the auditors. Mr. Miller noted the limited number of choices for the auditors and recalled that the current auditor was engaged due to problems with the prior auditor who decided not to perform the CDD's audits any longer. Mr. Tomazin noted that four bids were received so the CDD definitely has other alternatives. Mr. Miller suggested finalizing the issues with this auditor first before taking any next steps.

Item 4: Ms. Viegas asked when the Board would know the fees for refinancing the eligible bonds. Mr. Adams stated he is working with Synovus for private placement, since they are the CDD's bank and the CDD has investments with Synovus. Mr. Adams stated that he will send the fees to the Board when he receives them.

Item 6: Mr. Pires stated he included the Amaranda Easement Use Agreement in the agenda, but he wants to table it to the next meeting. Ms. Viegas had edits and the attorney for Amaranda also had additional input. Pulte agreed to pay for the engineering and attorneys' fees, which have increased over the past week.

Item 16: Ms. Viegas stated the amount must be changed due to the updated Lykins proposal.

Staff Reports

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

Mr. Pires stated that the deadline to file Form 1 for 2024, which must be done electronically, was June 30, 2025.

- **Consideration of Limited Easement and Right of Way Use Agreement with Amaranda Village Association, Inc**

This item was addressed during the Sixteenth Order of Business.

- **Report on Collier County Planning Commission/Consideration of Proposed Greenway-Fritchey RPUD**

Mr. Pires discussed the Collier County Planning Commission hearing on October 16, 2025 approved the Residential Planned Unit Development (RPUD). The Developer should make a fair share contribution for the traffic signal due to the project. Mr. Pires stated the traffic signal mast arm must be removed and reinstalled to build the project.

The Board directed Mr. Pires, Mr. Miller, and CDD #1 Chair Joe Schmitt to attend future hearings and raise the fair share contribution.

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

- **NEXT MEETING DATE: November 5, 2025 at 10:00 AM**

On MOTION by Ms. Viegas and seconded by Mr. Tomazin, with all in favor, canceling the November 5, 2025 meeting, was approved.
--

○ **QUORUM CHECK**

All Board Members confirmed their attendance at the December 10, 2025 meeting.

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

The Operations Report was included for informational purposes.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Comments

There were no Supervisors' comments.

NINETEENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 12:00 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair