MINUTES OF MEETING
TIMBER CREEK SOUTHWEST
COMMUNITY DEVELOPMENT DISTRICT

The Regular Meeting of the Board of Supervisors of the Timber Creek Southwest Community Development District was held on Thursday, April 16, 2026 at the Social Room, Timber Creek Town Center, 11590 Timber Creek Drive, Fort Myers, Florida 33913. It began at 10:15 a.m. and was presided over by Mr. Scott Edwards, Chairperson, and James P. Ward as Secretary.

Present:

Scott Edwards	Chairperson
Dalton Drake	Vice Chairperson
Barry Ernst	Assistant Secretary
Fernanda Martinho	Assistant Secretary

Absent:

Ashley Kingston	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
Ryan Shute	District Engineer

Audience:

Erin Johnston	Helene Virgara
Rob Hewitt	Lori Gonzalez
Anna Fink	Steven Gasper
Janine Reiff	Nathan Nalley
Mark Ramsey	David Moret
Barb	Amber Mateo
Richard	Lynn
Phyllis Tomeck	Bertha Maiese
Mary Chapa	Maria Bayon
Deborah Keblys	Jonathan Cortes
Lisa Shuttleworth	Larry
Wade Sober	John O
Laura Nixon	John T Helm
Rene O'Donald	Brian O'Brady
Gary	Chuck
Sebastian Scarcipino	

All residents' names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes. Portions of these minutes may be transcribed in verbatim.

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

Mr. Ward called the meeting to order at approximately 10:15 a.m. He conducted roll call; all Members of the Board were present, with the exception of Supervisor Kingston, constituting a quorum.

SECOND ORDER OF BUSINESS **Notice of Advertisement**

Notice of Advertisement of Public Hearings and Regular Meeting

THIRD ORDER OF BUSINESS **Consideration of Minutes**

January 15, 2026 – Regular Meeting Minutes

Mr. Ward asked if there were any additions, corrections, or deletions to the Minutes; hearing none, he called for a motion.

On MOTION made by Barry Ernst, seconded by Dalton Drake, and with all in favor, the January 15, 2026 Regular Meeting Minutes were approved.

FOURTH ORDER OF BUSINESS **PUBLIC HEARINGS**

I. FISCAL YEAR 2027 BUDGET

Mr. Ward reviewed the public hearing process. He indicated mailed notice was sent to the property owners. He stated since the mailing, the CDD worked with the HOA to better clarify the facilities which would be maintained by the HOA versus the CDD. He explained originally all facilities were being maintained by the HOA and now these facilities were moved to be maintained by the CDD. He noted there would be an agreement between the HOA and the CDD in the future for some of the common assets which would be better maintained by the HOA. He stated the public hearing the residents were present for today would be continued until June 18, 2026, for which the residents would also receive a mailed notice. He stated he would proceed with the public hearing today to review the revised budget.

a) Public Comment and Testimony

Mr. Ward called for a motion to open the public hearing.

On MOTION made by Barry Ernst, seconded by Dalton Drake, and with all in favor, the public hearing was opened.

Mr. Ward: As I mentioned earlier we sent you a notice which shows you what the assessment rate was intended to be based on the preliminary discussions we had with the HOA. I'm going to put that aside for a moment because I want to go through where we are *going to be at the second public hearing. The Board is going to adopt today a revised budget which includes additional facilities that we have worked out with the homeowner's association that we will be maintaining. They include things like the stormwater system, the pipes that interconnect the stormwater system, some landscaping elements in the community, your perimeter buffer that I know now needs fencing and many people have asked for that. Those are the primary elements of what the CDD will be doing. The assessment rate for the new mailing is going to be $759.66 per unit per year and that is in addition to your capital assessment. The current rate we had, where we had absolutely no operations, is $173.92 per year. Does anybody have any questions?*

Mr. Gary _____: Just out of curiosity, how much do you have in reserve?

Mr. Ward: At the end of this year, we will not have anything in reserves. We have transitioned some of our assets already for maintenance from the HOA to the CDD, so the funds we did have we are using them to pay for the operations through September 30 of this year.

Speaker (male) 5:44: (indecipherable)?

Mr. Ward: In the current year we are in, which ends September 30 of this year, when you all transitioned your HOA from Lennar to resident control, the HOA reached out to us, and we started to take on some of the maintenance items that were currently being maintained by the HOA. So, we have done some of those things, not a lot of them, and we basically expended all the funds that we had available. We have no reserves left.

Mr. Gary: So, you're saying the HOA was paying for things that the CDD should have been paying for?

Mr. Ward: CDDs in general, when they start up, have agreements between the CDD and the HOA where the HOA maintains all of the CDD facilities. Sometimes in Districts that are transitioning from developer to resident control the residents say we want to continue to maintain those assets or those facilities, and they stay in the HOA budget, but I have many Districts, including this one, where we are transitioning the CDD assets back into our budget process.

Mr. Gary: It seems like you should owe the HOA reimbursement for what we paid for that you should have been paying for.

Mr. Ward: I think what is important to remember is the CDD and the HOA are the same, the constituent base is exactly the same, so which ever budget it comes out of, at the end of the day, it's all of you who pay for it. If we repay the HOA, we would charge you to reimburse the HOA, so it's the same thing.

Speaker (female) asked if the CDD took over the ponds, would it also take over the littoral shelves and maintain the littoral shelves to the proper standards.

Mr. Ward responded in the affirmative.

Mr. Chuck _____ asked (indecipherable).

Mr. Ward: Yes, sir. We are in the process of restoring all the aerators that are in the water management system. It's part of the money we have been using in the current year.

Speaker (female) asked if HOA fees would go down when the CDD took over maintenance.

Mr. Ward: It would come out of their budget. Their budget should be different.

Speaker (female) noted if the HOA budget was different, then the residents would be charged less.

Mr. Ward stated it should balance out; if the HOA budget did not include the maintenance of CDD assets then the HOA budget should not go up, but the CDD budget was going up to cover the new maintenance costs.

Speaker (female) asked: *So, will the HOA fees go down?*

Mr. Ward: I'm not going to say that because I don't represent the HOA, but if you take it out of the HOA budget, I don't know what else is in the HOA budget, so those other items may offset or go down or go up, I don't know. I do know it will come out of their budget. Those are costs that will no longer be in their budget.

Ms. Rene O'Donald (ph): That $759.66 is O&M, plus the capital portion, which you said was what?

Mr. Ward: It's different for every kind of property type, so the easy way to know that is to look at last year's tax bill, whatever the total is, you subtract $173 dollars, and that will give you what your capital assessment is. You, alternatively, can call me, and I can give you your capital balance. This coming year, you will also be able to go to the CDDs website and through a parcel search you will be able to see specific information on your capital assessment.

Mr. Brian O'Brady (ph) discussed the flooding issue in his yard. He indicated the stormwater drains were not working and had not been working for years. He said he had water moccasins and cotton mouth snakes, and it was dangerous.

Mr. Ward indicated the CDD was aware of the issue and was in the process of completing an inspection of the entire stormwater system, including videoing the pipes to record the sediment levels. He explained once this was done, the CDD would go back and clean the system.

Mr. Ryan Shute asked for Mr. O'Brady's address.

Mr. O'Brady provided his address.

Mr. Ward stated the CDD would help Mr. O'Brady.

Mr. O'Brady continued to discuss the difficulties he was experiencing with flooding at his home.

Discussion ensued regarding drainage issues in the community; cleaning the pipes to address the problem; where the water flow was directed and why it was not directed directly into the preserve area.

Ms. Rene O'Donald stated her CDD assessment was well over $1,000 dollars currently, so the assessment rate of $793 dollars did not make sense. She asked for clarification.

Mr. Ward: If you look at your tax bill from November of last year, whatever your total is, if you take off $173 dollars that's the fixed capital assessment portion for your specific lot. Whatever that number is, based on the proposed new budget, you add $759 dollars to that number and that will be what your tax bill is in November 2026.

Speaker (female) asked about the capital assessment.

Mr. Ward: The capital assessment that's on all of your properties covers the construction of the original infrastructure. The CDD built the water management system, which includes your lakes. We did landscaping, and some other facilities. That fixed capital assessment is financed with larger bond issues and then you pay for that over a 30 year period. That stays on your lots. You can pay that off early if you want to.

Speaker (female) asked: *What kind of bond is that and what happened with the other $1,500 dollars? Where did that go?*

Mr. Ward: $1,542 dollars you said. Take off $173 dollars for the operating assessment, and what you have left is the fixed capital assessment. That's what stays on your lot for 30 years. It pays the debt service, the principal and interest due on the bonds. Your operating assessment on last year's tax bill was $173 dollars.

Mr. Sebastian Scarcipino: Can we go back to the reserve question again? You're saying there is nothing left in the reserves. Have you been putting anything away for the past five years?

Mr. Ward: No, not really because we haven't been doing any operations. It was all in the HOA. We are now just starting.

Speaker (female) asked: *Is that because Lennar did not ask you to do that? They accepted the responsibility of all the costs and expenses?*

Mr. Ward: When you don't have operations in a CDD there is not much need to put a reserve in there because we are not doing anything. It's all in the HOA. We don't usually put reserves. We had a little bit extra that we've been able to use this year to help out and do some of the maintenance work. It's not a normal thing for a CDD to put a reserve in when you don't have maintenance. Now that we have maintenance we will start to build a reserve.

Speaker (female) asked: *Are the ponds permitted correctly or are we going to get a letter from Florida in ten years saying we have to redo them? Are you checking on the slope to make sure it's proper?*

Mr. Ryan Shute: The ponds and everything are permitted correctly and that's part of the developer's certification process through the Water Management District and the County, to go back and do whatever inspections are necessary to certify that. In ten years from now, is there going to be required maintenance on the lake banks? Yes, I'm sure there will be. Some of the lakes have already been turned over, but there is a process that the developer goes through with the Water Management District and the County that all of that gets certified, inspected, etc., and then it gets turned over to the CDD.

Speaker (male) asked: What type of bond was taken out?

Mr. Ward: They are called tax free municipal bonds that are financed in the municipal markets when we do infrastructure financing.

Speaker (female) asked about the littorals.

Mr. Ward: Yes, we are aware of the issue with the littorals, and we are in the process of putting them all back in differently. We are using different materials. Part of the issue is the aerators, which we are putting back in place also. It's all being done.

Discussion ensued regarding the littoral shelves; how littoral shelves were replaced or replanted; cleaning out some of the dead materials and adding new plant materials to the littoral shelves; and whether longer grass helped with soil retention.

Speaker (female) discussed a lake which was eroding into a resident's yard. She asked when the littorals would be planted to prevent further erosion.

Mr. Ward: Now that it is starting to rain we plan to plant the littorals. We couldn't plant in the dry season because it was too dry. Now that it's rainy I suspect we will be planting in two to three weeks.

Discussion continued regarding planting littoral shelves.

Mr. Ward asked if there were any additional questions; there were none. He indicated there would be another public hearing on June 18, 2026. He called for a motion to close the public hearing.

On MOTION made by Barry Ernst, seconded by Dalton Drake, and with all in favor, the public hearing was closed.

b) Consideration of Resolution 2026-4 Amending the date of the Public Hearing to Thursday, June 18, 2026, at 9:30 a.m., to consider resident requests to include CDD facilities into the Fiscal Year 2027 Budget

Mr. Ward stated Resolution 2026-4 amended the date of the public hearing to June 18, 2026.

On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, Resolution 2026-4 was adopted, and the Chair was authorized to sign.

c) Consideration of Resolution 2026-5 a Resolution of the Board of Supervisors of the Timber Creek Southwest Community Development District Approving the Revised Proposed Budget for Fiscal Year 2027 and Setting a Public Hearing for Thursday, June 18, 2026, at 9:30 A.M. at Timber Creek Clubhouse, 11590 Timber Creek Drive, Fort Myers, Florida 33913

Mr. Ward stated Resolution 2026-5 approved the proposed budget for fiscal year 2027 and also set the public hearing for June 18, 2026.

On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, Resolution 2026-5 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS Consideration of Resolution 2026-6

Consideration of Resolution 2026-6, a Resolution of the Board of Supervisors of the Timber Creek Southwest Community Development District setting the Final Landowners Election for November 19, 2026, at 9:30 AM at the offices of Lennar Homes, 10461 Six Mile Cypress Highway, Fort Myers, Florida 33966 for a Landowners' Meeting and Election; Providing for publication; establishing forms for the Landowner Election; and providing for severability and an effective date

Mr. Ward stated Resolution 2026-6 set the landowner's election date pursuant to the statute for November 19, 2026 at 9:30 a.m. at Lennar Homes. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, Resolution 2026-6 was adopted, and the Chair was authorized to sign.

Speaker (female) asked where the notes for the next meeting could be found because she would not be able to attend.

Mr. Ward responded www.timbercreeksouthwestcdd.org. He noted the website contained minutes, financial statements, audits, and other useful information.

SIXTH ORDER OF BUSINESS Consideration of Resolution 2026-7

Consideration of Resolution 2026-7, a Resolution of the Board of Supervisors of Timber Creek Southwest Community Development District implementing Section 190.006(3), Florida Statutes, and requesting that the Lee County Supervisor of Elections begin conducting the District's General Elections; providing for compensation; setting forth the terms of office; authorizing notice of the qualifying period; and providing for severability and an effective date

Mr. Ward stated Resolution 2026-7 implemented Section 190.006(3) of Florida Statutes for the District to conduct general elections which would allow the CDD to put the qualified electors on the ballot when appropriate. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Dalton Drake, seconded by Barry Ernst, and with all in favor, Resolution 2026-7 was adopted, and the Chair was authorized to sign.

SEVENTH ORDER OF BUSINESS Consideration of Resolution 2026-8

Consideration of Resolution 2026-8, a Resolution of the Board of Supervisors of the Timber Creek Southwest Community Development District Authorizing the Adoption of the Statewide Mutual Aid Agreement and Providing for an Effective Date

Mr. Ward stated Resolution 2026-8 was for the mutual aid agreement. He explained the State had a provision through the Division of Emergency Management which allowed CDDs to request resources or funds from the State in the event of a natural disaster. He indicated it was a complicated process to request resources or funds, so unless the amount of funds being requested were significant it would not be worth doing so, but it would be good to have this agreement in place just in case. He noted it was not mandatory for the CDD to use the agreement. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, Resolution 2026-8 was adopted, and the Chair was authorized to sign.

EIGHTH ORDER OF BUSINESS Staff Reports

I. District Attorney

Mr. Greg Urbancic reported one piece of legislation might impact the CDD; the CDD might see a slight insurance increase. He explained CDDs enjoyed a limited waiver of sovereign immunity as did all government agencies; the caps for this have been $200,000 dollars per occurrence, and $300,000 dollars in aggregate; these were increasing to $350,000 dollars and $500,000 dollars.

II. District Engineer

No report.

III. District Manager

a) *Important Meeting Dates for Fiscal Year 2026:*

- **General Election: Candidate Qualifying Period June 8, 2026 – June 12, 2026 (Seats 2 and 4)**
- ***Public Hearing: Revised Proposed Budget for FY 2027- Thursday June 18, 2026***

b) Financial Statements for period ending January 31, 2026 (unaudited)

c) Financial Statements for period ending February 28, 2026 (unaudited)

d) Financial Statements for period ending March 31, 2026 (unaudited)

Mr. Ward: I will note for the record that my firm has been acquired by PFM Financial Advisory Services. We have closed. I will still continue on as your manager, but you will see instead of my firm's name, we will be using PFM Financial Advisory Services going on into the future. I will transition my agreements to the new firm in the next couple of months. There are no actions needed; they actually acquired my assets.

NINTH ORDER OF BUSINESS Supervisor's Requests

Mr. Ward asked if there were any Supervisor's requests; there were none.

TENTH ORDER OF BUSINESS Public Comments

Mr. Ward asked if there were any public comments.

Speaker (female) asked how many homeowners were present online.

Mr. Ward responded he could not tell because his screen only held 20 visible slots.

Speaker (female) asked how many seats were up for election.

Mr. Ward: There are three seats up for election. Two of the seats will be qualified elector seats which you qualify through the Supervisor of Elections Office in the first week of June, I think. I can get you the information if you want to do it. The third seat is what we call a landowner's seat so any landowner can show up at a landowner's election, they would nominate one person to serve in that final seat. To qualify for a qualified elector's seat, you have to be a citizen of the US, resident of the State of Florida, live in Timber Creek as your permanent residence, and be registered to vote in Lee County. We have this all on our website also, so you will be able to see it there. We have the qualifying information, the qualifying period, etc., and which seats are up for election.

Speaker (male): (Indecipherable)?

Mr. Ward: It was $173, now it's going to be $795 dollars.

Speaker (male) asked: Is there a comprehensive list that can be shared identifying specifically what the CDD is going to be responsible for maintaining versus the HOA?

Mr. Ward: Yes. We are working on those maps now that we will put on the District's website. We are working with the District Engineer. It just takes us a little bit of time to get those maps ready. It will show all the CDD assets that we are maintaining, and then obviously the budget will be on there. I think we probably have another two months before we have the maps ready to go.

Speaker (female): (Indecipherable)?

Mr. Ward explained the CDD consisted of 5 Lennar personnel currently, although Mr. Barry Ernst recently resigned from Lennar. He stated the three seats up for election would be Fernanda Martinho, Dalton Drake and Ashley Kingston. He stated two seats were qualified elector seats, or resident seats, and one seat was a landowner seat. He explained any landowner could attend the landowner election meeting to vote in a landowner.

Speaker (female) asked: So, the landowner seat could be anybody from State of Florida. Someone could just nominate another person to be on the Board. They don't have to be a resident of Timber Creek. Okay. At the end of the day, we will have three new folks, and the Board will be three new people, and the two Lennar employees stay.

Mr. Ward: Correct.

Speaker (female) asked: How long are the tenures for the two Lennar employees? Do we ever turn the CDD over entirely to Timber Creek?

Mr. Ward: Yes. It turns over in two year increments. We start in 2026, then 2028 and 2030.

Speaker (female) asked: All of your clients are CDDs correct?

Mr. Ward: Yes.

ELEVENTH ORDER OF BUSINESS Adjournment

Mr. Ward adjourned the meeting at approximately 10:54 a.m.

On MOTION made by Dalton Drake, seconded by Barry Ernst, and with all in favor, the Meeting was adjourned.

Timber Creek Southwest
Community Development District

Signature: James Ward James Ward (Jul 17, 2026 08:51:06 EDT)	**Signature:** Scott Edwards Scott Edwards (Jul 9, 2026 12:47:18 EDT)
Email: wardj@pfm.com	**Email:** scott.edwards@lennar.com
James P. Ward, Secretary	Scott Edwards, Chairperson

TCS - Minutes 04 16 2026 - PDF for Signature

Final Audit Report 2026-07-17

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