Riverwind Cove HOA Board of Directors Meeting
June 25, 2026 * 18230 Riverchase Ct. * 6:30 PM

ZOOM
Info: https://us02web.zoom.us/j/86410269625?pwd=n4SPaQJjIRlKZwWqsX1Pb54ambTZCx.1
Meeting ID: 864 1026 9625
Passcode: 301366

Board members present:	Cindy Presson Cathy Hayes Tara Celaya Deanne Smith Nancy Bohlen
Members present:	Butch Presson Benny Crews Mary Valenti-Sizemore Don Tate Tracey Hinojosa Dennis Hinojosa Gary Haring Richard Quinn John Bohlen
Zoom participants:	Tammy and Bryson Clark Josiah & Rachel Freemyer Ellen Donald Rob Morgan Tiny Drake

I. **Call to Order** - the meeting was called to order at 6:26 p.m. by Cindy Presson.

II. **Welcome**

   a. Cindy Presson welcomed attendees.

III. **President's Report**

   a. Cindy noted that the person responsible for the destruction of some pond and conservation easement signs admitted to the damage and will be helping with HOA projects around the community in the future. The HOA has been reimbursed for the damage, and the replacement signs have been put in place.

b. Cindy reminded everyone about culverts and storm drain grates in your yards to keep them cleaned out of weeds and debris. The Environmental Oversight Committee will also be monitoring these and will let homeowners know when debris blocks the flow of water.

c. Cindy noted that two items on ARC request forms were implemented in error.

   i. The ARC request form included a road bond for damages to the roads due to heavy equipment when the homeowner is making repairs to an existing home. The Covenants language is specific to new construction only. The HOA has no accommodation in our Covenants for a road bond for repairs to a home, so this language has been removed from the ARC request form.

   ii. The ARC request form also included a road bond for new construction with a deposit calculation based on the estimated total project cost. That is not accommodated in the Covenants. The Covenants state that the HOA can only request a $1000.00 road bond.

   The forms have been updated and are available on the website.

IV. **Secretary's Report**

a. Tara Celaya reported that the Board has reviewed the meeting minutes from the April 25th Board meeting. Tara made the motion to approve those minutes. Cathy seconded the motion. Cindy asked if there were any questions regarding the minutes. Hearing no discussion, the minutes were approved by acclamation.

V. **Treasurer's Report**

Cathy reported the following balances as of June 25, 2026:

- Operating - $171,174.99
- Reserves - $111 095.12
- Construction - $2049.21
- Special Assessments -$87, 269.21

Arrears (Total = $ 13,883.30):

- Lot #65 $7,187.52
- Lot # 31 $3,000.99
- Lot # 4 $3,694.75

VI. **Committee Reports**

a. **Architectural Review Committee (ARC):** Chairman Don Tate read the following report:

Closed Projects:
Lot # 35, 18140 Riverchase Ct. Roof replacement CC Lee County
Lot # 73, 16450 Oakview Cr. Window replacement CC Lee County

Ongoing projects:
Lot # 7, 18181 Riverchase Ct. Dock access walkway – still underway
Lot # 35 18140 Riverchase Ct. Continued internal home reconstruction

New projects:
Date: 6/25/2026 (Application date: 5/22/2026)
Project: Lot # 76, 16420 Oakview Cr. / Dock decking replacement
The applicant requests Board approval for replacement of decking materials on their dock. The project plan replaces the present decking only, utilizing the identical footprint as shown on the provided survey diagram. No additional structures, deck coverage or supporting structures are planned. Army Corp of Engineering (ACOE) acknowledgement and Lee County permit exemption for deck maintenance repair only has been supplied. Contractor's active license information and liability insurance coverage has been provided. The ARC recommends Board approval.
Cindy asked for a motion to approve. Cathy seconded. *Unanimously approved at 6:35 p.m.*

Date: June 25, 2026 (Application Date: June 8, 2026)
Project: Lot #76, 16420 Oakview Cr. / Tree removal project
The applicant requests Board approval for removal of one Fig and four Palm trees from his lot. The removal of these trees will better facilitate storm water drainage and future lot grading procedures. An illustrated site plan, contractor's active license and liability insurance information and a Lee County permit exemption have been provided. A supplied Tree Survey (dated 6/7/2026) rates the impact of removal to be minimal with the existing trees remaining. The trees do not occupy any conservation or drainage easement areas. ARC recommends Board approval for the requested project.

Cindy asked for a motion to approve. Cathy seconded. *Unanimously approved at 6:36 p.m.*

Date: 6/25/2026 (Application date; 4/26/2026 /Project started; 4/16/2026)
Project: Lot #26, 16600 Willow Point Ct. / Roof replacement
The applicant requests Board approval for replacement of their existing roof. The applicant was unaware of HOA approval being required for a roof replacement hence the project is completed. The roof replacement is of identical metal color and design as the previous roof. The previously active Lee County building permit is now CC for the project. Adjacent road conditions were photographed 4/19/2026. At re-inspection no road damage was incurred during the project. A description of the job scope, material design and color was provided. A copy of the contractor's current license and liability insurance information have been made available. ARC recommends the Board approve the completed project. Cindy asked for a motion to approve. Tara seconded. *Unanimously approved at 6:37 p.m.*

Date: 06/25/2026 (Application date: backdated to 4/19/2026 Received 4/25/2026)
Project: Lot #23, 16631 Willow Point Ct.
The resident has completed construction activity as follows on their home:

1. Roof replacement (removed tile and replaced with metal standing seam)
2. Repainting of entire outer home. (Color changes made)
3. Replacement of 23 existing windows and 3 existing doors. (change in one door size)

The resident claims he was unaware of ARC approval being required prior to construction start (item #1 on the application agreement). All projects were initiated several weeks prior to the ARC application submission. The ARC application provided was incomplete. A request asking the resident to complete the ARC application information on 4/27/2026 has not been done. Projects #1 & #3 listed above were permitted by Lee County and have final CC. A road inspection was done on 4/19/2026 and again on 6/12/2026 indicating the road surface showed no damages. Due to lack of response with providing ARC information (copying the resident regarding a letter sent to the Board on 5/19/2026 stating the information had not been provided from the request on 4/19/2026); however, the remaining information was submitted by the resident immediately prior to this meeting, therefore the ARC recommends approval of the project. Cindy asked for a motion to approve. Tara seconded. *Unanimously approved at 6:38 p.m.*

b. **Environmental Oversight Committee (EOC)**: Chairman Butch Presson provided the following report which Tara read:

Since the advent of the Environmental Oversight Committee (EOC) at the 4-25-26 board meeting, the following activities have occurred:

4-29-26: Deanne Smith and Benny Crews assembled compliance signs for the ponds and retention areas and placed them in the proper locations.

4-29-26: Contractor removed a clump of trees including a Brazilian Pepper tree in the swale between Lot # 12 and Lot # 35. The trees were blocking the free flow of stormwater to the drainage system. The Board voted to have this obstruction removed. At the same time we had two (2) fallen trees removed from #3 pond. The contractor did an excellent job.

5-1-26: An EOC meeting was held with all members in attendance. The meeting began at 10:00 and lasted till 11:30. Discussions included responsibilities as an EOC member and the possibility of keeping the EOC committee as a permanent HOA committee, regardless of the changeover of Boards. This would keep the continuity of the EOC, although members may rotate off and on. All members agreed.

5-8-26: Two EOC members and two Board members met with representatives of SFWMD on site to discuss questions and possible remedies open to us. It was a productive meeting but before we can go ahead with anything the remediation plan must be submitted and approved by SFWMD. We are just waiting.

5-11-26: Ben Crews cut down a couple of small palm trees in the drainage ditch at the back of Lot #10 that runs parallel with Riverchase Court and the wetlands, which was approved by SFWMD during the walk-through.

5-20-26 & 5-30-26: EOC started picking up dead and fallen palm fronds at the edge of the wetlands on Oakview Circle and Lot #10. Committee members and HOA volunteer John Bohlen finished the project on 5-30-26. This cleanup was approved by SFWMD.

c. **Social Events Committee:**

i. The committee includes Tammy Clark and Rachael Freemyer. Cindy stated that the committee submitted a list of proposed events to the Board. The Board has reviewed and will approve month-to-month to gauge participation. The two upcoming events are a school supplies drive during August for local schools and an NFL kickoff event on September 13th at the Freemyer's home. She stated that more information about each will be sent out as dates approach.

VII. **Old Business:**

a. **South Florida Water Management District (SFWMD)**

i. **SFWMD Consent Order:** Cindy stated that a second round of revisions to the draft consent order made by the environmental attorney have been sent to SFWMD for review. The Board is waiting on a reply from SFWMD.

ii. A draft restoration plan has also been submitted to SFWMD. We are waiting to hear back from them on this as well.

iii. Ron Edenfield is drafting a remediation plan for the stormwater management system. Once received, the Board will review.

iv. The Board has asked SFWMD about specific equipment (hand tools, larger equipment, etc.) that can/cannot be used for routine maintenance in the littoral zones (pond #3 and the SE corner of Oakview Cr and Riverchase Ct). The Board is waiting on a reply from SFWMD. The work will eventually be done by contractors.

VIII. **New Business:**

a. Enforcement courtesy notice

i. Cindy stated that Lot # 3 has some items along the outside of the fence that have been there for a significant period of time. She made a motion to send a courtesy notice as a reminder to move the items within 72 hours. Cathy seconded. *Unanimously approved at 6:50 p.m.*

A member asked if he can mow the swale along the conservation easement. Cindy stated that SFWMD has told the Board in the past not to do anything in the conservation easement until we hear back from SFWMD regarding the consent order.

b. Community landscaping contract

i. Cindy noted that Cathy has to recuse herself from the vote since her husband submitted a bid. The Board sent out requests for proposals for community landscaping. Five proposals were received, but the Board is limited to the current line-item budget amount and only two proposals were within the budget amount.

A member asked if the contract involves just mowing. Cindy noted that it includes mowing, edging, trimming, weeding, shrub trimming and tree trimming up to 10 feet.

A member asked if Creative Vision is someone new. Cindy noted that Creative Visions is Rob Morgan's company.

Cindy made a motion to contract with Creative Vision for one more year to continue doing the community landscaping. Nancey seconded the motion. *Approved by all voting Board members at 6:55 p.m*.

c. Liens on property in arrears

i. Cindy noted that three accounts are still in arrears. On advice from the HOA's attorney and in compliance with 720, the Board moves to begin the lien process on the three properties. The properties have been sent invoices three or more times. The next step is a certified letter noting intent to place lien. After 45 days, it will move into lien. Cindy motioned to send the certified letters and move forward. Cathy seconded. *All were in favor at 6:56 p.m*.

IX. **Public Comments/Questions**:

Cindy stated that a series of questions/inquiries was sent to the Board in advance of the meeting, requesting that they be placed on the record (entered into the minutes). In order to streamline the process, Cindy read the HOA member's questions and Board responses aloud. The questions and responses are attached to these minutes.

X. **Adjournment**

There being no further business, questions, or public comment, the meeting was adjourned at 7:06 p.m.

Received from Lot #76 Owner on June 9, 2026

Question 1 — Records Request Compliance

My February 3 2026 formal records request has not been fully complied with. Under the 2024 HB 1203 amendment to FS 720.303(4) the association must produce a completed checklist identifying every document requested, every document provided, every document withheld with the specific legal basis for withholding, and every document that does not exist with written certification. Can the Board confirm the specific date by which full compliance including the completed HB 1203 checklist will be achieved?

The rules governing association records retention in 720.303(5) do not mention the word “checklist”, nor does an exhaustive search of the entirety of 720 yield any results. The term “list” is utilized numerous times throughout the document in other contexts, but not in relation to a records request.

Changes made by 2024 HB 1203 apply mainly to Associations with greater than 100 parcels and the way their records are maintained and accessible to HOA members.

FL 718.111(12)(c)1.a, 1.b , the statute governing condominium associations addresses a checklist of records provided to a unit owner; perhaps that’s what you were thinking of.

However, in the spirit of good intentions, the Board is including a checklist with the provision of the requested records.

Q**uestion 2 — Quorum Calculation**

CCR Article III Section 6 defines a quorum as a majority of outstanding voting shares. With 82 total parcels that equals 42 members. Can the Board confirm: first, whether the total membership is currently 82 parcels; second, whether any members are currently excluded from voting and if so the specific legal basis for each exclusion; and third, what quorum number the Board used for the Special Assessment vote?

The Board confirms that the total number of parcels in Riverwind Cove is 82. HOA members in arrears with assessments at the time of voting may not vote, and at the time of the Special Assessment vote on 11/30/2024, there were 81 potential votes; one HOA member was in arrears. As per voting records and the email sent to all HOA members on 11/31/24, the total number of votes received was 44, with 40 “yes” votes and 4 “no” votes recorded. A vote tally is included in the materials provided to you. Currently there are 3 accounts in arrears.

SECTION 6 – NOTICE AND QUORUM FOR ACTION AUTHORIZED UNDER SECTIONS 2 AND 3: Section 2 refers to Annual Assessments, in this case specifically item (c) Maintenance and repair of all drainage, water retention, and conservation easements as may be set forth in the subdivision plat, and as required by the South Florida Water Management District.

SECTION 3- SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS: Provides authority to the Association to levy a special assessment for the purpose of defraying in whole or in part the cost of any construction, reconstruction, repair or replacement of a capital improvement on the common areas, including fixtures and personal property related thereto. Any such assessment must be approved by a majority vote of the members constituting a quorum at the meeting.

As you know, our CCRs are more than 30 years old, and we must rely on FL Statute 720 as the ultimate authority for HOA matters when there is any question whatsoever about legal procedure.

720.306 states in (1) (a) regarding establishing a quorum:

Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be 30 percent of the total voting interests. Unless otherwise provided in this chapter or in the articles of incorporation or bylaws, decisions that require a vote of the members must be made by the concurrence of at least a majority of the voting interests present, in person or by proxy, at a meeting at which a quorum has been attained.

This verbiage has not changed since the 2024 version of 720, and is what was used to determine quorum for the Special Assessment vote. In either case, a quorum was achieved.

Question 3 — Records Retention

Can the Board confirm how official Board meeting, and other HOA records are currently maintained, where they are stored, who is responsible for their custody, whether any records are maintained electronically, and whether these procedures were the same when Sandcastle Community Management served as the HOA's designated agent?

Meeting minutes and sign-in sheets are stored electronically on a shared Google drive, to which the President, Secretary, and Treasurer currently have access. Hard copy proxies/ballots are retained by the Secretary until the appropriate amount of time for retention has expired. Vote tally sheet (hard copy and/or electronic) is also retained by the Secretary. Additionally, the following is available on the HOA website:

- Meeting minutes from 2023 to present
- A copy of the current year's budget (current balance sheet is available upon request)
- The complete CCRs, including amendments
- HOA Disclosure statement
- Current Sales/Lease application

Sandcastle Community Management was used only for accounting purposes; any financial records were retained by SCM at that time and turned over to the HOA upon termination of SCM's contract.

Question 4 — CCR Compliance Package

Where is the CCR Compliance Package published and when was it last updated?

The CCR Compliance Package, as you refer to it, is available on the HOA website, including the CCRs, current year's budget, disclosure statement and Sales/Lease application. Estoppel letter and financial balance sheet are available upon request.

Question 5 — Special Assessment Vote Records

Pursuant to FS 720.303(4) and FS 720.306(5) I am requesting on the record confirmation of the location and availability of the following official records from the November 30 2024 membership meeting: all ballots cast including my own, all proxy forms returned including my own, the certified vote tally, the quorum certification, the meeting sign-in sheet, and any written consent forms used in lieu of attendance. I voted no and I am requesting verification that my vote was accurately recorded. Can the Board confirm these records exist and when they will be produced?

The Secretary has the hard copy proxy/ballot forms from the 11-30-2024 meeting and vote; the voting tally is maintained in the shared drive files, as is the meeting sign-in sheet, scanned and uploaded in PDF format.

As stated in the CCRs and supported by 720.306, a quorum was met for the special assessment meeting as indicated by the vote tally; however, we do not have a proxy form for you in our files, nor are you recorded on the sign-in sheet as having attended the 11-30-24 meeting. Can you please tell us how you provided your proxy form (hard copy sent via USPS or hand-delivered, or via email) and to whom (person's name if hand-delivered; email address if sent via email), and how you attended the meeting, i.e. in person or remotely?

This records request will be considered as a separate request from your February 2026 records request; therefore, per 720.303(5) please submit a formal records request with the specific records requested. The Board acknowledges that email delivery of the request is acceptable at this point.

Upon receipt of your request and information regarding your proxy for the special assessment vote on 11-30-24 as indicated, the records will be provided to you within 10 days.

Secretary signature: ______________________________

Printed name: Tara Celaya

Date: 7/11/26