

To All:

My name is Les Stouder and I am the Vice President of the Towers Condominium Association Board. The President, Mr. Terry Ondak has informed the Board that many are having issues with the pool closing. Perhaps I can provide some clarity.

I can relate to your frustration and I think most people, at this point can, as well. Even more-so when the weather is perfect and the pool so inviting. Nevertheless, there are some very compelling reasons why the pool is closed, as it shall remain, until this Corona madness ends, or subsides to the point of relevant normalcy.

- 1) The first thing you should know (assuming you do not); the Towers Pool is considered a community pool, under the direct supervision of the City of Ft Myers. All of the current COVID19 protocol is currently in place until further notice.
- 2) You are probably aware of the increasing cases in Florida, including Lee County. Over just the last 24-hour period, COVID19 cases have doubled. There are now 119 confirmed cases in Ft Myers/Cape Coral/Bonita Springs, with 6 deaths and 35 hospitalizations/critical care.

While that may not seem excessive, those statistics are more disconcerting to the Towers, considering a full 25% of our residents work in a health care related field, and many are nurses. Combine that with current number of senior citizen residents living at the Towers, who are among the most vulnerable and susceptible, and the recipe for hazardous conditions pertaining to this highly contagious disease, become very apparent and vitally unignorable.

- 3) The Towers currently employ a 2-member maintenance crew. You may know Mark & Veronica, as they have been with us for years. All U.S Citizens, visitors and guests have the legal right to refuse any type of exposure to lethal or even dangerous circumstances/environments, especially known biohazards without fear of recourse or punitive actions being taken against them. The current Florida "stay at home" requirement solely represents sufficient evidence to support the seriousness of our current reality.

Under normal and typical use, the Towers pool receives a lot of use. Which is fantastic because that is what it's for. The required maintenance is predictably almost non-stop. All chairs must be sanitized and cleaned each day. The same applies for tables, benches, grills and any other mess or required cleanup. At this time, there is no one available to perform those mandatory tasks, which makes the potential for adverse health conditions not only abundantly obvious, but also triggers mandatory action by the Board to immediately mitigate the potential hazard, in accordance with Florida Statute and our governing documents.

- 4) The Board has absolutely no other choice but to keep the pool closed. Clearly, the most important concern is community health, but liability and risk for ALL of the Association (not just the Board) would be ridiculously high, to the point of incompetence and misfeasance. The latter aspect is a second trigger for immediate action, per Towers Rules and Regulations. Again, we have no choice, because the circumstances and subsequent mandatory implementing actions are beyond our control.

A good Association Board will keep their community in compliance, free of exposure to liability, which should be both their goal and obligation (and purpose). The question should not be whether [or not] we possess the authority to close the pool, as we incontrovertibly do. The far more important question would be, why have we not closed the pool yet, under current, historical circumstances, if we had taken no action?

Our governing documents and Florida laws/statutes/ordinances provide a wide array of both obligations and remedies. Obligations to take specific actions in specific circumstances, and remedies to facilitate compliance. Again, EVERY Member of the Towers Association can be exposed to liability (and this virus), not just the Board. Our actions are specifically laser focused on protecting our Members, our real estate and all Towers assets. There is no other purpose or reason for us to exist.

I hope this has provided clarity on our current realities, and trust you understand that we have done and will continue to do what is required of us to consistently protect the Towers to the best of our abilities.

I respectfully ask for your thoughtful support, as we collectively navigate through all the uncertainty and discomposing worries of the COVID19 nightmare, with a widespread spirit of goodwill and cooperation.

Sincerely,

Les Stouder