

**MINUTES OF MEETING  
MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

The Auditor Selection Committee and Regular Meeting of the Board of Supervisors of the Moody River Estates Community Development District was held on Tuesday, November 6, 2007 at 1:20 p.m., at the offices of Heidt & Associates, 3800 Colonial Blvd., Fort Myers, Florida 33966.

Present and constituting a quorum were:

Jack Shea	Chairman
Terry Pye	Vice Chairman
Kathy Jorgensen	Assistant Secretary
Ilse Mayer	Assistant Secretary
Kathy Shea	Assistant Secretary

Also present were:

Corinne Norton	Assistant Regional Manager
Cleo Crismond	Assistant Regional Manager
Chuck Adams (via telephone)	District Manager
Jere Earlywine	District Counsel
Mike Neff	District Engineer
George Knott	Mood Development Corp.
Charles Huether	Mood Development Corp.
Mark Ebelini	Knott, Conseour & Ebelini

**FIRST ORDER OF BUSINESS:**

**Roll Call.**

Ms. Norton called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS:**

**Oath of Office.**

Ms. Norton distributed the required documents to the newly elected Supervisors; including: Overview of District Responsibilities; Guide to the Sunshine Amendment and Code of Ethics; Form 1- Statement of Financial Interests; Form 1X- Amendment to Form 1- Statement of Financial Interests and Form 1F- Final Statement of Financial Interests.

Ms. Norton, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Pye, Ms. Jorgensen and Ms. Shea.

**THIRD ORDER OF BUSINESS: Consideration of Resolution 2008-3.**

Ms. Norton explained that Resolution 2008-3 is for the purpose of canvassing and certifying the results of the Landowners Election. Ms. Norton stated, for the record, Seat no. 2 is filled by Kathy Jorgensen with 307 votes; Seat no. 3 is filled by Terry Pye with 307 votes; and Seat no. 5 is filled by Kathy Shea with 306 votes. Therefore, Ms. Jorgensen and Mr. Pye will each receive a four year term and Ms. Shea will serve a two year term.

**On MOTION by Mr. Shea and seconded by Ms. Jorgensen with all in favor of adopting Resolution 2008-3 canvassing and certifying the results of the Landowners Election as discussed.**

**FOURTH ORDER OF BUSINESS: Consideration of Resolution 2008-4.**

Ms. Norton stated Resolution 2008-4 is for the purpose of re-designating the Officers of the Moody River Estates Community Development District.

The Board decided to continue with Mr. Shea as Chairman; nominate Mr. Pye as Vice Chairman and the remainder of the Board to serve as Assistant Secretaries.

**On MOTION by Mr. Shea and seconded by Ms. Shea with all in favor of appointing Mr. Terry Pye as Vice Chairman of the Board of Supervisors of Moody River Estates C.D.D.**

**On MOTION by Mr. Pye and seconded by Mr. Shea with all in favor of adopting Resolution 2008-4 designating Mr. Shea as Chairman Mr. Terry Pye as Vice Chairman, and the remainder of the Board serving as Assistant Secretaries of Moody River Estates C.D.D.**

**FIFTH ORDER OF BUSINESS: Other Business.**

***\*\*\*Please note: due to time constraints, this item of business was moved up in the Agenda.\*\*\****

Mr. George Knott, Counsel for Mood Development Corporation, introduced himself, Mr. Charles Huether and his law partner, Mr. Mark Ebelini, and expressed his appreciation of the Board for allowing them to address the Board. Two parcels of real property owned by Mood Development Corp. have been improperly and/or erroneously included within the Community

Development District. The Strap numbers are 10-44-24-00-0140440000 and 10-44-24-00010460000. We have requested information regarding the due diligence that was undertaken prior to the formation of the C.D.D. to show there is a public benefit being advanced for the District; we did not consent to the inclusion in the District; we objected in July of 2005; in August of 2006 and as of today's date. We demand that they be removed.

Mr. Ebelini discussed the property which is on the East side of Moody Road, stating there is some confusion as to whether or not any of the parcels to the North of the parcel in question; this is the only property.

Mr. Earlywine stated, I appreciate you coming here and voicing your concerns. It sounds like there are some issues we can talk about later and work through some of the issues.

Mr. Knott clarified that we are here in a problem solving capacity and in hope that everyone understands that legally Mood Development has to register its objection on the record. We do wish you well with respect to the other properties. Documentation was requested from Severn Trent, but has not been forth coming.

Mr. Earlywine stated if you put it as a formal Public Records request, we will get that to the District Manager.

Mr. Adams stated, once the formal request is received, we will process it immediately

**SIXTH ORDER OF BUSINESS:**

**Affidavit of Publication.**

Ms. Norton provided the Affidavit of Publication regarding the Request for Proposals for Professional Auditing Services Notice of Auditor Selection Committee and Regular Board Meeting.

Ms. Norton explained that the Agenda Packages contain the proposals that have been submitted and the ranking form as required by Florida Statutes.

**SEVENTH ORDER OF BUSINESS:**

**Appointing the Board as the Auditor Selection Committee.**

**On MOTION by Mr. Shea and seconded by Ms. Mayer with all in favor of appointing the Board to serve as the Auditor Selection Committee.**

Ms. Norton explained the ranking criteria which included: technical qualifications, experience, audit approach and, lastly, pricing.

Discussion followed regarding the RFQ process including the pre-ranking of the firms; the final ranking and the opening of the price proposals.

**On MOTION by Mr. Pye and seconded by Ms. Mayer with all in favor of accepting the preliminary ranking as follows: #1: Keefe McCullough; #2: Grau & Associates; #3: O' Sullivan; #4: Carr Riggs.**

The price proposals were opened and reviewed at this time.

**On MOTION by Mr. Shea and seconded by Ms. Shea with all in favor of approving the final ranking as follows: #1: Grau & Associates; #2: Keefe McCullough; #3: Carr Riggs; #4: O'Sullivan; and authorizing Staff to proceed in negotiating the contract with the no. # ranked Auditing Firm.**

**EIGHTH ORDER OF BUSINESS: Consideration of Resolution 2008-2.**

This item was deferred to a future/undetermined meeting to allow Mr. Neff, District Engineer, to further research related issues.

**NINTH ORDER OF BUSINESS: Consideration of Amendment to Agreement.**

Mr. Adams explained this item is for financial advisory services and assessment roll services through Wrathell, Hart, Hunt and Associates. The assessment roll service was previously performed by AJC & Associates; with this amendment they would be prepared by our firm instead of AJC & Associates, at no additional charge.

**On MOTION by Mr. Shea and seconded by Ms. Mayer with all in favor of accepting the Amendment to Agreement between Moody River Estates C.D.D. and WHHA for Management Advisory Services including Special Assessment Services.**

**TENTH ORDER OF BUSINESS:**

**Approval of October 18, 2007**

**On MOTION by Ms. Jorgensen and seconded by Mr. Shea with all in favor of approving the October 18, 2007 Meeting Minutes as amended.**

**ELEVENTH ORDER OF BUSINESS:**

**Staff Reports.**

**A. Attorney**

There being no report, the next item followed.

**B. Engineer**

There being no report, the next item followed.

**C. Manager**

There being no report, the next item followed.

**TWELFTH ORDER OF BUSINESS:**

**Supervisors Requests & Audience Comments.**

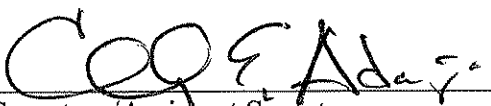
There being no Supervisors Requests and no Audience Comments, the next item followed.

**THIRTEENTH ORDER OF BUSINESS:**

**Adjournment.**

There being no further business, all were in agreement with adjournment.

**On MOTION by Mr. Shea and seconded by Ms. Mayer with all in favor, the meeting was adjourned.**

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman