

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

The Regular Meeting of the Board of Supervisors of the Moody River Estates Community Development District was held on **Thursday, June 19, 2008, at 1:00 p.m.**, at the offices of **Heidt & Associates, 3800 Colonial Blvd., Suite 200, Fort Myers, Florida 33966.**

**Present and constituting a quorum were:**

Terry Pye	Vice Chairman
Matt Harrell	Assistant Secretary
Ilse Mayer	Assistant Secretary
Kathy Shea (via telephone)	Assistant Secretary

**Also present were:**

Chuck Adams (via telephone)	District Manager
Cleo Crismond	Assistant Regional Manager
Matt Morris (via telephone)	Assistant District Manager
Mike Eckert	District Counsel
Mike Neff	District Engineer

**FIRST ORDER OF BUSINESS:**

**Call to Order/Roll Call**

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

**SECOND ORDER OF BUSINESS:**

**Discussion/Consideration of Possible Candidates to Fill Seat 2, Vacated by Supervisor Kathy Jorgensen; Term Expires November, 2012**

Mr. Pye stated that Mr. Jeff Barry was to email his resume to Mr. Adams; however, he is out of town at this time.

Mr. Adams stated you can make a motion to appoint him if there are no other nominees to fill the vacant seat which expires November, 2012.

**On MOTION by Mr. Pye and seconded by Mr. Harrell with Ms. Mayer opposing; approval of appointing Mr. Jeff Barry to fill the vacant seat of Supervisor Kathy Jorgensen which expires in November 2012, the motion carries 2 to 1.**

**THIRD ORDER OF BUSINESS:**

**Continued Discussion of the District's Proposed Budget for Fiscal Year 2009**

Mr. Morris stated we have provided a copy of the revised Proposed Budget for Fiscal Year 2009; in response to some concerns, we have made a few changes.

Mr. Adams stated we had discussed this in detail at the last meeting and we have brought forward projected surplus funds in order to reduce the assessment levy per unit to a level lower than what it was in the current year.

Discussion followed regarding the costs for the proposed website and the refund to Colonial and whether they were reflected in the Proposed Budget.

Mr. Eckert stated I want to make sure we have enough money to operate the first three months of the next Fiscal Year while we are waiting for the tax receipts to come in.

Mr. Eckert also discussed a possible pending litigation that would require an increase in the legal fee line item. This issue will be discussed further in Staff Reports.

Mr. Adams questioned whether there was a dollar amount that Mr. Eckert would suggest for the increase in legal fees.

Mr. Eckert suggested \$35,000.00 and stated he did not think it is inevitable, but it is a possibility.

Mr. Adams stated he would request the Board's thoughts on that in order to prepare the next draft budget.

The Board members were in agreement with this suggestion.

**FOURTH ORDER OF BUSINESS:**

**Discussion: Analysis of Fiscal Year 2007 Assessments**

Mr. Eckert stated he was not sure why this is in the agenda. Rather, this could be resolved at the July meeting.

Mr. Adams clarified this was for information purposes; highlighting the analysis as back up to the previous conversation.

Mr. Eckert questioned whether the Board authorized the refund to Colonial.

Mr. Adams stated yes, the Board did authorize the refund which has already taken place, but they asked for the back up materials for that.

Mr. Eckert stated that the minutes need to be corrected.

Mr. Eckert stated, going forward, he is going to be asking the financial consultant to review the methodology and the current state of development and determine what the

recommendation is moving forward. The goal will be to collect the funds that were appropriately assessed against those parcels.

**FIFTH ORDER OF BUSINESS: Discussion: Rules of Procedure and Public Hearing Date**

Mr. Eckert stated there are Rules of Procedure contained in the Agenda Package which our office has prepared. The Board is not approving or adopting these today, however Mr. Eckert asked the Board to set the Public Hearing on the procedures and advertise with appropriate notices. He suggested the August 21, 2008 meeting due to the 28 and 29 day noticing.

Mr. Eckert proceeded to clarify portions of the Rules of Procedure.

**On MOTION by Ms. Mayer and seconded by Mr. Pye with all in favor of approving the date of August 21, 2008 for the Public Hearing; for the adoption of the Rules and Procedures.**

**SIXTH ORDER OF BUSINESS: Approval of May 15, 2008 Regular Meeting Minutes**

**On MOTION by Ms. Mayer and seconded by Mr. Harrell with all in favor of approving the May 15, 2008 Meeting Minutes with corrections as noted.**

**SEVENTH ORDER OF BUSINESS: Other Business**

Mr. Eckert questioned whether there was a July Meeting scheduled. Ms. Crismond stated we will schedule a meeting for July.

**EIGHTH ORDER OF BUSINESS: Staff Reports**

**a. Attorney**

Mr. Eckert reported he met for approximately four (4) hours yesterday with the representatives of the owners of the Moody East parcel, in an effort to try to answer some questions and get some information to them regarding the District financing process and establishment. Some of the concern was if appropriate consent was obtained from the landowner for the District and Mr. Eckert provided that information to the representatives, concluding it was done appropriately. We have also reviewed the notices that went out for the assessments and the owner of

Moody East acknowledged that the notices were received. They disputed certain items related to the benefits that their property receives from what is already constructed and from the District's improvement plan. They did receive the appropriate notices that the District was required to provide.

There are certain documents they have had a difficult time receiving and there are things they want to see as part of public records. Mr. Eckert will be working with the District Manager to make sure that they get everything they are asking for. The other issue was their contention that the way the assessments are structured in terms of the debt assessment is not fair, given the benefit analysis. Mr. Eckert thought it would be appropriate for the District Manager to review the methodology that is in place and make a recommendation/determination in what the appropriate allocation of debt assessments should be and it may stay the same.

**b. Engineer**

Mr. Neff presented two requisitions for the Moody South utilities; one in the amount of \$625.21 and one for \$1,610.00 for reviewing the documents.

**On MOTION by Mr. Pye and seconded by Ms. Mayer with all in favor of approving the requisitions as presented for District Engineering services as discussed.**

Mr. Pye asked whether the assessments are calculated at a flat rate.

Mr. Eckert stated the property values are not based on the assessments; the debt assessments are based on product type.

**c. Manager**

**i. Unaudited Financial Statements as of May 31, 2008.**

Mr. Eckert asked where the District is at on collection of assessments.

Mr. Adams clarified it is at 80%, not including Moody East, which is in delinquent status.

**NINTH ORDER OF BUSINESS:**

<b>Audience Requests</b>	<b>Comments/</b>	<b>Supervisors'</b>
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There being no audience comments and no Supervisors' Requests, the next item followed.

TENTH ORDER OF BUSINESS:

Adjournment

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

**On MOTION by Ms. Mayer and seconded by Mr. Pye with all in favor, the meeting adjourned at 1:40 p.m.**

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman