

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

The Public Hearing and Regular Meeting of the Moody River Estates Community Development District's Board of Supervisors was held on **Wednesday, September 10, 2008 at 1:00 p.m.**, at the offices of **Heidt & Associates, 3800 Colonial Boulevard, Suite 200, Fort Myers, Florida 33966.**

**Present and constituting a quorum were:**

Ilse Mayer	Chairperson
Matt Harrell (via telephone)	Assistant Secretary
Terry Pye	Assistant Secretary
Jeff Berry	Assistant Secretary

**Also present were:**

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

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Crismond called the meeting to order at 1:00 p.m., and called the roll.

**SECOND ORDER OF BUSINESS**

**Affidavits of Publication**

- **September 10, 2008 Public Hearing and Regular Meeting**
- **Notice of Rule Development**
- **Notice of Rule Making**

Copies of the Affidavits of Publication were provided for today's Public Hearing and Regular Meeting, Notice of Rule Development and Notice of Rule Making.

**THIRD ORDER OF BUSINESS**

**Public Hearing to Consider Resolution 2008-11, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2008, and Ending September 30, 2009**

***\*\*\*This agenda item, formerly the Fifth Order of Business, was presented out of order.\*\*\****

Mr. Adams reviewed the Budget for Fiscal Year 2009 and noted in regard to the Operating Budget, the assessment is anticipated to be \$296.47 per unit, with the exception of the East parcel, which is paying an Administrative assessment only. Those amounts do not exceed the previously noticed caps which were sent to all property owners a couple of years ago. On the final page you will note the increase in assessment levels on the Debt Service side; likewise, the Debt Service Assessments do not exceed the previously noticed caps either.

***\*\*\*The Public Hearing was opened at this time.\*\*\****

***\*\*\*There being no members of the Public present, the Public Hearing was closed.\*\*\****

**On MOTION by Mr. Pye and seconded by Ms. Mayer with all in favor of approving Resolution 2008-11; adopting the Budget for Fiscal Year 2009, as presented.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2008-12, Imposing Special Assessments and Certifying an Assessment Roll; Providing for a Severability Clause; and Providing an Effective Date**

***\*\*\*This agenda item, formerly the Sixth Order of Business, was presented out of order.\*\*\****

Mr. Adams explained that Resolution 2008-12 is the Levying Resolution which authorizes Staff to finalize and certify the Tax Roll consistent with the adopted Budget.

**On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor of approving Resolution 2008-12; authorizing Staff to finalize and certify the Tax Roll consistent with the previously adopted Final Budget for Fiscal Year 2009.**

Discussion followed regarding the percentage of non-payment of tax assessments to date, due to the current economic conditions.

Ms. Mayer discussed the website, [www.leepa.org](http://www.leepa.org), which contains this information for public access.

Mr. Eckert commented that the CDD assessments are not always drafted in a foreclosure complaint.

**FIFTH ORDER OF BUSINESS**

**Public Hearing to Hear Public Comment and Objections to the Adoption of the Rules of Procedure of the Moody River Estates Community Development District, Pursuant to Sections 120.54 and 190.035, Florida Statutes**

*\*\*\*This agenda item, formerly the Seventh Order of Business, was presented out of order.\*\*\**

Ms. Crismond referred to the Rules of Procedure, which were contained in the Agenda Packages.

Mr. Adams stated these Rules of Procedure were drafted by your Attorney and provided at a previous meeting, with today's meeting being established as the Public Hearing to consider adoption of the amended Rules of Procedure.

Mr. Eckert briefly reviewed the amended Rules of Procedure at this time.

There were no Supervisor questions or comments regarding the Rules of Procedure.

*\*\*\*The Public Hearing was opened at this time.\*\*\**

*\*\*\*There being no members of the Public present, the Public Hearing was closed.\*\*\**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2008-13, Adopting Rules of Procedure of the Moody River Estates Community Development District, Providing a Severability Clause; and Providing an Effective Date**

*\*\*\*This agenda item, formerly the Eighth Order of Business, was presented out of order.\*\*\**

Resolution 2008-13 is for the purpose of adopting the Rules of Procedure of the Moody River Estates Community Development District, providing a Severability Clause; and providing an Effective Date.

**On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor of approving Resolution 2008-13; adopting The Rules of Procedure of the Moody River Community Development District; providing a Severability Clause; and Providing an Effective Date.**

**SEVENTH ORDER OF BUSINESS**

**Approval of Minutes**

*\*\*\*This agenda item, formerly the ninth order of business, was presented out of order.\*\*\**

**• July 17, 2008 Regular Meeting**

The meeting minutes for the July 17, 2008 Regular Meeting were presented for consideration and approval.

**On MOTION by Ms. Mayer and seconded by Mr. Pye, with all in favor of approving the July 17, 2008 Regular Meeting Minutes as presented.**

**• August 6, 2008 Continued Regular Meeting**

The meeting minutes for the August 6, 2008 Continued Regular Meeting were presented for consideration and approval.

**On MOTION by Mr. Pye and seconded by Mr. Berry, with all in favor of approving the August 6, 2008 Continued Meeting Minutes as presented.**

**EIGHTH ORDER OF BUSINESS**

**Consideration and Acceptance of the Audited Financial Report for the Fiscal Year Ended September 30, 2007, Prepared by Grau & Associates**

*\*\*\*This agenda item, formerly the Third Order of Business, was presented out of order.\*\*\**

Mr. Adams suggested that the Board Members now consider the Agenda Items concerning the Audited Financial Report and Resolution 2008-10, which were deferred earlier.

Mr. Eckert commented about the Assessments that have been levied to secure the Bond.

Mr. Adams stated the Audit was a "Clean Audit" with no material weaknesses in the internal controls, all proper accounting procedures were followed, and the District is in a positive financial position.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2008-10, Accepting the Audited Financial Report for the Fiscal Year ended September 30, 2007; Prepared by Grau & Associates**

*\*\*\*This agenda item, formerly the Fourth Order of Business, was presented out of order.\*\*\**

**On MOTION by Ms. Mayer and seconded by Mr. Pye with all in favor of approving Resolution 2008-10; accepting the Audited Financial Report for the Fiscal Year ended September 30, 2007 as presented.**

**TENTH ORDER OF BUSINESS**

**Other Business**

There being no Other Business, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

Mr. Eckert stated we still cannot get a response from the Attorney for Moody East, so at this point I am not going to initiate any further contact with them.

**b. Engineer**

There being no report, the next item followed.

**c. Manager**

Ms. Crismond referred to the following items contained within the Agenda Packages:

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

**ii. Proposed Meeting Schedule for Fiscal Year 2009**

The meetings will remain as they are now, the third Thursday of each month.

**On MOTION by Mr. Pye and seconded by Ms. Mayer with all in favor of approving the Proposed Meeting Schedule for Fiscal Year 2009, as presented.**

**iii. Alternative Investments for Operating Accounts**

Mr. Adams explained this item concerns alternative investments for Operating Accounts (low risk vs. return) and options that the Board may want to consider.

A question and comment session followed regarding the options available for the District's assets in excess of \$100,000.00.

Mr. Adams will follow up on Board Member questions.

This Agenda Item was deferred to the next meeting.

**TWELFTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

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

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor, the meeting adjourned at 1:28 p.m.**

  
Secretary/Assistant Secretary

  
Chairperson/Vice Chairperson