

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

A Special Meeting of the Moody River Estates Community Development District's Board of Supervisors was held on **Thursday, January 30, 2014**, immediately following the Audit Committee Meeting scheduled to be held at 1:00 p.m. in the **Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903**.

Present and constituting a quorum were:

Ilse Mayer	Chair
Terry Pye	Assistant Secretary
Frank Reynolds	Assistant Secretary

Also present were:

Cleo Crismond	Assistant Regional Manager
Chuck Bowen	District Counsel
Carl Barraco	District Engineer
Frank Decary	Resident
John Teckorius	Resident
Rick Doran	Resident
Mike Geml	Resident
Leo Foley	Resident
Warren Young	Resident
Other Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Crismond called the meeting to order at 1:18 p.m., and noted, for the record, that Supervisors Mayer, Pye and Reynolds were present, in person. Supervisors Shea and Berry were not present.

Per Mr. Decary's request, during the Audit Committee Meeting, Board Members and Staff introduced themselves.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Award of Contract for Annual Audit Services

A. Ratification of RFP Documents

Ms. Crismond requested a motion to ratify the RFP documents for annual audit services, which were included in the Audit Committee Agenda.

On MOTION by Ms. Mayer and seconded by Mr. Reynolds, with all in favor, the RFP documents for annual audit services, were ratified.

B. Acceptance of Audit Committee Ranking of Respondents

Ms. Crismond requested a motion for the acceptance of the Audit Committee ranking of respondents. Mr. Bowen advised that the motion should also include authorization to enter into an agreement with the number one ranked firm.

C. Authorization to Enter Into Agreement With #1 Ranked Firm

On MOTION by Ms. Mayer and seconded by Mr. Reynolds, with all in favor, accepting the Audit Committee Ranking of Respondents and authorizing Staff to negotiate with Grau & Associates, the number one ranked firm, for annual auditing services, were approved.

FOURTH ORDER OF BUSINESS

Discussion: New “Opportunity to Be Heard” Legislation

- **Consideration of Resolution 2014-2, Providing for the Public’s Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; And Providing for Severability and an Effective Date**

Mr. Bowen recalled a Supreme Court case that determined there were no rights for members of the public to speak at government meetings. The public had the right to attend the meetings, under the Sunshine Law but nothing guaranteed members of the public a right to speak and be heard at those meetings. Based on that decision, the Florida Legislature enacted a statute that provided such a right to the public. That statute went into effect on October 1, 2013.

Mr. Bowen explained that the purpose of this resolution is to respond to that statute and ensure that the District is in compliance. He pointed out that the District has always provided

opportunity for public comment during Board Meetings but is revising current policy to comply with the language contained in the statute.

Mr. Bowen noted that the District's new public comment policy will allow for public comments on agenda items at the beginning of every meeting and public comment on non-agenda items at the end of each meeting. Mr. Bowen explained that, if an additional item is considered by the Board, another public comment section will be held prior to the Board's decision on that item.

Mr. Bowen indicated that there is additional policy regarding handling large crowds, placing time limits on public comment for the flow of the meeting and determining appropriate behavior. He advised that the memo included in the agenda contains additional information regarding the policy.

Mr. Bowen noted that the District has been in compliance with the new policy since October 2013; the action taken today, by the Board, will formalize it.

Mr. Reynolds stated that he does not feel that it is necessary to limit public comment, unless there is a large audience. Mr. Reynolds questioned whether the Board is required to limit a speaker to a three (3)-minute maximum, or if the time may be increased or decreased. Mr. Bowen clarified that the statute does not provide a time limit; the standard is to provide the public reasonable opportunity to be heard.

Mr. Reynolds asked if the Board should make a motion approving the maximum time limit during the public comment period, for meetings with a large attendance. Mr. Bowen explained that the policy is written so that the Chair can adapt the policy as he/she sees fit; therefore, during a meeting with less people, additional time can be allotted and vice-versa. Ms. Crismond noted that the Board has always been generous with time and has never cut off a speaker. Ms. Mayer concurred.

Mr. Bowen summarized that the Chair has the discretion to "relax" the three (3)-minute rule, when necessary.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2014-2, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; And Providing for Severability and an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

**Consideration of Actions Related to
Declaring the Series 2005 Project
Complete**

Mr. Bowen indicated that the District is required to declare a project complete by both Florida Statute and the bonds that funded the project. The Board is declaring that the District expended the bond funding to complete the project, the project is complete and the District is not expecting to add anything to that specific project. Mr. Bowen clarified that this does not mean that the District will stop building or complete additional construction, in the future..

Mr. Bowen summarized that the purpose of this process is to fulfill the requirements declaring that the construction for this particular project is complete.

Mr. Bowen conveyed that, upon completion of the project, the District's Engineer will make sure that all the contractors have been paid, the plans have been built to specifications and everything is in order. He noted that the engineering firm hired by the District, at the time the project was undertaken, went out of business; therefore, the records are incomplete. Mr. Bowen pointed out that the project was completed some time ago and, if "something were going to happen, the chances are it would have happened already, with relation to finishing up the project".

Mr. Bowen indicated that Mr. Barraco thoroughly reviewed the available records and researched the plans that were previously accepted by the county to be able to certify the project. He advised that Mr. Barraco provided the District with a certificate confirming that the project should not have any issues, based on his investigations and review of the documentation. Mr. Bowen noted that Staff cannot confirm, with 100% certainty, that something will not come up, such as a vendor alleging that he was not paid; however, Staff can assert that the chance of that occurring is not very likely.

- **Resolution 2014-4, Accepting the Certification of the District Engineer that the Series 2005 Project is Complete; Declaring the Series 2005 Project Complete; Finalizing the Special Assessments Securing the District's Series 2005 Capital Improvement Revenue Bonds; Providing for a Supplement to the Improvement Lien Book; Declaring that True-Up Obligations Remain the Same; Providing for Severability, Conflicts, and an Effective Date**

Mr. Bowen presented Resolution 2014-4 for the Board's consideration. He summarized that the resolution reflects what he previously discussed. In addition, it deems the project complete and confirms that the debt assessments that were levied and paid by homeowners, via

the tax bill, are now finalized. The resolution also directs the District to complete the necessary documents.

Mr. Bowen advised that the District Engineer's certificate is located behind the resolution.

Mr. Barraco advised that his firm reviewed all available information from Lee County Utilities (LCU) and South Florida Water Management District (SFWMD); the certification was primarily based on these findings.

Mr. Bowen summarized that the District Engineer's certification was based on the information that was readily available to him.

Ms. Mayer noted that she was previously asked why the north parcels have different CDD fees than the south parcels. Mr. Bowen indicated that he is not familiar with the District's fee structure for the different parcels; however, based on general experience, the source of variation tends to be based on the benefits provided to different areas of the project or the lot sizes. Ms. Mayer pointed out that lots on the south parcel are larger.

Mr. Bowen noted that Mr. Adams is in charge of categorizing the assessment roll. Ms. Crismond advised that she will obtain additional information from Mr. Adams.

Mr. Barraco pointed out that another determining factor is whether the units are single-family or multi-family.

Mr. Bowen noted that residents have questions and asked Ms. Mayer if she was in agreement to open the floor for public comment. Ms. Mayer was in agreement.

Mr. John Teckorius, a resident, asked if any construction documents were reviewed by Mr. Barraco. Mr. Barraco confirmed that he did not review any construction contracts and clarified that he reviewed documentation associated with the utility work constructed and paid for by the District and then dedicated to Lee County. Mr. Barraco explained that the information available for review was limited and certain items cannot be verified; however, with regard to the utilities, LCU performs their own review prior to accepting ownership of the utilities.

Mr. Teckorius, a resident, hypothesized that, if a document called for a gold plated ring around the sewer cap, how can Mr. Barraco verify that information without reviewing the appropriate documentation. Mr. Barraco clarified that he was unable to review the documents but reviewed the construction. Mr. Teckorius asked if anyone is in possession of the permitted construction documents. Mr. Barraco advised that, generally, the county and SFWMD have the

construction documents on file; he does not have any construction plans. Mr. John Teckorius thanked Mr. Barraco for answering his question.

Mr. Teckorius asked, if the construction plans are resurrected, who will be held responsible, if a deficiency is found. Mr. Barraco indicated that the county is the sole owner of the utilities.

Mr. Barraco reiterated that the documents were not available but he was able to physically inspect the drainage system.

Mr. Teckorius stated that the District does not know whether the documents that were permitted have been completed and asked whether this is a true statement. Mr. Barraco did not agree with the statement and explained that the certifications he reviewed were filed with the county and the state by engineers who inspected the projects upon completion. Mr. Barraco reiterated that the county sent their own inspectors prior taking ownership of the utilities. Mr. Barraco indicated that, through that process, he “concluded that everything was built according to the plans and specifications. Mr. Teckorius pointed out that the plans were not available for review. Mr. Barraco concurred.

Mr. Barraco clarified that he did not certify the utilities but is familiar with the process. He noted that it was necessary for the engineer that certified the project to have the plans in hand. Mr. Teckorius asked if Mr. Barraco was in possession of the certifications. Mr. Barraco advised that they are located in the county records.

Mr. Teckorius asked who will be held accountable if a deficiency is found, in the future. With regard to the utilities, Mr. Barraco responded “nobody” because the county owns them.

Mr. Bowen clarified that, if the District had the opportunity to review the construction documents, Staff would have determined what recourse is available; for example, a contractor would provide a one (1) to two (2)-year warranty, which would have already expired. Mr. Bowen noted that each circumstance must be reviewed individually, if something comes to light. He pointed out that this work occurred some time ago and the outcome would be different if the work was performed recently.

Mr. Bowen reiterated that the District cannot assert, with 100% certainty, that everything was performed to the specifications; however, the District is asserting that it has reasonable grounds to conclude that they were.

Mr. Teckorius asked who will be held accountable. Ms. Crismond advised that, if a problem comes to light, it should be brought to the District's attention and it will be addressed, accordingly.

Mr. Reynolds indicated that, if a structure "settled" and it has not been turned over or accepted, the District will determine whether a special assessment is necessary to fix that deficiency. Mr. Reynolds conveyed that, from a developer's perspective, he can confirm that the county is readily available to meet with him for anything. He noted that the county has accepted all the infrastructures within the District.

Mr. Reynolds advised that the developer will fund the remaining lines that need to be built on a couple of tracts, as well as any modifications, going forward. He clarified that these items are separate from what is owned by the District and controlled through the bonds.

Mr. Reynolds acknowledged Mr. Teckorius' concerns and noted that any deficiencies that come to light should be brought to the District's attention.

Mr. Rick Doran, a resident, questioned whether the records that are missing were ever presented at a CDD meeting or if the engineer, at the time, was in possession of the records that Mr. Teckorius is asking for and presented to the CDD and did they become official records of the CDD. Mr. Doran also inquired about the District's record retention policy. He asked what the District's policy is with vendors that do not transmit their documents to the District. Mr. Doran asked if when the developer transferred the infrastructure to the CDD and paid \$2 to \$3 million for the infrastructure, the records and certifications were transferred to the District. Mr. Doran asked if the records from 2006, 2007 and 2008 were presented to the District. Mr. Doran demanded a response to his question. Mr. Bowen stated that he does not have that information, at this time.

Ms. Crismond explained that District Management's office is the custodian of all records that have been turned over to the District. In response to Mr. Doran's inquiry, Ms. Crismond clarified that Wrathell, Hunt & Associates, LLC, is the custodian of the District's records. Mr. Doran asked if the records that he previously mentioned were transferred to the District. Ms. Crismond indicated that her employer, Wrathell, Hunt & Associates, LLC is the custodian of the District's records and she will research which records are currently in their possession. Mr. Doran contended that Mr. Barraco admitted that he did not have the records. Ms. Crismond clarified that the District Manager is the custodian of the District's records, not the District Engineer.

Mr. Doran questioned how conveyance took place without the records “on the table”. Ms. Crismond indicated that no one mentioned that records were not on the table and reiterated that the District Manager is the records custodian.

In response to Mr. Doran’s question, Ms. Crismond advised that Mr. Chuck Adams is her supervisor. Mr. Doran asked why Mr. Adams is not in attendance today, if he is in possession of the records. Ms. Crismond clarified that the records are located in the corporate office.

Mr. Barraco expressed his belief that all construction plans and specifications are on file at either or both Lee County or SFWMD. Mr. Doran contended that Ms. Crismond advised that the records are located with the Management Office. Mr. Barraco reiterated that the plan and specifications are on file with Lee County or SFWMD. Mr. Barraco explained that he reviewed all available documents to “prove what is already believed to be true”.

From a developer’s perspective, Mr. Reynolds indicated that D.R. Horton received all records from Lee County and reviewed them very closely. He noted that if anything was not built to code and within the District’s responsibility, the matter would have been brought to the District’s attention, immediately. Mr. Reynolds advised Mr. Doran that copies of records can be obtained from Lee County or the Management Office.

In response to Mr. Doran’s question regarding the construction documents received by the developer, Mr. Reynolds advised that they were provided with PDF files.

Mr. Reynolds advised that the District’s responsibilities are separate from that of the homeowner’s association (HOA) and the developer. For the benefit of the public, Mr. Reynolds advised that a duty of the developer is to verify which infrastructure has been certified, or not certified, under the District’s requirements.

Mr. Doran provided examples of construction that was not in compliance, prior to the formation of the District. Mr. Doran asked how anyone can determine that all infrastructure is secure. Mr. Reynolds explained that all infrastructure that “had to be built, is built”.

Mr. Doran asked if anyone can guarantee that everything is in compliance. Mr. Reynolds explained that everything was thoroughly inspected. Referring to an incident mentioned by Mr. Doran, Mr. Reynolds indicated that it is virtually impossible to illegally tie to a meter.

Mr. Reynolds advised that he was aware of this project when it was still a raw piece of land, he has met with all parties involved in the planning process and has followed the process all the way through; therefore, he possesses a lot of knowledge with regards to the installation of the infrastructures. Mr. Reynolds confirmed that, as a developer and through his findings, he has no

concerns with the District's certifications or turnovers. He indicated that, as a developer and landowner, any deficiencies would have been reported to the District.

Mr. Teckorius voiced his opinion that everyone received their money and they are very happy; however, homeowners will be left to suffer with the consequences. He questioned whether anyone is concerned with quality control.

Referring to prior comments, Mr. Teckorius indicated that Mr. Barraco, as a licensed engineer, is legally required, by the State of Florida, to review all the documents during the certification process. If Mr. Barraco did not review the construction documents in the District's possession, Mr. Teckorius questioned how a determination can be made by reviewing LCU records filed by another engineer.

Mr. Barraco advised that he did not have the authority to review every detail; however, he "absolutely" did review the construction plans and permits, as well as a visual inspection of the water management system. Mr. Barraco confirmed that he has a high level of certainty that the drainage system was constructed as designed and is functioning as was intended.

Mr. Barraco indicated that he did not review the utility plans because the water and sewer systems were previously accepted for ownership, operation and maintenance, by LCU; therefore, the District was not required to review the records. Mr. Barraco clarified that the District was trying to gain confidence that the work was paid for and no liens would be associated with it.

Mr. Bowen requested Mr. Doran to clarify his concerns. Mr. Doran indicated that Mr. Barraco's exercise was based upon the lack of availability of documentation; documentation that one would reasonably expect to have already been presented to the Board. As a licensed engineer, Mr. Barraco is familiar with the process. He asked if the previous engineer presented some type of certification that the structure was built in accordance to the plans and, if he inspected those. Mr. Doran asked if documents were required to be presented to the CDD Board of Supervisors, when the conveyance from the developer to the CDD took place and the transfer of funds was authorized, after the developer represented the costs. Mr. Doran asked if that is a requirement because, how else would Mr. Barraco have done this exercise. Mr. Doran asked where the records are if they were not conveyed to the CDD.

Mr. Bowen advised that part of the difficulty. Mr. Doran interrupted Mr. Bowen to request that Mr. Barraco answer the question, as District Engineer. Ms. Crismond and Ms. Mayer indicated that the District Counsel wishes to speak at this time. Mr. Bowen advised that there are different "ways that construction and the CDD's interaction with the construction could

have happened.” Mr. Bowen advised that he was not employed by the District, at that time, and explained that the preservation of records may have varied with the transition of employees and Board Members.

Mr. Bowen acknowledged Mr. Doran’s concerns about the process; however, in his opinion, the Board has enough information to proceed with consideration of this resolution.

Ms. Mayer indicated that, as a Board Member, she has an understanding of the construction process and is confident of the county’s review, prior to the District’s conveyance of the infrastructure. Ms. Mayer expressed her confidence in the builders, as well.

Mr. Reynolds noted that the bonds were estimated at \$17 million and the actual costs were approximately \$13.3 million, a difference of \$3.7 million. He asked whether the bonds were issued for the actual costs of \$13,381,810. Mr. Bowen clarified that the actual amount of bonds issued was \$10,700,000 and the cost of the project, at that time, was estimated at \$13,381,810.

On MOTION by Ms. Mayer and seconded by Mr. Reynolds, with all in favor, Resolution 2014-4, Accepting the Certification of the District Engineer that the Series 2005 Project is Complete; Declaring the Series 2005 Project Complete; Finalizing the Special Assessments Securing the District’s Series 2005 Capital Improvement Revenue Bonds; Providing for a Supplement to the Improvement Lien Book; Declaring that True-Up Obligations Remain the Same; Providing for Severability, Conflicts and an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Grant of Easement to Master HOA for Wellfield Property

Mr. Bowen presented the Grant of Easement for the Board’s consideration and indicated that it will allow the HOA to utilize an area located on Tract C. Mr. Reynolds indicated that the water use permit falls under the HOA’s responsibility and the recharge well lies on District property; therefore, the HOA requires access for maintenance and meter reading. Mr. Bowen advised that the HOA agrees to maintain the pond at a certain level, in return. He noted that a full pond will prevent erosion and is more aesthetically pleasing than a drained one.

Mr. Bowen conveyed that a “form” of the easement was prepared; the version provided is not the final version that will be signed but it will remain substantially the same. He clarified that some items must be filled in.

Mr. Reynolds advised that he is on the HOA board and will abstain from voting on this motion. Mr. Bowen confirmed that a majority vote can still be obtained, in spite of Mr. Reynolds abstention, as the “majority” relates to the number of Supervisors present.

On MOTION by Ms. Mayer and seconded by Mr. Pye, with Ms. Mayer and Mr. Pye in favor and Supervisor Reynolds abstaining, the Grant of Easement to the Master HOA for Wellfield Property, was approved. (Motion passed 2-0)

SEVENTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

EIGHTH ORDER OF BUSINESS

NEXT MEETING: March 20, 2014 at 1:00 P.M.

Ms. Crismond advised that the next meeting will be held on March 20, 2014 at 1:00 p.m., at this location.

NINTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Mike Geml, a resident, indicated that he was under the impression that the Revised Supplemental Methodology (Methodology) was to be discussed during today’s meeting. Mr. Bowen noted that the Methodology is part of the “project completion process”. He conveyed that, subsequent to the completion of a project, the Methodology is revised to reflect the actual costs of the project. Mr. Bowen explained that the Methodology is the manner in which the assessments are divided among the landowners. In the District’s case, the cost of the project was greater than the amount of the bonds, the developer funded the difference and no adjustments were made to the Methodology.

For clarification Mr. Geml asked if the assessments in the Revised Supplemental Methodology remain consistent with the original assessments. Mr. Bowen replied affirmatively.

Mr. Geml referred to an agreement between Mood Development Corporation (MDC) and the District, in 2012, and recorded in the county records. The agreement called for the payment of past due assessments on the southern property, now known as the single-family parcels, and another parcel that is known as the multi-family parcels. Mr. Geml asked if the payments were made. Mr. Bowen indicated that, with the Board's consent, Staff can research that information for discussion during the next meeting. The Board was in agreement.

Mr. Geml advised that MDC owes the District approximately \$125,000 in unpaid assessments and noted that the money can be recuperated through a tax certificate sale. He noted that it is very unusual that a tax certificate has not been issued for three (3) parcels with unpaid assessments dating back to 2007, 2008 and 2009. Mr. Crismond advised that Staff will research this matter and report their findings during the next meeting.

Mr. Leo Foley, a resident, referred to an agreement with MDC for the construction of 204 units across the street. He noted that a supplemental agreement provides for the construction of 55 multi-family and 14 single-family units. Mr. Foley asked why the District has not revised their documents to reflect the change. Mr. Bowen questioned whether a plat was recorded for the 55 multi-family and 14 single-family units. Mr. Foley indicated that the supplemental agreement was recorded. Mr. Bowen advised that he is not familiar with all the details of that particular agreement; however, he is aware that a reassessment occurred in conjunction with that agreement and there may be another reassessment, once the plat is completed. Ms. Crismond noted that the 55 multi-family units and 14 single-family units have been assessed and are paying the assessments.

Mr. Geml noted that, per the tax records, assessments were not levied against the southern and eastern parcels, in 2010 and 2011. Mr. Bowen indicated that may have occurred for several reasons but he will reserve his response until he has an opportunity to research the matter. Mr. Bowen encouraged residents to revisit these questions with Mr. Adams, during the next meeting.

In response to Mr. Foley's question, Mr. Bowen confirmed that the meeting minutes will be reviewed during the next meeting.

Mr. Geml stated that, "for purposes of the minutes, maybe you can just take this information: it shows that no CDD assessments were applied to that property". Ms. Mayer directed Staff to research this situation.

Ms. Crismond noted that Mr. Adams may have been able to answer all the questions asked today; unfortunately, he could not attend today's meeting. She confirmed that she will bring all questions to his attention for discussion during the March meeting.

Mr. Bowen pointed out that today's meeting was a special meeting scheduled to discuss specific topics. Ms. Mayer noted that this is the first meeting that Mr. Adams has not attended in seven (7) years. Mr. Bowen confirmed that Mr. Adams is very attentive.

Mr. Reynolds indicated that there is a note, on the assessments, that states "all units, except for those east of Mood Road, pay for all expenditures, categories in the District's general fund budget". He clarified that the units east of Mood Road only pay for administrative and legal assessments, at this point. Mr. Reynolds assumes that their assessments will increase, subsequent to the certification of their water management system.

Mr. Warren Young, a resident, asked what type of work was performed on the lake near Silver Thorn Loop. Ms. Crismond explained that erosion repairs were made. In response to Mr. Young's question, Ms. Crismond noted that initial repairs were made per SFWMD's recommendations but all lakes will be repaired, eventually. She advised that repairs are extremely costly. Mr. Young asked if the lakes will remain full, subsequent to the repairs. Ms. Crismond explained that the water levels are dictated by the amount of rain. Ms. Crismond explained the erosion repair process.

Ms. Mayer advised that erosion repairs were made to the lake near her home and commended Staff for their work.

In response to Mr. Young's question regarding lake levels, Mr. Reynolds advised that the permits only allow for 18 million gallons of water, per year, to be drawn from the subsurface to recharge the lakes throughout the District. He clarified that there is a limit on how much the lakes can be refilled; the rest is attributed to accumulation during the wet season.

There being no Supervisor's requests, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Mayer and seconded by Mr. Reynolds,
with all in favor, the meeting adjourned at 2:15 p.m.**

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Reynolds, Frank Lorenzo	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Moody River Estates Community Development District
MAILING ADDRESS 611 SW 52nd St.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Cape Cora	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Lee	NAME OF POLITICAL SUBDIVISION: Moody River Estates
DATE ON WHICH VOTE OCCURRED January 30th, 2014	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Frank L. Reynolds, hereby disclose that on January 30th, 20 14;

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Moody River Home Owners Association, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The Moody River Homeowners Association is in need of an easement for which they can access a recharge well that lies within the platted MRECDD stormwater easement. Being a board member with the HOA and a Board member for the MRECDD would be a conflict for which my vote would be an advantage or disadvantage for the HOA.

February 6th 2014 [Signature]
Date Filed Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.


Secretary/Assistant Secretary


Chair/Vice Chair