

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT  
DISTRICT**

**REGULAR MEETING  
AGENDA**

**May 19, 2016**

# Moody River Estates Community Development District

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

May 12, 2016

## ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors  
Moody River Estates Community Development District

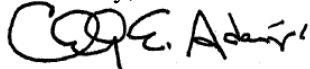
Dear Board Members:

The Board of Supervisors of the Moody River Estates Community Development District will hold a Regular Meeting on **Thursday, May 19, 2016 at 1:00 p.m.**, in the **Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903**. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments (*agenda items*)
3. Acceptance of Resignation of Supervisor Jeffrey Berry [Seat 2, Term Expires November, 2016]
  - Discussion/Consideration: Appointment of Candidate of to Fill Unexpired Term
    - Administration of Oath of Office (*the following to be provided in a separate package for newly elected Board Members*)
      - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
      - B. Membership, Obligations and Responsibilities
      - C. Financial Disclosure Forms
        - i. Form 1: Statement of Financial Interests
        - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests
        - iii. Form 1F: Final Statement of Financial Interests
      - D. Form 8B: Memorandum of Voting Conflict
  - Consideration of **Resolution 2016-\_\_**, Electing Officers
4. Consideration of **Resolution 2016-1**, Approving the District's Proposed Budgets for Fiscal Year 2015/2016 and Setting a Public Hearing Thereon Pursuant to Florida Law; and Providing An Effective Date
5. Consideration of **Resolution 2016-2**, Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Lee County Supervisor of Elections to Conduct the District's General Election

6. Moody River Estates Association, Inc., Homeowners Request
  - A. Maintenance and Condition of the Preserve Areas
  - B. Verification of Electric Bills Servicing the Ponds and Identify Responsibility and Possible Discrepancies
7. Approval of **January 21, 2016** Regular Meeting Minutes
8. Other Business
9. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. Manager
    - i. Approval of Unaudited Financial Statements as of March 31, 2016
    - ii. **933** Registered Voters in District as of April 15, 2016
    - iii. **NEXT MEETING DATE: June 16, 2016 at 1:00 P.M.**
10. Public Comments (*non-agenda items*)
11. Supervisors' Requests
12. Adjournment

Sincerely,



Chesley E. Adams, Jr.  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:**

**CALL IN NUMBER: 1-888-354-0094**

**CONFERENCE ID: 8593810**

January 21, 2016

JAN 25 2016

Moody River Estates Community Development District  
2300 Glades Road  
Suite 410W  
Boca Raton, Florida 33431

JAN 25 2016

Dear Mr. Adams and Fellow Supervisors,

It is with a heavy heart that I submit my resignation from the CDD. It has been an honor to have served for the past several years. At this time, I do not feel that I can provide the CDD with the time and attention that it warrants.

Please advise me on any paperwork that needs to be completed to formalize my resignation. I sincerely wish the remaining Supervisors my very best and I want to personally thank Mr. Adams and Ms. Crismond for their professionalism and kindness.

Sincerely,

A handwritten signature in black ink, appearing to read 'JRB', with a long horizontal line extending to the right.

Jeffrey R. Berry

**RESOLUTION 2016-\_\_**

**A RESOLUTION ELECTING THE OFFICERS OF THE  
MOODY RIVER ESTATES COMMUNITY  
DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA**

WHEREAS, the Board of Supervisors of the Moody River Estates Community Development District desires to elect the below recited person(s) to the offices specified.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD  
OF SUPERVISORS OF THE MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT:**

1. The following persons are elected to the offices shown:

Chair	_____
Vice Chair	_____
Secretary	<u>Chuck Adams</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	<u>Craig Wrathell</u>

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Chair/Vice Chair

\_\_\_\_\_  
Secretary/Assistant Secretary

**RESOLUTION 2016-1**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT APPROVING PROPOSED BUDGETS FOR FISCAL YEAR 2016/2017 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the District Manager has heretofore prepared and submitted to the Board of Supervisors of the Moody River Estates Community Development District (the "Board") prior to June 15, 2016, a proposed operating budget, debt service budget and capital projects budget for Fiscal Year 2016/2017; and

WHEREAS, the Board has considered the proposed budgets and desires to set the required public hearing thereon.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

1. The operating, debt service and capital projects budgets proposed by the District Manager for Fiscal Year 2016/2017 attached hereto as **Exhibit A** are hereby approved as the basis for conducting a public hearing to adopt said budgets.
2. A public hearing on said approved budgets is hereby declared and set for the following date, hour and location:

DATE: August 18, 2016

HOUR: 1:00 P.M.

LOCATION: Clubhouse at Moody River Estates  
3050 Moody River Blvd.  
North Fort Myers, Florida 33903

3. The District Manager is hereby directed to submit a copy of the proposed budgets to Lee County at least 60 days prior to the hearing set above.
4. In accordance with Section 189.016, Florida Statutes, the District's Secretary is further directed to post these approved budgets on the District's website at least two days before the budget hearing date as set forth in Section 2.
5. Notice of this public hearing shall be published in the manner prescribed in Florida law.
6. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

ATTEST:

**MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Exhibit A**

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2017  
ADOPTED BUDGET  
PREPARED MAY 6, 2016**



**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
TABLE OF CONTENTS**

<b>Description</b>	<b>Page Number(s)</b>
General Fund Budget	1 - 2
Definitions of the General Fund Expenditures	3 - 4
Debt Service Fund Budget - Series 2005 Bonds	5
Debt Service Fund - Debt Service Schedule - Series 2005 Bonds	6
Projected Assessments	7

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2017**

	Fiscal Year 2016			Total Revenue and Expenditures	Proposed Budget FY 2017
	Adopted Budget FY 2016	Actual through 3/31/16	Projected through 9/30/2016		
<b>REVENUES</b>					
Assessment levy: gross	\$ 248,102				\$ 247,305
Allowable discounts (4%)	(9,924)				(9,892)
Assessment levy: net	238,178	\$ 218,577	19,601	\$ 238,178	237,413
Interest and miscellaneous	-	78	78	156	-
Total revenues	<u>238,178</u>	<u>218,655</u>	<u>19,679</u>	<u>238,334</u>	<u>237,413</u>
<b>EXPENDITURES</b>					
<b>Professional &amp; admin</b>					
Supervisors	6,459	1,507	4,952	6,459	6,459
Management/recording	44,802	22,401	22,401	44,802	44,802
Legal - general counsel	12,000	3,098	6,000	9,098	12,000
Engineering	5,000	3,691	2,000	5,691	5,000
Audit	4,300	5,050	-	5,050	5,050
Accounting	8,742	4,371	4,371	8,742	8,742
Assessment roll preparation	12,875	6,437	6,438	12,875	12,875
Arbitrage rebate calculation	1,200	-	1,200	1,200	1,200
Dissemination agent	1,000	-	1,000	1,000	1,000
Trustee	3,150	-	3,150	3,150	3,150
Telephone	500	250	250	500	500
Postage	1,250	675	575	1,250	1,250
Printing & binding	1,100	550	550	1,100	1,100
Legal advertising	1,500	457	1,043	1,500	1,500
Annual district filing fee	175	175	-	175	175
Insurance	6,515	5,923	-	5,923	6,000
Other current charges	2,000	304	500	804	1,500
Website	500	-	500	500	500
Total professional & admin	<u>113,068</u>	<u>54,889</u>	<u>54,930</u>	<u>109,819</u>	<u>112,803</u>
<b>Water management</b>					
Other contractual	72,500	60,572	50,000	110,572	85,000
Aquascaping	7,500	875	-	875	1,500
Utilities	43,000	19,515	21,000	40,515	43,000
Total water management	<u>123,000</u>	<u>80,962</u>	<u>71,000</u>	<u>151,962</u>	<u>129,500</u>

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2017**

	Fiscal Year 2016			Total Revenue and Expenditures	Proposed Budget FY 2017
	Adopted Budget FY 2016	Actual through 3/31/16	Projected through 9/30/2016		
<b>Other fees and charges</b>					
Property appraiser	844	777	67	844	844
Tax collector	1,266	1,088	178	1,266	1,266
Total other fees and charges	<u>2,110</u>	<u>1,865</u>	<u>245</u>	<u>2,110</u>	<u>2,110</u>
Total expenditures	<u>238,178</u>	<u>137,716</u>	<u>126,175</u>	<u>263,891</u>	<u>244,413</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	80,939	(106,496)	(25,557)	(7,000)
Fund balance - beginning	97,244	94,860	175,799	94,860	69,303
Fund balance- ending (projected)	<u>\$ 97,244</u>	<u>\$ 175,799</u>	<u>\$ 69,303</u>	<u>\$ 69,303</u>	<u>\$ 62,303</u>

**Assessment Summary**

	Units	Proposed		Total Revenue
		FY 2016 Assessment	FY 2017 Assessment	
Single family	775	\$ 308.02	\$ 307.80	\$ 238,545.00
Multi family - east	69	135.98	127.02	8,764.38
Total	<u>844</u>			<u>\$ 247,309.38</u>

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES**

**Professional & admin**

Supervisors	\$ 6,459
<p>Statutorily set at \$200 (plus applicable taxes) for each meeting of the Board of Supervisors not to exceed \$4,800 for each fiscal year. The District anticipates six meetings during the fiscal year.</p>	
Management/recording	44,802
<p><b>Wrathell, Hunt and Associates, LLC</b>, specializes in managing Community Development Districts in the State of Florida by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all governmental requirements of the District, develop financing programs, administer the issuance of tax exempt bond financings, and operate and maintain the assets of the community.</p>	
Legal - general counsel	12,000
<p>Hopping Green and Sams provide on-going general counsel and legal representation. These lawyers are confronted with issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts. In this capacity, they provide service as "local government lawyers," realizing that this type of local government is very limited in its scope – providing infrastructure and services to developments.</p>	
Engineering	5,000
<p>The District's engineer provides a broad array of engineering, consulting and construction services to the District. These services assist with the crafting of sustainable solutions for the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>	
Audit	5,050
<p>Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.</p>	
Accounting	8,742
<p><b>Wrathell, Hunt and Associates, LLC</b>, is responsible for the preparation of all financial work related to the District's governmental funds, including monthly financials and annual budgets.</p>	
Assessment roll preparation	12,875
<p><b>Wrathell, Hunt and Associates, LLC</b>, is responsible for the preparation and administration of the assessment rolls for all funds of the District.</p>	
Arbitrage rebate calculation	1,200
<p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.</p>	
Dissemination agent	1,000
<p>The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities &amp; Exchange Act of 1934. The Dissemination Agent for the District is the District's Underwriter - Prager Sealy and Company, LLC.</p>	
Trustee	3,150
<p>Annual fees paid to U.S. Bank for the services they provide as trustee, paying agent and registrar.</p>	

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES (continued)**

Telephone		500
Telephone and fax machine.		
Postage		1,250
Mailing of agenda packages, overnight deliveries, correspondence, etc.		
Printing & binding		1,100
Letterhead, envelopes, copies, agendas, etc.		
Legal advertising		1,500
The District advertises for monthly meetings, special meetings, public hearings, bidding, etc.		
Annual district filing fee		175
Annual fee paid to the Department of Economic Opportunity.		
Insurance		6,000
The District carries public officials and general liability insurance with policies written by Preferred Governmental Insurance Trust. The limit of liability is set at \$1,000,000 for general liability (\$2,000,000 general aggregate) and \$1,000,000 for public officials liability limit.		
Other current charges		1,500
Bank charges and other miscellaneous expenses incurred during the year.		
Website		500
<b>Water management</b>		
Other contractual		85,000
The District contracts with Lakemasters Aquatic Weed Control, Inc. for treatment and maintenance of the lakes and wetlands. This program includes aquatic weed control and wetland treatments for state recognized exotic plant materials. It is anticipated that the District will continue it's routine pipe and inlet inspection and cleaning program. It is proposed that this program be implemented on a rotational basis and lake banks on a priority basis.		
Lake and wetlands	\$ 45,000	
Fountain Repairs/Maint	10,000	
Pipes/inlets/lake banks	30,000	
Total	\$ 85,000	
Aquascaping		1,500
To address the periodic needs of supplementing the District's aquatic plan program to ensure compliance with the surface water management permit(s).		
Utilities		43,000
Electrical charges for fountains and aerators.		
<b>Other fees &amp; charges</b>		
Property appraiser		844
Fees are \$1.00 per parcel on which the assessment is levied.		
Tax collector		1,266
Fees are \$1.50 per parcel on which the assessment is levied.		
Total expenditures		\$ 244,413

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
DEBT SERVICE FUND BUDGET - SERIES 2005  
FISCAL YEAR 2017**

	Fiscal Year 2016			Total Revenue & Expenditures	Proposed Budget FY 2017
	Adopted Budget FY 2016	Actual through 3/31/16	Projected through 9/30/2016		
<b>REVENUES</b>					
Assessment levy: on-roll	\$ 741,943				\$ 741,215
Allowable discount (4%)	(29,678)				(29,649)
Assessment levy - net	712,265	\$ 649,692	\$ 61,877	\$ 711,569	711,566
Interest	-	35	49	84	-
Total revenues	712,265	649,727	61,926	711,653	711,566
<b>EXPENDITURES</b>					
<b>Debt service</b>					
Principal	240,000	-	240,000	240,000	250,000
Principal prepayment	-	10,000	-	10,000	-
Interest	475,883	237,942	237,674	475,616	462,508
Total debt service	715,883	247,942	477,674	725,616	712,508
Excess/(deficiency) of revenues over/(under) expenditures	(3,618)	401,785	(415,748)	(13,963)	(942)
Beginning fund balance	1,249,692	1,315,332	1,717,117	1,315,332	1,301,369
Ending fund balance (projected)	<u>\$1,246,074</u>	<u>\$1,717,117</u>	<u>\$1,301,369</u>	<u>\$ 1,301,369</u>	<u>1,300,427</u>
Use of fund balance					
Debt service reserve account balance (required)					(635,056)
Interest expense - November 1, 2017					(224,566)
Projected fund balance surplus/(deficit) as of September 30, 2017					<u>\$ 440,805</u>

## Moody River

Community Development District

Series 2005

\$10,710,000

### Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
11/01/2015	-	-	237,941.25	237,941.25
05/01/2016	240,000.00	5.350%	237,673.75	477,673.75
11/01/2016	-	-	231,253.75	231,253.75
05/01/2017	250,000.00	5.350%	231,253.75	481,253.75
11/01/2017	-	-	224,566.25	224,566.25
05/01/2018	265,000.00	5.350%	224,566.25	489,566.25
11/01/2018	-	-	217,477.50	217,477.50
05/01/2019	280,000.00	5.350%	217,477.50	497,477.50
11/01/2019	-	-	209,987.50	209,987.50
05/01/2020	295,000.00	5.350%	209,987.50	504,987.50
11/01/2020	-	-	202,096.25	202,096.25
05/01/2021	310,000.00	5.350%	202,096.25	512,096.25
11/01/2021	-	-	193,803.75	193,803.75
05/01/2022	330,000.00	5.350%	193,803.75	523,803.75
11/01/2022	-	-	184,976.25	184,976.25
05/01/2023	345,000.00	5.350%	184,976.25	529,976.25
11/01/2023	-	-	175,747.50	175,747.50
05/01/2024	365,000.00	5.350%	175,747.50	540,747.50
11/01/2024	-	-	165,983.75	165,983.75
05/01/2025	385,000.00	5.350%	165,983.75	550,983.75
11/01/2025	-	-	155,685.00	155,685.00
05/01/2026	410,000.00	5.350%	155,685.00	565,685.00
11/01/2026	-	-	144,717.50	144,717.50
05/01/2027	430,000.00	5.350%	144,717.50	574,717.50
11/01/2027	-	-	133,215.00	133,215.00
05/01/2028	455,000.00	5.350%	133,215.00	588,215.00
11/01/2028	-	-	121,043.75	121,043.75
05/01/2029	480,000.00	5.350%	121,043.75	601,043.75
11/01/2029	-	-	108,203.75	108,203.75
05/01/2030	505,000.00	5.350%	108,203.75	613,203.75
11/01/2030	-	-	94,695.00	94,695.00
05/01/2031	535,000.00	5.350%	94,695.00	629,695.00
11/01/2031	-	-	80,383.75	80,383.75
05/01/2032	560,000.00	5.350%	80,383.75	640,383.75
11/01/2032	-	-	65,403.75	65,403.75
05/01/2033	595,000.00	5.350%	65,403.75	660,403.75
11/01/2033	-	-	49,487.50	49,487.50
05/01/2034	625,000.00	5.350%	49,487.50	674,487.50
11/01/2034	-	-	32,768.75	32,768.75
05/01/2035	660,000.00	5.350%	32,768.75	692,768.75
11/01/2035	-	-	15,113.75	15,113.75
05/01/2036	565,000.00	5.350%	15,113.75	580,113.75
<b>Total</b>	<b>\$8,885,000.00</b>		<b>\$6,088,835.00</b>	<b>\$14,973,835.00</b>

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
PROJECTED ASSESSMENTS  
GENERAL FUND AND DEBT SERVICE FUND**

Number of Units	Unit Type	Projected Fiscal Year 2017			FY 16 Assessment
		GF	DSF	GF & DSF	
114	Carriage-Center	\$ 307.80	\$ 439.00	\$ 746.80	\$ 747.02
158	Coach-Center	307.80	583.00	890.80	891.02
135	Signature 50X135-Center	307.80	728.00	1,035.80	1,036.02
95	Estate 71.25X135-Center	307.80	920.00	1,227.80	1,228.02
140	Estate 71.25X135-South	307.80	1,553.00	1,860.80	1,861.02
56	Signature 50X135-North	307.80	1,261.00	1,568.80	1,569.02
77	Estate 71.25X135-North	307.80	1,553.00	1,860.80	1,861.02
55	Multifamily-East	127.02 *	139.12 **	266.14	275.10
14	Single Family-East	127.02 *	-	127.02	135.98
<b>844</b>					

**Note:** All units except for those located east of Moody Road ("East Units") pay for all expenditure categories contained in the District's General Fund Budget, including Professional & Administrative, Other Fees and Charges, and Water Management expenditures. All units in the District, except for the East Units, benefit on an equal residential unit basis from the administrative and general governmental functions of the District and the flood protection provided by the proper maintenance of the Water Management system. The proper maintenance and operation of the Water Management system assists in the prevention of damage to property caused by floods, lowers insurance premiums for property constructed on individual lots, and allows for orderly drainage so that property owners can maximize the use and enjoyment of their properties and common areas. The District has determined that the East Units do not receive similar benefits as other units in the District from the existing Water Management system. Therefore, the East Units only pay for the Professional & Administrative, excepting the Engineering Fees (as stipulated in the Settlement Agreement with Mood Development Corporation dated October 31, 2012 (the "Settlement Agreement")), and Other Fees and Charges expenditures, and they do so at the same rate as the other units in the District.

\* Assessments for GF expenditures for unplatted lands located east of Moody Road are based on 55 multifamily and 14 single family units as per the Settlement Agreement.

\*\* Assessments for DSF expenditures levied on unplatted lands located east of Moody Road are based on the benefit received by such lands. The "per unit" allocation is an illustration based on a mathematical division of the total annual amount by the 55 multi family and 14 single family units as contemplated in the Settlement Agreement, subject to the adjustment for the prepayment of the entire assessment principal on the parcel with 14 single family units. See assessment roll for total amounts levied against each unplatted parcel.



**RESOLUTION 2016-2**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT IMPLEMENTING SECTION 190.006(3)(A)(2)(c), FLORIDA STATUTES, AND INSTRUCTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE DISTRICT’S GENERAL ELECTION**

WHEREAS, the Moody River Estates Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Lee County, Florida; and

WHEREAS, the Board of Supervisors of Moody River Estates Community Development District (hereinafter the “Board”) seeks to implement section 190.006(3)(A)(2)(c), Florida Statutes, and to instruct the Lee County Supervisor of Elections to conduct the District’s General Elections.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

Section 1. The Board is currently comprised of the following individuals: John Teckorius, Terry Pye, Elizabeth Keeler, Ilse Mayer.

Section 2. The term of office for each member of the Board is as follows:

<u>Seat</u>	<u>Supervisor</u>	<u>Term (Including Expiration Date)</u>
Seat 1	John Teckorius	11/2018
Seat 2	Vacant	11/2016
Seat 3	Terry Pye	11/2016
Seat 4	Elizabeth Keeler	11/2016
Seat 5	Ilse Mayer	11/2018

Section 3. Seat 2, currently vacant, Seat 3, currently held by Terry Pye and Seat 4, currently held by Elizabeth Keeler, are scheduled for the General Election in November 2016.

Section 4. Members of the Board receive \$200 per meeting for their attendance and no Board member shall receive more than \$4,800 per year.

Section 5. The term of office for the individuals to be elected to the Board in the November 2016 General Election is four years.

Section 6. The new Board members shall assume office on the second Tuesday following their election.

Section 7. The District hereby instructs the Supervisor of Elections to conduct the District’s General Elections on the ballot of the 2016 General Election. The District understands

that it will be responsible to pay for its proportionate share of the general election cost and agrees to pay same within a reasonable time after receipt of an invoice from the Supervisor of Elections.

**PASSED AND ADOPTED THIS 19<sup>TH</sup> DAY OF MAY, 2016.**

**COMMUNITY**

**MOODY RIVER ESTATES**

**DEVELOPMENT DISTRICT**

---

**CHAIR/VICE CHAIR**

**ATTEST:**

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**SECRETARY/ASSISTANT SECRETARY**

1 **MINUTES OF MEETING**  
2 **MOODY RIVER ESTATES**  
3 **COMMUNITY DEVELOPMENT DISTRICT**  
4

5 A Regular Meeting of the Moody River Estates Community Development District's  
6 Board of Supervisors was held on **Thursday, January 21, 2016 at 1:00 p.m.**, in the **Clubhouse**  
7 **at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.**  
8

9 **Present and constituting a quorum were:**

11 Terry Pye	Chair
12 Jeff Berry	Vice Chair
13 Ilse Mayer	Assistant Secretary
14 John Teckorius	Assistant Secretary
15 Elizabeth Keeler	Assistant Secretary

16  
17 **Also present were:**

18		
19 Chuck Adams	District Manager	
20 Cleo Crismond	Assistant Regional Manager	
21 Michael Eckert	District Counsel	
22 Doug Tarn	District Engineer	
23 Malcolm Haase	Resident	
24 Gene Mitchell	Resident	

25  
26  
27 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

28  
29 Mr. Adams called the meeting to order at 1:03 p.m., and noted, for the record, that all  
30 Supervisors were present, in person.  
31

32 **SECOND ORDER OF BUSINESS**

**Public Comments (*agenda items*)**

33  
34 There being no public comments, the next item followed.  
35

36 **THIRD ORDER OF BUSINESS**

**Continued Discussion: District's Ability  
to Assume Certain Common Maintenance  
Responsibilities from the Master  
Association**

37  
38  
39  
40

41 Mr. Eckert circulated an email from District Counsel that was transmitted to the District  
42 Manager, regarding the District’s ability to maintain certain infrastructure within the “hard”  
43 gates, which restrict access to the community; therefore, having the gates limits what the District  
44 can own and maintain behind them.

45 Mr. Eckert advised that since the CDD is a government, the Board is subject to the same  
46 laws as county commissioners; Board Members are public officials running a government. The  
47 District may own and maintain facilities behind the gates that exclude public access, such as  
48 water or sewer lines or the stormwater management system, as long as it is treated as a utility.  
49 For items such as parks, recreation facilities, common spaces and playgrounds, there is an  
50 expectation of public access. If the CDD owns and maintains them, the gates must be “soft”  
51 gates. Most communities do not want “soft” gates because access must be granted to the public.

52 Mr. Eckert explained that, with “hard” gates, the District could have landscaping to  
53 prevent soil erosion into the stormwater management system, water, sewer and irrigation lines  
54 and landscaping outside the gates along the roadway perimeter; however, Florida Law prohibits  
55 the CDD from owning and operating roads, streetlights and common and recreation areas, unless  
56 the gates become “soft” gates. Changing to “soft” gates is a significant community decision that  
57 involves reviewing HOA documents. Some communities want the CDD to own the amenities  
58 but also want “hard” gates and are struggling with the decision.

59 Mr. Teckorius felt that this is a bad idea. Mr. Adams agreed.

60 In response to a question, Mr. Eckert confirmed that this was his legal opinion.

61 Mr. Berry believed that the CDD provides maintenance, not ownership. Mr. Eckert  
62 advised that the CDD cannot maintain a private facility, as it would involve using public money  
63 to benefit a private entity. Ms. Keeler felt that this makes sense. Mr. Eckert advised that it made  
64 sense, if the Board recognizes that the District is a unit of local government, under Florida Law.

65 Mr. Eckert recalled that, at the last meeting, the Board requested an opinion on the Mood  
66 Development Corporation (Mood) settlement and the outstanding assessments. He explained  
67 that the agreement did not require Mood to prepay debt assessments on its property. Mood owns  
68 two parcels; one prepaid its debt assessments and the other is billed on an annual basis. Mr.  
69 Eckert believed that Mood was not currently out of compliance with the agreement.

70 Mr. Teckorius indicated that one parcel was purchased in March and owned by an LLC in  
71 Minnesota. It has 55 units and each owner pays \$135, per year and the owners do not benefit

72 from CDD amenities. Mr. Adams pointed out that, as long as mood follows the provisions of the  
73 settlement agreement, the District was “at a loss” as to what it can do.

74 Mr. Teckorius stated that Owner “A” recently sculptued five to six acres of land and  
75 hydroseeded it in an area where a drain will be installed. He has pictures of the ponding and will  
76 be drained from that property, which is in the CDD; therefore, he wondered if the CDD can  
77 receive compensation for the owner’s benefit of utilizing the District’s newly installed overflow  
78 pipe.

79 Mr. Adams clarified that the property owner is providing a benefit to the District by  
80 modifying the outfall pipe, as required by their permit. The modification benefitted the owner,  
81 as it allowed their retention and eventual conveyance of their stormwater through the system but,  
82 ultimately, the invert of the pipe was lowered by 6”, which provided a greater benefit to the  
83 District.

84 Mr. Adams understood that the permit requires on-site stormwater retainage in the  
85 sculpted area. The water buildup that occurred one or two months ago, resulted from recent  
86 construction activities; the owner was required to install sedimentation and erosion controls  
87 during construction, due to exposed soils, to hold back water from free flowing into the system,  
88 taking contaminants and soil into the pipe and discharging into the bay. Mr. Adams noted that,  
89 as the grass fills in and thickens, the sedimentation controls will be removed and there will no  
90 longer be ponding, other than what it is designed to hold. The requirement for attenuation is the  
91 first .5”.

92 Mr. Teckorius stated that, once the grass is at 70%, the sedimentation controls can be  
93 removed. Mr. Tarn concurred.

94 Mr. Teckorius reiterated his question about whether the CDD could receive compensation  
95 for the property owner, who benefits from utilizing the District’s stormwater system. Mr. Adams  
96 explained that the District does not own the outfall pipe, as it was not constructed with District  
97 funds and there is no easement in favor of the District. The only obligation would be for the  
98 owner to maintain drainage, through their stormwater permit for that parcel, which happens to  
99 pass the District’s drainage through their system. Mr. Adams noted that this is no different than  
100 inland communities receiving stormwater from upstream development, through the District’s  
101 stormwater system, and discharging downstream. Each surface water management permit has an

102 obligation to maintain their system, as designed and, if they create any negative impacts,  
103 upstream or downstream, they are required to modify and remediate the system.

104 Since the Land Development Order (LDO) was issued and the District will be purchasing  
105 a portion of the outfall pipe, Mr. Teckorius asked if the CDD should pursue the owner of the  
106 parcel, for an easement to maintain the pipe. Mr. Adams replied no, as the agreement is between  
107 the current developer and the association but, once the facilities are in place, it would make sense  
108 for the District to consider an agreement with the association for the District to maintain the  
109 facilities, on behalf of the association.

110 Mr. Teckorius asked if the CDD should obtain an easement from Mr. Heuther. Mr.  
111 Adams indicated that the easement will be in favor of the association but can be assigned to the  
112 CDD, through an agreement with the association. Mr. Teckorius believed that the owner must be  
113 contacted if the pipe is damaged. Mr. Adams recommended contacting the agencies and the  
114 owner at the same time. Mr. Teckorius stated that he cannot call Mr. Adams because it is not  
115 his responsibility, which is why he wants the CDD to be responsible for all of the pipes in the  
116 system.

117 Mr. Adams suggested constructing the outfall pipe and putting the easement in place, and  
118 then the association can decide whether to enter into an agreement with the CDD.

119  
120 **FOURTH ORDER OF BUSINESS**

**Approval of October 15, 2015 Regular Meeting Minutes**

121  
122  
123 Mr. Adams presented the October 15, 2015 Regular Meeting Minutes and asked for any  
124 additions, deletions or corrections.

125 The following change was made:

126 Line 68: Remove the entire sentence.

127 Regarding Line 194, Mr. Teckorius asked about the number of lakes to be completed this  
128 year under the lake bank erosion project. Mr. Adams is waiting for the contractor to provide  
129 proposals and is hopeful that several lakes can be restored.

130 In response to Mr. Teckorius' question regarding Line 204, Ms. Crismond indicated that  
131 the tree, on Lake 9, was planted the week of the last meeting.

132 Mr. Teckorius noted that the electrical box for the fountain, in Lake 11, was not repaired.  
133 Ms. Crismond reported that the housing of the unit was replaced but the electrical panel was on

134 order. Mr. Teckorius noticed that one air pump box was installed but the lower box must be  
135 replaced; it had been missing for two months.

136

137 **On MOTION by Mr. Berry and seconded by Ms. Keeler, with**  
138 **all in favor, the October 15, 2015 Regular Meeting Minutes, as**  
139 **amended, were approved.**

140

141

142 **FIFTH ORDER OF BUSINESS**

**Other Business**

143

144 Mr. Teckorius questioned if the District Engineer asked the county to investigate the  
145 slope of the lake banks, as reflected in Line 253, of the October 15, 2015 Regular Meeting  
146 Minutes, as it is the developer’s responsibility to bring the lakes into compliance. Mr. Adams  
147 indicated that the lakes are on the engineer’s certification list.

148 Mr. Teckorius pointed out that lakes in Moody south were never in compliance. He felt  
149 that the construction of the homes, along these lakes, must be reviewed and approved. Mr.  
150 Adams explained that when the lakes were transferred to the District, several years ago, for  
151 ownership and operation, Staff reviewed the list from the certification, from the certification,  
152 from the construction to the operational phase. The District assumed those responsibilities and  
153 they are on the list. Staff is hopeful that, during development, when the back slopes are graded,  
154 the developer makes corrections to eliminate erosion, washouts and vertical ledges that take  
155 lakes out of compliance.

156 Mr. Berry pointed out that the slopes on the lake banks of the new houses, were  
157 corrected. Mr. Adams explained that this is why slope restoration was being completed in  
158 phases. The slopes for the undeveloped areas will be addressed later, as it is not an immediate  
159 aesthetic issue; there may be remediation, at no cost to the District, as the lots are developed.

160 Mr. Teckorius suggested holding monthly CDD meetings, versus four regular meetings  
161 and two emergency meetings. Mr. Berry disagreed, as monthly meetings are not budgeted, nor  
162 are professional costs. Ms. Keeler agreed. In response to Mr. Berry’s question, Mr. Adams  
163 indicated that Management’s costs are set but the District Engineer and District Counsel’s costs  
164 are hourly. Mr. Berry asked about advertising. Mr. Adams estimated that individual newspaper  
165 advertisements cost \$300.

166 Mr. Adams questioned whether the Board needs to meet monthly to discuss the  
167 stormwater management system.

168

169 **SIXTH ORDER OF BUSINESS**

**Staff Reports**

170

171 **A. Attorney**

172 Mr. Eckert reported on two legislative items. The first bill, which was approved by both  
173 committees but not yet approved by the Legislature, gives CDDs more authority to tow vehicles  
174 parked on CDD property. The second bill may have a dramatic impact on all Florida CDDs by  
175 making CDD websites interactive; the cost per District, to implement this change would be  
176 significant. The bill is being monitored but, in the future, the estimated cost for the website  
177 charge, may be presented and he may ask if the Board wants to adopt any resolution, indicating  
178 whether or not the District is in favor. Mr. Eckert stated that he District cannot absorb the costs  
179 in the budget; therefore, assessments would have to be increased to accommodate the new law.  
180 There is concern bas no more than one vendor has this type of program, resulting in a sole source  
181 contract. If interested, he requested that the Board adopt a resolution.

182 Mr. Adams believed that it would cost \$9,000 to \$10,000, per District, to make the  
183 website interactive and upload additional information.

184 **B. Engineer**

185 Mr. Teckorius asked if the LDO was approved. Mr. Adams indicated that it was  
186 reviewed and there were no concerns.

187 Mr. Tarn reported that a site visit was performed on the East Parcel on December 7.  
188 There was minor flooding but, at the time of the site visit, most of the water had dissipated. He  
189 indicated that, the NPDES documentation was accepted for the silt fence, downstream. There  
190 were no drainage structures or modifications to the outfall pipe.

191 Mr. Adams advised that the LDO was provided to Mr. Kayne for review and Mr. Kayne  
192 had no any concerns. The LDO seems consistent with the design planning and discussion.

193 **C. Manager**

194 **i. Approval of Unaudited Financial Statements as of November 30, 2015**

195 Mr. Adams presented the Unaudited Financial Statements as of November 30, 2015.  
196 Activity was limited, as October was an accrual month but 70% to 80% of the actual aseessment



197 revenue will be received in December, as most owners pay their property taxes in the last week  
198 of November.

199 **ii. NEXT MEETING DATE: March 17, 2016 at 1:00 P.M.**

200 Mr. Adams indicated that the next meeting is scheduled for March 17, 2016 at 1:00 p.m.,  
201 at this location.

202

203 **SEVENTH ORDER OF BUSINESS**

**Public Comments (*non-agenda items*)**

204

205 Mr. Malcolm Haase, a resident, asked if the CDD is responsible for maintaining a certain  
206 quality of water. The ponds have unsightly plant material and there are clogged sprinkler heads.

207 Mr. Adams advised that, since 1993, stormwater systems in Southwest Florida are  
208 required to have littoral shelves with beneficial plants, at a 4:1 slope, which is approximately 12'  
209 to 15' off shore and 3' to 4' deep. Beneficial plants absorb impurities from adjacent lawns,  
210 primarily nitrogen and phosphorus and help with erosion control. Submersed aquatics, such as  
211 hydrilla, bladderwort and coontail, are maintained, every two weeks under a chemical treatment  
212 program. Each lake is treated, as needed. Algae is quickly removed with a contact herbicide or  
213 copper derivative. Submersed aquatics are treated with Sonar, once or twice per year, which is  
214 absorbed by the plant, all the way to the root, killing the plant. Over a period of months, algae  
215 will regenerate. Some contractors use a contact herbicide, such as Diquat, which burns the plant  
216 material but, as the plant material decomposes, it releases nutrients into the water; therefore, the  
217 contractor prefers to treat the ponds once or twice per year, versus monthly. If irrigation ponds  
218 are not properly maintained, material can enter the intake where pumps are pulling from the  
219 water. Periodically, algae may get into the intake valve but it can be prevented with a proper  
220 filtering system. The water source is an open air holding pond, versus a closed source, such as  
221 potable water but the cost difference is substantial.

222 Mr. Haase asked if water testing is performed. Mr. Adams replied no.

223 Mr. Gene Mitchell, a resident, asked about clogged sprinkler heads in Juniper and what  
224 can be done, as it will cost thousands of dollars to replace them. Mr. Adams suggested installing  
225 a strainer or filtering system with properly sized filters.

226 Mr. Adams requested that Mr. Mitchell speak to the association about installing the  
227 filtering system, as the point of pulling water out of the lake is the ideal location for a filtering  
228 system with an automatic backwash system.

229 Mr. Teckorius noted that it is the HOA’s responsibility to install a side stream filter,  
230 because they own the pumping stations. Mr. Adams advised that a blow off program is  
231 necessary, at the end of the lines, in the cul-de-sacs, to prevent buildup.

232 Mr. Teckorius stated that the Juniper’s developer left timers in the meter boxes and never  
233 replaced them, causing the pumps to turn on, utilizing electricity and ruining the drives. Mr.  
234 Adams surmised that the controller lines were cut and, instead of re-running the controller lines,  
235 a battery operated unit was installed. Mr. Teckorius stated that the HOA is paying \$80 to replace  
236 each timer.

237

238 **EIGHTH ORDER OF BUSINESS**

**Supervisors’ Requests**

239

240 There being no Supervisors’ requests, the next item followed.

241

242 **NINTH ORDER OF BUSINESS**

**Adjournment**

243

244 There being nothing further to discuss, the meeting adjourned.

245

**On MOTION by Ms. Mayer and seconded by Ms. Keeler, with  
all in favor, the meeting adjourned at 1:42 p.m.**

246

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251

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

252

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259  
260

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Secretary/Assistant Secretary

---

Chair/Vice Chair

DRAFT

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
MARCH 31, 2016**

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
MARCH 31, 2016**

	Major Funds		Total Governmental Funds
	General	Debt Service	
<b>ASSETS</b>			
Cash - SunTrust	\$ 219,969	\$ -	\$ 219,969
Investments			
Revenue	-	964,089	964,089
Reserve	-	597,137	597,137
Deferred cost	-	118,298	118,298
Due from other funds			
General	-	37,593	37,593
Total assets	<u>\$ 219,969</u>	<u>\$ 1,717,117</u>	<u>\$ 1,937,086</u>
<b>LIABILITIES AND FUND BALANCES</b>			
<b>Liabilities:</b>			
Accounts payable	\$ 6,577	\$ -	\$ 6,577
Due to other funds			
Debt service	37,593	-	37,593
Total liabilities	<u>44,170</u>	<u>-</u>	<u>44,170</u>
<b>Fund Balances:</b>			
Restricted for:			
Debt service	-	1,717,117	1,717,117
Unassigned	175,799	-	175,799
Total fund balances	<u>175,799</u>	<u>1,717,117</u>	<u>1,892,916</u>
Total liabilities and fund balances	<u>\$ 219,969</u>	<u>\$ 1,717,117</u>	<u>\$ 1,937,086</u>

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND  
FOR THE PERIOD ENDED MARCH 31, 2016**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 4,547	\$ 218,577	\$ 238,178	92%
Interest and miscellaneous	8	78	-	N/A
Total revenues	<u>4,555</u>	<u>218,655</u>	<u>238,178</u>	92%
<b>EXPENDITURES</b>				
<b>Professional &amp; admin</b>				
Supervisor	183	1,507	6,459	23%
Management	3,734	22,401	44,802	50%
Accounting services	729	4,371	8,742	50%
Audit	3,800	5,050	4,300	117%
Assessment roll services	1,073	6,437	12,875	50%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	-	1,000	0%
Trustee	-	-	3,150	0%
Legal - general counsel	1,389	3,098	12,000	26%
Engineering	1,280	3,691	5,000	74%
Computer services	-	-	500	0%
Postage	37	675	1,250	54%
Telephone	42	250	500	50%
Insurance	-	5,923	6,515	91%
Printing & binding	92	550	1,100	50%
Legal advertising	-	457	1,500	30%
Other current charges	50	304	2,000	15%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>12,409</u>	<u>54,889</u>	<u>113,068</u>	49%
<b>Water management</b>				
Other contractual	13,583	60,572	72,500	84%
Utilities	3,734	19,515	43,000	45%
Aquascaping	-	875	7,500	12%
Total water management	<u>17,317</u>	<u>80,962</u>	<u>123,000</u>	66%
<b>Other fees and charges</b>				
Property appraiser	-	777	844	92%
Tax collector	-	1,088	1,266	86%
Total other fees and charges	<u>-</u>	<u>1,865</u>	<u>2,110</u>	88%
Total expenditures	<u>29,726</u>	<u>137,716</u>	<u>238,178</u>	58%
Excess/(deficiency) of revenues over/(under) expenditures	(25,171)	80,939	-	
Fund balance - beginning	200,970	94,860	97,244	
Fund balance - ending	<u>\$ 175,799</u>	<u>\$ 175,799</u>	<u>\$ 97,244</u>	

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2005  
FOR THE PERIOD ENDED MARCH 31, 2016**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 13,583	\$ 649,692	\$ 712,265	91%
Interest	4	35	-	N/A
Total revenues	<u>13,587</u>	<u>649,727</u>	<u>712,265</u>	91%
<b>EXPENDITURES</b>				
Principal	-	-	240,000	0%
Principal prepayment	-	10,000	-	N/A
Interest	-	237,942	475,883	50%
Total expenditures	<u>-</u>	<u>247,942</u>	<u>715,883</u>	35%
Excess/(deficiency) of revenues over/(under) expenditures	13,587	401,785	(3,618)	
Fund balance - beginning	<u>1,703,530</u>	<u>1,315,332</u>	<u>1,249,692</u>	
Fund balance - ending	<u><u>\$ 1,717,117</u></u>	<u><u>\$ 1,717,117</u></u>	<u><u>\$ 1,246,074</u></u>	

# WRATHELL, HUNT & ASSOCIATES LLC.

2300 GLADES RD, #410W  
BOCA RATON FL 33431

Lee County – Community Development Districts  
FLORIDA

04/15/2016

2016 PRECINCT.	NAME OF CDD	# REG VOTERS
40,124, 40	Bayside Improvement	2,767
	Bay Creek	835
	Beach Road Estates	0
	Beach Road Golf Estates	0
	Bonita Landings	0
41, 125	Brooks of Bonita Springs	2,182
	Brooks of Bonita Springs II	1,467
	East Bonita Beach	0
80	Mediterra North	381
66	Miramar Lakes South	0
63, 64	Moody River Estates	933
25	Parklands Lee	402
25	Parklands West	508
5	River Hall	487
123	River Ridge	1,388
60	Stoneybrook	1,549
60	University Square	0
5	Verandah East	357
5	Verandah West	770
9, 32	Waterford Landing	158

Tammy Lipa – Voice: 239-533-6329

Email: [tlipa@lee.vote](mailto:tlipa@lee.vote)

Send to: Daphne Gillyard [gillyardd@whassociates.com](mailto:gillyardd@whassociates.com) Phone: 561-571-0010