

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT
DISTRICT**

**REGULAR MEETING
AGENDA**

March 16, 2017

Moody River Estates Community Development District

OFFICE OF THE DISTRICT MANAGER

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

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

March 9, 2017

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, March 16, 2017 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. Discussion/Consideration: District Manager's Revised Operating Procedures
 - A. Consideration of **Resolution 2017-6**, Electing Officers of the District
 - B. Consideration of **Resolution 2017-7**, Designating the Authorized Signatories for the District's Operating Bank Account(s)
4. Update: Refinancing Series 2006 Bonds
5. Update: Recent Communications with South Florida Water Management District and Lee County
6. Acceptance of Unaudited Financial Statements as of January 31, 2017
7. Approval of **January 19, 2017** Regular Meeting Minutes
 - Action Items
8. Staff Reports
 - A. District Counsel
 - B. District Engineer
 - C. District Manager
 - **NEXT MEETING DATE: May 18, 2017 at 1:00 P.M.**
 - D. Operations Manager

9. Public Comments (*non-agenda items*)
10. Supervisors' Requests
11. Adjournment

Should you have any questions and/or concerns, please contact me directly at 239-464-7114.

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



Wrathell, Hunt and Associates, LLC

MEMORANDUM

DATE: March 7, 2017
TO: Boards of Supervisors
FROM: District Manager
RE: Revised Operating Procedure

The agenda includes two Resolutions for consideration. The first Resolution elects Jeff Pinder (our Corporate Controller) as Assistant Treasurer. The second Resolution specifies that the Chair, Vice Chair, Treasurer (Craig Wrathell) and Assistant Treasurer (Jeff Pinder) be named as account signers on the district's checking and savings accounts. As specified in the account signer Resolution, all warrants and checks will require, in all instances, the Treasurer (Craig Wrathell) to serve as the counter-signer.

The reason for this adjustment in operating procedure is related to the fact that our company now represents over 70 special district clients and, with continued projected growth, we want to have our organization and procedures structured to ensure that we can continue to timely coordinate with the banks, pay bills and, at the same time, maintain the strong internal controls we already have in place. Therefore, having Jeff Pinder granted more authority in the capacity of Assistant Treasurer will enable him to interact directly with the banks in those instances when Craig Wrathell is out of the office on business.

Thank you.

RESOLUTION 2017-6

**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 Treasurer	<u>Jeff Pinder</u>
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	<u>Craig Wrathell</u>

PASSED AND ADOPTED this 16th day of March, 2017.

Chair/Vice Chair

Secretary/Assistant Secretary

RESOLUTION 2017-7

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE AUTHORIZED SIGNATORIES FOR THE DISTRICT'S OPERATING BANK ACCOUNT(S); AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Moody River Estates Community Development District (the "District") is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in Lee County, Florida; and

WHEREAS, pursuant to Chapter 190, Florida Statutes, the funds of the District shall be disbursed by warrant or check signed by the Treasurer and by such other person as may be authorized by the Board; and

WHEREAS, the Board has pursuant to Resolution 2017-6, elected a Chair, Vice Chair, Treasurer and Assistant Treasurer for the District; and

WHEREAS, the Board desires to authorize signatories for the operating bank accounts(s).

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

1. The Chair, Vice Chair, Treasurer and Assistant Treasurer are hereby designated as the authorized signatories for the operating bank account(s) of the District.
2. All warrants and checks shall be countersigned by the Treasurer.
3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

ATTEST:

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

By: _____

Its: _____

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JANUARY 31, 2017**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
JANUARY 31, 2017**

	Major Funds		Total Governmental Funds
	General	Debt Service	
ASSETS			
Cash - SunTrust	\$ 211,042	\$ -	\$ 211,042
Investments			
Revenue	-	980,789	980,789
Reserve	-	596,518	596,518
Deferred cost	-	119,001	119,001
Total assets	\$ 211,042	\$ 1,696,308	\$ 1,907,350
LIABILITIES AND FUND BALANCES			
Liabilities:			
Due to other funds			
Debt service	\$ -	\$ -	\$ -
Total liabilities	-	-	-
Fund Balances:			
Restricted for:			
Debt service	-	1,696,308	1,696,308
Unassigned	211,042	-	211,042
Total fund balances	211,042	1,696,308	1,907,350
Total liabilities and fund balances	\$ 211,042	\$ 1,696,308	\$ 1,907,350

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED JANUARY 31, 2017**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 6,678	\$ 208,596	\$ 237,413	88%
Interest and miscellaneous	26	49	-	N/A
Total revenues	<u>6,704</u>	<u>208,645</u>	<u>237,413</u>	88%
EXPENDITURES				
Professional & admin				
Supervisor	861	1,507	6,459	23%
Management	3,734	14,934	44,802	33%
Accounting services	729	2,914	8,742	33%
Audit	-	-	5,050	0%
Assessment roll services	1,073	4,292	12,875	33%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	-	1,000	0%
Trustee	-	-	3,150	0%
Legal - general counsel	14,289	14,289	12,000	119%
Engineering	-	753	5,000	15%
Computer services	-	-	500	0%
Postage	5	436	1,250	35%
Telephone	42	167	500	33%
Insurance	-	6,042	6,000	101%
Printing & binding	92	367	1,100	33%
Legal advertising	-	249	1,500	17%
Other current charges	47	202	1,500	13%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>20,872</u>	<u>46,327</u>	<u>112,803</u>	41%
Water management				
Other contractual	7,082	27,802	85,000	33%
Utilities	3,939	11,981	43,000	28%
Aquascaping	-	-	1,500	0%
Total water management	<u>11,021</u>	<u>39,783</u>	<u>129,500</u>	31%
Other fees and charges				
Property appraiser	-	-	844	0%
Tax collector	-	1,088	1,266	86%
Total other fees and charges	<u>-</u>	<u>1,088</u>	<u>2,110</u>	52%
Total expenditures	<u>31,893</u>	<u>87,198</u>	<u>244,413</u>	36%
Excess/(deficiency) of revenues over/(under) expenditures	(25,189)	121,447	(7,000)	
Fund balance - beginning	236,231	89,595	69,303	
Fund balance - ending	<u>\$ 211,042</u>	<u>\$ 211,042</u>	<u>\$ 62,303</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 JANUARY 31, 2017**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 20,013	\$ 621,861	\$ 711,566	87%
Interest	77	96	-	N/A
Total revenues	<u>20,090</u>	<u>621,957</u>	<u>711,566</u>	87%
EXPENDITURES				
Principal	-	-	250,000	0%
Interest	-	231,254	462,508	50%
Total expenditures	<u>-</u>	<u>231,254</u>	<u>712,508</u>	32%
Excess/(deficiency) of revenues over/(under) expenditures	20,090	390,703	(942)	
Fund balance - beginning	<u>1,676,218</u>	<u>1,305,605</u>	<u>1,301,369</u>	
Fund balance - ending	<u><u>\$ 1,696,308</u></u>	<u><u>\$ 1,696,308</u></u>	<u><u>\$ 1,300,427</u></u>	

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 19, 2017 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:**

10
11 Terry Pye Chair
12 Elizabeth Keeler Vice Chair
13 Ilse Mayer Assistant Secretary
14 John Teckorius Assistant Secretary
15

16 **Also present were:**

17
18 Chuck Adams District Manager
19 Cleo Adams Assistant Regional Manager
20 Michael Eckert (*via telephone*) District Counsel
21 Wes Kayne District Engineer
22 Teresa Silva Resident
23 Norm Hefty Resident
24 Malcom Haas Resident
25 Leah Bond Resident
26
27

28 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

29
30 Mr. Adams called the meeting to order at 1:01 p.m., and noted, for the record, that
31 Supervisors Pye, Mayer, Teckorius, Bond and Keeler were present, in person. One seat was
32 vacant.
33

34 **SECOND ORDER OF BUSINESS**

Public Comments (*agenda items*)

35
36 Mr. Norm Hefty, a resident, stated that, although most of the grounds were well-
37 maintained, the area behind his house was overrun with weeds, vines and invasive plants. Mr.
38 Adams stated that the area was intended to be preserved, in its natural state; however, he would
39 arrange a meeting between Mr. Hefty and the contractor who would determine if the native
40 vegetation required trimming.

41 Ms. Teresa Silva, a resident, presented photographs of two tree stumps that she wanted
 42 removed. One tree should be replaced otherwise, the District would be short one tree. Mr.
 43 Adams stated that the Acacia tree that was removed was not part of the tree count. Because the
 44 tree was an exotic, code enforcement ordered it removed, as it was too close to the CDD’s
 45 aeration system. The maintenance area was the Association’s responsibility. Mr. Adams would
 46 contact the Association and include Ms. Silva in the communication. In response to Ms. Silva’s
 47 statement that the preserves, near her property, were an eyesore, Mr. Adams would ensure that
 48 the preserves were regularly maintained.

49 Mr. Malcolm Haas, a resident, stated that there was visible erosion in the lakes, despite
 50 the lack of rain. Mr. Adams would follow up with the contractor.

51

52 **THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Newly
 Elected Supervisors, Terry Pye [Seat 3]
 and Elizabeth Keeler [Seat 4] (the
 following to be provided in separate
 package)**

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 54
 55
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 57
 58 Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath
 59 of Office to Supervisors Pye and Keeler. He provided and briefly explained the following items:

- 60 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and**
- 61 **Employees**
- 62 **B. Membership, Obligations and Responsibilities**
- 63 **C. Financial Disclosure Forms**
 - 64 **i. Form 1: Statement of Financial Interests**
 - 65 **ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - 66 **iii. Form 1F: Final Statement of Financial Interests**
- 67 **D. Form 8B, Memorandum of Voting Conflict**

68

69 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-3,
 Declaring a Vacancy in Seat 2; No One
 Qualified for Seat in General Election**

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73 Mr. Adams presented Resolution 2017-3 for the Board’s consideration. In response to a
74 question about the significance of the seat numbers, Mr. Adams stated that the seat number was
75 an organizational assignment and the terms were staggered.

76
77 **On MOTION by Ms. Mayer and seconded by Ms. Keeler, with**
78 **all in favor, Resolution 2017-3, Declaring a Vacancy in Seat 2;**
79 **No One Qualified for Seat in General Election, was adopted.**

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82 **FIFTH ORDER OF BUSINESS**

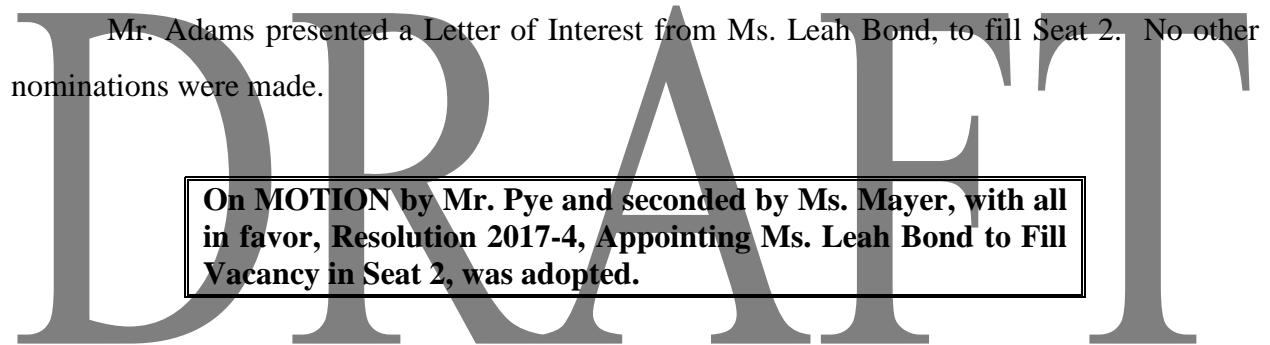
Consideration of Resolution 2017-4,
Appointing a Qualified Elector to Fill
Vacancy in Seat 2.

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86 Mr. Adams presented Resolution 2017-4 for the Board’s consideration.

87 **A. Letter of Interest: Leah Bond**

88 Mr. Adams presented a Letter of Interest from Ms. Leah Bond, to fill Seat 2. No other
89 nominations were made.

90
91 **On MOTION by Mr. Pye and seconded by Ms. Mayer, with all**
92 **in favor, Resolution 2017-4, Appointing Ms. Leah Bond to Fill**
93 **Vacancy in Seat 2, was adopted.**



94
95
96 **i. Administration of Oath of Office to Newly Appointed Supervisor**

97 Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath
98 of Office to Ms. Leah Bond. He provided and briefly explained the Supervisor Packet
99 documents.

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101 **SIXTH ORDER OF BUSINESS**

Consideration of Resolution 2017-5,
Electing Officers of the District

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104 Mr. Adams presented Resolution 2017-5 for the Board’s consideration. Ms. Mayer
105 nominated Mr. Pye to serve as Chair and Ms. Keeler to serve as Vice Chair. No other
106 nominations were made for Chair or Vice Chair. The slate of officers was as follows:

- 107 Chair Terry Pye
108 Vice Chair Elizabeth Keeler

109	Secretary	Chuck Adams
110	Treasurer	Craig Wrathell
111	Assistant Secretary	Ilse Mayer
112	Assistant Secretary	Leah Bond
113	Assistant Secretary	John Teckorius
114	Assistant Secretary	Craig Wrathell
115		

On MOTION by Ms. Mayer and seconded by Ms. Bond, with all in favor, Resolution 2017-5, Electing Officers of the District, as nominated and stated, was adopted.

SEVENTH ORDER OF BUSINESS

Update: Quiet Title Action Against the District

Mr. Eckert gave a brief history of the case involving the District and the multi-family parcel, owned by Florida Tax Lien Assets IV LLC, (FTL). The property was previously owned by the Mood Development Corporation (MDC) and the CDD reached a Settlement Agreement with MDC that included certain deed restrictions on the multi-family parcel. The deed restrictions affirmed that only 55 multi-family units could be constructed and FTL would reimburse the District if that number was exceeded. FTL acquired properties through a tax deed sale, executed a title search and filed a Quiet Title Action, claiming ownership of the property, in court. The District was named as a defendant in a Quiet Title Action because deed restrictions and special assessments were put in place as a result of the settlement agreement with MDC. District Counsel’s approach in handling Quiet Title Actions was to preserve assessment liens and/or deed restrictions and settle the case quickly, so the District would incur less in attorney’s fees and could proceed without any repercussions. A settlement agreement was negotiated between the CDD and FTL, which maintained the assessment liens, deed restrictions and allowed the CDD to be reimbursed, in the event that the deed restrictions were violated. Mr. Eckert stated that the Board would be preserving the status quo and facilitating a quick resolution of the case by approving the motion that he would put forth. In response to Mr. Teckorius’ question regarding an access easement, Mr. Eckert stated that the District never had an easement on the property. Mr. Adams stated that the easement issue was satisfied.

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On MOTION by Mr. Pye and seconded by Mr. Teckorius, with all in favor, filing of the joint Motion for Entry of Consent Judgment and authorizing the Chair to execute the Settlement Agreement, were approved.

EIGHTH ORDER OF BUSINESS **Update: Refinancing Series 2006 Bonds**

Mr. Adams stated that current interest rates were no longer favorable for refinancing the Series 2006 bonds. FMSbonds, Inc., would continue to monitor the market. Mr. Adams would provide monthly updates on the Series 2006 bonds and call for a special meeting, if necessary.

NINTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of November 30, 2016**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2016. Assessment revenue collections were at 18%. An educational newsletter reminding residents of the environmental standards of the preserves would be sent to curtail illegal dumping in these areas.

TENTH ORDER OF BUSINESS **Approval of October 20, 2016 Regular Meeting Minutes**

Mr. Adams presented the October 20, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Line 135: Add “as defendant” after “named”

On MOTION by Ms. Keeler and seconded by Ms. Mayer, with all in favor, the October 20, 2016 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel

There being no report, the next item followed.

B. District Engineer

180 There being no report, the next item followed.

181 **C. District Manager**

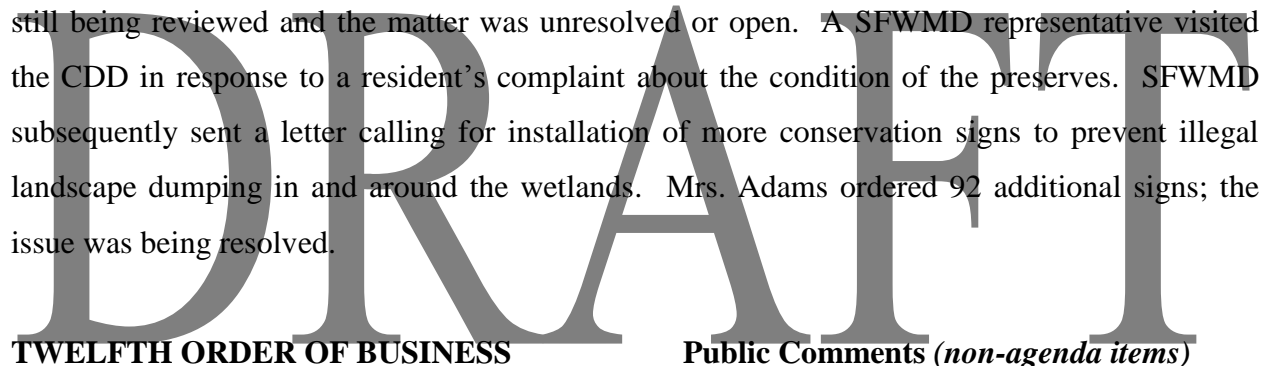
182 Mr. Adams recalled previous discussions about a South Florida Water Management
183 District (SFWMD) notification regarding improperly graded lots, at the end of Blue Banyan
184 Court. DR Horton, the Developer, accepted responsibility for all of the lots except Lots 90 and
185 96, which had pools installed after the closings. DR Horton contended that the integrity of the
186 grading and the berms, following the closings were subsequently damaged by the owners of Lots
187 90 and 96. Those owners would be encouraged to have their pool companies make corrections.

- 188 • **NEXT MEETING DATE: March 16, 2017 at 1:00 P.M.**

189 The next meeting will be on March 16, 2017 at 1:00 p.m., at this location.

190 **D. Operations Manager**

191 Mrs. Adams stated that the berm area between 3351 and 3371 Banyan Hollow Loop was
192 still being reviewed and the matter was unresolved or open. A SFWMD representative visited
193 the CDD in response to a resident’s complaint about the condition of the preserves. SFWMD
194 subsequently sent a letter calling for installation of more conservation signs to prevent illegal
195 landscape dumping in and around the wetlands. Mrs. Adams ordered 92 additional signs; the
196 issue was being resolved.



199
200 There being no public comments, the next item followed.

201
202 **THIRTEENTH ORDER OF BUSINESS** **Supervisors’ Requests**

203
204 Mr. Pye requested monthly email updates listing all open operational items. In response
205 to Mr. Teckorius’ question about the trees and maintenance issue on Silver Thorn Loop, Mrs.
206 Adams stated that landscape buffers were installed near the homes of five residents on Lake 9.
207 There was a change in the permitting and the County required DR Horton to install the landscape
208 buffers. Although the buffers hindered maintenance access, it was a requirement to buffer the
209 homes because they were in close proximity to the eagle’s nest. Ms. Mayer stated that many
210 residents did not know enough about the CDD and its functions and suggested holding a
211 workshop to educate residents. Mr. Teckorius stated that Supervisors must be better informed

212 about the happenings within the community and would like more detail in the Operations Report.
213 Mr. Adams stated that Staff would prepare and include an Action Items List highlighting
214 ongoing and completed action items within the District.

215 Ms. Keeler mentioned an organism that periodically grew in the lakes and asked how
216 growth could be contained. Mr. Adams stated that there was a treatment program performed on
217 the lakes to remedy the issue and there were contractors who specialized in treating the wet well
218 with a chemical injection system. Mrs. Adams would refer a contractor to Ms. Keeler. Mr.
219 Adams would send a letter, for informational purposes.

220

221 **FOURTEENTH ORDER OF BUSINESS** **Adjournment**

222

223 There being no further business to discuss, the meeting adjourned.

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225 **On MOTION by Mr. Pye and seconded by Mr. Teckorius, with**
226 **all in favor, the meeting adjourned at 2:00 p.m.**

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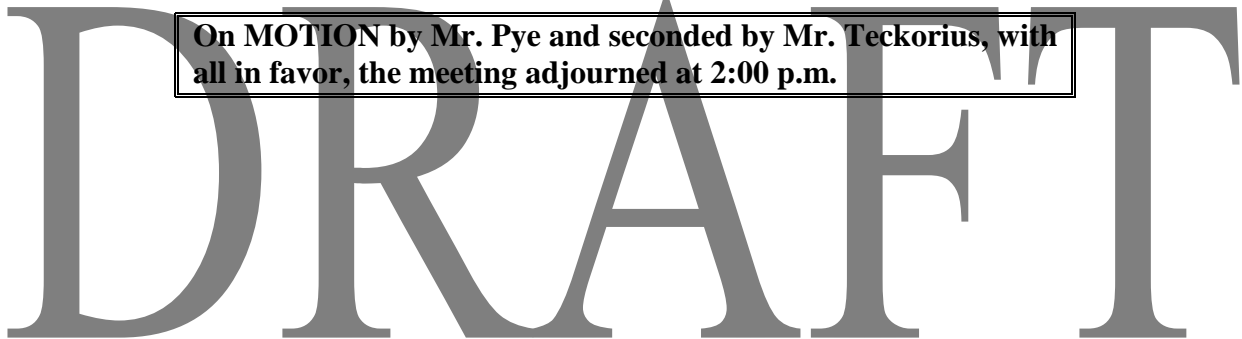
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

DRAFT

ACTION ITEMS

1. **01/19/17** Mr. Adams to arrange a meeting between Mr. Hefty and landscape contractor who would determine if native vegetation required trimming
STATUS: ONGOING
2. **01/19/17** Regarding tree/tree stump issues, Mr. Adams to contact the Association regarding maintenance and include Ms. Silva in the communication.
STATUS: ONGOING
3. **01/19/17** Regarding the appearance of the preserve areas, Mr. Adams to ensure that the preserves were regularly maintained. **STATUS: ONGOING**
4. **01/19/17** **Regarding lake erosion**, Mr. Adams to follow up with the contractor.
STATUS: ONGOING
5. **01/19/17** Regarding refinancing the Series 2006 bonds, FMSbonds, Inc., to monitor the market for favorable conditions and Mr. Adams to provide monthly updates. **STATUS: ONGOING**
6. **01/19/17** An educational newsletter, reminding residents of the environmental standards of the preserves, to be sent to curtail illegal dumping in the preserves. **STATUS: ONGOING**
7. **01/19/17** Regarding SFWMD notification about improperly graded Lots 90 and 96, the owners would be encouraged to have their pool companies correct the grading issues. **STATUS: ONGOING**
8. **01/19/17** Per Mr. Teckorius' request, Supervisors to be better informed about community happenings and the Operations Report to be more detailed.
9. **01/19/17** Regarding algae in lakes, Mr. Adams to refer a contractor to Ms. Keeler and send an informational letter. **STATUS: ONGOING**