

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

The Board of Supervisors of the Moody River Estates Community Development District held a Regular Meeting on February 11, 2021 at 6:00 p.m., at The Best Western, 13021 N. Cleveland Avenue, North Fort Myers, Florida 33903.

Present and constituting a quorum were:

Chris Jenner	Chair
Robert Geltner	Vice Chair
John Teckorius	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Wes Kayne	District Engineer
Mike Eckert	District Counsel
Terri Silva	HOA President
Julie Canoura	Resident
William Krukowski	Resident
Edward Pike	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 6:00 p.m. Supervisors Jenner, Geltner and Teckorius were present, in person. Supervisor Hoffman was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items*)

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Confirmation of Administration of Oaths of Office for Newly Elected Supervisors, Robert Geltner [Seat 3] and John Teckorius [Seat 4]

Mrs. Adams stated the Oath of Office was previously administered to Supervisors Geltner and Teckorius by a Notary outside of the meeting and Staff received their Oaths of Office. In response to Mrs. Adams' question, Mr. Geltner confirmed that he wanted to receive compensation and Mr. Teckorius waived compensation.

FOURTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Paul Hoffman, Seat 5; term expires November, 2022

Mrs. Adams presented Mr. Paul Hoffman's letter of resignation.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the resignation of Mr. Paul Hoffman, dated December 18, 2020, was accepted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-01, Declaring a Vacancy in Seat 2 of the Board of Supervisors Pursuant to Section 109.006(3)(b), Florida Statutes; and Providing an Effective Date

Mr. Jenner presented Resolution 2021-01. Mr. Geltner voiced his opinion that there may not have been enough publication of the Board vacancies to the entire eligible community.

On MOTION by Mr. Teckorius and seconded by Mr. Jenner, with all in favor, Resolution 2021-01, Declaring a Vacancy in Seat 2 of the Board of Supervisors Pursuant to Section 109.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Discussion/Consideration of Candidates to Fill Vacancies in Seats 2 and 5

- A. Julie Canoura**
- B. William Krukowski**
- C. Edward Pike**

Mr. Jenner stated he was surprised to see this item on the agenda because, as Mr. Geltner remarked, the vacancies were not publicized. He asked how the applicants learned of the Board openings. Mrs. Adams stated several residents discovered that there were openings on the Board, submitted their resumes and Management included the item on the agenda. A resident asked why residents were not alerted of the vacancies. Mrs. Adams stated Board Members cannot discuss District business outside of District meetings and Management Staff cannot publicize vacancies without being directed to do so by the Board.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, authorizing Management Staff to provide the HOA with and e-blast to send to residents regarding CDD Board vacancies, including a submittal deadline date, was approved.

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)*

- 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**

This item was deferred to the next meeting.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, and Providing for an Effective Date

Mr. Jenner presented Resolution 2020-02. Mr. Geltner nominated Mr. Teckorius for Chair. Mr. Teckorius nominated Mr. Geltner for Vice Chair. The slate of officers was nominated, as follows:

Chair	John Teckorius
Vice Chair	Robert Geltner
Secretary	Chuck Adams
Assistant Secretary	Chris Jenner
Assistant Secretary	Vacant
Assistant Secretary	Vacant
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, Resolution 2021-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, as nominated, and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Discussion/Consideration: Amendment to Resolution 2020-05, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date (Supervisor Geltner)

This item was tabled to the next meeting.

TENTH ORDER OF BUSINESS

Discussion: Board Member Responsibilities

- A. Sample CEO Self-Evaluation**
- B. Management Evaluation**
- C. Evaluating the Executive Director – Your Role as a Board Member**

Mr. Geltner asked to table this item and for Staff to include a discussion item about adding workshops to the meeting schedule on the next agenda. Discussion ensued regarding publicizing workshops and community input.

This item was tabled to the next meeting.

ELEVENTH ORDER OF BUSINESS

Discussion: CDD Newsletter

Mr. Geltner suggested tabling this item as the first page of the newsletter lists the Supervisors' names and he felt that it would make more sense to wait until five Supervisors are on the Board before discussing the CDD newsletter. Mrs. Adams stated she wrote the draft newsletter and would appreciate it if Board Members could write future CDD newsletters; she would provide an electronic version of the newsletter to the Board.

The following change would be made:

Page 2, Paragraph 4, "Did you know": Change "resident" to "qualified electors"

A Board Member felt that the map, on Page 4, should be accompanied by a link to the GIS map that is on the CDD website. Mr. Adams suggested placing an aerial photograph of the CDD boundaries on the last page of the newsletter instead. Mr. Kayne, who prepared the photograph, would forward a copy to Management to be added to the newsletter.

The following changes would be made:

Page 4, "Your HOA", Garnet Dasher: Change "Property Manager" to "Community Association Manager"

Page 4, "Your HOA", Administrative Assistant: Change "Katie Scott" to "Amanda Weichert"

TWELFTH ORDER OF BUSINESS

Consideration of E-Verify Memo and Memorandum of Understanding

Mr. Teckorius presented the E-Verify Memo and Memorandum of Understanding.

Mr. Eckert stated that a new Florida Statute mandates that all local governments, including CDDs, must register and use E-Verify for any new employees or contractors hired or engaged after January 1, 2021. The Statute states that contractors must also register and use E-Verify for their employees. If the CDD discovers that a contractor is not complying with E-Verify,

in the treatment of its employees, the CDD is required to terminate the contract. Mr. Eckert stated the Memorandum was prepared by the Department of Homeland Security (DHS) and the Social Security Administration (SSA) and it would be very difficult for the District to modify. He recommended approval in order for the District to be in compliance of the Statute. Asked if there were any issues with any existing contracts, Mrs. Adams stated that SOLitude uses E-Verify and she would confirm that other CDD contractors use it, as well. Discussion ensued regarding local governments, Special Districts and Real Estate tax exemptions.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, the E-Verify Memorandum of Understanding for Employers, was approved.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2020

Mrs. Adams presented the Unaudited Financial Statements as of December 31, 2020. Regarding whether the 44 lots were up to date on their taxes, Mrs. Adams stated that she would investigate and provide an answer at the next meeting. Discussion ensued regarding expiration of the bonds, current interest rates, whether early bond prepayment would be advantageous to residents and refinancing the bonds without incurring closing costs. The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of August 20, 2020 Virtual Public Hearings and Regular Meeting Minutes

Mrs. Adams presented the August 20, 2020 Virtual Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, the August 20, 2020 Virtual Public Hearings and Regular Meeting Minutes, as presented, were approved.

- **Action Items**

Item 1 was ongoing.

Item 2 was completed. Mr. Eckert stated his research regarding whether solar energy would be beneficial to the community was inconclusive and asked to be removed from the inquiry. Management could look into this item in the future.

Items 45 and 48 were completed.

Item 49: Changed from “Completed” to “Ongoing”. Mr. Geltner stated he would like SOLitude to continue alerting him whenever aeration and fountain technicians are on site.

Mr. Geltner stated he prepared a spreadsheet with a list of all of the lakes with the activities that occurred in the appropriate columns. A copy of the spreadsheet would be transmitted to Mrs. Adams. He stated that, several years ago, the District Engineer created a map of the community and he would like Staff to update the maps to include all CDD assets on the maps, such as fountains and monuments. Discussion ensued regarding current CDD maps, District ownership of certain assets, the Engineer’s Report, the HOA, whether to modify or terminate the Facilities Maintenance Agreement, the roadways, deeds and public records.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

Mr. Eckert reported the following:

- The Florida Legislature is considering filing four items at its March session that could affect CDDs.
- The Commission on Ethics is trying to close a loophole with those using LLCs.
- Special Districts would have to undergo four hours of ethics training.
- Sovereign immunity is being considered, in terms of doing away with it altogether to raising the limits significantly. The current amounts are \$200,000 per person and \$300,000 per incident.
- Amendment 12, relating to lobbying, would be enforced. Amendment 12 states no member of a public board can lobby any other public board, whether it be local, state or federal.

B. District Engineer: *Barraco & Associates, Inc.*

There being no report, the next item followed.

C. District Manager: *Wrathell, Hunt & Associates, LLC*

- **NEXT MEETING DATE: March 11, 2021 at 6:00 P.M.**

- **QUORUM CHECK**

The next meeting would be held on March 11, 2021 at 6:00 p.m.

D. Operations Manager: *Wrathell, Hunt & Associates, LLC*

The Board and Staff discussed alternate meeting locations for the March meeting. Mrs. Adams announced that the next meeting would be held at the Best Western. Mr. Geltner wanted to know how much it cost to rent the current location and the cost to advertise the meetings, in order to seek reimbursement from the HOA for declining the CDD's ability to use its own Clubhouse. Mr. Adams clarified the reasons why Board Meetings are being held off-site with the HOA and stated Management is operating under the policy it was given and must respect the HOA policy. Mr. Geltner stated he would like to know on what grounds the CDD Board was deprived of the use of the Clubhouse, such as if there was a vote by the HOA Board of Directors. He also wanted to view the minutes from the HOA January meeting. Ms. Silva stated the HOA is a private association that has chosen not to open the Clubhouse to non-residents; however, CDD Board Members could utilize the space but no outsiders were allowed.

Mr. Geltner motioned to direct District Counsel to investigate the grounds upon which the CDD has been deprived of the use of the Clubhouse for its meetings and identify whether the CDD has a legal right to obtain reimbursement for any costs associated with relocating the meetings to an alternate location for tonight's meeting and future meetings. The motion failed due to lack of a second.

Mr. Teckorius directed Management to submit an invoice to the HOA for reimbursement of the venue rental costs incurred by the CDD due to the HOA's meeting policies.

- **Monthly Status Report – Field Operations**

Mrs. Adams introduced Ms. Smith and stated her Report was included for informational purposes.

- **Key Activity Dates**

The January 2021 Key Activity dates were included for informational purposes.

Mrs. Adams reported the following:

➤ The annual Bank Stabilization Project for 2021 would be included on the next agenda for consideration.

➤ A Board Member was needed to participate in the annual berm compliance inspection. Mr. Teckorius volunteered to inspect the berm with Mrs. Adams.

SIXTEENTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

There being no public comments, the next item followed.

SEVENTEENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Geltner recalled that, Lines 131 through 136 of the January 2020 meeting minutes, had a discussion regarding excess fuel load in the conservation area. With the impending fire season, he felt that fuel load debris should be included as a discussion item on the next agenda and in the CDD Newsletter and brochures. Asked if Staff would provide a report on the condition of the conservation area, Mr. Adams stated that he would obtain a proposal from an Environmental Engineer. Mr. Geltner asked for the need for conservation area and wildlife signage to be included as a discussion item on the next agenda. Discussion ensued regarding signage verbiage, the County, the HOA and the District's liability in relation to wildlife.

Mr. Geltner asked if the District is required to produce a "Required Reporting of Information" document, per Florida Statutes. Mr. Eckert stated the document is related to website compliance. Discussion ensued.

Mr. Geltner asked for the next agenda to include a discussion item about obtaining a drone to get a baseline of the community.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

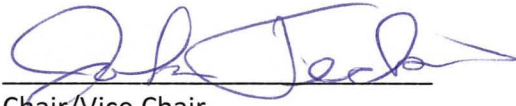
There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the meeting adjourned at 7:25 p.m.



Secretary/Assistant Secretary

Meeting mins. of 2-11-21



Chair/Vice Chair