

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

A Regular Meeting of the Moody River Estates Community Development District's Board of Supervisors was held on **Thursday, May 19, 2011 at 1:00 p.m.**, at the **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913.**

**Present and constituting a quorum were:**

Ilse Mayer	Chair
Kathy Shea	Vice Chair
Terry Pye	Assistant Secretary
Ron Mazuk	Assistant Secretary
Jeff Berry	Assistant Secretary

**Also present were:**

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

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Crismond called the meeting to order at 1:00 p.m., noting, for the record, that Supervisors Mayer, Berry, Mazuk and Shea were present, in person. Supervisor Pye was not present at roll call.

**SECOND ORDER OF BUSINESS**

**Update: Court Proceedings with Mood Development Corp.**

Mr. Eckert indicated, per the Board's instructions, he has not actively pursued this litigation, as the District is the defendant. He indicated he received an overture regarding the possibility of meeting with the new developer to work out a resolution and he will pursue that, along with any proposal they want the Board to consider. Mr. Eckert noted, as District Counsel, he does not have decision-making authority; the Board must make any decisions.

Mr. Mazuk asked Mr. Eckert's opinion of when things will become difficult. Mr. Eckert discussed assessments owed by Mood Development on a portion and felt if Mood wants to get

out of the District before litigation was resolved the Board would likely not agree to that. In the litigation, the District is only defending its assessment liens.

***\*\*\*Supervisor Pye joined the meeting at 1:03.\*\*\****

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2011-5,  
Approving the District's Proposed Budget  
for Fiscal Year 2011/2012 and Setting a  
Public Hearing Thereon Pursuant to  
Florida Law**

Ms. Crismond presented Resolution 2011-5 and the District's proposed budget for Fiscal Year 2012, for the Board's consideration.

Mr. Adams indicated the Board must approve a proposed budget for the purpose of setting a public hearing to adopt a final budget. The public hearing cannot occur sooner than 60 days following approval of the draft budget and setting the public hearing. Mr. Adams noted the next meeting is scheduled for August 18, 2011 and the public hearing could be held at that meeting.

Mr. Adams indicated the budget is status quo, with regard to appropriations and service level. He noted the contingency line item, on Page 1, under expenditures, will be removed. Under 'water management', the other contractual line item was increased from \$55,000 to \$65,000, due to anticipated repairs during the coming year, and the utilities line item was reduced from \$47,000 to \$45,000. The trustee line item was reduced from \$6,000 to \$3,150. Mr. Adams noted, based on collection during the current fiscal year and Mood Development's nonpayment of the CDD assessment portion of its tax bills, the assessment levy line item, under revenues, was reduced, in anticipation of reduced collections. Mr. Adams detailed payments made but not yet processed by the county and received by the District. Mr. Adams indicated, based on the most current information, the District is about \$31,000 short on its annual collections. In order to account for the shortfall, Mr. Adams indicated the District could use a portion of its fund balance to cover the uncollected assessment amounts or he could reprogram it back into the budget through a contingency line item.

In response to a question, Mr. Adams indicated the District's operating expenses and revenue have been relatively stable, over the years; however, legal expenses related to litigation

have been the unknown, depending on what must be done in response to legal matters against the District. He confirmed the legal district counsel line item costs have remained stable.

**On MOTION by Mr. Pye and seconded by Ms. Berry, with all in favor, Resolution 2011-5, Approving the District’s Proposed Budget for Fiscal Year 2011/2012, as presented, and Setting a Public Hearing for August 18, 2011 at 1:00 p.m., at this location, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Approval of March 17, 2011 Regular Meeting Minutes**

Ms. Crismond presented the March 17, 2011 Regular Meeting Minutes and asked for any additions, corrections or deletions.

**On MOTION by Mr. Pye and seconded by Ms. Shea, with all in favor, the March 17, 2011 Regular Meeting Minutes, as presented, were approved.**

**FIFTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

There being nothing additional to report, the next item followed.

**b. Manager**

**i. Unaudited Financial Statements as of March 31, 2011**

Ms. Crismond presented the Unaudited Financial Statements as of March 31, 2011.

In response to a question, Mr. Adams indicated the District is not currently in a good position to refinance the bond. He noted the District’s current rate is very good.

**ii. 407 Registered Voters in District as of April 15, 2011**

Ms. Crismond indicated there were 407 registered voters residing within the District’s boundaries, as of April 15, 2011.

**iii. NEXT MEETING DATE: June 16, 2011 at 1:00 P.M.**

Ms. Crismond indicated the next meeting is scheduled for June 16, 2011 at 1:00 p.m. Mr. Adams indicated the June meeting can be cancelled if there is nothing for the Board to consider.

**SEVENTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

There being no audience comments or Supervisors' requests, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor, the meeting adjourned at 1:22 p.m.**

  
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Secretary/Assistant Secretary

  
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Chair/Vice Chair