

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT
DISTRICT**

**REGULAR MEETING
AGENDA**

March 15, 2012

Moody River Estates Community Development District

6131 Lyons Road, Suite 100 • Coconut Creek, Florida 33073

Phone (954) 426-2105 • Fax (954) 426-2147 • Toll-free: (877) 276-0889

March 8, 2012

ATTENDEES:

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

Board of Supervisors
Moody River Estates Community Development District

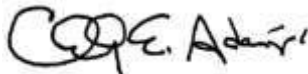
Dear Board Members:

A Regular Meeting of the Moody River Estates Community Development District's Board of Supervisors will be held on **Thursday, March 15, 2012 at 1:00 p.m.**, at the **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913**. The agenda is as follows:

1. Call to Order/Roll Call
2. Update: Mood Development Corp. Litigation
3. Approval of **August 18, 2011** Public Hearing and Regular Meeting Minutes
4. Other Business
5. Staff Reports
 - a. Attorney
 - b. Manager
 - i. Unaudited Financial Statements as of January 31, 2012
 - ii. **NEXT MEETING DATE: May 17, 2012 at 1:00 P.M.**
6. Audience Comments/Supervisors' Requests
7. 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

CA:dg

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

5 A Public Hearing and Regular Meeting of the Moody River Estates Community
6 Development District's Board of Supervisors was held on **Thursday, August 18, 2011 at 1:00**
7 **p.m., at the Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913.**
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9 **Present and constituting a quorum were:**

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11 Ilse Mayer Chair
12 Kathy Shea Vice Chair
13 Terry Pye Assistant Secretary
14 Jeff Berry Assistant Secretary
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16 **Also present were:**

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18 Chuck Adams District Manager
19 Cleo Crismond Assistant Regional Manager
20 Mike Eckert District Counsel
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23 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

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25 Ms. Crismond called the meeting to order at 1:00 p.m., noting, for the record, that
26 Supervisors Mayer, Shea, Pye and Berry were present, in person. Supervisor Mazuk was not
27 present.
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29 **SECOND ORDER OF BUSINESS**

**Affidavit of Publication for August 18,
2011 Public Hearing and Regular
Meeting**

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33 Ms. Crismond presented the affidavit of publication for today's public hearing and
34 regular meeting.
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36 **THIRD ORDER OF BUSINESS**

**Public Hearing to Consider Resolution
2011-6, Relating to the Annual
Appropriations and Adopting the Budget
for the Fiscal Year Beginning October 1,
2011, and Ending September 30, 2012**

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42 Ms. Crismond presented Resolution 2011-6 and the proposed budget, for Fiscal Year
43 2012, for the Board’s consideration.

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**On MOTION by Ms. Mayer and seconded by Mr. Berry, with
all in favor, the Public Hearing was opened.**

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49 No members of the public were present.

50 Ms. Crismond noted the only significant change to the budget was under ‘water
51 management’, where the ‘other contractual’ line item was increased from \$55,000 to \$65,000,
52 due to anticipated repairs during the coming year. She indicated the utilities line item was
53 reduced from \$47,000 to \$45,000. Ms. Crismond referred to Page 3, stating the current
54 assessment for single-family units is \$324.42 and the proposed fiscal year assessment is \$308.21.
55 The current assessment for multi-family units is \$177.55 and the proposed is \$155.99. Mr.
56 Adams reminded the Board that the contingency line item, in the professional and admin portion
57 of the budget, was also dropped, in recognition that the District had built up its fund balance to a
58 comfortable level. Mr. Adams indicated the District is on course to further pad the fund balance
59 during the coming fiscal year. Discussion ensued regarding noticing requirements and Mr.
60 Adams clarified that noticing was not required, as the assessments did not go up.

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**On MOTION by Ms. Mayer and seconded by Ms. Shea, with
all in favor, Resolution 2011-6, Relating to the Annual
Appropriations and Adopting the Budget for the Fiscal Year
Beginning October 1, 2011, and Ending September 30, 2012,
was adopted.**

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FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2011-7
Levying a Non Ad Valorem Maintenance
Assessment for the General Fund and a
Non Ad Valorem Assessment for the Debt
Service Fund for Fiscal Year 2012**

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Ms. Crismond presented Resolution 2011-7, for the Board’s consideration.

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Mr. Adams explained this is the levying resolution that authorizes and certifies the lien
roll which collects the revenues, in accordance with the budget just adopted, for the upcoming

78 fiscal year. He noted, for the record, that all of the District’s collections are through the uniform
79 method of collection, meaning, through the property tax bill. In response to a question by Mr.
80 Eckert, Mr. Adams confirmed no letters objecting to the assessment were received.

81

**On MOTION by Mr. Pye and seconded by Mr. Berry, with all
in favor, Resolution 2011-7 Levying a Non Ad Valorem
Maintenance Assessment for the General Fund and a Non Ad
Valorem Assessment for the Debt Service Fund for Fiscal Year
2012, was adopted.**

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**On MOTION by Ms. Mayer and seconded by Mr. Berry, with
all in favor, the Public Hearing was closed.**

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FIFTH ORDER OF BUSINESS

**Consideration of Award of Contract –
Lake & Wetland Maintenance**

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Ms. Crismond presented the Lake & Wetland Maintenance bid information and reviewed the consideration of award of contract memorandum. She indicated the current lake and wetland management contract is set to expire August 31, 2011. Ms. Crismond reported that nine (9) companies received bid packages, with five (5) submitting bids. She indicated EarthBalance was previously subcontracted, by the District’s current contractor, LakeMasters, to complete the wetland portion of the contract. Ms. Crismond advised that LakeMasters has cut ties with EarthBalance and started its own in-house wetland division, bringing key EarthBalance personnel over to them.

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Ms. Crismond reviewed each of the bidding companies and the proposed costs. She concluded that, while not the overall lowest bidder, Management finds LakeMasters to be the lowest responsible and responsive bidder and recommends award of the contract to LakeMasters, for a first year cost of \$33,913 and with a second year option, in the amount of \$33,913.

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Mr. Adams indicated, while EarthBalance is experienced with wetland management, it is in the startup mode, with regard to the lake maintenance side of the scope of work, and noted concerns about their ability to handle this type of project. He stated that lake maintenance is the largest part of this contract.

112 Mr. Eckert advised, for the record, that this contract was not required to be bid, under the
113 District’s rules of procedure; therefore, the protest rights, etc., are not invoked and the Board has
114 discretion to select the proposal it finds to be in the District’s best interests. He recommended a
115 motion authorizing Staff to prepare a contract and for the Chair to execute the contract. Mr.
116 Adams and Ms. Crismond indicated the District has its own contract and Mr. Eckert asked to
117 review it.

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On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor, award of the Lake & Wetland Maintenance contract to LakeMasters, in a first year amount not-to-exceed \$33,913, with a second year option, at the same price, pending District Counsel’s review, and authorizing the Chair to execute the agreement, was approved.

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127 **SIXTH ORDER OF BUSINESS**

Approval of May 19, 2011 Regular Meeting Minutes

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130 Ms. Crismond presented the May 19, 2011 Regular Meeting Minutes and asked for any
131 additions, corrections or deletions. The following changes were made:

132 Line 39: After “wants”, insert “to get out of the District before litigation was resolved”

133 Line 40: Delete “turned over to the other in the community”

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On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor, the May 19, 2011 Regular Meeting Minutes, as amended, were approved.

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140 **SEVENTH ORDER OF BUSINESS**

Other Business

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142 There being no other business, the next item followed.

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144 **EIGHTH ORDER OF BUSINESS**

Staff Reports

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146 **a. Attorney**

147 Regarding ongoing litigation, Mr. Eckert advised that two (2) cases are pending and it
148 will become necessary to push one (1) of the cases forward, in the near future. He indicated it is

149 the case where Mood took advantage of a provision that is not applicable to special assessments
150 and made no deposit with the court. He explained, if you want to dispute real estate taxes, you
151 must file an action in court and deposit the amount you feel is due and owing. Mood took that
152 action but claimed there was no amount due and owing, so they made no deposit.

153 Mr. Adams noted collections are at 98% and felt those monies were received. Mr. Eckert
154 questioned if funds were received through tax certificate sales, despite Mood’s court filing. Mr.
155 Adams and Mr. Eckert will research the matter.

156 Mr. Eckert indicated he met with the principals of Mood Development regarding
157 settlement. Mood wants the Board to consider allowing them to continue disputing the
158 assessments and ultimately allow them to get out of the District, if they bring their outstanding
159 assessments current. The Board was not in favor. Mr. Eckert indicated counsel for Mood asked
160 if the Board would consider mediation, which he felt is a possibility, in the future. He indicated
161 counsel is to provide the District with written communication regarding the possibility of
162 mediation. Mr. Eckert advised that the District was served with discovery, responded to some
163 requests for admissions and numerous documents were requested. Mr. Eckert indicated he will
164 continue monitoring the litigation but recommended not moving forward, until necessary.

165 **b. Manager**

166 **i. Unaudited Financial Statements as of June 30, 2011**

167 Ms. Crismond presented the Unaudited Financial Statements as of June 30, 2011.

168 **ii. Fiscal Year 2012 Proposed Meeting Schedule**

169 Ms. Crismond presented the proposed meeting schedule for Fiscal Year 2012.

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**On MOTION by Mr. Berry and seconded by Ms. Mayer, with
all in favor, the Fiscal Year 2012 Proposed Meeting Schedule,
as presented, and authorizing the District Manager to
advertise, as required, was approved.**

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177 **NINTH ORDER OF BUSINESS**

**Audience
Requests**

Comments/Supervisors'

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

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183 **TENTH ORDER OF BUSINESS** **Adjournment**

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185 There being no further business, the meeting adjourned.

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

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191 Mr. Eckert asked that the record be reopened, as he discussed the status of the Mood
192 litigation and a dispute with a title company that was fighting it. He noted that Mood
193 Development hired another attorney.

194 The meeting adjourned again at approximately 1:24 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JANUARY 31, 2012**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
JANUARY 31, 2012**

	Major Funds			Total Governmental Funds
	General	Debt Service	Capital Projects	
ASSETS				
Cash - SunTrust	\$ 423,656	\$ -	\$ -	\$ 423,656
Investments				
Revenue	-	226,484	-	226,484
Reserve	-	662,023	-	662,023
Prepayment	-	2,986	-	2,986
Deferred cost	-	53,130	-	53,130
Construction	-	-	291	291
Due from other funds				
General	-	298,489	-	298,489
LCED Deposit	7,875	-	-	7,875
Total assets	<u>\$ 431,531</u>	<u>\$ 1,243,112</u>	<u>\$ 291</u>	<u>\$ 1,674,934</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 1,200	\$ -	\$ -	\$ 1,200
Due to other funds				
Debt service	298,489	-	-	298,489
Total liabilities	<u>299,689</u>	<u>-</u>	<u>-</u>	<u>299,689</u>
Fund Balances:				
Reserved for:				
Debt service	-	1,243,112	-	1,243,112
Capital projects	-	-	291	291
Unreserved, reported in:				
Unreserved, undesignated	131,842	-	-	131,842
Total fund balances	<u>131,842</u>	<u>1,243,112</u>	<u>291</u>	<u>1,375,245</u>
Total liabilities and fund balances	<u>\$ 431,531</u>	<u>\$ 1,243,112</u>	<u>\$ 291</u>	<u>\$ 1,674,934</u>

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED JANUARY 31, 2012**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 4,515	\$ 109,866	\$ 263,406	42%
Interest and miscellaneous	37	75	-	N/A
Total revenues	<u>4,552</u>	<u>109,941</u>	<u>263,406</u>	42%
EXPENDITURES				
Professional & admin				
Supervisor	-	-	6,459	0%
Management	3,734	14,934	44,802	33%
Accounting services	729	2,914	8,742	33%
Audit	-	500	6,300	8%
Assessment roll services	1,073	4,292	12,875	33%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	-	5,000	0%
Trustee	-	-	3,150	0%
Legal - general counsel	2,170	7,491	15,000	50%
Legal - litigation	50	570	25,000	2%
Engineering	120	3,450	5,000	69%
Computer Services	-	360	500	72%
Postage	13	52	1,250	4%
Telephone	41	167	500	33%
Insurance	-	5,500	5,775	95%
Printing & binding	91	367	1,100	33%
Legal advertising	-	255	1,500	17%
Other current charges	53	208	1,100	19%
Office supplies	123	123	500	25%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>8,197</u>	<u>41,358</u>	<u>145,928</u>	28%
Water management				
Other contractual	2,826	10,829	65,000	17%
Utilities	3,813	10,917	45,000	24%
Aquascaping	-	3,572	5,000	0%
Total water management	<u>6,639</u>	<u>25,318</u>	<u>115,000</u>	0%
Other fees and charges				
Property appraiser	-	-	991	0%
Tax collector	-	1,068	1,487	72%
Total other fees and charges	<u>-</u>	<u>1,068</u>	<u>2,478</u>	43%
Total expenditures	<u>14,836</u>	<u>67,744</u>	<u>263,406</u>	26%
Excess/(deficiency) of revenues over/(under) expenditures	(10,284)	42,197	-	
Fund balance - beginning	142,126	89,645	81,985	
Fund balance - ending	<u>\$ 131,842</u>	<u>\$ 131,842</u>	<u>\$ 81,985</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, 2012**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Assessment levy	\$ 12,382	\$ 298,379	\$ 722,303	41%
Total revenues	<u>12,382</u>	<u>298,379</u>	<u>722,303</u>	41%
EXPENDITURES				
Principal	-	-	195,000	0%
Interest	-	263,889	527,778	50%
Total expenditures	<u>-</u>	<u>263,889</u>	<u>722,778</u>	37%
Excess/(deficiency) of revenues over/(under) expenditures	12,382	34,490	(475)	
Fund balance - beginning	<u>1,230,730</u>	<u>1,208,622</u>	<u>1,226,798</u>	
Fund balance - ending	<u><u>\$ 1,243,112</u></u>	<u><u>\$ 1,243,112</u></u>	<u><u>\$ 1,226,323</u></u>	

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2005
FOR THE PERIOD ENDED JANUARY 31, 2012**

	<u>Current Month</u>	<u>Year to Date</u>
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
EXPENDITURES	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	-
Fund balance - beginning	291	291
Fund balance - ending	<u>\$ 291</u>	<u>\$ 291</u>