

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT  
DISTRICT**

**REGULAR MEETING  
AGENDA**

**October 18, 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

October 11, 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

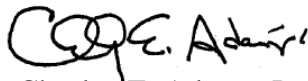
Dear Board Members:

The Board of Supervisors of the Moody River Estates Community Development District will hold a Regular Meeting on **Thursday, October 18, 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. Status/Update: Mediation Activities with Mood Development Corporation
3. Approval of **August 16, 2012** Public Hearing and Regular Meeting Minutes
4. Other Business
5. Staff Reports
  - A. Attorney
  - B. Manager
    - i. Unaudited Financial Statements as of August 31, 2012
    - ii. LANDOWNERS' MEETING: November 7, 2012 at 1:00 P.M.
    - iii. **NEXT MEETING DATE: January 17, 2013 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

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 16, 2012 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 Mr. Adams called the meeting to order at 1:00 p.m., and noted, 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 16,  
2012 Public Hearing and Regular  
Meeting**

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

**Public Hearing to Consider Resolution  
2012-4, Relating to the Annual  
Appropriations and Adopting the Budget  
for the Fiscal Year Beginning October 1,  
2012, and Ending September 30, 2013**

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41 Mr. Adams presented Resolution 2012-4 for the Board’s consideration. A revised budget  
 42 was distributed, which reflected the utilization of a portion of the fund balance to bring the  
 43 assessment levy at, or below, the current year level. Fund balance, in the amount of \$5,100 was  
 44 utilized. The per unit, single-family assessments decreased from \$308.21 to \$308.16; the multi-  
 45 family east assessments decreased from \$155.99 to \$129.48. Mr. Adams explained that the  
 46 multi-family east only participates in certain administrative costs, one (1) of which is legal  
 47 litigation. The significant reduction in this expense had a larger affect on the multi-family east  
 48 assesements.

49 **\*\*\*Mr. Adams opened the Public Hearing.\*\*\***

50 No members of the public spoke.

51 **\*\*\*Mr. Adams closed the Public Hearing.\*\*\***

52 Mr. Adams reported that the debt service fund remains constant with the expenditures,  
 53 per the amortization schedule. If the budget is adopted, the tax bill will reflect a combination of  
 54 general fund and debt service fund amounts.

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**On MOTION by Mr. Pye and seconded by Ms. Mayer, with all  
 in favor, Resolution 2012-4, Relating to the Annual  
 Appropriations and Adopting the Budget for the Fiscal Year  
 Beginning October 1, 2012, and Ending September 30, 2013, as  
 amended, was adopted.**

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63 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2012-5,  
 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 2013**

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69 Mr. Adams presented Resolution 2012-5 for the Board’s consideration. He stated that  
 70 this resolution puts forth the collection mechanism through the levying of assessments, both off  
 71 and on roll.

72 **\*\*\*Mr. Adams opened the Public Hearing.\*\*\***

73 No members of the public spoke.

74 **\*\*\*Mr. Adams closed the Public Hearing.\*\*\***

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**On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor, Resolution 2012-5, 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 2013, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Hopping, Green & Sams, P.A., Standard Hourly Rate Increase, Effective October 1, 2012**

Mr. Eckert indicated that the current fee agreement contemplates an annual rate review by the firm, resulting in potential rate adjustments. Last year, District Counsel’s rates did not increase. Mr. Eckert reviewed the proposed increases. It was noted that, if the Mood Development Corporation settlement is completed, the District will not need to increase the budget to cover legal costs.

**On MOTION by Mr. Berry and seconded by Ms. Mayer, with all in favor, the Hopping, Green & Sams, P.A., Standard Hourly Rate Increase, Effective October 1, 2012, was approved.**

**SIXTH ORDER OF BUSINESS**

**Approval of May 17, 2012 Regular Meeting Minutes**

Mr. Adams presented the May 17, 2012 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, the May 17, 2012 Regular Meeting Minutes, as presented, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

114 **EIGHTH ORDER OF BUSINESS****Staff Reports**

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116 **a. Attorney**

117 Mr. Eckert advised that, at some point, the District must declare the project complete.  
 118 There are two (2) triggers in declaring a project complete: (i) the completion of the improvement  
 119 plan; and (ii) a resolution declaring the project complete. The adopted resolution will satisfy the  
 120 requirement in the indenture. Under Chapter 170, the District is able to finalize the assessments.  
 121 Mr. Eckert stated this process should be completed within the next six (6) months.

122 In response to a question, Mr. Adams explained that the items requiring completion  
 123 include reviewing the structures and confirming that the geometry and elevations were  
 124 acceptable for obtaining the final certifications.

125 Mr. Eckert confirmed that the District will not incur additional costs; however, he wanted  
 126 the Board to be aware of the additional process involved. Once construction is declared  
 127 complete, it will put the District in maintenance mode.

128 In response to an inquiry, Mr. Adams stated that road maintenance is the responsibility of  
 129 the homeowner's association.

130 **b. Manager**131 **i. Unaudited Financial Statements as of June 30, 2012**

132 Mr. Adams presented the Unaudited Financial Statements as of June 30, 2012. Referring  
 133 to Page 2, he noted that collections are almost 100%. Mr. Adams indicated that additional funds  
 134 from tax certificate sales may not have been processed in time for these financials. He  
 135 concluded that the District is 98% of budget, or \$5,000 under budget.

136 **ii. Fiscal Year 2013 Proposed Meeting Schedule**

137 Mr. Adams presented the Fiscal Year 2013 Proposed Meeting Schedule.

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139 **On MOTION by Ms. Mayer and seconded by Ms. Shea, with**  
 140 **all in favor, the Fiscal Year 2013 Proposed Meeting Schedule,**  
 141 **as presented, and directing Staff to advertise, was approved.**

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144 **NINTH ORDER OF BUSINESS****Audience  
Requests****Comments/Supervisors'**

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

148 **TENTH ORDER OF BUSINESS** **Adjournment**

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

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152 **On MOTION by Ms. Mayer and seconded by Mr. Berry, with**  
153 **all in favor, the meeting adjourned at 1:14 p.m.**

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Secretary/Assistant Secretary

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Chair/Vice Chair



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

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

	Major Funds			Total Governmental Funds
	General	Debt Service	Capital Projects	
<b>ASSETS</b>				
Cash - SunTrust	\$ 126,922	\$ -	\$ -	\$ 126,922
Investments				
Revenue	-	474,487	-	474,487
Reserve	-	662,070	-	662,070
Prepayment	-	2,986	-	2,986
Deferred cost	-	53,133	-	53,133
Construction	-	-	291	291
LCED Deposit	7,875	-	-	7,875
Total assets	<u>\$ 134,797</u>	<u>\$ 1,192,676</u>	<u>\$ 291</u>	<u>\$ 1,327,764</u>
<b>LIABILITIES AND FUND BALANCES</b>				
<b>Liabilities:</b>	\$ -	\$ -	\$ -	\$ -
Total liabilities	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Fund Balances:</b>				
Reserved for:				
Debt service	-	1,192,676	-	1,192,676
Capital projects	-	-	291	291
Unreserved, reported in:				
Unreserved, undesignated	134,797	-	-	134,797
Total fund balances	<u>134,797</u>	<u>1,192,676</u>	<u>291</u>	<u>1,327,764</u>
Total liabilities and fund balances	<u>\$ 134,797</u>	<u>\$ 1,192,676</u>	<u>\$ 291</u>	<u>\$ 1,327,764</u>

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

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy	\$ -	\$ 258,771	\$ 263,406	98%
Interest and miscellaneous	12	213	-	N/A
Total revenues	<u>12</u>	<u>258,984</u>	<u>263,406</u>	98%
<b>EXPENDITURES</b>				
<b>Professional &amp; admin</b>				
Supervisor	861	2,368	6,459	37%
Management	3,734	41,069	44,802	92%
Accounting services	729	8,014	8,742	92%
Audit	-	6,300	6,300	100%
Assessment roll services	1,073	11,802	12,875	92%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	5,000	5,000	100%
Trustee	3,150	3,150	3,150	100%
Legal - general counsel	583	10,732	15,000	72%
Legal - litigation	1,491	36,052	25,000	144%
Engineering	144	4,664	5,000	93%
Computer Services	-	360	500	72%
Postage	-	839	1,250	67%
Telephone	41	458	500	92%
Insurance	-	5,500	5,775	95%
Printing & binding	92	1,008	1,100	92%
Legal advertising	-	446	1,500	30%
Other current charges	50	649	1,100	59%
Office supplies	-	123	500	25%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>11,948</u>	<u>138,709</u>	<u>145,928</u>	95%
<b>Water management</b>				
Other contractual	5,469	34,303	65,000	53%
Utilities	3,067	35,428	45,000	79%
Aquascaping	-	3,572	5,000	71%
Total water management	<u>8,536</u>	<u>73,303</u>	<u>115,000</u>	64%
<b>Other fees and charges</b>				
Property appraiser	-	752	991	76%
Tax collector	-	1,068	1,487	72%
Total other fees and charges	<u>-</u>	<u>1,820</u>	<u>2,478</u>	73%
Total expenditures	<u>20,484</u>	<u>213,832</u>	<u>263,406</u>	81%
Excess/(deficiency) of revenues over/(under) expenditures	(20,472)	45,152	-	
Fund balance - beginning	155,269	89,645	81,985	
Fund balance - ending	<u>\$ 134,797</u>	<u>\$ 134,797</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 AUGUST 31, 2012**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ -	\$ 706,755	\$ 722,303	98%
Interest	17	77	-	N/A
Total revenues	<u>17</u>	<u>706,832</u>	<u>722,303</u>	98%
<b>EXPENDITURES</b>				
Principal	-	195,000	195,000	100%
Interest	-	527,778	527,778	100%
Total expenditures	<u>-</u>	<u>722,778</u>	<u>722,778</u>	100%
Excess/(deficiency) of revenues over/(under) expenditures	17	(15,946)	(475)	
Fund balance - beginning	<u>1,192,659</u>	<u>1,208,622</u>	<u>1,226,798</u>	
Fund balance - ending	<u><u>\$ 1,192,676</u></u>	<u><u>\$ 1,192,676</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 AUGUST 31, 2012**

	<u>Current Month</u>	<u>Year to Date</u>
<b>REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 <b>EXPENDITURES</b>	 <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><u>\$ 291</u></u>	<u><u>\$ 291</u></u>