

**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, March 18, 2010 at 1:00 p.m.**, at the **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913.**

Present and constituting a quorum were:

Ilse Mayer	Chairperson
Kathy Shea	Vice Chairperson
Terry Pye	Assistant Secretary
Jeff Berry	Assistant Secretary

Also present were:

Cleo Crismond	Assistant Regional Manager
Mike Eckert (via telephone)	District Counsel
Katie Buchanan (via telephone)	Hopping Green & Sams
Michelle Blackstock (via telephone)	Grau & Associates

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

**Presentation of Audited Financial Report
for Fiscal Year Ended September 30,
2009, Prepared by Grau & Associates**

Ms. Michelle Blackstock referred to the Independent Auditor's Report on Page 1, noting it is an unqualified opinion; meaning, it is a clean audit. She indicated the Balance Sheet on Page 8 reflects that the total assets of the District exceeded the liabilities. She stated, in the current year, the capital projects fund is considered a major fund, but should be closed out shortly. She explained the capital outlay and its impact, reflected on Page 10. Ms. Blackstock proceeded to the Report on Internal Control Over Financial Reporting on Page 23, indicating it is a clean report with nothing to bring to the Board's attention. She concluded with the

Management Letter on Pages 25 – 26, noting there were no findings for the current or prior years.

There being no questions, the next item followed.

*****Ms. Blackstock left the meeting.*****

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2010-2,
Accepting the Audited Financial Report
for the Fiscal Year Ended September 30,
2009**

Ms. Crismond presented Resolution 2010-2 for the purpose of accepting the Fiscal Year 2009 Audited Financial Report.

On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor, Resolution 2010-2, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2009, was adopted.

FOURTH ORDER OF BUSINESS

Approval of January 21, 2010 Regular Meeting Minutes

Ms. Crismond presented the January 21, 2010 Regular Meeting Minutes and asked if there were any additions, deletions or corrections.

On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor, the January 21, 2010 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

Ms. Crismond distributed a memo regarding District Counsel’s rate increases. Mr. Eckert indicated rates were not increased last year, but his firm is proposing a rate increase for this year. He proposed an hourly rate increase from \$245 to \$260, for himself; from \$180 to \$190, for Katie Buchanan and from \$120 to \$125, for paralegal services. He indicated, although it was not done last year, yearly rate increases are contemplated in the contract and are necessary this year.

Mr. Berry asked if the CDD pays District Counsel’s travel expenses. Mr. Eckert replied affirmatively, adding that the travel expenses are the actual out-of-pocket costs.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, District Counsel’s proposal for hourly rate increases, as presented, was approved.

Ms. Buchanan provided the Board with an update on Mood Development’s complaint filed against the District. She informed the Board that Mood Development is challenging the assessment, the benefit and certain procedural aspects of the establishment of the District. She indicated District Counsel filed a motion to strike to eliminate numerous references to a private developer dispute and the judge ruled in favor of the District. She reported that Mood Development attempted to consolidate this case with another and the judge again ruled in favor of the District. Ms. Buchanan indicated the litigation is now somewhat on hold and District Counsel is waiting for Mood Development to move forward.

Regarding District Counsel’s efforts to gain insurance coverage, Ms. Buchanan reported that the insurance carrier maintains their position that the litigation relates to the alleged improper assessments. She indicated District Counsel disagrees and sent two (2) detailed letters but has not received a response.

Mr. Eckert referred to his previous discussion about proposed legislation that would require CDDs to redeem tax certificates for properties issued within its boundaries. He reported, as of today, that provision has been eliminated from the bill. He explained other legislative items related to public records laws, allowing local governments to advertise on the internet for RFPs and meetings and raising the sovereign immunity limits for all local governments.

b. Manager

i. Unaudited Financial Statements as of January 31, 2010

Ms. Crismond presented the Unaudited Financial Statements as of January 31, 2010.

ii. NEXT MEETING DATE: May 20, 2010 at 1:00 P.M.

Ms. Crismond reminded the Board that the next meeting date is May 20, 2010 at 1:00 p.m.

SEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

There were no Audience Comments.

Mr. Berry asked if Lennar is buying properties lot by lot. Ms. Mayer said she only saw five (5) that were transferred.

EIGHTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Berry and seconded by Ms. Shea, with all in favor, the meeting adjourned at 1:16 p.m.


Secretary/Assistant Secretary


Chairperson/Vice Chairperson