

**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 20, 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 (via telephone)	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 that Supervisors Mayer, Shea and Pye were present, in person. Supervisor Berry was attending by telephone. Supervisor Harrell was not present.

SECOND ORDER OF BUSINESS

**Consideration of Resolution 2010-3,
Approving the District's Proposed Budget
for Fiscal Year 2011 and Setting a Public
Hearing Thereon Pursuant to Florida
Law**

Ms. Crismond presented Resolution 2010-3 for the purposes of approving a proposed budget and setting a public hearing.

Mr. Adams presented the proposed budget and indicated it is a status quo budget with a few exceptions. He directed the Board to the admin and professional sections, noting the legal – litigation line item was previously unbudgeted, because the costs were unknown at budget time; a contingency line item was included to absorb those costs. Mr. Adams indicated, during the

course of this fiscal year, there were legal costs and, for this reason, legal – litigation costs will be budgeted for Fiscal Year 2011.

Mr. Adams indicated most other expenses will remain unchanged from last year's budgeted amounts. Under the water management section, he noted the other contractual costs line item includes costs for both lake and wetland maintenance and pipes and inlet inspection, cleaning and maintenance. Mr. Adams briefly explained the need for routine inspection, cleaning and maintenance of the pipes and inlets.

Mr. Adams referred to the fund balance listed on Page 2, noting it has dropped below his comfort level. He explained he prefers to see a fund balance of at least 25% of a District's annual budget. Mr. Adams indicated the Board needs to consider this when determining the assessment amount for the coming fiscal year. He noted the District will need to re-notice the assessments because they are exceeding the previously noticed amount.

Mr. Eckert indicated there has been no legal activity in the case, since the last meeting. The case between the developers and homeowners, which is the underlying case, is set for trial in September. From an expense standpoint, additional costs should not be incurred until the District's case goes to trial, sometime after the other case. He felt if a trial were to take place, it would be in the next fiscal year. Mr. Eckert felt the \$16,000 proposed in the budget is on the low side, should this go to trial. He indicated he will try to resolve the case through summary judgment, which is more economical. He felt trial is unlikely but suggested increasing the budgeted amount. Based on Mr. Eckert's suggestion, the legal – litigation line item was increased from \$16,000 to \$25,000 and the contingency line item was increased from \$2,500 to \$12,500.

Mr. Adams suggested the Board consider increasing assessments to an amount of approximately \$325 per unit; the current assessment is \$293.18. With the changes, Mr. Adams calculated the new assessment amounts to be \$324.42 and \$177.55 for the single family and multi-family units, respectively. The notice letters will contain not-to-exceed amounts of \$325 and \$178, respectively.

On MOTION by Ms. Mayer and seconded by Mr. Pye, with all in favor, Resolution 2010-3, Approving the District's Proposed Budget for Fiscal Year 2011, as amended, and Setting a Public Hearing for August 19, 2010 at 1:00 p.m., was adopted.

On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor, authorization of Staff to prepare and send separate mailed notices, regarding the assessment increase for the general fund assessments, in an amount not to exceed \$325 per single family unit and \$178 per multi-family unit, was approved.

THIRD ORDER OF BUSINESS**Discussion: Records Retention**

- **Consideration of Resolution 2010-4, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy**

Mr. Eckert explained the necessity of adopting a policy regarding records retention and reviewed the two (2) options. The first option involves keeping the records longer than the state's requirements and destroying some, when allowable. The second option involves following the state's guidelines but also not destroying anything. He spoke of the advantages, disadvantages and practicality of each option. Mr. Adams indicated Management is comfortable with and prepared to continue retention of all documents.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2010-4, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy (Option B), was adopted.

FOURTH ORDER OF BUSINESS**Approval of March 18, 2010 Regular Meeting Minutes**

******This item, previously the Fifth Order of Business, was presented out of order.******

Ms. Crismond presented the March 18, 2010 Regular Meeting Minutes and asked if there were any additions, deletions or corrections. The following changes were made:

Line 96: Change "District" to "litigation"

Line 99: Insert "alleged" before "improper"

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, the March 18, 2010 Regular Meeting Minutes, as amended, were approved.

FIFTH ORDER OF BUSINESS

**Notice of Landowners' Election:
November 18, 2010 [Seats 1, 4, 5]**

****This item, previously the Fourth Order of Business, was presented out of order.****

a. Election Information

Mr. Adams explained the thresholds necessary to transition from landowners' election to the general election, noting the District meets the required number of registered voters residing in the District boundaries; however, it does not meet the six (6) years since establishment/creation requirement. He indicated the District will have one (1) more landowners' election and future elections will be through the general election.

Mr. Adams indicated Seats 1, 4 and 5, currently held by Supervisors Mayer, Harrell and Shea, respectively, are up for landowners' election in November.

The Board set the landowners' election for Thursday, November 11, 2010 at 1:00 p.m., at this location.

b. Sample Official Ballot

c. Sample Landowners' Proxy

Mr. Adams reviewed the sample official ballot and the landowners' proxy.

Mr. Eckert asked that an address line be added to the proxy form to assist in clarification during the election process. Mr. Eckert will forward a form to Management.

SIXTH ORDER OF BUSINESS

Other Business

There being no Other Business, the next item followed.

SEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Eckert gave an update on the legislation recently adopted. The statutory immunity limits were raised from \$100,000 to \$200,000 per person and the limit for an actual accident or incident increased from \$200,000 to \$300,000. He noted this may impact the District's insurance rates for the coming year. The second item is regarding punch list items on major construction contracts; this District does not have any of these. He spoke of another item giving

Districts with no residents the authority to levy special events taxes; this does not impact the Moody River CDD.

b. Manager

i. Unaudited Financial Statements as of March 31, 2010

Ms. Crismond presented the Unaudited Financial Statements as of March 31, 2010. Mr. Adams referred to the revenue indicating collection is at 92%, as of today.

ii. 397 Registered Voters in District as of April 15, 2010

Ms. Crismond indicated there were 397 registered voters residing within the District's boundaries, as of April 15, 2010.

iii. NEXT MEETING DATE: June 17, 2010 at 1:00 P.M.

Discussion ensued regarding whether a June meeting is necessary. Ms. Crismond reminded the Board that the next meeting date is August 19, 2010 at 1:00 p.m.

EIGHTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'


There being no Audience Comments or Supervisors' Requests, the next item followed.

NINTH 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 1:38 p.m.


Secretary/Assistant Secretary


Chairperson/Vice Chairperson