

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

A Public Hearing and Regular Meeting of the Moody River Estates Community Development District's Board of Supervisors was held on **Thursday, August 16, 2012 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
Jeff Berry	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Mike Eckert	District Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:00 p.m., and noted, for the record, that Supervisors Mayer, Shea, Pye and Berry were present, in person. Supervisor Mazuk was not present.

**SECOND ORDER OF BUSINESS**

**Affidavit of Publication for August 16, 2012 Public Hearing and Regular Meeting**

Mr. Adams presented the affidavit of publication for today's public hearing and regular meeting.

**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**

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

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

No members of the public spoke.

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

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

**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.**

**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**

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

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

No members of the public spoke.

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

**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.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

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

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

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

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

**b. Manager**

**i. Unaudited Financial Statements as of June 30, 2012**

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

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

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

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

**NINTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

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

**TENTH ORDER OF BUSINESS**

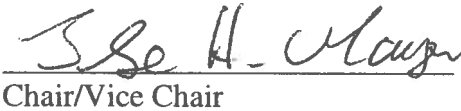
**Adjournment**

There being nothing further to discuss, the meeting adjourned.

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



Secretary/Assistant Secretary



Chair/Vice Chair