

**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 17, 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
Ron Mazuk	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Mike Eckert (via telephone)	District Counsel
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, for the record, that Supervisors Mayer, Shea, Pye and Mazuk were present, in person. Supervisor Berry was not present.

**SECOND ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30,  
2011, Prepared by Grau & Associates**

Ms. Michelle Blackstock, of Grau & Associates, reviewed the Audited Financial Report. She directed the Board to the Independent Auditor's Report, on Page 1, and noted that this is an unqualified opinion, meaning it is a clean opinion. She referred to the Balance Sheet, on Page 8, and pointed out that the District's total assets of \$1,315,547 exceeded its total liabilities of \$16,990, leaving a total fund balance of \$1,298,557. Page 10 reflects changes in fund balances;

total revenues were \$979,074, which exceeded the total expenditures of \$945,364, thereby increasing the fund balance by \$33,710.

Ms. Blackstock noted that The Report on Internal Control over Financial Reporting and on Compliance, on Page 23, gives a clean opinion. She referred to Page 24 and advised that there were no current or prior year findings or recommendations noted in the Report to Management.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2012-1, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2011**

Ms. Crismond presented resolution 2012-1 for consideration.

**On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2012-1, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2011, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2012-2, Approving the District's Proposed Budget for Fiscal Year 2013 and Setting a Public Hearing Thereon Pursuant to Florida Law**

Ms. Crismond presented Resolution 2012-2 and the proposed budget for Fiscal Year 2013 for consideration.

Mr. Adams indicated that the Board must approve a proposed budget for the purpose of setting a public hearing to adopt a final budget. Mr. Adams noted that the public hearing is currently scheduled for August 16, 2012, at this location.

Mr. Adams stated that the budget is status quo, with regard to appropriations and service levels. The legal litigation line item was reduced from \$25,000 to \$10,000 and those savings were shifted to the "other contractual" line item, under Water Management, in anticipation of a more aggressive approach to the water management program, regarding pipes, inlets and lake bank erosion issues.

Referring to Page 2, Mr. Adams advised that, overall, the adjustments to the operating budget resulted in a slight increase in the per unit assessment. The assessment increased from \$308.21 to \$313.52 for the single-family units. Mr. Adams discussed and recommended utilizing a portion of the fund balance to reduce assessments and bring the amount down to the prior year level. This would alleviate the need to notice an increase, as well.

**On MOTION by Mr. Mazuk and seconded by Ms. Mayer, with all in favor, authorizing usage of fund balance to offset an increase in assessments, was approved.**

Mr. Adams advised that the debt service side of the budget remains status quo; appropriations and assessment levels are consistent with the amortization schedule and administrative costs.

**On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor, Resolution 2012-2, Approving the District's Proposed Budget for Fiscal Year 2013 and Setting a Public Hearing for August 16, 2012 at 1:00 p.m., at this location, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Update: Mood Development Corp. Litigation**

Mr. Eckert reported that versions of the settlement agreement were circulated and the District's comments were provided to Mood Development Corporation (Mood). He has not received a response from Mood regarding those comments or the deed restrictions, which are required as part of the issue. Mr. Eckert advised that Mood understands that if this matter is not resolved prior to the District finalizing its budget, they will be subject to another year of assessments, as in the past.

In response to Mr. Mazuk's question, Mr. Eckert indicated that, at the last meeting, the Board considered a mediated settlement agreement, which contained the basic terms of the settlement; he will provide a copy to Mr. Mazuk.

Mr. Eckert provided a legislative update noting that the law was clarified to state that supervisors-elect are also subject to the Sunshine Law. This means that someone elected to a

position may not communicate with other Board Members regarding District business, outside of open, published district meetings; The Sunshine Law becomes effective for supervisors-elect upon election which may be prior to being sworn into office. He explained that there can be a long lag time between being “elected” and being sworn in, in the case of a candidate being the only qualified candidate in June, thus, being considered elected, but needing to wait to be sworn in until after the November general election date.

**SIXTH ORDER OF BUSINESS**

**Notice of Landowners’ Meeting:  
November 7, 2012 [Seat 4]**

- a. Election Instructions**
- b. Official Ballot**
- c. Landowners’ Proxy**

Ms. Crismond announced that the landowners’ meeting will be held November 7, 2012 with Seat 4 up for election. Copies of the election instructions, official ballot and a landowners’ proxy were included behind Tab 6.

Mr. Adams explained that this is the first year that the District meets the required thresholds to engage in the general election process. During this first year of transition, three (3) seats are up for election; Seats 2 and 3, will be elected through the general election and Seat 4, through a landowners’ election. Mr. Adams advised that this will be the final landowners’ election held by the District.

Mr. Adams confirmed that Seat 4, currently held by Mr. Mazuk, will be landowner elected on November 7, 2012.

**SEVENTH ORDER OF BUSINESS**

**Notice of General Election - November 6,  
2012 [Seats 2 & 3]**

Mr. Adams announced that Seats 2 and 3, currently held by Mr. Berry and Mr. Pye, respectively, will be up for election at the November 6, 2012 general election.

- **Candidate Qualifying Dates**
  - **Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012**
  - **Pre-Qualifying Begins on May 21, 2012**

Mr. Adams stated that the formal candidate-qualifying period is noon, Monday, June 4, 2012 through noon, Friday, June 8, 2012; pre-qualifying begins May 21, 2012.

• **Consideration of Resolution 2012-3, Placing Special District Candidates on the General Election Ballot**

Mr. Adams explained that all matters related to the general election will be handled by the supervisor of elections office, as authorized by adoption of Resolution 2012-3.

**On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2012-3, Placing Special District Candidates on the General Election Ballot, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Discussion: Installation of Additional Streetlights on Silver Thorn Loop**

Mr. Mazuk advised of a resident inquiring about installation of a sprinkler system and streetlights on Silver Thorn Loop. Through research, Mr. Mazuk discovered that these are not District matters and the resident should refer his questions to the developer; the District cannot authorize the work. Mr. Mazuk reported that, after further discussions, he was advised that the work cannot be performed because of the potential environmental impact to the area; the desired improvements are prohibited.

Mr. Mazuk suggested advising the resident of the restrictions.

**NINTH ORDER OF BUSINESS**

**Approval of March 15, 2012 Regular Meeting Minutes**

Ms. Crismond presented the March 15, 2012 Regular Meeting Minutes and asked for any additions, corrections or deletions.

**On MOTION by Ms. Mayer and seconded by Ms. Shea, with all in favor, the March 15, 2012 Regular Meeting Minutes, as presented, were approved.**

**TENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

There being nothing further to report, the next item followed.

**b. Manager**

**i. Unaudited Financial Statements as of March 31, 2012**

Ms. Crismond presented the Unaudited Financial Statements as of March 31, 2012.

**ii. 489 Registered Voters in District as of April 15, 2012**

Ms. Crismond stated that there were 489 registered voters residing within the boundaries of the District, as of April 15, 2012.

**iii. NEXT MEETING DATE: June 21, 2012 at 1:00 P.M.**

Ms. Crismond advised that the next meeting will be held on June 21, 2012 at 1:00 p.m.

In response to a question, Mr. Adams indicated that assessment collections are at 45%, which is still low. He presumed that a significant portion of the unpaid assessments is related to the east side but it also indicates some properties on the west side have not paid. Mr. Adams will research which properties are going to tax certificate sale. He acknowledged that the main property owner may have delayed payment of their assessments until the deadline, which would not be reflected on these financials.

**SIXTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

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

**SEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting adjourned.

**On MOTION by Mr. Mazuk and seconded by Ms. Mayer, with all in favor, the meeting adjourned at 1:24 p.m.**



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Secretary/Assistant Secretary



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Chair/Vice Chair