

# **MOODY RIVER ESTATES**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**March 12, 2020**

**BOARD OF SUPERVISORS  
REGULAR MEETING  
AGENDA**

# Moody River Estates Community Development District

## OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

March 5, 2020

### 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 March 12, 2020 at 6:00 p.m., in the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments (*agenda items*)
3. Discussion: Moody River Estates Community Association, Inc., Request to Participate in Lawsuit Against Developers
4. Consideration of Resolution 2020-03, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date
5. Acceptance of Unaudited Financial Statements as of January 31, 2020
6. Approval of January 9, 2020 Public Hearing and Regular Meeting Minutes
  - Action Items
7. Staff Reports
  - A. District Counsel: *Hopping Green & Sams, P.A.*
  - B. District Engineer: *Barraco & Associates, Inc.*
  - C. District Manager: *Wrathell, Hunt & Associates, LLC*

- NEXT MEETING DATE: May 21, 2020 at 1:00 P.M.

### ○ QUORUM CHECK

Chris Jenner	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
William J. Keeler	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
Robert Geltner	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
Elizabeth Keeler	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
Paul Hoffman	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE

- D. Operations Manager: *Wrathell, Hunt & Associates, LLC*
  - Monthly Status Report- Field Operations
    - Key Activity Dates
- 8. Public Comments (*non-agenda items*)
- 9. Supervisors' Requests
- 10. Adjournment

Should you have any questions and/or concerns, please contact me directly at 239-464-7114.

Sincerely,

  
Chesley E. Adams, Jr.  
District Manager

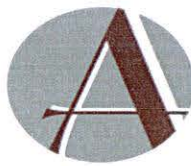
**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**

**CALL IN NUMBER: 1-888-354-0094**

**CONFERENCE ID: 8593810**

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

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ADAMCZYK LAW FIRM, PLLC  
REAL ESTATE, CONDO/HOA & BUSINESS LAW

MARK E. ADAMCZYK, ESQ.  
MARK@ADAMCZYKLAWFIRM.COM

March 3, 2020

**VIA FEDERAL EXPRESS AND EMAIL: (michaele@hgslaw.com)**

Michael C. Eckert, Esq.  
HOPPING, GREEN & SAMS, P.A.  
119 S. Monroe Street, Ste. 300  
Tallahassee, FL 32301-1591

**Re: The Moody River Estates Community Association, Inc. / The Moody River  
Estates Community Development District**

Dear Mr. Eckert:

Our law firm serves as general counsel for The Moody River Estates Community Association, Inc. (hereinafter "Association"). We are directing this letter to your attention as District Counsel for The Moody River Estates Community Development District (hereinafter "District"). Recently, the Association commenced a lawsuit in the Twentieth Judicial Circuit in and for Lee County, Florida against the developers of The Moody River Estates Community seeking damages for certain construction defects. The construction defects were identified by an independent consulting engineering firm and are detailed in written report. The report found several instances of the storm water lakes not containing the proper slope. Further, the report noted a failure by the developers to plant the requisite number of trees and littoral plantings in and around the storm water lakes. Considering the District's responsibilities to maintain the lakes and storm water management system, the Association is hereby requesting that the District voluntarily agree to participate in the lawsuit filed by the Association against the developers or alternatively, assign any such claim to the Association so that it may prosecute same against the Developers. Please discuss the above request with the District's Staff and Board of Supervisors and let us know the District's position at your earliest possible convenience. Finally, should the District require any further information or documentation concerning this matter, please do not hesitate to contact our office.

Thank you for your time and attention to this matter.

Sincerely,

Mark A. Adamczyk

MEA/jcm  
Enclosure (Compliant)  
cc: The Moody River Estates Community Association, Inc.

9130 GALLERIA COURT, SUITE 201 | NAPLES, FLORIDA 34109  
239.631.6199 | WWW.ADAMCZYKLAWFIRM.COM

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

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**RESOLUTION 2020-03**

**A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE  
MOODY RIVER ESTATES COMMUNITY DEVELOPMENT  
DISTRICT ADOPTING AN INTERNAL CONTROLS POLICY  
CONSISTENT WITH SECTION 218.33, FLORIDA STATUTES;  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Moody River Estates Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes* being situated entirely within Lee County, Florida; and

**WHEREAS**, consistent with Section 218.33, *Florida Statutes*, the District is statutorily required to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse as defined in Section 11.45(1), *Florida Statutes*; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets; and

**WHEREAS**, to demonstrate compliance with Section 218.33, *Florida Statutes*, the District desires to adopt by resolution the Internal Controls Policy attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
SUPERVISORS OF THE MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The attached Internal Controls Policy attached hereto as **Exhibit A** is hereby adopted pursuant to this Resolution.

**SECTION 2.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 3.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

**ATTEST:**

**MOODY RIVER ESTATES COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

## **EXHIBIT “A”**

### **MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT INTERNAL CONTROLS POLICY**

#### **1. Purpose.**

- 1.1. The purpose of this internal controls policy is to establish and maintain internal controls for the Moody River Estates Community Development District.
- 1.2. Consistent with Section 218.33(3), *Florida Statutes*, the internal controls adopted herein are designed to:
  - 1.2.1. Prevent and detect Fraud, Waste, and Abuse (as hereinafter defined).
  - 1.2.2. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.
  - 1.2.3. Support economical and efficient operations.
  - 1.2.4. Ensure reliability of financial records and reports.
  - 1.2.5. Safeguard Assets (as hereinafter defined).

#### **2. Definitions.**

- 2.1. “Abuse” means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.
- 2.2. “Assets” means District assets such as cash or other financial resources, supplies, inventories, equipment and other fixed assets, real property, intellectual property, or data.
- 2.3. “Auditor” means the independent auditor (and its employees) retained by the District to perform the annual audit required by state law.
- 2.4. “Board” means the Board of Supervisors for the District.
- 2.5. “District Management” means (i) the independent contractor (and its employees) retained by the District to provide professional district management services to the District and (ii) any other independent contractor (and its employees) separately retained by the District to provide amenity management services, provided said services include a responsibility to safeguard and protect Assets.



- 2.6. “Fraud” means obtaining something of value through willful misrepresentation, including, but not limited to, intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity’s assets, bribery, or the use of one’s position for personal enrichment through the deliberate misuse or misapplication of an organization’s resources.
- 2.7. “Internal Controls” means systems and procedures designed to prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets.
- 2.8. “Risk” means anything that could negatively impact the District’s ability to meet its goals and objectives. The term includes strategic, financial, regulatory, reputational, and operational risks.
- 2.9. “Waste” means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

### **3. Control Environment.**

#### **3.1. Ethical and Honest Behavior.**

- 3.1.1. District Management is responsible for maintaining a work environment that promotes ethical and honest behavior on the part of all employees, contractors, vendors and others.
- 3.1.2. Managers at all levels must behave ethically and communicate to employees and others that they are expected to behave ethically.
- 3.1.3. Managers must demonstrate through words and actions that unethical behavior will not be tolerated.

### **4. Risk Assessment.**

- 4.1. Risk Assessment. District Management is responsible for assessing Risk to the District. District Management’s Risk assessments shall include, but not be limited to:
  - 4.1.1. Identifying potential hazards.
  - 4.1.2. Evaluating the likelihood and extent of harm.
  - 4.1.3. Identifying cost-justified precautions and implementing those precautions.

## 5. Control Activities.

5.1. Minimum Internal Controls. The District hereby establishes the following minimum Internal Controls to prevent and detect Fraud, Waste, and Abuse:

5.1.1. Preventive controls designed to forestall errors or irregularities and thereby avoid the cost of corrections. Preventive control activities shall include, but not be limited to, the following:

- 5.1.1.1. Identifying and segregating incompatible duties and/or implementing mitigating controls.
- 5.1.1.2. Performing accounting functions in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.
- 5.1.1.3. Requiring proper authorizations to access and/or modify accounting software.
- 5.1.1.4. Implementing computerized accounting techniques (e.g. to help identify coding errors, avoid duplicate invoices, etc.).
- 5.1.1.5. Maintaining a schedule of the District's material fixed Assets.
- 5.1.1.6. Maintaining physical control over the District's material and vulnerable Assets (e.g. lock and key, computer passwords, network firewalls, etc.).
- 5.1.1.7. Retaining and restricting access to sensitive documents.
- 5.1.1.8. Performing regular electronic data backups.

5.1.2. Detective controls designed to measure the effectiveness of preventive controls and to detect errors or irregularities when they occur. Detective control activities shall include, but not be limited to, the following:

- 5.1.2.1. Preparing financial reports in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.
- 5.1.2.2. Reviewing financial statements and investigating any material variances between budgeted expenses and actual expenses.
- 5.1.2.3. Establishing and implementing periodic reconciliations of bank, trust, and petty cash accounts.

5.1.2.4. Establishing an internal protocol for reporting and investigating known or suspected acts of Fraud, Waste, or Abuse.

5.1.2.5. Engaging in periodic physical inventory counts and comparisons with inventory records.

5.1.2.6. Monitoring all ACH (electronic) transactions and the sequencing of checks.

5.2. Implementation. District Management shall implement the minimum Internal Controls described herein. District Management may also implement additional Internal Controls that it deems advisable or appropriate for the District. The specific ways District Management implements these minimum Internal Controls shall be consistent with Generally Accepted Accounting Principles (GAAP) and otherwise conform to Governmental Accounting Standards Board (GASB) and American Institute of Certified Public Accountants (AICPA) standards and norms.

## **6. Information and Communication.**

6.1. Information and Communication. District Management shall communicate to its employees (needing to know) information relevant to the Internal Controls, including but not limited to any changes to the Internal Controls and/or changes to laws, rules, contracts, grant agreements, and best practices.

6.2. Training. District Management shall regularly train its employees (needing the training) in connection with the Internal Controls described herein and promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

## **7. Monitoring Activities.**

7.1. Internal Reviews. District Management shall internally review the District's Internal Controls at least once per year. In connection with this internal review, District Management shall:

7.1.1.1. Review its operational processes.

7.1.1.2. Consider the potential risk of Fraud, Waste, or Abuse inherent in each process.

7.1.1.3. Identify the controls included in the process, or controls that could be included, that would result in a reduction in the inherent risk.

7.1.1.4. Assess whether there are Internal Controls that need to be improved or added to the process under consideration.

7.1.1.5. Implement new controls or improve existing controls that are determined to be the most efficient and effective for decreasing the risk of Fraud, Waste or Abuse.

7.1.1.6. Train its employees on implemented new controls or improvements to existing controls.

7.2. External Audits and Other Reviews. Audits and other reviews may be performed on various components of the District's Internal Controls by the Auditor consistent with Government Auditing Standards (GAS). Audits may identify material deficiencies in the Internal Controls and make recommendations to improve them. District Management shall communicate and cooperate with the Board and the Auditor regarding the potential implementation of Auditor recommendations.

**Specific Authority:** §§ 190.011(5)], 218.33(3), *Florida Statutes*

**Effective date:**                     , 2020

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

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**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
JANUARY 31, 2020**

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
JANUARY 31, 2020**

	Major Funds		Total Governmental Funds
	General	Debt Service Series 2017 A1 & A2	
<b>ASSETS</b>			
Cash - SunTrust	\$ 309,804	\$ -	\$ 309,804
Investments			
Revenue 2017A1 & A2	-	596,406	596,406
Reserve 2017A1*	-	271,253	271,253
Reserve 2017A2*	-	82,597	82,597
Reserve sub 2017A1 & A2*	-	103,472	103,472
COI	-	4,813	4,813
Due from other funds			
General	-	51,357	51,357
Total assets	<u>\$ 309,804</u>	<u>\$ 1,109,898</u>	<u>\$ 1,419,702</u>
<b>LIABILITIES AND FUND BALANCES</b>			
<b>Liabilities:</b>			
Accounts payable	\$ 1,500	\$ -	\$ 1,500
Due to other funds			
Debt service	51,357	-	51,357
Total liabilities	<u>52,857</u>	<u>-</u>	<u>52,857</u>
<b>Fund Balances:</b>			
Restricted for:			
Debt service	-	1,109,898	1,109,898
Unassigned	256,947	-	256,947
Total fund balances	<u>256,947</u>	<u>1,109,898</u>	<u>1,366,845</u>
Total liabilities and fund balances	<u>\$ 309,804</u>	<u>\$ 1,109,898</u>	<u>\$ 1,419,702</u>

\*These Reserve Accounts are specifically for the noted Debt Service Funds and may not be used for any other purpose."

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND  
FOR THE PERIOD ENDED JANUARY 31, 2020**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 10,298	\$ 262,534	\$ 289,112	91%
Interest and miscellaneous	15	34	-	N/A
Total revenues	<u>10,313</u>	<u>262,568</u>	<u>289,112</u>	91%
<b>EXPENDITURES</b>				
<b>Professional &amp; admin</b>				
Supervisor	646	1,507	6,459	23%
Management	3,734	14,934	44,802	33%
Accounting services	728	2,914	8,742	33%
Audit	-	750	5,050	15%
Assessment roll services	1,073	4,292	12,875	33%
Arbitrage rebate calculations	-	750	1,200	63%
Dissemination agent	84	333	1,000	33%
Trustee	-	-	3,709	0%
Legal - general counsel	-	1,712	12,000	14%
Engineering	-	-	4,000	0%
Postage	11	365	1,250	29%
Telephone	42	167	500	33%
Insurance	-	6,193	6,200	100%
Printing & binding	92	367	1,100	33%
Legal advertising	672	925	1,000	93%
Other current charges	53	210	750	28%
Website	-	-	750	0%
ADA website compliance	-	-	200	N/A
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>7,135</u>	<u>35,594</u>	<u>111,762</u>	32%
<b>Water management</b>				
Other contractual	6,181	12,489	110,000	11%
Utilities	3,679	11,594	41,000	28%
Aquascaping	-	4,171	5,000	83%
Total water management	<u>9,860</u>	<u>28,254</u>	<u>156,000</u>	18%
<b>Other fees and charges</b>				
Property appraiser	-	777	844	92%
Tax collector	-	1,127	1,266	89%
Total other fees and charges	<u>-</u>	<u>1,904</u>	<u>2,110</u>	90%
Total expenditures	<u>16,995</u>	<u>65,752</u>	<u>269,872</u>	24%
Excess/(deficiency) of revenues over/(under) expenditures	(6,682)	196,816	19,240	
Fund balance - beginning	263,629	60,131	58,911	
Fund balance - ending	<u>\$ 256,947</u>	<u>\$ 256,947</u>	<u>\$ 78,151</u>	



**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2017A-1 and 2017A-2  
FOR THE PERIOD ENDED JANUARY 31, 2020**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 21,516	\$ 546,153	\$ 604,125	90%
Interest	671	3,143	-	N/A
Total revenues	<u>22,187</u>	<u>549,296</u>	<u>604,125</u>	91%
<b>EXPENDITURES</b>				
Principal	-	-	310,000	0%
Interest	-	144,575	289,150	50%
Total expenditures	<u>-</u>	<u>144,575</u>	<u>599,150</u>	24%
Excess/(deficiency) of revenues over/(under) expenditures	22,187	404,721	4,975	
Fund balance - beginning	1,087,711	705,177	702,341	
Fund balance - ending	<u>\$ 1,109,898</u>	<u>\$ 1,109,898</u>	<u>\$ 707,316</u>	

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**6**

**DRAFT**

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

The Board of Supervisors of the Moody River Estates Community Development District held a Public Hearing and Regular Meeting on January 9, 2020 at 6:00 p.m., in the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.

**Present and constituting a quorum were:**

Chris Jenner	Chair
Elizabeth Keeler	Vice Chair
William Keeler	Assistant Secretary
Paul Hoffman	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Sarah Sandy (via telephone)	District Counsel
Wes Kayne	District Engineer
John Teckorius	HOA President
Teresa S.	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 6:02 p.m. Supervisors Jenner, Hoffman, William Keeler and Elizabeth Keeler were present, in person. Supervisor Geltner was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments (*agenda items*)**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Public Hearing to Hear Public Comments and Objections to the Adoption of the Amended and Restated Rules of Procedure, Pursuant to Sections 190.11(5), 190.011(15) and 190.035, Florida Statutes (2019)**

Ms. Sandy presented the Amended and Restated Rules of Procedure, which were discussed at the last meeting.

**On MOTION by Ms. Keeler and seconded by Mr. Keeler, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Keeler and seconded by Ms. Keeler, with all in favor, the Public Hearing was closed.**

**A. Affidavits of Publication**

- **Notice of Rule Development**
- **Notice of Rule Making**

The affidavits of publication were included for informational purposes.

**B. Consideration of Resolution 2020-02, Adopting Amended and Restated Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date**

Mrs. Adams stated that Mr. Geltner advised her that he had numerous questions about the Rules of Procedure and wanted the Chair to consider deferring this item to another date. Mr. Jenner felt that it was best to proceed because District Counsel was previously engaged to make the proposals. Discussion ensued regarding the Resolution, questions raised at the previous meeting and Mr. Geltner's request. Mr. Adams stated that the Rules of Procedure could be revisited if there are lingering concerns or anything material that was not satisfactorily answered.

Mr. Jenner presented Resolution 2020-02.

On MOTION by Mr. Keeler and seconded by Ms. Keeler, with all in favor, Resolution 2020-02, Adopting Amended and Restated Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

**FOURTH ORDER OF BUSINESS****Discussion: CDD Newsletter**

Mr. Jenner asked if a motion was necessary regarding the CDD newsletter. Mrs. Adams stated a motion is not required because the newsletter was implemented three years ago and, since then, Staff has produced the annual newsletter. The Board recently asked to include resident articles in the newsletter, which is distributed every March. All articles should be forwarded to Management by the end of January. A Board Member pointed out a typographical error in the "Lake Bank Restoration Program" section of the newsletter and asked if a map link of the property could be inserted in future newsletters. The following changes were made:

Page 2, Lake Bank Restoration Program, first paragraph: Change "6-19" to "16-19"

Page 2, Lake Bank Restoration Program: Add a link to CDD maps.

**FIFTH ORDER OF BUSINESS****Acceptance of Unaudited Financial Statements as of November 30, 2019**

Mrs. Adams presented the Unaudited Financial Statements as of November 30, 2019. Assessment revenue collections were at 26%.

On MOTION by Ms. Keeler and seconded by Mr. Keeler, with all in favor, the Unaudited Financial Statements as of November 30, 2019, were accepted.

**SIXTH ORDER OF BUSINESS****Approval of October 17, 2019 Regular Meeting Minutes**

14:11 Mrs. Adams presented the October 17, 2019 Regular Meeting Minutes. The following changes were made:

Line 25 and throughout: Change "Walker" to "Wachter"

Line 28: Change "Patty Wacher" to "Patti Wachter"

Line 29: Insert "Teresa S."

107 Line 50: Insert "all"

108 Line 158: Change "District Counsel" to "Mr. Kayne"

109

110 **On MOTION by Mr. Keeler and seconded by Ms. Keeler, with all in favor, the**  
111 **October 17, 2019 Regular Meeting Minutes, as amended and to include District**  
112 **Counsel's edits submitted to Management, were approved.**

113

114

115 • **Action Items**

116 Items 24, 26, 29, 30, 35 and 40 were completed.

117 Items 1, 2, 3, 9 and 39 were ongoing.

118 In response to a Board Member's question, Mrs. Adams stated that the lake bank  
119 restoration projects were not scheduled yet but would be reflected once scheduled. The  
120 fountains and aeration schedules are prepared periodically and reflected on a spreadsheet.

121

122 **SEVENTH ORDER OF BUSINESS**

**Staff Reports**

123

124 **A. District Counsel: *Hopping Green & Sams, P.A.***

125 Ms. Sandy reported the following:

126 ➤ Regarding liability/fire hazards in the preserves, there are no restrictions and no permit  
127 modifications are required for debris removal.

128 Mrs. Adams stated that, in her experience, the South Florida Water Management  
129 District (SFWMD) has never allowed individuals to enter a preserve to remove any vegetation or  
130 debris without an Engineer's Report. Mr. Kayne clarified that the SFWMD's Environmental  
131 Enforcement agent for the area stated that it is allowable for CDDs or HOAs to engage  
132 contractors who know what vegetation can and cannot be removed from the preserves, with  
133 regard to fuel load debris. He recommended that Management invite a SFWMD agent to  
134 inspect the area, prior to having any debris removed. Discussion ensued regarding debris  
135 removal in the preserves, replanting costs, the fire zone, etc.

136 **B. District Engineer: *Barraco & Associates, Inc.***

137 There being no report, the next item followed.

**C. District Manager: *Wrathell, Hunt & Associates, LLC***

- **NEXT MEETING DATE: March 12, 2020 at 6:00 P.M.**

- **QUORUM CHECK**

**D. Operations Manager: *Wrathell, Hunt & Associates, LLC***

- **Monthly Status Report – Field Operations**

- **Key Activity Dates**

Mrs. Adams presented the January 2020 Key Activity Dates and pointed out that a perimeter berm review was scheduled for February 3, 2020 at 9:00 a.m., at the Clubhouse. Mr. Keeler was designated to join Mr. and Mrs. Adams in overseeing the review.

Supervisors Jenner, Hoffman, William J. Keeler and Elizabeth Keeler confirmed their attendance at the March 12, 2020 meeting.

Mr. Adams stated the audit was underway and would be presented at the May meeting.

**EIGHTH ORDER OF BUSINESS****Public Comments (*non-agenda items*)**

There being no public comments, the next item followed.

**NINTH ORDER OF BUSINESS****Supervisor's Requests**

Ms. Keeler stated that two residents were in attendance, including the HOA President, and noted that, due to a conflict, she could not attend the next HOA meeting.

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

There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Keeler and seconded by Mr. Hoffman, with all in favor, the meeting adjourned at 6:45 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair



**MOODY RIVER ESTATES CDD**  
**January 9, 2020 Meeting for March 12, 2020 Meeting**

**ACTION ITEMS**

**DATE ADDED**

- 1.      01.18.18**      Moving forward, any additional signs added to the conservation areas. It was requested to add the District's website address to those signs. **STATUS: ONGOING**
  
- 2.      05.10.18**      Per Mr. Geltner, District Counsel to research the feasibility of using solar energy to augment or replace electrical usage. **As Of 01.10.19** District Counsel will continue to monitor/study. **As Of 03.14.19** Now looking into including the use of batteries. **STATUS: ONGOING**
  
- 3.      08.16.18**      Mrs. Adams to include the aquatic bid specification package with the bid submittals and Consideration of Award of Contract Memorandum, going forward; and, provide the bid specification package to the Board. **STATUS: ONGOING**
  
- 9.      10.10.18**      Mrs. Adams tentatively scheduling littoral plantings at WL2-A for the end of November. **STATUS: ONGOING**
  
- 39.     10.17.19**      Per Ms. Sandy, Management to include a Conservation Liability Discussion item on the next agenda. **STATUS: ONGOING**
  
- 41.     01.09.20**      Mrs. Adams to retrieve a December 16, 2019 email forwarded by Ms. Sandy with edits from the October 17, 2019 meeting minutes. **STATUS: ONGOING**
  
- 42.     01.09.20**      Mrs. Adams to schedule the lake bank restoration projects for the lakes in the District. **STATUS: ONGOING**

**MOODY RIVER ESTATES CDD**  
**January 9, 2020 Meeting for March 12, 2020 Meeting**

**ONGOING ACTION ITEMS**

**DATE ADDED**

5.     **08.16.18**     Board to monitor all project schedules provided by Mrs. Adams, such as the lake bank restoration 2019/2020 project schedule, fountain pumps and motor replacement schedule and aerator schedule. **TRANSFERRED TO ONGOING LIST 05.09.19**

**MOODY RIVER ESTATES CDD**  
**January 9, 2020 Meeting for March 12, 2020 Meeting**

**COMPLETED ITEMS**  
**In Order of Date Moved to Completed**

<b>DATE ADDED</b>		
<b>15.</b>	<b>01.10.19</b>	Mrs. Adams is finalizing an article regarding Best Management Practices and would forward it and the yearly newsletter to all Board Members before it is provided to the HOA to e-blast to the homeowners. <b>As Of 03.14.19</b> All Board Members would receive draft newsletter and submit their comments to Mrs. Adams. <b>COMPLETED 05.09.19</b>
<b>19.</b>	<b>03.14.19</b>	Mr. Eckert to submit changes to the County regarding the Hancock Bridge Parkway Improvement Perpetual Easement, review Exhibit A items and forward to Mr. Jenner upon receipt. <b>As of 05.09.19</b> County changed language from wastewater to water. <b>COMPLETED 05.09.19</b>
<b>20.</b>	<b>03.14.19</b>	Mr. Eckert to submit to the County, additional language to include in the Uniform Collection Interlocal Agreement with Lee County Property Appraiser. <b>Revised As of 05.09.19.</b> County not receptive to request. <b>COMPLETED 05.09.19</b>
<b>21.</b>	<b>03.14.19</b>	Mrs. Adams will have dates in The Key Activity Dates Report placed in chronological order from the earliest to the latest. <b>COMPLETED 05.09.19</b>
<b>22.</b>	<b>03.14.19</b>	Mrs. Adams would review information regarding issues with pool and flooding and work with HOA President, Ms. Silva, to resolve these issues. <b>COMPLETED 05.09.19</b>
<b>23.</b>	<b>03.14.19</b>	Mrs. Adams to obtain proposal to purchase seven portable signs indicating CDD meeting times, similar to the HOA signs. <b>COMPLETED 05.09.19</b>
<b>25.</b>	<b>05.09.19</b>	Mr. Grau to change language on Page 13 of the Audit document from "owners of the property" to "registered electors". <b>COMPLETED 10.17.19</b>
<b>27.</b>	<b>05.09.19</b>	Mr. Adams to have the District's meeting schedule revised to include meeting times of 1:00 p.m. next to each date without one. <b>COMPLETED 10.17.19</b>
<b>28.</b>	<b>05.09.19</b>	Hancock Bridge Easement Agreement on BOCC's agenda, funds expected from the County soon. <b>COMPLETED 10.17.19</b>

**MOODY RIVER ESTATES CDD**  
**January 9, 2020 Meeting for March 12, 2020 Meeting**

**COMPLETED ITEMS**

**In Order of Date Moved to Completed**

<b>DATE ADDED</b>		
<b>31.</b>	<b>05.09.19</b>	Mrs. Adams to make changes to the Key Activity Dates Report, under Berm Compliance, indicating Management would conduct the annual inspection, instead of the District Engineer, and enter a due date to complete that task, either June or July. <b>COMPLETED 10.17.19</b>
<b>32.</b>	<b>05.09.19</b>	Mrs. Adams to provide an updated Lien Roll to Mr. Geltner mid June. <b>COMPLETED 10.17.19</b>
<b>33.</b>	<b>05.09.19</b>	At August Meeting: Discussion about changing meeting start time when proposed Fiscal Year 2020 Meeting Schedule is presented. <b>COMPLETED 10.17.19</b>
<b>34.</b>	<b>08.15.19</b>	Mr. Adams to send Ms. Silva information for an HOA e-blast informing residents about the vacancy on the Board, and advising interested parties to submit a resume or a letter of interest in being appointed to the Board. <b>COMPLETED 10.17.19</b>
<b>36.</b>	<b>08.15.19</b>	Mr. Adams to have the U.S. Army Corps of Engineers Permit converted to an ADA-accessible format for the visually impaired, and posted to the website. <b>COMPLETED 10.17.19</b>
<b>37.</b>	<b>08.15.19</b>	Updated Rules of Procedure would be distributed at the October meeting. (Also included as part of Action Item #30) <b>COMPLETED 10.17.19</b>
<b>38.</b>	<b>08.15.19</b>	Mr. Eckert to review easement next to 13250 Silver Thorn Loop. <b>COMPLETED 10.17.19</b>
<b>24.</b>	<b>05.09.19</b>	District Engineer would review the permit and provide an update as whether it allows walking, etc. in the preserve area. <b>COMPLETED 1.9.20</b>
<b>26.</b>	<b>05.09.19</b>	Ms. Sandy to send a copy of the Bond Indenture to Mr. Geltner. <b>COMPLETED 1.9.20</b>
<b>29.</b>	<b>05.09.19</b>	Mr. Adams to have language added to the District's Website. "Contact Management's Office to request copies of any document of interest not posted to the website. <b>COMPLETED 1.9.20</b>
<b>30.</b>	<b>05.09.19</b>	Ms. Sandy to review and update the District's Rules of Procedures Policy, reflecting bills passed by the Florida Legislature. A Public Hearing and Notices would be scheduled by early August. <b>COMPLETED 1.9.20</b>

**MOODY RIVER ESTATES CDD**  
**January 9, 2020 Meeting for March 12, 2020 Meeting**

**COMPLETED ITEMS**

**In Order of Date Moved to Completed**

**DATE ADDED**

- |            |                 |   |
|------------|-----------------|---|
| <b>35.</b> | <b>08.15.19</b> | Mr. Adams to send Mr. Geltner a copy of the Assessment Roll, with information redacted for those individuals whose information was exempt from public records requests, after September 1, 2019.<br><b>COMPLETED 1.9.20</b> |
| <b>40.</b> | <b>10.17.19</b> | Staff to have landscapers remove overhanging limbs on Skyline at Southwest. <b>COMPLETED 1.9.20</b>   |

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**7C**

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2019/2020 MEETING SCHEDULE		
LOCATION		
<i>Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 17, 2019	Regular Meeting	1:00 PM
January 9, 2020	Regular Meeting	6:00 PM
March 12, 2020	Regular Meeting	6:00 PM
May 21, 2020	Regular Meeting	1:00 PM
June 18, 2020	Regular Meeting	1:00 PM
August 20, 2020	Public Hearing & Regular Meeting	1:00 PM

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**7D**





**Wrathell, Hunt and Associates, LLC**

TO: Moody River Estates Board of Supervisors

FROM: Cleo Adams – Assistant Regional Manager

DATE: March 12, 2020

SUBJECT: Monthly Status Report – Field Operations

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**Lake Maintenance:** Solitude Lake Management continues to treat on a monthly basis as necessary. As requested, Staff sends the HOA notification in advance of their schedules.

**Note:** Staff completed a lake review on Tuesday, July 2nd specific to the bank stabilization program.

**Bank Stabilization Program:** Staff will be reviewing the lakes this year for the continued required Bank Restoration projects - which include Lakes 6, 8, 9, 13, 18, 16, 17 & 19. The 2020 projected schedule includes Lakes 9 & 13 for an estimated cost of \$56,140.00. Littoral planting of these two projects will be scheduled upon completion.

**Update:** 2019 Projects completed - Lakes 7 & 14 – Total Cost \$44,000.00. The Littoral Planting projects for these two ponds was completed in the month of November for a cost of \$4,171.00

**Lake #7:** It was brought to our attention that several homes have been identified as not having gutters nor drainage boxes, thereby causing bank erosion to occur downstream. Staff will be obtaining cost for required repairs and sending to these residents as a courtesy/convenience purpose.

**Wetland Maintenance:** Semi-annual maintenance of the wetlands will be completed the week of March 18<sup>th</sup> – next scheduled event will be completed during the month of September. Treatment of U-4 was treated in May. Maintenance includes removal of Brazilian peppers, Australian pines, downy rose myrtle and all other exotic or invasive plant materials as identified on the latest Florida Exotic Pest Council's list of Category I and II invasive and exotic species, as maybe updated from time to time.

**Berm Compliance:** The annual inspection to review District owned perimeter berms has been rescheduled to Friday, March 6<sup>th</sup>.



**Wrathell, Hunt and Associates, LLC**

**WL-2A:** Because of the location of this wetland area, adjacent to Moody River Parkway & Skyline the District agreed to remove the downed hurricane damaged trees, etc. and to replant, under the guidance of Betsie Hiatt, with Environmental Consulting for a cost not to exceed \$2,000.00, and to comply with existing Lee County and SFWMD permit requirements.

**Note:** Planting to be completed by Solitude Lake Management - \$1871.50 – this project will be scheduled during rainy season.

**Note:** This project has been placed on hold due to budget constraints.

**Lake & Wetland Contract:** The contract with Solitude Lake Management is set to expire August 31, 2020. The current contract amount is \$33,300.00. Solitude has indicated, and for Board consideration to renew, with no increase, as opposed to going out to RFP. Solitude Lake Management, formally Lake Masters, has held the contract with Moody River for 13 years.

**Fountain & Aeration Repairs:**

Fountain #15: Replacement – 7 ½ HP Motor and Pump- \$3400.00.

Fountain #21W: Replacement – 2 HP Motor & Pump - \$2400.00

Additional miscellaneous repairs - \$655.00 (photo cell, cracked lens, bulbs)

Fountain & Aeration Maintenance review was completed in December 2019. This is a semiannual event, per the specifications of the contract.

# MOODY RIVER ESTATES CDD

## Key Activity Dates

Mar-20

Description	Reference	Submit To	Due Date	Date
Pond Maintenance	SOP	N/A	Conducted every other week, at minimum to the site to insure the success of the Aquatic Weed Control Program.	2 visits per month subject to change due to weather
Berm Compliance	SOP	N/A	District Manager to conduct an annual inspection in the winter to review the District owned perimeter berm to ensure compliance on a yearly basis. To include a designated Board member.	2/21/2020
Aeration &Fountain Inspection Review and Reporting	SOP	N/A	Bi-Annual Inspection completed in March 2019 & December 2019.The next scheduled reviiw will be sometime in June.	6/1/20 & 12/1/20
Wetland Maintenance	SOP	N/A	Bi-Annual Inspection and treatement schedule March/September yearly - U-4 (treated in May) Avoided during nesting season of the Bald Eagle (October/November thru April/May; depending on nest activity). Next maintenance event is scheduled for March 10th thru the 12th.	March/May/ September
Certification of District Registered Voters	190(3)(a)(2)(d)	District recieves annually from the local Supervisor of Elections	Due April 15th of each year and must be read into the record at a regularly scheduled meeting (no additional filing is required)	4/15/2020
Proposed Budget	189.016, 189.418 & 200.065	Due to local governing authority (county or municipality)	Due to local governing authority (county or municipality) by June 15th each year.	6/15/2020
Annual Financial Audit	190.008/218.32 &39	Florida Department of Financial Services	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year	6/30/2020
Assessment Roll Certification	Local County requirement.	Local County Tax Collector	For most counties, submission and certification of the annual assessment roll is due by September 15th each year.	9/15/2020

Adopted Budget	189.016, 189.418 & 200.065	Due to local governing authority (county or municipality)	Due to local governing authority (county or municipality) by October 1st each year.	9/15/2020
Insurance Renewal	SOP	N/A	Bind Insurance for upcoming Fiscal Year with an effective of October 1st thru September 30th	10/1/2020
Qualified Public Depositor Annual Report to CFO	280.17	Department of Financial Services- Division of Treasury - Collateral Management.	By November 30 of each year, file annual report for the period ending September 30th.	11/30/2020
Fiscal Year Annual District Filing Fee and Update Form	190, 189.064 & 189.018 & Chapter 73C-24, F.A.C.	Florida department of Economic Opportunity (Special District Accountability Program)	Annual filing fee of \$175 is paid to the Florida department of Economic Opportunity. The filing of the Update Form is required to verify the status of the Special District and to update any changes (including changes to the registered agent). Filing Fee invoice and Update Form is mailed out by the State on October 1st of each year. The fee and form are due and must be postmarked by the following December 3rd.	12/3/2020