

MOODY RIVER ESTATES

**COMMUNITY DEVELOPMENT
DISTRICT**

March 11, 2021

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 4, 2021

Board of Supervisors
Moody River Estates Community Development District

Dear Board Members:

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

NOTE: MEETING LOCATION

The Board of Supervisors of the Moody River Estates Community Development District will hold a Regular Meeting on March 11, 2021, at 6:00 p.m., at the Best Western, 13021 N. Cleveland Avenue, Fort Myers, FL 33903. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments (*agenda items*)
3. Discussion/Consideration: Qualified Elector Candidates to Fill Vacancies in Seats 2 and 5
 - A. William Krukowski
 - B. Edward Pike
 - C. Carolyn Schreiber
4. Administration of Oath of Office to Newly Appointed Supervisors (*the following to be provided in a separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - D. Form 8B – Memorandum of Voting Conflict
5. Consideration of Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, and Providing for an Effective Date

6. Discussion/Consideration: Proposed Amendment to Resolution 2020-05, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date (Supervisor Geltner)
7. Discussion: Board Member Responsibilities
 - A. Sample CEO Self-Evaluation
 - B. Management Evaluation
 - C. Evaluating the Executive Director – Your Role as a Board Member
8. Discussion: Adding Workshops to the Annual Meeting Schedule
9. Continued Discussion: CDD Newsletter
10. Consideration of Anchor Marine Environmental Services, Inc., Quotations for Installation of Geo-Filter Tube Erosion Barrier
 - A. Lake #8
 - B. Lake #18
11. Consideration of Preserve Management Plan
12. Consideration of EarthBalance Price Quote for Littoral Planting in Lakes 8, 9, 13 and 18
13. Discussion: Review of Community Development District Facilities Maintenance Agreement
14. Discussion: Conservation Area and Wildlife Signage
15. Discussion: Obtaining Drone for CDD Usage
16. Consideration of Hopping Green & Sams, P.A., Rate Adjustment Effective October 1, 2021
17. Acceptance of Unaudited Financial Statements as of January 31, 2021
18. Approval of February 11, 2021 Regular Meeting Minutes
 - Action Items
19. 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 20, 2021 at 1:00 P.M.
 - QUORUM CHECK

SEAT 1	Chris Jenner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 2		<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 3	Robert Geltner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 4	John Teckorius	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 5		<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No

- D. Operations Manager: *Wrathell, Hunt & Associates, LLC*
 - Monthly Status Report- Field Operations
 - I. Key Activity Dates
 - II. Draft Maintenance Spreadsheet
20. Public Comments (*non-agenda items*)
21. Supervisors' Requests
- Supervisor Geltner – Discussion: Email to Management on 05.20.20
22. 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

3A

William Krukowski
12614 Blue Banyon Court
North Fort Myers, FL 33903
631 834-9707
kruk329@aol.com

I am a resident of Moody River Estates since January 2019 from New York, along with my partner Theresa Pisciotta. Since moving to Moody, I have become involved in the well-being and safety of the community. Currently, I am the Chair of the South Neighborhood Committee, a member of our Architectural Review Committee (ARC), as well as, serving on the Landscape Contract Committee.

I am a retired Suffolk County Deputy Sheriff and served for 23 years. During that time, I was involved in the Police Benevolent Association (PBA) Union as a delegate for my command. I was also involved in Police Athletic League (PAL) as a team manager and division director for 5 years.

While living in Holbrook, NY, I became involved with Sachem Youth Advisory Group, a sports organization serving the local area. I managed my son's baseball team for 8 years. At that time, I was asked to be a director of the baseball division, then became the commissioner of the program. I was asked later to oversee the entire program consisting of 4 sports (baseball, soccer, basketball, football) as President of Sachem Youth Advisory Group (SYAG) which comprised of over 1500 amateur athletes. In addition, I was also involved with a small HOA in my community in Mattituck, NY.

Prior to joining the Sheriff's office, I worked for the Hess Corporation as a station manager to ultimately being promoted as a field supervisor for Suffolk County and lower upstate New York. I was also a small business owner running all aspects of my business.

In closing, I feel I would be an asset to the Moody River Estates CDD with my managerial skills and the ability to work with people. I will strive to get things accomplished and make our environment flourish.

Thank you for your consideration,

Bill Krukowski

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

3B

Edward Pike



3170 Banyon Hollow Loop • North Fort Myers, FL 33903 • (239)297-5312
E-Mail: epike@gcex.co.uk

31-JAN-2021

Cleo Crismond
Moody River Estates CDD
9220 Bonita Beach Road Suite 214
Bonita Springs, FL 34135
(239)989-2939

Dear : Cleo Crismond and Moody River Estates CDD Board of Supervisors:

I would like to apply to take over the seat on the Moody River Estates CDD, which has been vacated by Mr. Paul Hoffman.

I have been a resident of Moody River Estates for the past three years and have taken an active role in the community and wish for further that into serving on the CDD. I live in Moody River South, the same area where Mr. Hoffman used to live.

My background should be well suited with many unique skills, which would prove to be highly advantageous to the MRE CDD.

First, and foremost, I am a family man with two young children (ages 7 and 8), which would be unique within the CDD's current perspective and have made what is most likely a longer term investment in the community as compared to traditional retirees.

I have previously served on the Board of Governors of Guilford College, so I am quite familiar with the nuances serving on an elected board.

I have owned my own business and have an MBA, so I am familiar with all areas of running a business and all associated business and economic theory as well as managerial accounting knowledge.

I have specialized metallurgical knowledge due to training during employment at Allegheny Technologies specialty materials for over a decade in my work with high performance alloys (S.Steel, Nickel based and Titanium based alloys).

I am a life long passionate outdoorsman with ties to the area dating back to 1977 when I was 6 years old. I have fished in numerous lakes throughout Lee County throughout the years and am very familiar with their issues. I am familiar with the current invasive species infestation and the damage they have done and will continue to do in a more rapid fashion to our local native fishery if left unchecked. The Moody River lakes are currently full of plecos, Siamese walking catfish, Mayan cichlids and spotted tilapia.

I have also been a marine aquarium hobbyist for many years, which has imparted quite a lot of knowledge regarding water quality to me.

I plan to attend the scheduled meeting on February 11, 2021 at the Best Western Hotel on Cleveland Avenue at 6 PM.

If you require any additional information from myself, feel free to contact me anytime at (239)297-5312.

Thank you for your time and consideration.



Sincerely,

Edward Pike

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

3C

CAROLYN SCHREIBER

13431 Seaside Harbor Dr , N. Ft Myers , FL 33903 | 9102091157 | pepperdog2009@live.com

February 28, 2021

Ms. Cleo Adams
Wrathell, Hunt and Associates, LLC
2300 Blades Rd, Suite 410W
Boca Raton, FL 33431
877-276-0889
cleo.adams@whhassociates.com

RE: CDD Board Vacancy, Moody River Estates

Dear Ms. Cleo Adams,

I'm contacting you in regards to the Board Vacancy on the CDD for Moody River Estates. I feel it is important to keep strong personal relationships with our community members and I'm the person that will be able to do that. Serving my community would be a privilege.

My resume shows that I am motivated and able to deal with various tasks and responsibilities.

Thank you for your consideration.

Best regards,

Carolyn S. Schreiber



PROFESSIONAL SUMMARY

As a Purchasing Agent and Project manager with 20 years of experience delivering intended business outcomes on time, on budget, within scope, and according to business requirements. Work with internal business partners for foreign development and end-users to gain consensus on business requirements. Demonstrated competency in building and managing internal and offshore project team members. Ensure quality control throughout project life cycles.

SKILLS

- Compliance monitoring
- Forecasting
- Purchasing and procurement
- Project planning
- Project development

EXPERIENCE

Project Manager, Overseas Development, AT&T, Apr 1990 - Jun 1994, Watchung, NJ

- Created and delivered weekly project status reports and followed-up with project owners and stakeholders on pending action items.
- Advised staff and senior managers on available standards, methods, and tools related to project work as well as expected constraints.
- Analyzed and established project critical paths by determining interdependencies.
- Worked with Program Managers to complete projects through mentoring during product life cycle to deliver high-quality results.

Purchasing Agent, Art and Graphics for Marketing, AT&T, Jul 1983 - Jun 1990, Morristown, NJ

- Analyzed financial reports, price proposals, and other data to determine reasonable prices.
- Supervised timeliness of shipment arrivals and resolved problems relating to undelivered goods.
- Maintained computerized and manual records of purchased items, deliveries, costs, product performance, and inventories.
- Interviewed vendors and visited distributions centers to examine and learn about products, prices, and services.
- Determined the reasonable price for each good or service by analyzing all available data.
- Monitored the shipments to verify the on-time arrival of goods and proactively resolve delivery problems.

Purchasing Agent, Avdel Corporation, Sep 1971 - Apr 1983, Parsippany, NJ

- Interviewed vendors and visited distributions centers to examine and learn about products, prices, and services.
- Maintained computerized and manual records of purchased items, deliveries, costs, product performance, and inventories.
- Prepared purchase orders, solicited bid proposals, and reviewed requisitions for goods and services.
- Purchased highest quality merchandise at lowest possible price to boost bottom line.
- Located, researched and vetted suppliers based on factors such as their pricing and quality.
- Managed daily tasks consistently and sought out opportunities to go beyond requirements and support business targets.

EDUCATION

Associate of Arts, Business

Fairleigh Dickerson University - Madison, NJ

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

5

RESOLUTION 2021-03

A RESOLUTION DESIGNATING A CHAIR, A VICE CHAIR, A SECRETARY, ASSISTANT SECRETARIES, A TREASURER AND AN ASSISTANT TREASURER OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Board of Supervisors of the District desires to appoint the below-recited persons to the offices specified.

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

1. **DISTRICT OFFICERS.** The District officers are as follows:

_____ is appointed Chair

_____ is appointed Vice Chair

Chesley (Chuck) E. Adams, Jr. is appointed Secretary

_____ is appointed Assistant Secretary

Vacant is appointed Assistant Secretary

Vacant is appointed Assistant Secretary

Craig Wrathell is appointed Assistant Secretary

Craig Wrathell is appointed Treasurer

Jeff Pinder is appointed Assistant Treasurer

2. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

Adopted this 11th day of March, 2021.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

6

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT
PROPOSED AMENDED RESOLUTION 2020-05
February 11, 2021 ~~March 12, 2020~~

PROPOSED AMENDED 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;
ADOPTING A POLICY OF PERFORMANCE REVIEW OF
DISTRICT MANAGER, LEGAL COUNSEL AND PROFESSIONAL
STAFF ~~AND VENDORS~~; 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, the District retains the services of a District Manager and other professional staff and vendors ~~a legal counsel~~ who are the only ones granted the authority by the Board to access and control the assets of the District; are the ones most likely to be involved in fraud, waste, and abuse (as hereinafter defined); are the ones the Board relies upon to promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; are the ones the Board relies upon to engage in economical and efficient operations; are the ones the Board relies upon to ensure the reliability of financial records and reports; and, are the ones the Board relies upon to safeguard assets of the District(as hereinafter defined).

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 **and to insure that the conduct and performance of the District Manager and professional staff and vendors legal counsel in the performance of their duties are periodically evaluated to insure that they meet the requirements of Florida law and the expectations of the Board.**

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.

The District Manager is responsible for managing the resources entrusted to them to carry out District programs. A major factor in fulfilling this responsibility is ensuring that adequate controls exist and that management performance is periodically evaluated to insure that controls are properly implemented.

Public officials, legislators, and taxpayers are entitled to know whether government agencies are properly handling funds and complying with laws and regulations. They need to know whether government organizations, programs, and services are achieving the purposes for which they were authorized and funded. Officials and employees who manage programs must be accountable to the public and to their governing Boards.

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 **by management, employees, contractors, or vendors or the board.**

4. Risk Assessment.

4.1. **Risk Assessment.** District Management is responsible for assessing Risk to the District **and providing a report to the Board concerning those risks and suggestions for minimizing those risks.**

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 **after Board approval.**

4.1.4 Submitting to the Board a Risk Assessment Report outlining their findings along with suggestions for precautions that might be adopted by the Board.

4.1.1.5 The Board shall vote on the adoption of a plan to implement or modify suggestions sent to the Board in the Risk Assessment

5. Control Activities.

5.1. **Minimum Internal Controls. In addition to exercising its primary responsibility to recruit, retain, evaluate and terminate a District Manager, legal counsel and other professional staff, t**The District **Board** 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 **Board** 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. **Identifying criteria for determining what are "sensitive" documents and Retaining and restricting access to sensitive documents, subject Florida's public records laws and to Board approval.**

5.1.1.8 Annual performance review of the District Manager, legal counsel and/or other professionals paid by the District using a format to be adopted by the Board.

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 **subject to approval of the Board,** shall implement the minimum Internal Controls described herein. District Management may also implement additional Internal Controls that ~~it~~ **the Board** deems advisable or appropriate for the District, **subject to approval of the Board.** 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 **the Board and** 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 **the Board and** 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. The Board with the assistance of District Manager and legal counsel,
~~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 **subject to approval of the Board**

7.1.1.6. Train **the Board and** 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 the Board** to improve them. District Management shall communicate and cooperate with the Board and the Auditor regarding the potential implementation of Auditor recommendations.

8.0 District Manager shall disclose in writing to the Board annually by December 31st any actual or perceived conflicts of interests.

Specific Authority: §§ 190.011(5)], 218.33(3), *Florida Statutes* **Effective date:** _____, 2020

RESOLUTION 2020-05

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.

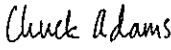
SECTION 2. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

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

PASSED AND ADOPTED THIS 21st DAY OF MAY, 2020.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

DocuSigned by:

1567A2305DF3482
Secretary/Assistant Secretary

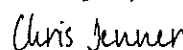
DocuSigned by:

AEDAE0FC6AF2044F...
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: May 21, 2020

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

7A

SAMPLE
Executive Director Performance Appraisal -- Self Evaluation

TO: Executive Director

FROM: Board of Trustees

RE: Self Evaluation

DATE:

Dear [Name of Executive Director]: The performance evaluation process is a two-way dialogue. The Board of Trustees would appreciate your input regarding the specific subjects you would like to discuss regarding your performance in the past year, and your professional development goals in the coming year. Please return this to the Board Chair by **date**. Your comments will form the basis for a discussion with selected members of the Board of Trustees that will constitute your formal performance evaluation for the period beginning ____ to present, and also will provide a basis for the identification of your performance goals for the period ____ through _____. As necessary, please use additional pages to complete your thoughts.

1. What do you believe has been your most significant achievements during the past year?

2. What have been the most significant challenges for you during the past year?

3. Is there any area of your job where you believe you are not in alignment with the expectations of the board of directors? Please explain.

4. In what areas are you striving to achieve personal and professional development? How can the Board assist you in your development as the chief staff leader? What specific professional development opportunities do you think would help you in your job?

5. In a separate document, please share your immediate and longer term goals to support the organization's strategic priorities, noting the levels of priority, "urgent", "soon" and "later", with timeframes for deliverables, as applicable.

6. What can the Board do, individually and/or collectively, to support you in your work relating to fund development and cultivating donors for the organization?

7. Is there anything else you would like to discuss in your performance review meeting?

8. Taking all factors into consideration, how would you rate your overall performance in the past year?

1 = Unsatisfactory
2 = Below Expectations
3 = Meets Expectations
4 = Exceeds Expectations
5 = Exceptional

Signed: _____

Date: _____

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

7B

Strengthen ties between the board and executive leader

[SOURCE: <https://www.missionbox.com/article/100/evaluating-your-nonprofit-executive-director-tips-for-board-members>]

An effective executive director or chief executive is crucial to a nonprofit's success. In turn, the executive leader relies on the board of directors or trustees to provide oversight and direction. One common way to do this is through a performance evaluation.

The benefits of evaluation

Board members might be uncomfortable evaluating the executive leader due to fear of conflict or lack of experience with the process. Still, it's a worthwhile task. An evaluation can be used to:

- Strengthen the relationship between the board and executive leader
- Assess the leader's accomplishments
- Provide suggestions for improving skills or performance
- Justify adjustments to the leader's compensation
- Set new goals for the leader
- Measure progress toward organizational goals
- Identify challenges within the organization

Getting started

The first step is to create an executive evaluation policy. This policy typically explains:

- When and how often the performance evaluation will be done
- What criteria will be used to evaluate performance

- How the findings of the evaluation will be shared and discussed with the leader

Evaluation is typically recommended at least annually. Many boards make the evaluation part of an annual overall organizational evaluation. This is helpful because organizational performance information can be used to measure the executive leader's performance. It also allows the board to set new goals for the organization and executive leader at the same time, which can then be reviewed at the next evaluation.

Whatever the timing, it's important to give the executive leader advance notice of the board's expectations and the criteria used for the evaluation.

Setting objectives and identifying feedback sources

To set objectives upon which to evaluate the executive leader, the board should review:

- The executive director or chief executive job description
- Relevant board policies
- The annual plan or strategic plan

These documents likely highlight areas of responsibility, major priorities related to your nonprofit's mission, limitations on certain financial and ethical practices, and organizational goals.

Next, you'll need to determine what information the board will use to assess the executive leader's performance. Options include:

- A self-evaluation
- Reports submitted to the board
- Information collected from staff, clients, customers, funders, partner organizations, volunteers or other stakeholders (such as through surveys or anonymous feedback)

- Intermittent of continuous observation of the executive leader by board members

You might ask your executive leader to help select the sources of feedback. Some organizations hire an outside consultant to collect this information.

Creating the evaluation

If you're creating a survey that monitors your executive leader's performance relative to his or her job description, you'll likely want to ask questions that help you collect information on:

- Administrative and staff management
- Problem-solving and decision-making skills
- Leadership
- Business development
- Fundraising
- Risk management
- Relationships with the board, community and public
- Planning and budgeting

You may ask open-ended questions or use a scale, with answers ranging from not applicable to outstanding. Keep your focus narrow to avoid overwhelming those you ask to complete the survey — and to make it easier for you to compile and analyze the data. You might consider asking another nonprofit for a copy of its review survey as a starting point.

Another option is to analyze the executive leader's performance results and give him or her a rating for each goal stated in your annual plan.

Some organizations also use the executive leader's job description and list of responsibilities to analyze strengths and weaknesses and note actions to support improvement.

Discussing the evaluation

Once you've compiled the evaluation information, discuss the findings and agree on a summary of the evaluation as a board before meeting with the executive leader. Make sure your evaluation focuses on the leader's performance, not his or her personality, and includes both praise and concerns. Also, keep in mind any changes or challenges the executive leader might have experienced during the review period and how they might have affected his or her performance.

Next, determine which board members will meet with the executive leader. Consider putting one person in charge of keeping the meeting on track and making sure everyone has a chance to speak. During the meeting, review the executive leader's accomplishments and strengths and then move on to areas of concern and opportunities for growth. Use examples to support your points and be specific with any recommendations.

After the review meeting, a member of the board should write up the evaluation as a formal report and ask the executive leader to sign and date it (agreeing that he or she understands what the report states).

A performance evaluation poses a great opportunity to provide constructive feedback. However, it shouldn't be the only feedback your executive leader receives. Maintaining close communication with your executive leader throughout the year can help keep him or her on track — and prevent surprises when the formal evaluation occurs.

References

First Nonprofit Foundation: **Evaluating the executive director: Your role as a board member** by Vincent Hyman (2011)

Blue Avocado: **Executive director evaluation survey form** by Jan Masaoka

Minnesota Council of Nonprofits: Conducting executive director performance evaluations

Knowhow Nonprofit: Appraising the CEO: 360⁰ profiling

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By **MissionBox** staff

Writers and editors working together to elevate social impact worldwide — one paragraph at a time

Executive Director Evaluation Survey Form

[SOURCE: <https://blueavocado.org/board-of-directors/executive-director-evaluation-survey-form/>]

by [Jan Masaoka](#) on November 14, 2011

Categories: [Board of Directors](#) | [Leadership and Management](#) Topic

Tags: [Strategic Planning](#) | [Executive Director](#)

*In the last issue of Blue Avocado, we discussed how board evaluations of executive directors (CEOs) are different from all other performance evaluations in the organization. These differences — including the limited ability of board members to observe the executive — are also among the reasons why **45% of executives have not had a review in the last year** (CompassPoint's [Daring to Lead 2011](#) study). In this article we draw on that discussion and on the submissions of dozens of Blue Avocado readers to propose a process and an evaluation instrument.*

(At the end of this article is a link to download the survey form in Word to make it easy for you to modify.)

When we reviewed various the dozens of evaluation instruments sent in by Blue Avocado readers, we found that nearly all of them had these attributes in common:

-
- Most reviews used a checklist form (rather than narrative)
-
- Most focused on ED's actions and behaviors (rather than on organizational performance)
-
- Most relied on input from board members only (rather than include input from others such as staff, funders, clients, art critics, etc.)

Although we feel that evaluations that are narrative, focus on organizational performance and contain elements of a 360 degree evaluation are better ways to evaluate executives, we also realize:

•

- Without a checklist of some kind, the ED evaluation most likely won't take place
-
- Evaluation of organizational performance is complex and is more likely to arise *from* executive evaluation than to occur *before* it, and
-
- Input from others in and outside the organization is more appropriately focused on organizational assessment, not as narrowly as on ED evaluation.

Most importantly: despite the fact that board members may have little to go on and not much experience with ED evaluation, it's still important to have the evaluation.

Perhaps the most important thing we learned from executive directors about the value that did emerge from evaluations is that the discussions — if held in good faith — result in better-aligned expectations and goals for the organization and for the executive.

As a result, we adapted instruments to:

-
- Give board members the chance to reflect (and discuss) not only on the executive's performance but on the performance of the board and of the organization
-
- Spark discussions between the executive and the board (rather than to sum them up)
-
- Give the executive the opportunity reflect and learn (if so inclined)
-
- Provide a basis for salary and fire/keep decisions,
-
- Lead to alignment and clarification of goals and expectations.

Process

- A. The board should assign a small group or one person to managing the ED's evaluation. This can be the officers, or a task force created for the job.
- B. The ED should go over the process and instrument(s) with that committee prior to the start. This can be as simple as an email or as deep as a group discussion about goals of the evaluation.
- C. The board can collect the information from respondents. Rather than compile an "average," it's important to report how many board members marked "outstanding," how many marked "needs improvement," and so forth. Having all board members mark "fine" is quite different from half of them marking "outstanding" while another half mark "improvement needed."
- D. An executive session of the board (perhaps 1 hour without any staff present) to discuss the survey results and comments in general.
- E. Relaying the information to the executive: by the board chair or another assigned member or two.
- F. The executive's chance to respond (in person or in writing) to the full board.
- G. The review and the response (if there is one) are placed in the executive's personnel file.

Tip: Involve HR to make sure the review takes place. Most supervisors would not complete reviews of their staff if there were not someone from HR reminding and nagging them. An HR or finance staffperson can keep reminding the board officers that a review must be completed for the executive's personnel file and that salary documentation must be provided.

At the end of this article is a link to download the survey form in Word. Please do not use any of these templates "as is." Instead, use them as a basis for forms that are relevant to your organization's circumstances:

1. Overall organizational performance	
a. Works with the board and management staff to develop strategies for achieving mission goals and financial viability.	<input type="checkbox"/> Outst <input type="checkbox"/> Very Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
b. Appropriately provides both support and leadership to the board.	<input type="checkbox"/> Outst <input type="checkbox"/> Very Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
c. Demonstrates quality of analysis and judgment related to progress and opportunities, and need for changes.	<input type="checkbox"/> Outst <input type="checkbox"/> Very Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
d. Maintains and utilizes a working knowledge of significant developments and trends in the field (examples: AIDS/HIV, environmental law)	<input type="checkbox"/> Outst <input type="checkbox"/> Very Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
e. Builds respect and profile for the organization in its various constituencies. Supports the overall field/movement in which the organization works.	<input type="checkbox"/> Outst <input type="checkbox"/> Very Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
f. Establishes ambitious goals for excellence and impact and initiates, maintains, and adapts programs with excellence and impact	<input type="checkbox"/> Outst <input type="checkbox"/> Very Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
g. Comments on overall organizational performance:	

2. Community leadership	
a. Serves as an effective spokesperson. Represents the organization well to its constituencies, including clients/members/patrons, other nonprofits, government agencies, elected officials, funders, and the general public	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
b. Establishes and makes use of working relationships with organizations and individuals in the field.	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
c. Sees that communication vehicles are developed and utilized well.	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
d. Comments on community leadership:	

3. Administration and Human Resources	
a. Establishes and leads an effective management team	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
b. Recruits and retains a diverse staff (as the organization has identified diversity)	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
c. Maintains appropriate balance between programs and administration	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
d. Ensures that procedures and organizational culture maximize volunteer involvement	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
e. Ensures compliance with relevant workplace and employment laws	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
f. Sees that employees are licensed and credentialed as required and that appropriate background checks are conducted	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
f. Ensures that job descriptions are developed and that regular performance reviews are completed and documented	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
g. Leads staff in maintaining a climate of excellence, accountability, and respect.	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
h. Comments on administration and HR:	

4. Financial sustainability and mission impact	
a. Assures adequate control and accounting of all funds, including maintaining sound financial practices	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
b. Sees that programs and activities are developed, executed, modified and dismantled to maximize mission impact	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
c. Works with the staff, finance committee and the board to prepare budgets, monitor progress, and initiate changes (to operations and/or to budgets) as appropriate	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
d. Sees that official records and documents are retained; sees to compliance with federal state and local regulations (examples: Form 990, payroll withholding)	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
e. Develops realistic, ambitious plans for acquiring funds	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
f. Jointly with the president and secretary of the board, conducts official correspondence for the organization, and jointly with designated officers, executes legal documents appropriately	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
g. Successfully involves others in fundraising and in earned income generation.	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
h. Establishes positive relationships with institutional funders such as foundations, government agencies, churches, corporations, and so forth.	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
i. Establishes positive relationships with individual donors.	<input type="checkbox"/> Outst <input type="checkbox"/> V Good <input type="checkbox"/> Fine <input type="checkbox"/> Impr Needed <input type="checkbox"/> Don't know
j. Comments on financial sustainability and mission impact:	

Senior Staff on Executive Director Review

Please help the board of directors conduct its review of the executive director's performance over the last year by sharing your thoughts. Your comments will be shared with the members of the board of directors, but your name will not be identified with specific comments. Please submit this to _____ via _____ by _____ date.

1. Overall organizational performance

2. Community leadership

3. Administration and HR

4. Financial sustainability and mission impact

5. Board of directors

6. Miscellaneous

7. Are there any specific suggestions for professional development or individual workplan that the board might consider recommending to the executive director?

What about 360 degree evaluations?

Every few years it's very helpful for a board to get a sense of how its executive — and the organization as a whole — is experienced by volunteers, visitors, patrons, clients, members, funders, collaborative partners, and others. A 360 degree evaluation takes a good deal of time (not only from the board but from everyone who is asked to give input), and it makes the most sense to use the opportunity not only to learn about the CEO, but about the organization.

Please [click here to see a Blue Avocado article on 360 degree organizational assessments](#).

Other data

Many organizations also have established goals and objectives for the year, such as number of enrollments, visitors to the art gallery, decrease in euthanized animals, and so forth. There may also be data available such as average rating score for workshops conducted by the organization, ticket sales, attendees at annual fundraising lunch, etc.

Measuring organizational performance against such benchmarks is tremendously helpful, as is measuring performance against an updated job description. However, there are limitations to over-relying on such benchmarks:

-
- There may be external reasons why performance did not meet benchmarks, and those gaps may be more productively addressed in a broader context than the annual review of the CEO.
-
- A great many organizations do not have such organizational performance benchmarks, nor does the executive have a recently-updated job description. It's necessary to have an evaluation tool that does not require these to be in place.

The role of judgment

No one every has enough information to do a perfectly informed, "objective" evaluation of anyone. If an executive evaluation results in substantive discussion about organizational goals, organizational

values about how work is done, and how the board and executive can both do better, then the evaluation “worked.”

Click here to download the word doc of the survey: [ED Eval Form: Word](#) and here to download a PDF: [ED Eval Form: PDF](#)

Our thanks to the many anonymous Blue Avocado readers who contributed to this article, as well as to Nancy Aleck, Kathy Booth, Steven Bowman, Marsha Caplan, Douglas Ford. Krista Glaser, Amy Heydlauff, Lyn Hopper, Trudy Hughes, Jeanette Issa, Shalom Black Lane, Kristen Larsen, Peggy Liuzzi, Dan Lozer, Diane May, Pat Moore. Paul Rosenberger, Erin Ryan, Penelope Sachs, Kate Stephenson, Lynda J. Timbers, Connie Zienkewicz. I hope we didn't miss anyone! Special thanks, too, to reviewers of this article: Trish Tchume (Young Nonprofit Professionals Network), Liz Heath (Sound Nonprofits), Rick Moyers (Meyer Foundation) and Tim Wolfred (CompassPoint Nonprofit Services).

Jan Masaoka is editor of Blue Avocado, and author of the Best of the Board Cafe, [available here from Amazon](#). She has been an executive director and board member and experienced both bad and good evaluations from both ends. And lived to tell the tale.

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

7C

10
THINGS
EVERY
BOARD MEMBER
NEEDS
TO KNOW

Evaluating the Executive Director

Your Role As a
Board Member

Second Edition, 2011

by Vincent Hyman

Mission

Our mission is to foster effective risk management practices and the overall development and advancement of nonprofits through unique, creative initiatives.

Ten Things Series for Nonprofit Boards

Welcome to this series of short briefing papers for nonprofit board members. Whether a seasoned leader or first-time trustee, there is a continual need to revisit the expectations and demands of the critical board member roles in steering, supporting and safeguarding nonprofit organizations. In this series, First Nonprofit Foundation has identified topics of particular interest to board members and will provide digests of time-tested wisdom, emerging thought, and the insights of highly experienced practitioners. We trust these papers will succeed in helping nonprofits to develop and advance. As always, we welcome your comments and suggestions.

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Advancing Together: The Role of the Nonprofit Board in Successful Strategic Alliances

A Winning Board: Steps That Bring Out the Best

Champions with a Cause: The Nonprofit Board Member's Role in Marketing

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Evaluating the Executive Director: Your Role as a Board Member

Finding the Opportunity in Economic Chaos

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Essential Keys to Nonprofit Finance

Risk Management: Your Role as a Board Member

Shaping the Future: The Board Member's Role in Nonprofit Strategic Planning

Sustaining Great Leadership: Succession Planning for Nonprofit Organizations

*Organizational performance is synonymous with chief executive performance.*¹

—John Carver

John Carver, noted governance expert, put it succinctly more than twenty years ago: the organization's performance is synonymous with the chief executive's.

So it would seem simple, really: If the organization is doing well, the executive must be perfect. Problems in the organization? Must be an imperfect executive.

Life is never so simple. Organizations exist in complex environments that include the board itself, the staff, its customers, clients, donors, and other stakeholders; the organization's traditions, values, and history; its economic, social, competitive and regulatory environment; and on and on. The organization's executive serves a key role of carrying out the board's directives while balancing these numerous—and often conflicting—interests and pressures.

Still, the heart of Carver's pronouncement holds: the executive's job is to manage the board's abstract policies into concrete reality. If the board has directed astutely and the executive has managed shrewdly, the organization should perform well, given its challenges. Your job, as a board member, is to monitor that organization in such a way as to be sure the executive is delivering the goods. Moreover, your executive needs this monitoring. The executive can't do what you direct absent of feedback and direction.



Some boards neglect their duty of evaluating the director. They may fear conflict, be at a loss for the tools, or lack the tradition. All are poor, if common, reasons to avoid evaluation. That's too bad, because evaluation offers numerous benefits, including:

- Ensuring that the board is meeting its duty to actively lead the organization
- Monitoring whether organizational goals are being achieved
- Providing an opportunity to set new annual goals
- Maintaining a formal, documented, fair, and pragmatic process for providing feedback to the executive
- Helping the executive understand the board's perspective on his or her strengths and limitations
- Providing direction for specific improvements in skills and performance
- Providing documented processes that help the board retain, improve, or retire the executive, as well as justify changes in compensation and other matters of record
- Maintaining a process and documentation that can help protect the board if they let a chief executive go and the chief executive decides to sue the organization
- Helping board members examine the executive's accomplishments rather than personality
- Laying the foundation for an improved working relationship between board and executive
- Identifying opportunities, strengths, challenges, and strategic questions before they become troubling issues²

2

If your board is not currently evaluating the executive, you should know that across the sector, three-quarters of executives receive a formal, written evaluation from the board.³

The benefits are many, and, any discomfort aside, the board must evaluate its executive or it simply is not doing its job. The following steps will facilitate this task:

1. Set an executive evaluation policy
2. Set objectives and criteria
3. Choose monitoring sources
4. Choose an approach
5. Conduct an executive performance survey (Option A)
6. Monitor performance-to-plan (Option B)
7. Prepare a strengths and weaknesses evaluation (Option C)
8. Meet with the executive and document the review
9. Consider compensation
10. Avoid common problems

You will find specific advice about each of these steps below. However, the most important thing you should take away from this booklet is that the board should evaluate the executive at least annually—and it should be monitoring organizational performance (which is a reflection of executive performance) at every meeting. The specifics are less important than being sure that the evaluation is done in a timely and respectful manner.

1.

Set an Executive Evaluation Policy

As with any employee, the provision of performance feedback should be ongoing. Nothing is more damaging than stockpiling mistakes to be flung at the director during a single session. Big surprises or “gotchas” delivered at a performance evaluation are sure sign that the board is doing a poor job of communicating with the director.

Your organization should have both a tradition and a policy of annual review of the executive, often connected to an annual review of the organization. For example, one organization’s policy reads:

A formal in-person assessment of executive performance shall be carried out by the board of directors annually. The plan for the assessment will be developed in conjunction with the chief executive officer and submitted to the board for review and approval [at the] end of the fiscal year. Assessment criteria and standards will be specified prior to the appraisal. Findings will be given to the board and the chief executive prior to the evaluation session. The executive will have the opportunity to comment, respond, include other assessment information and suggest developmental ideas prior to and during the evaluation session.⁴

In general, the goal of performance reviews is to recognize how well the individual is doing his or her job and to identify ways to improve. For the executive, the board should clearly identify performance expectations and standards relevant to the organization’s performance, the executive job description, the annual work plan, the development plan set in the previous evaluation, and ongoing performance feedback given during previous board meetings.

Because the executive’s performance is so closely associated with the performance of the organization, many boards choose to make the executive evaluation part of an annual cycle of broader organizational evaluation. This is very helpful, as the information on organizational performance likely includes very useful measurements. Further, most such evaluations lead to the establishment of next year’s goals—which goals should be built into the plan for the coming year’s executive evaluation.



2.

Set Objectives

If your organization has never evaluated its director, you have some work ahead of you. It is unfair to judge an employee when you have not set objectives for the employee. Ensure that the board, as a group, has stated the organization's short- and long-term objectives with enough clarity that the executive—the board's employee—can reasonably be held accountable for accomplishing those objectives.

This booklet can't give a full account of a process for setting organizational objectives. However, there are several documents you should review when setting objectives (or determining what objectives may have been set) to which the executive will be held accountable:

- Last year's executive evaluation, including any developmental expectations
- The executive job description
- Board policies that set expectations and limitations for the executive
- The organization's annual plan (or, if no annual plan, then the strategic plan)

Previous evaluation

Providing the board conducted one, the previous year's executive performance evaluation most likely includes an action plan for the current year, with developmental goals for the executive. Include these in the evaluation; if not attended to, an excellent reason needs to be provided.

Job description

The executive job description should list major areas for which the executive is responsible. It's essential that the board review this in preparation for the job evaluation, especially if your board has never evaluated its director. These categories of responsibilities will also be helpful should the board choose to use a survey to gather information about the executive.

Board policies

Look to your policy documents for useful objectives upon which to evaluate the executive. These should specify, in some form, the major ends which the executive can be reasonably expected to accomplish. (Some of these ends are also reflected in the executive job description.) For example, some boards have adopted policies that express the mission, with subsections discussing the major priorities related to the mission. Or, boards may specify certain programmatic strategies, supported by short-term or annual goals that are core to the accomplishment of the mission. The board should hold the executive accountable for making reasonable progress towards these priorities.

Similarly, policy documents may set certain limitations on the executive. For example, the board may have a policy regarding finances that states the executive will not unreasonably risk organizational assets, including property, unnecessary liability, insufficient fund controls, or investing organizational surplus in insecure instruments. Or the board may have a policy limiting the executive from imprudent business practices, such as treating employees unfairly or choosing violating ethical standards relative to the organization's field of practice. With such policies in place, the board can hold accountable the executive who has failed to observe these limitations.

Annual plan

The final area to examine for objectives is the organization's annual work plan, or, if one does not exist, its strategic plan. These should clearly spell out goals for the organization relative to its practices. Examples might include establishment of a development office, generation of a surplus, reduction of a deficit, closing a certain program, establishing a beneficial new strategic alliance—whatever the board, executive, and staff have seen fit to establish. The executive is accountable for reasonable performance to achieve these goals within the timeframe established.

3.

Choose Monitoring Sources

5

While the board is ultimately responsible for the executive evaluation, it may choose to consult with others to collect information. Some boards rely only on their own interactions with the executive when assessing performance. Others feel that relying on board perceptions is too narrow, and collect information from multiple sources. Since in most organizations board members interact primarily with the executive and rarely with staff, a failing executive has an easier time hiding problems from the board than from staff.

The choice of which information sources really varies with the board and its goals. Typical sources include:

- The executive's own written evaluation of his or her performance, outlining his or her accomplishments and concerns for the year.
- A compilation of the reports submitted to the board, either specifically in preparation for evaluation or throughout the year. (You may wish to use the "nonprofit dashboard" described in another *Ten Things* booklet, *Strong Partners: Building an Excellent Working Relationship between the Nonprofit Board and Its Chief Executive*.⁵)

- Information collected from those staff who report directly to the executive (in larger organizations) or from the entire staff (in smaller organizations).
- Information from others with whom the executive interacts and whose perceptions impact organizational performance: clients or customers, funders, collaborating or partner organizations, volunteers, and even key members of the community.

Which of these sources you choose is also determined by the particular assessment approach you pick (see “Choose an Approach”). However, it is helpful if the executive is involved in selecting the sources.

The second aspect of this question is choosing who should conduct the annual review. This depends on the size and nature of the board. Most usual is for the board officers or a committee of the board to lead the evaluation process.⁶ This group reports on the evaluation data to the entire board. The in-person performance evaluation, again, depends on the board size and the nature of the evaluation. (See “Meet with the executive and document the review.”) In general, it is better to use seasoned board members with a deep knowledge of the organization.

Some organizations may use outside consultants to collect information or review executive performance. Keep in mind that evaluating the executive is like running an EKG on the heart of the organization: you will not get any closer to the pulse of the organization. If you use an external service, it should be as a contributing part of the overall effort. And, whether the in-person evaluation is presented by a committee, a board officer, or the entire board, the final evaluation must be the voice of the entire board. It is only as a single entity that the board has any power at all.

4.

Choose an Approach

To some extent, you are always evaluating the executive director, via observation at formal and informal meetings, in conversations you have with other volunteers, donors, and stakeholders—basically, any time you hear something about the executive or the organization, you are making an assessment that reflects on the executive. However, such judgments are quite personal, subject to interpersonal chemistry, and resistant to hard data about organizational performance.⁷

Personal judgments should always be questioned and compared to data when possible, both by the individual who holds the opinion and by others on the board. Unaired and unexamined judgments—whether rosy or negative—readily morph into strong

positions that can't be swayed by facts. Such positions prevent the board from guiding the executive objectively. Countless good executives have been fired and bad executives retained based solely on well-defended but woefully inaccurate personal perceptions. And that is bad for the organization.

By adopting a systematic approach to evaluation, your board can reduce the subjectivity of the information collected.

Boards usually choose from among three options when evaluating the executive.

- **Option A:** Assessment of performance via survey
- **Option B:** Assessment of “performance-to-plan” or organizational performance
- **Option C:** Assessment of executive's strengths and weaknesses

For clarity, we've separated these into three approaches. In reality, organizations often combine these options. In some cases, they will cast a very broad net, (sometimes called a “360-degree assessment”). They may review only the organization and interpret the results as a reflection of the director, or they may use the combined approach to review the executive director. At the conclusion of this booklet, we'll describe how one organization actually reviews its director—not as a model for you to follow, but as an illustration of what works in one organization.

Let's explore each of the options above with attention to their benefits and drawbacks. Points five, six, and seven below will explain how to conduct each approach.

Option A: Assessment of performance via survey

Surveys can help you gather performance information from a variety of sources. Typically, survey questions are geared to the categories established by in the executive job description, though they could also be tied to goals specified in an annual plan. Such areas might include finance, fundraising, community relations, human resources, program performance, planning, and governance. Surveys should be delivered only to the individuals and groups best able to provide feedback on executive performance—board members, staff, community members, other stakeholders—as noted in “Choose Monitoring Sources,” above. Generally, respondents are asked to rank various categories on a five-point scale. Open-ended questions may also be included.

Surveys have several advantages. They can be automated via online survey tools such as Survey Monkey (www.surveymonkey.com). They can be sent via email to a broader range of respondents, often using the same software, which may also provide systems for compiling and analyzing the responses. They can assure anonymity for those responding to the survey—ensuring the executive's staff can respond more honestly.

Surveys can also be tailored for different groups. For example, community members might receive only questions about the CEO's representation of the organization to



the community, while staff might receive a separate set of questions regarding internal communications.

The process of survey development forces the board to think through and specify criteria for evaluation, which the executive director can also see. Surveys can repeat certain long-term questions annually, enabling the board and executive to monitor changes over time. The survey assessment approach can also be helpful when an organization has not previously conducted an assessment and the board feels it needs the perceptions of others beyond the board.

But there are serious downsides. Unless questions are tested with a few people first and carefully worded, they may be easily misinterpreted. Hence, a poorly worded question can deliver useless or misleading results.⁸ Surveys tend to weight all performance aspects similarly, so if the director does a great job on community relations and finances but has failed at an area the board thinks is very minor, the less important category can “drag down” the overall score. Surveys rely on perceptions, so that if objective data show that the executive director has met all the new business generation goals set by the board, but the individuals surveyed believe that the executive has not generated new business, the survey will show poor performance. Surveys are impersonal, as well. As the group delivering the survey, you have no opportunity to probe an individual’s response. Similarly, the respondent can’t ask you to clarify the question. Additionally, due to anonymity, open-ended feedback can sometimes be critical in a way that is vindictive instead of constructive.

Finally, survey data can make highly subjective responses appear as iron-clad judgments. Surveys usually report numeric ratings for performance. We are conditioned to think that numbers are more reliable and “scientific” than words. For physics and math and extremely scrupulous studies, that is the case. For any survey used to gather perceptions about an executive director, the numbers are simply helpful guidance. They are not facts.

Option B: Assessment of performance-to-plan

Performance-to-plan assessments realize the implications of John Carver’s opening quote: Organizational performance is synonymous with chief executive performance. The approach in this case is that the board, with information from the executive and staff, sets organization-wide goals annually, consistent with the strategic plan and the policies it has developed. These are broad goals, achievable through a variety of means and through a coordination of the organization’s activities. To the degree possible, measurable but realistic results are specified. For example, the goal might be to generate a three percent surplus at fiscal year end. Usually, the manner in which the measurable result is achieved is not specified (except as limited by policies—for example, achieving the surplus through risky investments or buying lottery tickets would be prohibited by most board policies). The executive is then evaluated based

on the degree to which the objectives were actually met, bounded by situations outside the executive's control (for example, a surprise—a facility failure, natural disaster, or legislative change—that requires consuming the surplus the executive was so scrupulously building).

This approach has several advantages. It keeps the board in its all-important policy-setting role, and the executive in the policy-realization role. It keeps the board out of the micromanaging details, and frees the executive to focus on results delivery. In other words, the focus is on making the organization succeed, per the board's direction. The approach also concentrates on measurable outcomes, which lessens the impact of subjective personal opinion, and potentially reduces conflict over strongly held positions.

This approach works well with a strong board and a confident, proven executive director; in such cases the measurable outcomes can yield dramatic growth and change. It works well with boards that are almost exclusively focused on governing (policy-setting).

There are disadvantages to this approach. It does not readily take into account broad environmental changes that may require a shift in priorities, particularly when the board does not recognize the changed situation and will not adjust policy measures accordingly. It does not lend itself to assessing less tangible aspects of management that lead to organizational success. Its focus on means (getting results) could also result in executive behavior that contradicts other important organizational values, if those values have not been expressly stated in board policies.

This approach, theoretically appealing, has real limits for many nonprofit organizations—small organizations with budgets less than \$500,000.

First, resource restrictions limit the organization's capacity to collect and organize the data required for the "objective" monitoring described above.

Second, board members in these small organizations often do double duty. One moment they are directors who set policy and supervise the executive. The next moment, they are volunteer staff who greet new clients, stuff envelopes, or run the phone tree for the annual fundraiser. This is an inherent and unavoidable conflict of interest (though it is manageable). The board members are supervising the executive in their policy role, and doing the executive's bidding in their staff volunteer role. Holding the executive fully responsible for the delivery of service is acceptable when the executive can fire the employee or volunteer at will. But when that service is actually being provided by a board member who is one of the executive's supervisors, there's an obvious problem. How does the executive reprimand a board member who influences the rest of the board—who is one of his bosses? No matter how scrupulous board members are about this dual role, the conflict exists.



This situation—resource restrictions and inherent conflict of interest—is less than ideal, but it is a fact of life for many nonprofits. Such organizations can benefit from the discipline of the performance-to-plan model, but they must be aware of their reporting (monitoring) restraints and the situation wherein board members double as service volunteers. With regards to the reporting restraints, boards have to take care not to demand reports the organization doesn't have the resources (financial or time) to deliver. And with regards to their dual roles, wise boards and executive directors simply need to do their best to manage the complex situation.

Option C: Assessment of executive's strengths and weaknesses

In the strengths and weaknesses approach, the executive and board list and discuss the executive's strengths and weaknesses. They then focus on action plans for building on the strengths and addressing the weaknesses. In a typical strength and weakness review, the board will look at the job description, annual plan, and previous year's professional development goals. It may provide a rating for activities within each of these categories.

Option C is the most subjective and the least formulaic of the three approaches described in this briefing booklet. It is advantageous when the board has a more intimate relationship with the executive, and when the board prefers the comfort of a somewhat informal, qualitative discussion with the director. In general, there is a “gentle” feel to the approach; the board takes on a role similar to that of a supervisor who provides coaching to help the employee reach top performance. Boards can talk with the executive in the broad context of how the organization is doing and how the executive should tweak his management style to serve the needs of the organization.

Organizations with longtime executive directors known for some essential and difficult-to-replace strengths can use the “weaknesses” portion of the review to seek, with the director, ways to compensate for those weaknesses that don't ask the director to “fix” performances areas that are unfixable or not worth the executive's time. In this way, the strength/weaknesses approach facilitates discussion about what the organization needs, what the executive director can do best, and how to match needs with strengths. Personal though it is, the strengths/weaknesses model helps board and executive discuss performance in the context of the organization, its environment, the board, and the executive's specific skill set.⁹

The highly subjective nature of this approach can be considered one of its drawbacks. It also may be more difficult to connect this approach to organizational performance, as it tends to look more at skills and professional performance than at the degree to which the executive is managing the organization to produce the results the board desires. It can be very easy explain away performance problems that are genuinely hindering the organization. In organizations with a charismatic, powerful leader and a weak board, years of poor performance can be ignored until the problems threaten the

entire organization. Even when the board and executive are honest about weaknesses, it can be difficult to decide when too many changes are required to account for natural weaknesses.

Ultimately, the board is not the executive's coach. Its job is to set policy and direction for the organization, and to hold the executive accountable for accomplishing its directions. While an attractive and comfortable approach, the strength/weakness approach should be used carefully.

Some boards of directors combine performance reviews with a review of the entire organization, using a "360-degree assessment" which takes in the perceptions from multiple stakeholders and may also include reports such as those provided by the nonprofit dashboard. This format has been borrowed from the for-profit world. It often uses survey tools, such as in Option A, with a goal to gather data from all stakeholders on the organization's performance. The 360-degree assessment holds the executive directly accountable for the organization's performance, as in Option B.

The benefit of this type of assessment is that it properly builds context for the chief executive's performance: the board sees how the executive is doing as a part of how the organization is doing as whole. It is especially helpful for board members who don't fully understand the challenges facing their executive.

However, boards need to be careful not to overweight the perceptions of other stakeholders. External stakeholders are in the position of the proverbial blind men and the elephant. They see only the very small part of the organization that they interact with—and hence may give unfairly glowing or negative reviews as a result. A client who sat too long on one isolated, bad day in a waiting room is going to give an angry review, while one whose family was rescued from disaster will be unflinching loyal to the organization, and perhaps the executive, for life. Since one can never know the mood of a respondent in an anonymous survey, attend to comments but don't take them as gospel.

None of these approaches are ideal, and governance experts disagree about their use. Some governance experts (notably Carver) advocate for monitoring the organization only, and evaluating the executive according to the organization's performance. Others advocate for the replacement of all of these approaches with year-round communications that focuses on the entire system, of which the executive director's actions is just one part.¹⁰

However, all experts would agree that boards are failing in their duty if they do not regularly assess the executive director's performance. If your board has not yet established a regular system to evaluate the director, begin immediately; pick the approach that's most likely to get you started rather than the one you think is "best." If your



board has long experience with evaluations, compare the approach you currently use with the three described above and consider whether changes would be in order.

Regardless of whether you choose one or a combination of these approaches or some alternate approach, your board must focus on being sure to evaluate at least annually, on setting careful objectives for the executive, and on providing continuous honest feedback.

5.

Option A: Conduct an Executive Performance Survey

Surveys typically look at the aspects of executive performance most important to the board. Survey questions could be derived from the items in the executive director's job description, from goals set in the previous year, or both. The decision of what to survey should involve both the board and the executive, who will most likely have specific issues he or she wants to probe for deeper feedback.

Organizations that gather responses from a variety of audiences may tailor questions for each audience. For example, board members receive one version—perhaps the most thorough—that focuses on all the areas that the board needs to assess. Meanwhile, if community relations is important to the organization, a separate brief survey goes to community members, focusing on the executive's interaction with the community. If the work of the organization involves participation in advocacy coalitions, another survey might collect opinions from coalition members about the executive's work in the coalition, testimony at the legislature, and so forth.

When monitoring performance relative to the job description, collect information related to the categories expressed in that description. Typical performance areas include:

- Administrative management (including staff management)
- Professional skills, problem solving, and decision-making
- Business development
- General leadership
- Community and public relations
- Board relations
- Planning, finance, budgeting
- Fundraising
- Compliance with policies
- Risk management

Questions relative to these areas might include:

- (For board relations) How satisfied are you with the executive director's provision of timely information to the board?
- (For policy compliance) How satisfied are you with the director's performance in ensuring that the organization complies with new HIPPA regulations?
- (For business development) How satisfied are you with the new early childhood reading program acquired by the executive director?

If the board intends to use the same questionnaire over time, with an executive who likely will have long-term tenure or with a job description that is stable even as executives change, the repetition of certain questions over several years carries the added benefit of providing a longitudinal look at executive performance.

When monitoring performance relative to annual objectives, the survey should include those subjective areas that can't be demonstrated via internal reports. For example, if the annual plan includes an objective such as "improved community outreach," the survey should collect perceptions of those who witnessed the outreach. When the annual plan includes an objective visible via report, such as generating surplus revenue of three percent or better, than there's no need to waste valuable survey space (and respondent time) by asking such a question.

With such surveys, a six-point scale is effective. Typically, these scales are some variation on:

5. Outstanding
4. Significantly exceeds expectations
3. Meets expectations
2. Needs improvement
1. Unsatisfactory
- N/A Not applicable/Don't know

Surveys can also include open-ended questions. For example, you might ask:

- What were the executive director's most compelling, significant, or beneficial accomplishments in the past year?
- In what specific ways might the executive improve her performance?
- Any other comments?

Keep in mind that audiences have limited interest and time to fill out surveys. Board members may want to collect information on thirty items, but a community member may not respond to more than five questions, and a busy staff member may have time for fifteen. And remember, someone (likely someone on the board) is going to have to compile and analyze the responses for the board. Don't ask for more information than you have time to compile, analyze, and use.



Surveys tend to assign the same level of importance to every question. The board may need to know that the executive is performing adequately relative to risk management, but their concern about the executive's planning and decision-making responsibilities is much greater. To deal with this, some boards attach a "weighting" factor as it computes the relative value of each answer. If a particular item accounts for only five percent of the executive's time and the board's priority, while another area gets 30 percent, weight them accordingly.

A related issue is that people interpret scales differently. Some are tough graders, some are easy graders, and some will vary their application of the scale as they proceed through the questions. The discrepancies in "grading" can be reduced by increasing the number of people surveyed.

Another issue is that wordy survey questions are easy to misconstrue. For example, one survey available online asks the respondent to respond "remarkable, satisfactory, unsatisfactory, or unknown" to the following question:

"[The executive] serves as an effective spokesperson for the agency; represents the programs and points of view of the organization to agencies, organizations, and the general public."¹¹

This survey question really combines two questions into one: a) a question about whether the executive was an "effective spokesperson"; and b) a question about whether the executive represented the organization to "agencies, organizations, and the general public." Some respondents will interpret the question as a general inquiry about the executive's qualities as a spokesperson. Others will break the questions into its components, which renders it all but unanswerable. For example, how do you respond if the executive was effective with the general public but ineffective with agencies? For this reason, structure your survey to ensure that you ask only one question in each survey item. Use fewer words, not more, to ask your question. If an example is necessary, add an example—after the question—as a point of clarification. With this in mind, the above question might have been better worded, "How effective is the executive as a public spokesperson for the organization?"

Since you won't be there to explain what you mean by a question, check your questions with a few people to be sure your question are clear and elicit useful responses.

There are links below to some helpful online survey templates. None are perfect—and some contain good examples of questions that combine too many elements—but they can help you see how a survey can be structured. Use the online template samples to develop your own surveys that incorporate areas your board is most concerned about.

This survey, from the Minnesota Council of Nonprofits, is perhaps one of the most thorough: http://www.mncn.org/info/template_hr.htm#Sample%20Executive%20Director%20Evaluation%20Form.

5. Option A: Conduct an Executive Performance Survey

Carter McNamara's well known nonprofit site, ManagementHelp.Org, provides a basic but helpful starting template. It can be viewed at: www.managementhelp.org/boards/edvalfrm.htm

The Board Café, a free online newsletter for boards at www.boardcafe.org, offers a third template: <http://www.compasspoint.org/boardcafe/details.php?id=74>

There are many other sample surveys available; a simple search of the Internet will get you there.

6.

Option B: Monitor Performance-to-Plan

As noted, the board must have a plan, with specific, hopefully quantifiable results if it is to use the performance-to-plan approach. The details of every plan change year to year. Unlike the categories addressed in surveys, plan categories tend to be about specifics such as performance to budget, development of new programs, increases in revenue, number of public speaking events, and so forth. Annual plans are about the organization rather than the executive. And when written with care, the plans are about results, not activity. So, a plan may specify that 1,000 school children will receive training in the organization's area of expertise. The executive is measured on the degree to which the organization actually accomplishes or exceeds that result.

An evaluation on performance-to-plan may use a simple form such as in the following partial example, which also rates the performance.¹²



Results Specified	Performance Result	Rating	Notes
Generate a three percent surplus at fiscal year end	No surplus generated, but see notes.	Acceptable	Court-ordered change in regulation required immediate hire of two new staff, as approved by board. Board informed that the choice would result in negative-to-break even budget for the fiscal year.
Raise \$50,000 in unrestricted funds	\$77,800 raised	Exceeds goal	New e-advocacy system expanded donor base
Train 1,000 school children in local school district	1,222 children trained	Exceeds goal	Initial follow-up with teachers shows improved organizational skills.
Lobby executive branch for regulatory changes to early education eligibility	No action taken	Failed goal	Executive states that she re-directed staff activity given other priorities and time constraints. Board regrets shift and expects action.
Formalize HR processes; hire HR director per budget	HR director hired; Policy manual rewritten; Continuous improvement program instituted	Exceeds goal	Salary approved by board proved too low. Variance approved. New HR director is aggressively moving goals forward.

As with the survey option, various components in the plan may be weighted differently. In the example above, the executive did not cause the organization to perform one of the tasks. The executive director may have been negligent, or may have made a calculated assessment that other priorities were more valuable. In discussion, the board expressed the importance of this priority and notes that it expects action.

7.

Option C: Prepare a Strengths and Weaknesses Evaluation

A strengths and weaknesses evaluation can begin with the job description for the executive, but isn't limited to that. The partial example below, for a younger organization with an entrepreneurial leader shows how a chart can be used that shows the responsibilities, strengths, weaknesses, and responsibilities for each, and additional categories may be added.¹³

Responsibility	Strength	Weakness	Action Plan
External relations: Communicates organizational mission, vision, and programs to constituents, other publics as needed	A real strength. Excellent presenter. Quickly develops rapport with constituents, regardless of background; seen as "friend" in the community.	Could be better at remembering factual and statistical details related to programs and clients.	Develop method to capture annual stats on our programs and include in presentations. Combine numbers with moving anecdotes.
Resource development: Develops fundraising strategies; ensures that adequate funds are available for programs and goals	Excellent at talking with donors and prospects. Fundraising goals have been met.	Follow up on foundation grants is inconsistent. Keeps donor and prospect data "in his head."	Develop plan to systematize development; develop budget to hire development director and submit to board.
Board relationships: Models effective working relationships with board members; delivers reports as required by board	Warm, easy working relationship with all board members.	Requested reports delayed or incomplete.	Executive notes that there is not enough time or staff to develop the reports the board requires. Work with board member Amy W. to develop a plan for improved reporting.
(Other categories as needed)			

Additional objectives

- Improve follow through on board requests for information
- Develop organization policies manual
- Systematize staff supervision—ensure that performance reports are provided for all employees on time
- Develop regular e-news communications

Board role in achieving objectives

- Board member Niki B. will work with accountant to develop reporting template
- Board member Charles S. will assist on the formalization of personnel policies and the creation of a manual and the development of an annual performance review mechanism
- Board member Darnell W. will create a template and schedule for an e-newsletter

8.

Meet with the Executive and Document the Review

An effective evaluation focuses the board members' individual perceptions and expectations. If the evaluation also includes perceptions from staff, the community, or other stakeholders, these also must be compiled. The board only has power as a body, and it must come to agreement on the overall thrust of the evaluation before the performance appraisal meeting. The evaluation is not a time for board members to air personal differences. The board should plan on a discussion prior to meeting with the executive, during which members agree to a common set of performance criteria and bring forth any unspoken expectations, concerns, and praise for the executive. The individual or group charged with compiling and summarizing the results of external data collection and organizational reports should have these documents fully prepared before the meeting, so that all can see the actual data.

The review meeting

Once the board has prepared its overall expectations and review, it's time to meet with the executive. Some boards have the board chair alone conduct the actual review. Others use the executive committee, the personnel committee, or the full board. Larger boards can have difficulty reaching consensus, and, if not managed well, can appear to "gang up" on the executive director. At the same time, the board has to decide if it is comfortable leaving the actual evaluation to a sole member or a representative committee.

Evaluation meetings can be uncomfortable. The data collection, the executive's own participation in the development of the review process and questionnaires, and the board's pre-review meeting should help to diminish the discomfort. Set the meeting at a time (and place) that eliminates outside distractions; you want every participant's full attention. So, this is not a dinner meeting, and if it is held during work hours, other staff must not be able to interrupt. Arrange the room to encourage discussion and opinions. If at all possible, don't put the executive on one side of the table and the review group on the other. And, when a group is conducting the in-person evaluation, have a point person who is responsible for keeping communications on track and healthy. Charge this person with ensuring that everyone, including the executive director, speaks.

Start the meeting by emphasizing accomplishments and strengths, using specific examples from the reports and information you've collected. Build on the strengths and then move to the areas of concern. Discuss these with diplomacy, but be specific about what needs improvement and which goals were not met. Allow ample room for discussion of whether goals or responsibilities were unrealistic, not specific enough, were inadequately funded as a result of board action, and when the executive director did not have the requisite knowledge or skill to deliver the result.

For unmet goals, the board will need to decide whether to move them to the next plan, or whether circumstances have changed so that the goal is no longer relevant. New goals for the next performance period can also be discussed during this meeting. Speak in terms of the results required, and ask the executive director to develop a plan and budget to meet the goal. Be sure that all goals are actually items the executive director can be expected to deliver, given the resources available and current environment. Don't demand more than can be reasonably expected.

Documenting the review

After the evaluation is complete, a board member should write it up as a formal report. This report should include:

- The accomplishments during the period and the documentation for those
- Ratings (if a survey or rated approach was used)
- A list of unmet goals (if any) and explanations
- Next year's goals (noting if they are from the organization's annual plan, discussions during the performance review, or both)
- Dates for any required follow-up with the executive director
- A list of professional development needs and opportunities, along with how the board will support the development through budget and other resources

The executive should sign and date the report, noting that he or she has read and understood the contents. The written report also needs room for the executive director to respond in writing. Those who participated in the in-person assessment need to sign the review. A summary should be delivered to the full board (if all were not present), and the report should be filed in the executive director's personnel file.

Consider Compensation

There is no easy way to assign monetary value to a person's performance—especially in the nonprofit world, where mission is so critical and people are often afraid to talk about money.

Experts are divided on whether to connect compensation discussions to the performance review. Some argue that parties won't talk openly about strengths and weaknesses when the discussion influences salary. Thus, compensation negotiations and performance assessment should be separate. This argument is nice in theory, but it dismisses the reality that compensation is an expression of value delivered; separating the discussions may be artificial.

Some argue that compensation drives behavior, and so performance should be directly linked to it. In this view, people should be paid for the value they deliver, and should be rewarded more handsomely for delivering greater value. However, that argument also has weaknesses. People derive rewards from a variety of sources, of which money is only one. The "value exchange" between employer (board) and employee (executive) is complex. Executives work for a compote of emotional rewards, altruism, relationships, prestige, challenge, money, and much more. Skew one of the ingredients too much, and the flavor no longer pleases. (A poorly conducted evaluation, or badly framed critiques can certainly upset the recipe.)

Whether or not performance evaluation and compensation are linked, the amount the board pays the executive does ultimately make a statement about the value it places on his or her performance. Chief executive salary also announces the competitive position the board wants the organization to hold in the nonprofit marketplace.

This booklet offers no recommendation on which approach is better—we only point out the advantages and disadvantages of each. That said, compensation is likely to come up some time near the performance review. The following tips will help you consider an appropriate value.

- Research the compensation of executive directors for similar organizations in your region. You can look to comparisons based on size, budget, field of practice, and background expectations of the CEO. You can make direct calls to your peers on the boards of other organizations; review their form 990s (using Guide-star.org), use reports provided by your state nonprofit association, and reports provided by professional salary review groups. If yours is a small organization with limited funds, a larger peer in the community may be willing to share their data.

- Consider the position of your organization in the marketplace. Who do you compete with? What do they pay their executives? How do you want to appear relative to those organizations?
- Consider the performance of your executive director relative to those of his or her peers.
- Consider the cost of retaining your current executive and of hiring a replacement. What would you need to pay to get the executive you want?
- Consider internal equity. How does the executive's salary, and the means by which it is set, compare to other salaries in the organization?
- Avoid undue persuasion by the chief executive—and avoid the perception of such persuasion. In salary negotiations, the board needs to have done its research separate from that of the executive. The board or its designee should research and supply comparative figures. If a firm is hired to do the research, that firm should report to the board, not the executive director.
- Remember, it's not just salary—it's a compensation package. Sabbaticals, time off, retirement planning, paid education, and so forth are all part of the picture.
- It's about the budget, too. No matter how much you feel your executive is worth, compensation has to be justifiable within a sound financial policy.
- Public perception is important. Donors who sense that a CEO is exorbitantly paid may choose to move their loyalties elsewhere. Underpayment also sends messages (true or not) about the financial state of the organization, its quality, and its concern for employee wellbeing.
- If you tie compensation incentives directly to performance, identify both the incentives and the criteria for measuring successful attainment of goals many months ahead of the evaluation. Take care that the total compensation (including incentives) does not grow beyond the marketplace.
- Remember that the IRS is watching. Excessive compensation can result in the loss of tax-exempt status.
- Be sure that the entire board has discussed and approved the compensation package.¹⁴

10.

Avoid Common Problems¹⁵

Boards run into predictable problems related to evaluation. Check the following list to prepare for and avoid these.

- **Procrastination.** The board delays the evaluation for a meeting, then another, and then another...
- **Accentuating only the negative.** The board focuses only on problems, neglecting the executive's accomplishments.

- **Accentuating only the positive.** Fearing conflict, board members sugarcoat their concerns, and add a creamy nougat filling of vague praise for good measure. The executive never hears board concerns directly. Thus, he or she can't modify performance—or correct members' misperceptions.
- **Banking concerns for the big date.** The board stores its concerns for months, then vents them all on the executive during the review.
- **Reviewing personality, not performance.** Both matter, but personality matters when it influences the organization's accomplishments. You don't have to like the executive—you have to value the results he or she achieves through careful management of the organization.
- **Failing to debrief.** After each evaluation, the board should consider what worked and what didn't, including the executive director's frank appraisal of the process. Plan immediately for changes that will have an impact on the next evaluation cycle.
- **Forgetting the executive director's context.** The board may set plans and priorities, but absent input from staff, these plans and priorities can quickly overwhelm the executive director with demands. Remember, the executive director is also serving staff, volunteers, and other constituents.
- **Emphasizing the wrong outcomes.** The board focuses on performance-to-plan, but it has picked the wrong measures of success. Or, it attaches too much weight to performance measures that bring little benefit to the organization. The executive, closer to the work, chooses other outcomes more likely to bring success, and is judged a poor performer—for “failing” to do the wrong things!
- **Choosing the wrong assessment approach.** The board adopts someone else's evaluation system, chooses a boilerplate form off the Internet, doesn't get input on what to evaluate from the executive, follows outside guidance uncritically, or otherwise doesn't diligently prepare to assess its executive.
- **Ignoring situational changes during the year.** The board may have carefully set measurement criteria in the previous year. But a lot can change in a year—and the executive has to make adjustments, sometimes on the fly. While the executive director should be informing the board of such adjustments, the board's rigid adherence to criteria that no longer fit only sends the message that the executive should focus on the board's directives at the expense of organizational effectiveness. It's also a cue that the board's directives may be too narrow and inflexible.
- **Delaying feedback.** The executive director needs to hear board feedback when the board has it. The formal evaluation should be a place to sum and enrich the feedback that has gone on throughout the year.
- **Neglecting to evaluate itself.** The board comes down hard on the director but ignores its own problems and the role those may play in hindering the executive. Since it doesn't take time to evaluate its own performance, its judgment of the executive can be fairly questioned.

Wrapping it up

Here is how the process played out in one organization; we've changed the name of the organization to protect confidentiality. The organization, FZT, is an environmental advocacy group with a staff of thirteen and an annual budget just under two million dollars. The executive has been with the organization for many years and is well-respected as an effective manager and a community leader. As you read the brief description, note how it actually combines the methods we've described in this booklet.

At FZT, the board chair conducts the evaluation of the executive director. The executive director fills out a self-evaluation form that contains goals from the previous year's evaluation. The goals are a combination of organizational performance and individual improvement goals. The chair then contacts a range of other board members and some staff to discuss the executive's performance. At their option they may also contact organizational partners, colleagues, or stakeholders who may have some special experience or perspective on the executive director's performance that year. The entire board is encouraged to contact the chair if they have anything they'd like to add.

The chair then fills out the supervisor's portion of the evaluation and meets with the executive to review it. During that meeting goals and objectives are identified for the following year and salary is negotiated on a preliminary basis.

The evaluation is then presented to the full board in closed session and the salary negotiation is ratified or amended.

23

This booklet has covered a lot of ground. You've learned what to consider when planning to assess the director, the pros and cons of various approaches, how to conduct three different types of evaluation, how to hold and document the evaluation meeting, what to think about when compensating the executive, and typical problems to avoid.

If there is only one thing you take away, it is that your board must systematically provide formal feedback of some sort to the executive. To a large degree, the performance of your executive director and the performance of the organization are one in the same. The executive needs your input to deliver the policies, priorities, and plans you have set.

Done well, the performance evaluation is a powerful dialog that helps executive and board move closer to their shared goal—turning the organization's vision into reality.

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¹ Carver, John. "Monitoring: Relaxing about the Present...So We Can Get on with the Future!," Carmel, Indiana: Carver Governance Design, Inc., monograph, 1989. p.5.

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³ BoardSource, Nonprofit Governance Index 2007. Washington, D.C.: BoardSource, 2007, p 18.

⁴ Adapted from *The Nonprofit Board Book: Strategies for Organizational Success*. Anthes, Earl, et al. West Memphis, AK: Independent Community Consultants, 1983. page 113.

⁵ See page 11 of Strong Partners for a sample "dashboard."

⁶ Occasionally, the chief executive is also a member of the board. Clearly, in these cases the executive director needs to recuse himself or herself from the evaluation process (and compensation, if it is part of the discussion).

⁷ It should be noted that some board consultants advise basing the evaluation of the executive only on data collected through monitoring activities that are reported according to the policy demands of the board. Others recommend collecting a broad base of opinions.

⁸ A typical problem—one that shows up in numerous survey questionnaires – is the inclusion of more than one item in a question. Consider, for example, the question on "How satisfied are you that the executive director has developed appropriate goals and strategies to advance the vision and mission?" The question contains four evaluative items that could exist in 24 combinations: goals, strategies vision, and mission. A thoughtful respondent cannot answer this question honestly. And a thoughtful board can't really use the information. Better would be to ask one question about each item, or to ask a single, more general question, "How satisfied are you that the executive director has advanced the cause of the organization?"

⁹ Writers on leadership—notably Peter Drucker—have advised that it is better to spend time playing to strengths than to focus on repairing weaknesses.

¹⁰ Temkin, Terrie, "Evaluating the Executive Director: Part 2 – Making Executive Director Evaluations Effective," <http://www.uwkc.org/nonprofit/governance/edeval/Evaluating%20the%20Executive%20Director%20Part%202.pdf>

¹¹ "Annual Evaluation of the Executive Director" by Board Café referenced at <http://www.uwkc.org/nonprofit/governance/edeval/Annual%20Evaluation%20of%20the%20Executive%20Director.pdf>

¹² Adapted from Masaoka, Jan. *The Best of the Board Café: Hands-on Solutions for Nonprofit Boards*. St. Paul, MN: Fieldstone Alliance Inc., 2003, p 61.

¹³ Ibid, p 62.

¹⁴ Portions of this list adapted from Vogel, Brian, and Charles Quatt. "Determining Executive Compensation," Washington, DC: National Center for Nonprofit Boards, 1995. <http://www.tgci.com/magazine/Determining%20Executive%20Compensation.pdf>.

¹⁵ Some tips are adapted from Temkin, Terrie, "Evaluating The Executive Director: Part 1—Why Evaluations of the Executive Director Don't Work," October, 2002. Available at <http://www.uwkc.org/nonprofit/governance/edeval/Evaluating%20the%20Executive%20Director%20Part%201.pdf>

About the Author

VINCENT HYMAN, series editor, is an award-winning writer, editor, and publisher. After leading the development of the nonprofit publishing center at Amherst H. Wilder Foundation and the publishing program of Fieldstone Alliance, Inc., he founded Vincent Hyman Editorial Services, with expertise in nonprofit management, foundation effectiveness, policy, marketing, and related issues. He is editor of scores of books, coauthor of *Coping with Cutbacks: The Non-profit Guide to Success When Times Are Tight*, author of numerous web and print articles, and has three decades of experience in writing, editing, and organizational communications.



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MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

9

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT

March 2021

IN THIS ISSUE

- What is a CDD?
- What is the Stormwater Management System?
- CDD Organization

VISIT OUR WEBSITE

<https://www.moodyrivercdd.net/>
for meeting schedule, agenda,
minutes, etc.

MEET YOUR BOARD OF SUPERVISORS

John Teckorius

Chair

Seat 1

Robert Geltner

Vice Chair

Seat 2

Chris Jenner

Assistant Secretary

Seat 3

VACANT

Seat 4

VACANT

Seat 5

DEAR RESIDENT,

You are receiving this newsletter as our records indicate that you are a resident of Moody River Estates and we would like to take this opportunity to introduce you to the Moody River Estates Community Development District (CDD) and what it does for you.

WHAT IS A CDD?

A CDD is a local unit of special purpose government that is established pursuant to Chapter 190 of the Florida Statutes and by local County Ordinance. The CDD was established by County Ordinance in November 2004. The CDD is governed by a five (5)-member elected Board of Supervisors (the "Board") [see the side margin for names and titles]. Additionally, as a small local unit of special purpose government, the CDD hires professional administrative consultants to serve part time in what would typically be a full-time capacity in a larger unit of government. These specific consultants provide Management/Accounting, Legal and Engineering services.

CDDs are very common in this area. There are currently over 575 active CDDs throughout Florida. The original developer established the Moody River Estates CDD with an initial purpose of issuing tax exempt revenue bonds to finance the community's basic infrastructure during development. During the development of the community and, as infrastructure was completed, the CDD acquired potable water and sewer facilities, which was, in turn, conveyed to Lee County Utilities. It also acquired, operates and maintains, the storm water management system, which includes the lakes, wetland/preserves and the interconnecting pipes and control structures.

The CDD collects non ad valorem assessments that are a part of your County property tax bill each year, to offset the annual repayment obligation of the bonds and to also fund the ongoing operations and maintenance of the aforementioned infrastructure the CDDs continue to own and operate. The CDDs ownership and operation responsibilities for the infrastructure will continue in perpetuity.

For more information on how Community Development Districts are created and operate, you may view Chapter 190, under the Florida Statutes section, at www.leg.state.fl.us/statutes/index.

DID YOU KNOW?

The CDD encompasses approximately 320 acres.

The CDD owns and operates 21 stormwater lakes encompassing 39.98 acres and 25 wetland/preserves encompassing 47.48 acres.

The CDD owns and operates the primary drainage pipe and control structure system which connects the aforementioned lakes and wetlands and serves to receive, store, treat and convey stormwater runoff during storm events.

The CDD is governed by a five (5) member Board of Supervisors. The members of the Board are qualified electors of the Moody River Estates Community Development District.

WHAT IS THE STORMWATER MANAGEMENT SYSTEM?



The CDDs storm water management system is comprised of 21 lakes, totaling 39.38 acres, and 25 wetland/preserves, totaling 47.48 acres, the interconnecting pipe work, between the lakes and wetland/preserves, and the control structures.

The storm water management system is maintained to meet very strict permit requirements through the use of licensed contractors, who specialize in lake and wetland/preserve maintenance. The lakes are constantly monitored and treated as needed, on a bi-weekly basis. In this regard, the CDD has a 20-foot lake maintenance easement (LME) around the perimeter of every lake to provide for access by the maintenance contractors. If you live on one of the community's lakes, please be sure to keep this easement (generally the first 20' along the immediate edge of the lake) free of obstructions (fences, excessive amounts of shrubs and trees and other fixed structures). The wetland/preserves are reviewed and maintained to be free of state recognized exotic and invasive vegetation on a semiannual basis.

Lake bank erosion can be a very serious issue for a community as the cost of restoring lake banks, can be significant. The planted littoral shelf areas, installed and maintained by the CDD, help to protect against the negative influences of storm water run-off and wave action, which can erode exposed lake banks.

LAKE BANK RESTORATION PROGRAM

Visit our website: <https://www.moodyrivercdd.net/>. Our lake/wetland exhibit map can be found on this page.

This year the District will be focusing on continued required restoration projects. Restoration required to Lakes 8,15-19.

Storm water lakes fluctuate between the dry and wet seasons with the lowest water levels typically being realized in April and May and which can be 1 foot, or more, lower than the normal lake level or Control Elevation. When, for water quality purposes, a storm water lake includes a planted littoral shelf then there is an area along the perimeter of the lake that has a flat or up to a 10:1 sloped area to 2 feet below the Control Elevation. This area is intended to support the installation and management of beneficial aquatic plants. As indicated earlier, the beneficial aquatic plants are an effective means of erosion control along exposed lake banks, as their root zones will hold and stabilize the soil and minimize negative effects normally associated with water run-off, especially during times of low water levels, as well as natural wave action. An equally important benefit of the aquatic plants includes their ability to passively improve the water quality, through their absorption of fertilizers, chemicals and other impurities that run-off of lawns, golf courses and roadways during storm events. Additional benefits include providing habitat for fish and birds as well aesthetic benefits, particularly during the seasonal blooming periods.

YOUR CDD STAFF

DISTRICT MANAGER

Wrathell, Hunt & Associates, LLC
9220 Bonita Beach Road
Suite 214
Bonita Springs, Florida 34135
239 498 9020

Chesley (Chuck) E Adams, Jr.
239 464 7114
adams@whhassociates.com

Cleo Adams
239 989 2939
Cleo.adams@whhassociates.com

OPERATIONS MANAGER

Tammie Smith
239 994 4258
smith@whhassociates.com

DISTRICT COUNSEL

Hopping Green & Sams, P.A.
119 South Monroe Street
Suite 300
Tallahassee, Florida 32301
Michael Eckert
850 222 7500

DISTRICT ENGINEER

Barraco & Associates, Inc.
2271 McGregor Boulevard
Suite 100
Fort Myers, Florida 33901
Carl Barraco
239 461 3170

YOU CAN HELP KEEP OUR STORMWATER SYSTEM CLEAN

By ensuring that your landscaper does not:

- Fertilize between June 1st and September 30th (the rainy season). With the heavy rains of summer, most of the fertilizer during this period will find its way directly into the lakes and can lead to excessive algae blooms.
- Dump or blow grass clippings into the lake, wetland or conservation areas. As grass clippings decompose, they release high levels of phosphorous and nitrogen (key nutrients in fertilizer) which leads to algae blooms and water quality degradation).
- Damage or remove beneficial aquatic plants along the edge of lake. These plants stabilize the lake banks and absorb fertilizer run off thus improving the water quality in the lakes.
- The catch basins and associated pipe work lead directly to the lakes, so please take the bags home with you.
- Dump or discharge any other foreign items or fluids into the lake or roadside gutter or catch basin system.
- See attached Best Management Practices provided by Lee County or visit www.fertilizesmart.com.

If you should observe anyone exercising one of the aforementioned “do not’s” or if you should have any questions regarding the CDD, please contact the District Manager’s office at (239) 498-9020.

CDD ORGANIZATION

The Moody River Estates Community Development District is organized similar to other local governments in Florida, in that the governing body is comprised of a five-member board, known as the Board of Supervisors. The Board establishes the policies of the District in accordance with Florida Law. The Board, by law, must hire a District Manager and District Counsel. The Board, through advertised Requests for Qualifications, ranks and selects a District Engineer to perform the engineering needs of the District. The District Manager and the District Counsel administer the operations of the District and implement the Board’s policies and contracts. Community Development Districts are not unlike other forms of local government, such as cities and counties; however, similar to other special taxing districts their powers are limited solely to the provision of infrastructure and services for master planned developments.

CLUBHOUSE AT MOODY RIVER ESTATES

3050 Moody River Blvd.
North Fort Myers, Florida 33903
239 652 0101
239 498 5455

YOUR HOA

KW PROPERTY MANAGEMENT & CONSULTING

239 652 0101

Garnet Dasher

Community Association
Manager

Amanda Weirich

Administrative Assistant



<https://www.moodyrivercdd.net/>



Protect Your Home and Property

Communities face special problems when homes are built in or adjacent to forests or wildlands. In their quest to live close to nature, homeowners sometimes overlook the reality that nearby wildlands can catch fire and burn.

The Florida Firewise Communities program seeks to reduce the loss of homes that are located in what is called the wildland/urban interface. The Firewise Communities program doesn't try to discourage people from building in the wildland/urban interface. Instead, its goal is to teach people how to plan, build and maintain homes so that the home can survive a wildfire without the intervention of a fire department.

There are a number of things that homeowners can do to substantially increase the chances that their home will survive a wildfire. Most importantly, homeowners must become partners with fire-protection agencies and assume a greater role in creating and maintaining a defensible home site.

Tips for homeowners to help protect their home from wildfire

- Create a "defensible space" of at least 30 feet around their house. Within this area, grass should be mowed regularly and widely spaced plants with high moisture content should be given priority.
- Prune tree limbs within the defensible space to a height of 15 feet so lower limbs will not become ladder fuels that can carry a fire to the roof or soffits.
- Keep the roof and gutters free of accumulated leaves so the roof cannot be set afire by firebrands or embers carried by the wind.
- Keep a shovel, rake and ladder in a readily accessible location, and 80 to 100 feet of garden hose attached to an outside faucet.
- Make sure the home address is clearly visible at the street or road on a non-combustible sign so firefighters can quickly find the home in an emergency.
- Keep tree limbs at least 15 feet away from chimney outlets.
- Replace wood shingle or wood shake roofs with fire-retardant shingles, metal or tile roofs.

For more information about protecting your home from wildfire, call your local Florida Forest Service office.



FLORIDA FOREST SERVICE
Department of Agriculture and Consumer Services



MOODY RIVER ESTATES COMMUNITY PRESERVE MANAGEMENT PLAN HOMEOWNER RESPONSIBILITIES

DESIGN AND LANDSCAPING:

- Replace combustible or meltable soffits and gutters with noncombustible, and non-meltable alternatives.
- Arrange landscaping in separate islands that are divided by at least ten feet of turf or low groundcover.
- Replace “more-flammable” plants such as saw palmetto, wax myrtle, gallberry and pampas grass with “less-flammable” substitutes such as cocoplum, beautyberry, and other appropriate native shrubs and groundcover.
- Substitute pine straw mulch with less flammable options such as stones, decomposed granite, sod or shredded bark, or keep pine straw moist with irrigation.
- Provide 15-foot vegetation clearance around flammable materials such as propane tanks, grills, fire pits, and storage structures.
- Keep area along driveway free of large shrubs and trees to allow access for firefighting equipment.

MAINTENANCE:

No maintenance may be conducted within Conservation Area boundary. It is homeowner’s responsibility to confirm property line before performing maintenance activities.

- Regularly clean gutters to remove pine needles and other flammable debris from roofs and yard.
- Prune tree branches within 15-feet of the house and remove any flammable materials including manmade items, which are in direct contact with the home (Figures 1 and 2).
- Irrigate wisely during dry seasons within local water management guidelines.
- When homeowners are leaving for extended periods, store patio furniture inside or remove cushions and other flammable items.



DON'T:

FIGURE 1: Tree branches too close to roof line



DO:

FIGURE 2: Open space maintained between Conservation Area and building

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

10A



8360 CURRENCY DR., SUITE 1 / RIVIERA BEACH, FLORIDA 33404 - (561) 845-6381
WWW.ANCHORMARINESERVICES.COM (561) 845-7361 (FAX)
(877) 844-6381 Toll Free

TO: Moody River Estates
ATTN: Cleo Adams
FROM: ANCHOR MARINE ENVIRONMENTAL SERVICES, INC.
DATE: February 12, 2021
PROPOSAL#: 2120
LOCATION: Lake # 8

Anchor Marine Environmental Services, Inc. (AMES) is pleased to provide the following quotation for the installation of Geo-Filter™ Tube (GFT™) erosion barrier as follows:

Anchor Marine Environmental Services, Inc. (AMES) will provide all labor, material, equipment, crew, mobilization and demobilization necessary to install Geo-Filter™ Tube Erosion Barrier System.

This process includes 1 run of GFT™ and will restore 1,125.00 linear feet of shoreline. If a second run is required to achieve a 4 to 1 slope the same unit price of \$25.00 per foot will apply.

The exposed GFT™ installation will be graded into the existing bank grade and covered with new Floratam sod. Sod is included in the above pricing.

Our prices are based on mobilizing to the site one time and performing all work continuously. Should customers' schedule result in additional mobilization, fees will apply.

No heavy equipment will be used and little if any disruption of normal property use will be necessary.

The project start date is subject to work in progress and previously scheduled work. Scheduling is upon receipt of signed contract.

The AMES crew will comply with all rules of Moody River Estates concerning outside contractors.

The estimated progress is 100 to 150 ft. of GFT™ installed per day.

Upon request, Anchor Marine Services will supply you with a Certificate of Insurance prior to the start of work.

In the event of any unforeseen conditions, contractor must give customer immediate notification. Contractor will provide a reasonable market price for the additional work. If acceptable, it will be incorporated into the contract as a change order. If it is not acceptable, the contract will be null and void. No monies will be refunded to the customer and any additional costs expended will be the responsibility of the customer.

Applicable law: This agreement will be governed by and construed in accordance with the laws of the State of Florida. Venue and jurisdiction of any action or proceeding arising out of or connected with this agreement shall lie exclusively in the state courts of competent jurisdiction, in and for Palm Beach County Florida. The parties expressly waive all other jurisdiction and venue. Parties also waive trial by jury.

Attorney Fees and cost: In connection with any litigation, including appellate and bankruptcy proceedings, arising out of this agreement, the prevailing party will be entitled to recover reasonable attorney's fees and costs.

Interest Provision: By signing this contract I/We agree to pay all purchases when due and/or by the time specified in the contract. If the purchaser is a corporation, the corporation agrees to be responsible and pay for any purchases made pursuant to this application.

If it becomes necessary to affect collections, both I/we and the corporation will pay reasonable attorney's fees and court costs. Interest shall be due and payable at the rate of 1 ½ per month on the balance of each purchase which remains unpaid after the last day of the month. A designation of payment is required on jobs where real property is being improved. This agreement will remain in effect until a new contract is submitted or until revoked, in writing, regardless of any subsequent change in the legal status of the purchaser.

Thank you for allowing Anchor Marine Environmental Services the opportunity to bid on your erosion control project. Anchor Marine Environmental Services has been established for over 30 years.

We developed and trademarked the Geo-Filter™ Tube.

Please note – all invoicing will be based on actual measured amount of GFT™ installed.

PROPOSAL TOTAL

\$28,125.00

PAYMENT TERMS: Balance due in full upon completion.

SUBMITTED

ACCEPTED

THOMAS BROWN, PRESIDENT
ANCHOR MARINE
ENVIRONMENTAL SERVICES, INC.

AUTHORIZED SIGNATURE

Please visit our web site at www.anchormarineservices.com

Anchor Marine Environmental Services is a licensed, bonded and insured Certified General Contracting firm.

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

10B



8360 CURRENCY DR., SUITE 1 / RIVIERA BEACH, FLORIDA 33404 - (561) 845-6381
WWW.ANCHORMARINESERVICES.COM (561) 845-7361 (FAX)
(877) 844-6381 Toll Free

TO: Moody River Estates
ATTN: Cleo Adams
FROM: ANCHOR MARINE ENVIRONMENTAL SERVICES, INC.
DATE: February 12, 2021
PROPOSAL#: 2120
LOCATION: Lake # 18

Anchor Marine Environmental Services, Inc. (AMES) is pleased to provide the following quotation for the installation of Geo-Filter™ Tube (GFT™) erosion barrier as follows:

Anchor Marine Environmental Services, Inc. (AMES) will provide all labor, material, equipment, crew, mobilization and demobilization necessary to install Geo-Filter™ Tube Erosion Barrier System.

This process includes 1 run of GFT™ and will restore 620 linear feet of shoreline. If a second run is required to achieve a 4 to 1 slope the same unit price of \$25.00 per foot will apply.

The exposed GFT™ installation will be graded into the existing bank grade and covered with new Floratam sod. Sod is included in the above pricing.

Our prices are based on mobilizing to the site one time and performing all work continuously. Should customers' schedule result in additional mobilization, fees will apply.

No heavy equipment will be used and little if any disruption of normal property use will be necessary.

The project start date is subject to work in progress and previously scheduled work. Scheduling is upon receipt of signed contract.

The AMES crew will comply with all rules of Moody River Estates concerning outside contractors.

The estimated progress is 100 to 150 ft. of GFT™ installed per day.

Upon request, Anchor Marine Services will supply you with a Certificate of Insurance prior to the start of work.

In the event of any unforeseen conditions, contractor must give customer immediate notification. Contractor will provide a reasonable market price for the additional work. If acceptable, it will be incorporated into the contract as a change order. If it is not acceptable, the contract will be null and void. No monies will be refunded to the customer and any additional costs expended will be the responsibility of the customer.

Applicable law: This agreement will be governed by and construed in accordance with the laws of the State of Florida. Venue and jurisdiction of any action or proceeding arising out of or connected with this agreement shall lie exclusively in the state courts of competent jurisdiction, in and for Palm Beach County Florida. The parties expressly waive all other jurisdiction and venue. Parties also waive trial by jury.

Attorney Fees and cost: In connection with any litigation, including appellate and bankruptcy proceedings, arising out of this agreement, the prevailing party will be entitled to recover reasonable attorney's fees and costs.

Interest Provision: By signing this contract I/We agree to pay all purchases when due and/or by the time specified in the contract. If the purchaser is a corporation, the corporation agrees to be responsible and pay for any purchases made pursuant to this application.

If it becomes necessary to affect collections, both I/we and the corporation will pay reasonable attorney's fees and court costs. Interest shall be due and payable at the rate of 1 ½ per month on the balance of each purchase which remains unpaid after the last day of the month. A designation of payment is required on jobs where real property is being improved. This agreement will remain in effect until a new contract is submitted or until revoked, in writing, regardless of any subsequent change in the legal status of the purchaser.

Thank you for allowing Anchor Marine Environmental Services the opportunity to bid on your erosion control project. Anchor Marine Environmental Services has been established for over 30 years.

We developed and trademarked the Geo-Filter™ Tube.

Please note – all invoicing will be based on actual measured amount of GFT™ installed.

PROPOSAL TOTAL **\$15,500.00**

PAYMENT TERMS: Balance due in full upon completion.

SUBMITTED

ACCEPTED

THOMAS BROWN, PRESIDENT
ANCHOR MARINE
ENVIRONMENTAL SERVICES, INC.

AUTHORIZED SIGNATURE

Please visit our web site at www.anchormarineservices.com

Anchor Marine Environmental Services is a licensed, bonded and insured Certified General Contracting firm.

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

12



Price Quote

PROJECT NAME: Moody River Lakes 8, 9, 13 & 18 Littoral Planting

ATTENTION: Cleo Adams, Assistant District Manager
Moody River CDD
c/o Wrathell, Hunt & Associates, LLC
9220 Bonita Beach Road, Suite #214
Bonita Springs, FL 34135
Cleo.Adams@whhassociates.com

PRICE QUOTED:

Options	Description	Total Price
<input type="checkbox"/> 1	1 Plant per Linear Foot	\$3,591.00
<input type="checkbox"/> 2	2 Plants per Linear Foot	\$5,378.25
<input type="checkbox"/> 3	3 Plants per Linear Foot	\$7,866.00

SCOPE OF WORK:

Option 1 – 1 Plant per Linear Foot

EarthBalance® will supply the labor and materials necessary for the supply, delivery, and installation of aquatic plant species at Moody River CDD located in Lee County, Florida. Plants will be installed in staggered rows at an average rate of one (1) plant per linear foot along the highlighted areas on the attached map. Please refer to the table below for species, sizes, quantities, and unit pricing information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified project manager.

Common Name	Scientific Name	Size	Qty	Installed Unit Price	Extended Price
Jointed spikerush	<i>Eleocharis interstincta</i>	BR	1,260	\$0.95	\$1,197.00
Pickeralweed	<i>Pontederia cordata</i>	BR	1,260	\$0.95	\$1,197.00
Arrowhead	<i>Sagittaria spp.</i>	BR	1,260	\$0.95	\$1,197.00
TOTAL COST					\$3,591.00

EarthBalance® will perform the services described in **Option 1** for a fixed fee of **\$3,591.00**.



EarthBalance®

Price Quote (continued)

PROJECT NAME: Moody River Lakes 8, 9, 13 & 18 Littoral Planting

Option 2 – 2 Plants per Linear Foot

EarthBalance® will supply the labor and materials necessary for the supply, delivery, and installation of aquatic plant species at Moody River CDD located in Lee County, Florida. Plants will be installed in staggered rows at an average rate of two (2) plant per linear foot along the highlighted areas on the attached map. Please refer to the table below for species, sizes, quantities, and unit pricing information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified project manager.

Common Name	Scientific Name	Size	Qty	Installed Unit Price	Extended Price
Jointed spikerush	<i>Eleocharis interstincta</i>	BR	2,525	\$0.71	\$1,792.75
Pickeralweed	<i>Pontederia cordata</i>	BR	2,525	\$0.71	\$1,792.75
Arrowhead	<i>Sagittaria spp.</i>	BR	2,525	\$0.71	\$1,792.75
TOTAL COST					\$5,378.25

EarthBalance® will perform the services described in **Option 1** for a fixed fee of **\$5,378.25**.

Option 3 – 3 Plants per Linear Foot

EarthBalance® will supply the labor and materials necessary for the supply, delivery, and installation of aquatic plant species at Moody River CDD located in Lee County, Florida. Plants will be installed in staggered rows at an average rate of three (3) plant per linear foot along the highlighted areas on the attached map. Please refer to the table below for species, sizes, quantities, and unit pricing information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified project manager.

Common Name	Scientific Name	Size	Qty	Installed Unit Price	Extended Price
Jointed spikerush	<i>Eleocharis interstincta</i>	BR	3,800	\$0.69	\$2,622.00
Pickeralweed	<i>Pontederia cordata</i>	BR	3,800	\$0.69	\$2,622.00
Arrowhead	<i>Sagittaria spp.</i>	BR	3,800	\$0.69	\$2,622.00
TOTAL COST					\$7,866.00

EarthBalance® will perform the services described in **Option 3** for a fixed fee of **\$7,866.00**.



PROJECT NAME: Moody River Lakes 8, 9, 13 & 18 Littoral Planting

Material Warranty. All plants provided and installed under the terms of this agreement are guaranteed to be of good quality and free of disease or defects at the time of installation. A warranty is provided for an **90%** survivorship of all plants for **90** days following installation. **EarthBalance®** will perform replanting to meet the **90%** survival rate, at no cost to the client, if survivorship falls below **90%** of the initial plants installed. The plant survivorship warranty does not include the loss or damage of installed plants due to acts of God such as frost, flood, fire, drought, shoreline erosion, or other catastrophic events, nor does it include loss or damage due to theft, vandalism, fish, animal, chemical treatment, or negligence by others including inappropriate engineering or design.

CONDITIONS:

This quote shall remain valid for a period not to exceed thirty (30) days beyond the submittal date of **February 23, 2021**. If not accepted within this period, **EarthBalance®** reserves the right to modify any portion thereof or withdraw the quotation in its entirety. This agreement and the attached terms and conditions shall be effective upon its full execution.

QUOTED BY: Scott Miller
Project Manager
EarthBalance®
2570 Commerce Parkway
North Port, FL 34289
smiller@earthbalance.com

IN WITNESS WHEREOF, this Agreement is executed on the dates hereinafter stated.

EARTHBALANCE®

CLIENT

By: _____

By: _____

Printed: _____

Printed: _____

Title: Vice President

Title: _____

Date: _____, 2021

Date: _____, 2021



Price Quote (continued)

PROJECT NAME: Moody River Lakes 8, 9, 13 & 18 Littoral Planting

**PLEASE INDICATE IF THE CLIENT IS ALSO THE OWNER OF THE PROPERTY ON
WHICH THE SERVICES/WORK WILL BE PERFORMED:**

_____ **OWNER**

_____ **NOT THE OWNER**

**IF THE CLIENT IS NOT THE PROPERTY OWNER, PLEASE PRINT THE NAME
AND CONTACT INFORMATION FOR THE PROPERTY OWNER:**

Name: _____

Address: _____

Phone Number: _____



PRICE QUOTE TERMS AND CONDITIONS

1. **Services.** EarthBalance® hereby agrees to provide all supervision, labor, materials, equipment, and other facilities to complete the Work as described in the attached Price Quote ("Scope of Work" or "Work"). EarthBalance® agrees to use its best efforts in completing the Work. The Work shall be accomplished in a workmanlike and professional manner using the degree of skill and care ordinarily exercised by a reputable member of EarthBalance's® profession practicing in the same or similar locality. No other warranty, express or implied, is made or intended, unless provided in the Scope of Work.

This agreement is limited to tasks identified in the attached Price Quote and does not include additional or repeat Work resulting from changes to the project or the information upon which this agreement is based. Modification to the final work products performed at the request of the Client that is not the result of the Contractor's errors or omissions shall be billed to the Client as additional services.

2. **Time.** This quote shall remain valid for a period not to exceed thirty (30) days beyond the date of submittal. If not accepted within this period, EarthBalance® reserves the right to modify any portion thereof or withdraw the quotation in its entirety. This agreement shall be effective upon its full execution.

3. **Duty to Cooperate.** Client agrees to cooperate with EarthBalance® in all respects in connection with EarthBalance's® efforts to discharge the Scope of Work. Client shall make Client's property available to EarthBalance®, shall timely comply with EarthBalance's® requests for information, and shall execute all documents reasonably required by EarthBalance® in discharging the Scope of Work. Client agrees to inform EarthBalance® of any known job site hazards including, but not limited to, hazardous substances, buried debris, ordnance or explosives, sinkholes, wildlife hazards, etc.

4. **Payment.** Client agrees to pay a fee for the Work performed based upon the information contained in attached Price Quote. As soon as may be practicable at the beginning of each month, EarthBalance® shall invoice Client for all work performed in the prior month and any other sums due EarthBalance®. Client shall pay the invoice amount within thirty (30) days after the invoice date. EarthBalance® may cease performing work under the attached Price Quote if any payment due hereunder is not paid within thirty (30) days of the invoice date.

Client agrees that EarthBalance® may place a lien upon the Property for Work performed under the attached Price Quote and that EarthBalance® may record and enforce the lien for Work performed in accordance with the provisions of Florida's Construction Lien Law. In any litigation arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs. In addition, if EarthBalance® places this executed Price Quote in the hands of an attorney for the collection of any sums due hereunder, Client agrees to reimburse EarthBalance® for its reasonable attorney's fees and costs relating thereto.

5. **Termination and Default.** This agreement may be terminated by either party giving the other party thirty (30) days written notice of intent to terminate. In addition, upon default by Client, monetary or otherwise, this agreement may be terminated by EarthBalance® with seven (7) days written notice of intent to terminate if the default remains uncured after such notice period. EarthBalance's® liability to Client or any related party for any claim related to or arising out of (i) this agreement or (ii) EarthBalance's® Work shall be limited to two times the amount of fees paid by Client hereunder.

6. **Force Majeure Event.** EarthBalance® shall not be liable to Client for damages resulting from delay in or termination of EarthBalance's® Work because of fire or casualty, riots, strikes, picketing, boycotts, lockouts, labor disturbances, shortages of materials, war, terrorism or combined action of the workmen or others, governmental delays, or any acts of God including, but not limited to, severe snowstorms, earthquakes, hurricanes, floods, or any other cause or condition beyond its control making it inadvisable in EarthBalance's® determination to proceed with the Work (collectively, a "Force Majeure Event"). EarthBalance® shall have no obligation to resume Work discontinued under this Section. If EarthBalance® elects not to resume the Work, Client's sole and exclusive remedy shall be payment on a pro-rata basis for the percentage of Work that has actually been completed as of the date of its receipt of EarthBalance's® notice of the Force Majeure Event.

7. **Miscellaneous.** The invalidity of any provision of the agreement shall not impair the validity of any other provision. If any provision of this agreement is determined to be unenforceable by a court of competent jurisdiction, such provision shall be deemed severable and the remaining provisions of the agreement shall be enforced.

This agreement shall be construed and interpreted in accordance with, and the validity of this agreement shall be judged by, the laws of the State of Florida.

This agreement sets forth the entire agreement and understanding of the parties hereto. It may only be amended, modified or terminated by the written mutual consent of all the parties hereto and duly executed by the authorized representatives of the parties hereto.





MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

13

COMMUNITY DEVELOPMENT DISTRICT
FACILITIES MAINTENANCE AGREEMENT

THIS COMMUNITY DEVELOPMENT DISTRICT FACILITIES MAINTENANCE AGREEMENT (this "Agreement") is entered into as of 17th day of **January, 2006** by and between the **MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT**, an independent special district established pursuant to Chapter 190, Florida Statutes (the "District"), and the **MOODY RIVER ESTATES COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation (the "Association").

R E C I T A L S:

A. The District has the authority to exercise powers to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for roads, water management, water supply, sewer, street lights, among other powers, including all powers necessary, convenient, incidental or proper in connection with any of the powers, duties, or purposes authorized by Chapter 190, Florida Statutes.

B. The Association is an organization which owns and operates certain recreational facilities located within the area comprised of real property subject to the District. The membership of the Association is comprised solely of property owners within the District and all property owners within the District will be members of the Association. As the Association will be responsible for operating and maintaining certain common areas contiguous to the areas within which the "District Facilities", as such term is defined in Recital "C" below, are or will be located and the Association is located in close proximity to the areas within which the District Facilities are or will be located, and the members of the Association are the direct beneficiaries of the District Facilities, the Association is uniquely positioned and qualified to operate and maintain the District Facilities.

C. The District desires to contract with the Association to operate and maintain the District's landscaping, common areas and buffer tracts depicted on Exhibit A, attached hereto (collectively, the "District Facilities").

D. The District will retain the operation and maintenance responsibilities associated with its storm water management system. These facilities include all lakes, wetlands, conservation areas, connecting pipes, outfall and control structures, aeration and fountain systems that have been constructed as a part of the "master drainage system" and have either been acquired by or conveyed to the District.

E. The Association agrees to operate and maintain the District Facilities, all on the terms and conditions set forth herein.

F. The District and the Association agree that having the Association operate and maintain the District Facilities is in the best interests of the District and the property owners intended to benefit from the District Facilities. Specifically, having the Association operate and

maintain the District Facilities will provide for and facilitate ease of administration, potential cost savings, and the benefits of full time on-site operation and maintenance.

NOW, THEREFORE, the District and the Association agree as follows:

1. Recitals. The above recitals are true and correct and incorporated by reference herein.
2. Maintenance.
 - A. The parties acknowledge that it is in both parties' best interest for District Facilities to be kept in a condition reflecting the quality of the development within District and Association. Association shall be responsible for undertaking the maintenance of the District Facilities. Association shall ensure that evidence of insurance required by this Agreement shall be provided to District and Association at the time of execution of any landscape and/or irrigation maintenance contract and at any renewal.
 - B. At all times, Association shall provide for the maintenance of the District Facilities using, at a minimum, standard landscaping practices and procedures for the type of landscaping installed (e.g., turf grass management, ornamentals, trees, etc.). When necessary, Association shall seek the advice of qualified professionals relating to any unusual maintenance events (e.g., extreme weather or bug infestation, etc.).
 - C. The Association shall maintain the District Facilities at a minimum in compliance with all applicable statutes, ordinances, administrative rules and regulations, and permit requirements.
 - D. The Association shall be solely responsible for staffing, budgeting, financing, billing and collection of fees, service charges, etc. necessary to perform the maintenance responsibilities set forth in this Agreement.
 - E. All other operation and maintenance responsibilities for the District Facilities not otherwise addressed in this Agreement, such as the District's stormwater management system, shall remain the sole responsibility of the District.
3. Compensation. District shall pay Association the sum of \$10.00 per year for the performance of the operation and maintenance responsibilities set forth in this Agreement.
4. Term. The term of this Agreement is for a period of five years commencing on **January 17, 2006**, and shall be automatically renewed for additional one-year periods thereafter unless terminated in accordance with this Agreement.

5. Termination. The District and Association shall each have the right to terminate this Agreement upon thirty (30) days written notice with or without cause. Association shall ensure that all contracts with persons or entities performing work on the District Facilities contain a provision that such contract may be terminated, at least as to the work being performed on the District Facilities, upon thirty (30) days written notice without cause. Upon termination, the District and Association shall account to each other with respect to all matters outstanding as of the date of termination.

6. Inspection of Records. Upon request, Association shall make available to District for review at a reasonable time and place, its books and records with respect to the Expenses.

7. Insurance.

A. Association shall ensure that the following language is included in all contracts with persons or entities performing work on the District Facilities:

"Contractor shall, throughout the performance of its Services pursuant to this Agreement, maintain:

1) Occurrence basis comprehensive general liability insurance (including broad form contractual coverage) and automobile liability insurance, with minimum limits of \$1,000,000 and \$1,000,000, respectively, combined single limit per occurrence, protecting it, the Moody River Estates Community Development District and the Moody River Estates Community Association from claims for bodily injury (including death) and property damage which may arise from or in connection with the performance of Contractor's Services under this Agreement or from or out of any act or omission of Contractor, its officers, directors, agents, and employees; and

(2) Workers' compensation insurance as required by applicable law (or employer's liability insurance with respect to any employee not covered by workers' compensation).

(3) All such insurance required by this section shall be with companies and on forms acceptable to Moody River Estates Community Association and shall provide that the coverage thereunder may not be reduced or canceled unless thirty (30) days prior written notice thereof is furnished to Association; the insurance required under this section shall name as additional insureds the Moody River Estates Community Development District and the Moody River Estates Community Association and their officers, supervisors, employees, consultants, parents, and subsidiaries. Certificates of insurance (and copies of all policies, if required by the Moody River Estates Community Association) shall be furnished to the Moody River Estates Community Association. In the event of any cancellation or reduction of coverage, Contractor shall obtain substitute coverage as required under this Agreement, without any lapse of coverage

to the Moody River Estates Community Development District or the Moody River Estates Community Association whatsoever."

- B. The Association shall procure at its expense and at all times include the District as an additional named insured on comprehensive liability insurance policies to cover the operation and maintenance responsibilities set forth in this Agreement. Comprehensive liability insurance shall be in amounts determined by the District Manager.

8. Indemnification. Association shall ensure that the following language is included in all contracts with persons or entities performing work on the District Facilities: "*Contractor agrees to indemnify and hold harmless the Moody River Estates Community Development District and its officers, agents and employees from any and all liability, claims, actions, suits or demands by any person, corporation or other entity for injuries, death, property damage or of any nature, arising out of, or in connection with, any negligent act or omission, or willful misconduct, of the Contractor or its employees or agents.*" In the event Association enters into a contract for performance of work within the District Facilities which does not include such provision, or in the event the Association through its own employees performs work on the District Facilities, Association agrees, in consideration of Ten \$10.00 Dollars, the receipt and sufficiency of which is accepted, to indemnify and hold harmless District and its officers, agents and employees from any and all liability, claims, actions, suits or demands by any person, corporation or other entity for injuries, death, property damage or of any nature, arising out of, or in connection with, any negligent act or omission, or willful misconduct, of the Contractor, its employees or agents, or the Association, its employees or agents. This Section does not pertain to any incident arising from the sole negligence of the District.

9. Negotiation at Arm's Length. This Agreement has been negotiated fully between the parties as an arms length transaction. The parties participated fully in the preparation of this Agreement and received the advice of counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, all parties are deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.

10. Amendment. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

11. Authority to Contract. The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

12. Notices. All notices, requests, consents and other communications hereunder ("Notices") shall be in writing and shall be delivered, mailed by Federal Express or First Class Mail, postage prepaid, to the parties, as follows:

A. If to Association: Moody River Estates Community Association
c/o MERITAGE HOMES
12631 WESTLINKS DR. #7
FORT MYERS, FL 33913
Attn: DAN THRON

B. If to District: Moody River Estates Community
Development District
15730 RED FOX RUN
FORT MYERS, FL 33912
Attn: District Manager

With a copy to: Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
Attn: Michael C. Eckert

13. Applicable Law; Venue. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida. Any litigation arising out of this Agreement shall be in the court of appropriate jurisdiction in Lee County, Florida.

14. Enforcement. A default by either party under this Agreement shall entitle the other party to all remedies available at law or in equity, which shall include, but not be limited to, the right of damages, injunctive relief and specific performance.

15. Attorneys' Fees. In the event either party is required to enforce this Agreement or any provision hereof through court proceedings or otherwise, the prevailing party shall be entitled to recover from the non-prevailing party all fees and costs incurred, including but not limited to reasonable attorneys' fees incurred prior to or during any litigation or other dispute resolution, and including fees incurred in appellate proceedings.

16. Assignment. This Agreement may not be assigned, in whole or in part, by either party without the prior written consent of the other. Any purported assignment without such approval shall be void.

17. Limitations on Governmental Liability. Nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability of District beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature in Section 768.28, Florida Statutes or other statute, and nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

18. Binding Effect; No Third Party Beneficiaries. The terms and provisions hereof shall be binding upon and shall inure to the benefit of District and Association. This Agreement

is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.

19. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to its subject matter and all antecedent and contemporaneous negotiations, undertakings, representations, warranties, inducements and obligations are merged into this Agreement and superseded by its delivery. No provision of this Agreement may be amended, waived or modified unless the same is set forth in writing and signed by each of the parties to this Agreement, or their respective successors or assigns.

20. Execution in Counterparts. This instrument may be executed in any number of counterparts, each of which, when executed and delivered, shall constitute an original, and such counterparts together shall constitute one and the same instrument. Signature and acknowledgment pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document.

21. Effectiveness. This Agreement shall take effect upon the execution by the last signing party.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT
DISTRICT**

By:

Its: Chairman/Vice Chairman

**MOODY RIVER ESTATES
COMMUNITY ASSOCIATION, INC.**

By:


Its:

Signature

Page 7 of 7

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

14

PROOF FOR: Cleo Adams		Client Wrathell, Hunt & Associates LLC		crismond@whhassociates.com		JOB #: 87630	
APPROVED BY: XXXXX		XX/XX/XX		Jobsite Delivery - 9920 Bonita Beach Rd. #214, Bonita Springs, FL 34135		PAGE # 1	
<small>© 2020 Lykins-Signtek Inc. (LS). This design is the sole property of LS and may not be used or reproduced whole or in part by any other party without written permission by LS. In case of differences between this design and the description on the estimate, this design shall prevail. It is the responsibility of the client to verify this design for accuracy of product, materials, spelling & punctuation, colors, sizes, and position. Approval by the client releases LS from any liability regarding these matters. PLEASE REVIEW THIS DESIGN PROOF CAREFULLY.</small>							
<div><div><div><div>12 in</div><div>8 in</div><div>CONSERVATION AREA</div><div></div><div>PLEASE DO NOT DISTURB EXISTING VEGETATION</div><div>CORPS. PERMIT NUMBER SAJ-2003-1743 (IP-JWS)</div></div><div>(x1)</div></div><div><div><div>12 in</div><div>12 in</div><div>CONSERVATION AREA</div><div>PLEASE KEEP OUT</div></div><div>(x1)</div></div><div><div><div>12 in</div><div>12 in</div><div>CONSERVATION AREA</div><div>PLEASE KEEP OUT</div><div>SAJ-2003-1743 (IP-JWS)</div></div><div>(x1)</div></div><div><div><div>12 in</div><div>12 in</div><div>CONSERVATION AREA</div><div>PLEASE KEEP OUT</div><div>CAUTION</div><div>DANGEROUS WILDLIFE IN AREA (BEARS, ALLIGATORS, SNAKES, ETC.)</div><div>DO NOT FEED, APPROACH OR MOLEST WILDLIFE</div><div>U.S. ARMY CORPS OF ENGINEERS</div><div>PERMIT NUMBER: SAJ-2003-1743 (IP-JWS)</div><div>COPY AVAILABLE AT THIS WEBSITE: HTTP://WWW.MOODYRIVERCDD.NET/</div></div><div>(x1)</div></div></div> <div><div>42 in</div><div>42 in</div></div> <p>(x4) 0.063" aluminum sign faces w/ digitally printed & laminated graphics applied Mounted on (x1 ea) black T-bar stake</p>						<div>Revisions</div> <div>1 XX/XX/XX</div> <div>2 XX/XX/XX</div> <div>3 XX/XX/XX</div>	
<div><input type="checkbox"/> Engineering</div> <div>FINAL</div> <div>APPROVED DRAWING</div> <div>BY:</div> <div>ON:</div>							
<div><div>Lykins</div><div>Signtek</div><div>T: 239-594-8494</div></div>		<div>JOB DESCRIPTION: T bar signs</div> <div>File Path: L:\Wrathell Hart Hunt & Associates\87630 - Wrathell, Hunt & Associates - Conservation T Bar Signs.fs</div> <div>SALES REP: House Account / Angie</div> <div>ORDERED: 2/16/21</div> <div>Revision Notes:</div> <div>DESIGNER: KELLY</div> <div>RELEASED: XX/XX/XX</div> <div>Initial design plus up to 2 revisions are included in our estimates; additional design work will be billed at \$75/hr.</div>				<div><div><input checked="" type="checkbox"/> Deliver</div><div><input type="checkbox"/> Shipping</div></div> <div><div><input type="checkbox"/> Pick-Up</div><div><input type="checkbox"/> Installation</div></div> <div>Price: \$</div> <div>Color disclaimer: colors viewed on a screen or printed document will vary. Finished product colors may also vary slightly from specification due to materials and production processes</div>	
		<div><div>UL</div><div>USA</div><div>INTERNATIONAL SIGN ASSOCIATION</div></div> <div>E161649 ES12001882</div> <div>Electrical signs are designed to be installed in compliance with NEC Article 600 and use UL registered components.</div>					

Date: 2/15/2021
Estimate # : 39174

Created By:

Angie
239-594-8494
angie@lykins-signtek.com



Estimate/Contract

5935 Taylor Rd.
Naples FL. 34109

PHONE 239-594-8494
FAX

Prepared By Lykins Signtek, Inc. for : Wrathell, Hunt & Assoc. c/o Moody River Estates
CDD

Address: 9220 BONITA BEACH ROAD #214 Bonita Springs FL 34135

To: CLEO ADAMS

Phone: 239-989-2939

From: Angie

Fax:

Quote Description: CONSERVATION SIGNS

Item Description	Quantity	@	Price
1) 8" X 12" X .063" SINGLE SIDED ALUMINUM SIGN W/T-BAR.	3	\$87.50	\$262.50
2) 12" X 12" X .063" SINGLE SIDED ALUMINUM SIGN W/T-BAR.	1	\$99.50	\$99.50

Sub Total: \$362.00

Collier Sales Tax: \$0.00

Total: \$362.00

****NOTE :**

Signs are custom produced to your specifications.

All orders of \$250.00 or less require pre-payment unless prior credit arrangements are in place.

I accept the above proposal and agree to pay for said work promptly upon completion of same.

Authorized Signature: _____ Date: _____

Deposit Amount: _____ CHECK/CC # _____

Terms and Conditions:

Prices on this estimate are valid for 30 days.

A deposit of 60% is required for CBU's and 50% on other products with the balance due upon completion.

Signing of this document constitutes a legal and binding contract between parties named on this agreement.

Customer is responsible for landscape amenities within install area or as required for permitting

Lykins Signtek is NOT responsible for Irrigation or Private Underground Lines.

Goods sold remain the property of seller until paid in full.

Customer agrees to provide necessary information to obtain permit, electrical supply to sign or fixture location, and/or provide color and logo information where specified.

Customer is responsible for any cap rock, lime rock or unforeseen digging conditions

1.5 % Monthly Late Fee applied to all past due invoices

Warranties:

Workmanship: All signs or fixtures fabricated and installed by Lykins Signtek and its affiliates are warranted against defects in material and workmanship for one year, parts and labor.

Lykins-Signtek, Inc.
5935 Taylor Rd
Naples FL 34109



T: 239-594-8494
F: 239-591-3940
www.lykins-signtek.com

Standard Terms & Conditions

Design Approval

Customer approval of the design proof is a contractual agreement authorizing Lykins-Signtek to release the order for production and installation as approved. Any subsequent request to change product Specifications, content, location, or method of installation may result in a Change Order and additional charges. Quotes, Orders, Payments Prices on our quotes are valid for 30 days. Prices are subject to change as a result of material changes in customs duties or tariffs.

Quotes, Orders, Payments

Prices on our quotes are valid for 30 days. Prices are subject to change as a result of material changes in customs duties or tariffs.

If you are tax exempt, you must submit your tax certificate to us with your order or deposit, or sales tax will be irrevocably due. Orders are custom produced to your specifications. Unless other payment arrangements are in place, a down payment or advance payment is required to place an order, as follows:

- Advance payment is required for all orders ≤\$250
- Advance payment is required for all repair orders
- Advance payment of the standard fee is required for all permitting and engineering charges
- A deposit of 60% of order is required for all commercial mailbox systems
- A deposit of 50% of order is required for all other items

The balance is due upon completion. Past due invoices will be subject to a 1.5% monthly interest.

Goods sold remain the property of Lykins-Signtek until paid in full and we reserve the right to recover unpaid

Cancellation

Should a custom order be cancelled by the customer, a cancellation fee equal to the greater of 10% of order total OR the actual completed portion of the order, plus any custom-ordered parts and any design, permitting, and engineering fees, will apply and will be due or deducted from any refunds. Standard product order cancellations may be subject to a 20% restocking fee.

Customer Responsibilities

Unless other contractual arrangements have been made, and where applicable, customer is responsible for the timely provision of:

- Special fonts, color specifications, and high-resolution images or vector files for artwork
- Landlord or property manager approval, supporting information and documents required for permitting
- Property survey and location marking for any ground signs
- Removal/disposal of old signs and patching/caulking/painting of walls prior to installation of new signs
- A dedicated electrical circuit with a junction box located directly at or behind an electrical sign, within max. 6 ft of the sign.
- Reasonable access to the sign and any junction box or wiring path of an electrical sign. Access must be possible by ladder, lift, or bucket truck for installation and servicing purposes (ceiling access panel size min. 22.5" x 36" per NEC).

Permits posted must remain on-site until all inspections are signed off by the inspector. We recommend keeping

Installation and Service

When installation is included with your order or service is provided, Lykins-Signtek is NOT liable for:

- Damage to unmarked irrigation systems or private underground lines.
- Hidden obstructions or unusual digging conditions such as buried concrete, cap rock, lime rock or high water tables
- Landscaping removal, restoration, or supply to satisfy sign code and permit requirements
- The preservation, condition or storage of prior signs or mailboxes removed at customer's request

Additional charges may apply.

Please note that our Installers are not authorized to modify the product or change installation locations in the field without formal client approval through a Change Order.

Warranty

Our standard limited warranty covers parts and labor for one year from date of installation. Warranty coverage is contingent on full payment. Request our Warranty Form for details.

Monument Signs – Business Signs – Mailboxes – Street Traffic Signs – Illuminated Signs – ADA Signs – Vehicle Graphics
Project Signs – Pylon Signs – Flagpoles – Window Graphics – Plaques – Realty Signs – Bulletin Boards – Banners
Electrical Sign Service and LED conversions

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT

Progression of Conservation Signs

[ORIGINAL SIGN- on white and green background]

Conservation Area

(Moody River Estates Banyan Tree Logo)

Please Do Not Disturb
Existing Vegetation

Corps. Permit Number SAJ-2003-1743 (IP-JWS)

[FIRST MODIFIED SIGN- on brown background]

Conservation
Area

Please
Keep Out

[SECOND MODIFIED SIGN- on brown background]

Conservation
Area

Please
Keep Out

SAJ-2003-1743 (IP-JWS)

-OVER-

Conservation Area

Please Keep Out

CAUTION

Dangerous wildlife
(Bears, Alligators, Snakes, etc. in area)
**DO NOT FEED, APPROACH OR MOLEST
WILDLIFE**

U.S. Army Corps of Engineers
Permit Number SAJ-2003-1743 (IP-JWS)

Copy available at this Website:

<http://www.moodyrivercdd.net/>

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

16

Hopping Green & Sams

Attorneys and Counselors

March 3, 2021

Moody River Estates Community Development District
c/o Chuck Adams, District Manager
Wrathell, Hunt & Associates, LLC
9220 Bonita Beach Road, Suite 214
Bonita Springs, Florida 34135

Re: Moody River Estates Community Development District

Dear Chuck:

The fee agreement in place between our firm and the District contemplates adjustments to the hourly rates from time to time after an annual evaluation by our firm. Our firm has not increased the hourly rates charged to the District since 2019. Our firm is respectfully submitting this notification to increase our standard hourly rates well in advance of the budget creation for the next fiscal year. My hourly rate is proposed to adjust from \$325 to \$350, which is an increase of \$25 per hour. The hourly rate for associates most likely to provide services to the District is proposed to range from \$265 to \$285. The hourly rates for all other attorneys will adjust to their standard hourly rates. The rate for paralegal services will increase from \$135 to \$150. The new hourly rates are proposed to take effect on October 1, 2021. I would ask that this letter be added to the next agenda for Board discussion.

As always, we will continue to implement cost-effective strategies to minimize legal expenses for the District while at the same time providing thoughtful and comprehensive services.

If you have any questions, please feel free to call. We thank you for the opportunity to be of service.

Sincerely,

/s/ Michael C. Eckert

Michael C. Eckert

MCE/lk

cc: John Teckorius, Chairman

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

17

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JANUARY 31, 2021**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
JANUARY 31, 2021**

	Major Funds		Total Governmental Funds
	General	Debt Service Series 2017 A1 & A2	
ASSETS			
Cash - SunTrust	\$ 342,318	\$ -	\$ 342,318
Investments			
Revenue 2017A1 & A2	-	589,481	589,481
Reserve 2017A1*	-	271,932	271,932
Reserve 2017A2*	-	82,804	82,804
Reserve sub 2017A1 & A2*	-	103,731	103,731
COI	-	4,825	4,825
Prepayment 2017A2	-	676	676
Due from other funds			
General	-	55,235	55,235
Total assets	<u>\$ 342,318</u>	<u>\$ 1,108,684</u>	<u>\$ 1,451,002</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Due to other funds			
Debt service	\$ 55,235	\$ -	\$ 55,235
Total liabilities	<u>55,235</u>	<u>-</u>	<u>55,235</u>
Fund Balances:			
Restricted for:			
Debt service	-	1,108,684	1,108,684
Unassigned	287,083	-	287,083
Total fund balances	<u>287,083</u>	<u>1,108,684</u>	<u>1,395,767</u>
Total liabilities and fund balances	<u>\$ 342,318</u>	<u>\$ 1,108,684</u>	<u>\$ 1,451,002</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, 2021**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 8,387	\$ 254,444	\$ 289,252	88%
Interest and miscellaneous	5	11	-	N/A
Total revenues	<u>8,392</u>	<u>254,455</u>	<u>289,252</u>	88%
EXPENDITURES				
Professional & admin				
Supervisor	-	-	6,459	0%
Management	3,733	14,934	44,802	33%
Accounting services	729	2,914	8,742	33%
Audit	-	-	5,800	0%
Assessment roll services	1,073	4,292	12,875	33%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	83	333	1,000	33%
Trustee	-	3,709	3,709	100%
Legal - general counsel	169	325	12,000	3%
Engineering	-	-	4,000	0%
Postage	44	95	1,250	8%
Telephone	42	167	500	33%
Insurance	-	6,503	6,500	100%
Printing & binding	92	367	1,100	33%
Legal advertising	-	371	1,200	31%
Other current charges	54	217	750	29%
Website	-	-	750	0%
ADA website compliance	-	-	210	0%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>6,019</u>	<u>34,402</u>	<u>113,022</u>	30%
Water management				
Other contractual	8,321	13,871	110,000	13%
Utilities	3,831	11,171	39,500	28%
Aquascaping	-	-	5,000	0%
Total water management	<u>12,152</u>	<u>25,042</u>	<u>154,500</u>	16%
Other fees and charges				
Property appraiser	-	777	844	92%
Tax collector	-	365	1,266	29%
Total other fees and charges	<u>-</u>	<u>1,142</u>	<u>2,110</u>	54%
Total expenditures	<u>18,171</u>	<u>60,586</u>	<u>269,632</u>	22%
Excess/(deficiency) of revenues over/(under) expenditures	(9,779)	193,869	19,620	
Fund balance - beginning	<u>296,862</u>	<u>93,214</u>	<u>86,355</u>	
Fund balance - ending	<u>\$ 287,083</u>	<u>\$ 287,083</u>	<u>\$ 105,975</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, 2021**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 17,467	\$ 529,909	\$ 603,651	88%
Interest	4	14	-	N/A
Total revenues	<u>17,471</u>	<u>529,923</u>	<u>603,651</u>	88%
EXPENDITURES				
Principal	-	-	330,000	0%
Principal prepayment	-	5,000	-	N/A
Interest	-	139,150	278,300	50%
Total expenditures	<u>-</u>	<u>144,150</u>	<u>608,300</u>	24%
Other fees and charges				
Tax collector	-	762	-	N/A
Total other fees and charges	<u>-</u>	<u>762</u>	<u>-</u>	N/A
Total expenditures	<u>-</u>	<u>144,912</u>	<u>608,300</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	17,471	385,011	(4,649)	
Fund balance - beginning	1,091,213	723,673	720,250	
Fund balance - ending	<u>\$ 1,108,684</u>	<u>\$ 1,108,684</u>	<u>\$ 715,601</u>	

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

18

DRAFT

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

The Board of Supervisors of the Moody River Estates Community Development District held a Regular Meeting on February 11, 2021 at 6:00 p.m., at The Best Western, 13021 N. Cleveland Avenue, North Fort Myers, Florida 33903.

Present and constituting a quorum were:

Chris Jenner	Chair
Robert Geltner	Vice Chair
John Teckorius	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Wes Kayne	District Engineer
Mike Eckert	District Counsel
Terri Silva	HOA President
Julie Canoura	Resident
William Krukowski	Resident
Edward Pike	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 1:00 p.m. Supervisors Jenner, Geltner and Teckorius were present, in person. Supervisor Hoffman was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items*)

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Confirmation of Administration of Oaths of Office for Newly Elected Supervisors, Robert Geltner [Seat 3] and John Teckorius [Seat 4]

Mrs. Adams stated the Oath of Office was previously administered to Supervisors Geltner and Teckorius by a Notary outside of the meeting and Staff received their Oaths of Office. In response to Mrs. Adams' question, Mr. Geltner confirmed that he wanted to receive compensation and Mr. Teckorius waived compensation.

FOURTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Paul Hoffman, Seat 5; term expires November, 2022

Mrs. Adams presented Mr. Paul Hoffman's letter of resignation.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the resignation of Mr. Paul Hoffman, dated December 18, 2020, was accepted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-01, Declaring a Vacancy in Seat 2 of the Board of Supervisors Pursuant to Section 109.006(3)(b), Florida Statutes; and Providing an Effective Date

Mr. Jenner presented Resolution 2021-01. Mr. Geltner voiced his opinion that there may not have been enough publication of the Board vacancies to the entire eligible community.

On MOTION by Mr. Teckorius and seconded by Mr. Jenner, with all in favor, Resolution 2021-01, Declaring a Vacancy in Seat 2 of the Board of Supervisors Pursuant to Section 109.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Discussion/Consideration of Candidates to Fill Vacancies in Seats 2 and 5

A. Julie Canoura

B. William Krukowski

C. Edward Pike

Mr. Jenner stated he was surprised to see this item on the agenda because, as Mr. Geltner remarked, the vacancies were not publicized. He asked how the applicants learned of the Board openings. Mrs. Adams stated several residents discovered that there were openings on the Board, submitted their resumes and Management included the item on the agenda. A resident asked why residents were not alerted of the vacancies. Mrs. Adams stated Board Members cannot discuss District business outside of District meetings and Management Staff cannot publicize vacancies without being directed to do so by the Board.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, authorizing Management Staff to provide the HOA with and e-blast to send to residents regarding CDD Board vacancies, including a submittal deadline date, was approved.

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)*

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

This item was deferred to the next meeting.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, and Providing for an Effective Date

Mr. Jenner presented Resolution 2020-02. Mr. Geltner nominated Mr. Teckorius for Chair. Mr. Teckorius nominated Mr. Geltner for Vice Chair. The slate of officers was nominated, as follows:

Chair	John Teckorius
Vice Chair	Robert Geltner
Secretary	Chuck Adams
Assistant Secretary	Chris Jenner
Assistant Secretary	Vacant
Assistant Secretary	Vacant
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, Resolution 2021-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, as nominated, and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Discussion/Consideration: Amendment to Resolution 2020-05, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date (Supervisor Geltner)

This item was tabled to the next meeting.

TENTH ORDER OF BUSINESS

Discussion: Board Member Responsibilities

- A. Sample CEO Self-Evaluation**
- B. Management Evaluation**
- C. Evaluating the Executive Director – Your Role as a Board Member**

Mr. Geltner asked to table this item and for Staff to include a discussion item about adding workshops to the meeting schedule on the next agenda. Discussion ensued regarding publicizing workshops and community input.

This item was tabled to the next meeting.

ELEVENTH ORDER OF BUSINESS

Discussion: CDD Newsletter

Mr. Geltner suggested tabling this item as the first page of the newsletter lists the Supervisors' names and he felt that it would make more sense to wait until five Supervisors are on the Board before discussing the CDD newsletter. Mrs. Adams stated she wrote the draft newsletter and would appreciate it if Board Members could write future CDD newsletters; she would provide an electronic version of the newsletter to the Board.

The following change would be made:

Page 2, Paragraph 4, "Did you know": Change "resident" to "qualified electors"

A Board Member felt that the map, on Page 4, should be accompanied by a link to the GIS map that is on the CDD website. Mr. Adams suggested placing an aerial photograph of the CDD boundaries on the last page of the newsletter instead. Mr. Kayne, who prepared the photograph, would forward a copy to Management to be added to the newsletter.

The following changes would be made:

Page 4, "Your HOA", Garnet Dasher: Change "Property Manager" to "Community Association Manager"

Page 4, "Your HOA", Administrative Assistant: Change "Katie Scott" to "Amanda Weichert"

TWELFTH ORDER OF BUSINESS

Consideration of E-Verify Memo and Memorandum of Understanding

Mr. Teckorius presented the E-Verify Memo and Memorandum of Understanding.

Mr. Eckert stated that a new Florida Statute mandates that all local governments, including CDDs, must register and use E-Verify for any new employees or contractors hired or engaged after January 1, 2021. The Statute states that contractors must also register and use E-Verify for their employees. If the CDD discovers that a contractor is not complying with E-Verify,

in the treatment of its employees, the CDD is required to terminate the contract. Mr. Eckert stated the Memorandum was prepared by the Department of Homeland Security (DHS) and the Social Security Administration (SSA) and it would be very difficult for the District to modify. He recommended approval in order for the District to be in compliance of the Statute. Asked if there were any issues with any existing contracts, Mrs. Adams stated that SOLitude uses E-Verify and she would confirm that other CDD contractors use it, as well. Discussion ensued regarding local governments, Special Districts and Real Estate tax exemptions.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, the E-Verify Memorandum of Understanding for Employers, was approved.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2020

Mrs. Adams presented the Unaudited Financial Statements as of December 31, 2020. Regarding whether the 44 lots were up to date on their taxes, Mrs. Adams stated that she would investigate and provide an answer at the next meeting. Discussion ensued regarding expiration of the bonds, current interest rates, whether early bond prepayment would be advantageous to residents and refinancing the bonds without incurring closing costs. The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of August 20, 2020 Virtual Public Hearings and Regular Meeting Minutes

Mrs. Adams presented the August 20, 2020 Virtual Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, the August 20, 2020 Virtual Public Hearings and Regular Meeting Minutes, as presented, were approved.

• Action Items

Item 1 was ongoing.

Item 2 was completed. Mr. Eckert stated his research regarding whether solar energy would be beneficial to the community was inconclusive and asked to be removed from the inquiry. Management could look into this item in the future.

Items 45 and 48 were completed.

Item 49: Changed from “Completed” to “Ongoing”. Mr. Geltner stated he would like SOLitude to continue alerting him whenever aeration and fountain technicians are on site.

Mr. Geltner stated he prepared a spreadsheet with a list of all of the lakes with the activities that occurred in the appropriate columns. A copy of the spreadsheet would be transmitted to Mrs. Adams. He stated that, several years ago, the District Engineer created a map of the community and he would like Staff to update the maps to include all CDD assets on the maps, such as fountains and monuments. Discussion ensued regarding current CDD maps, District ownership of certain assets, the Engineer’s Report, the HOA, whether to modify or terminate the Facilities Maintenance Agreement, the roadways, deeds and public records.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Eckert reported the following:

➤ The Florida Legislature is considering filing four items at its March session that could affect CDDs.

➤ The Commission on Ethics is trying to close a loophole with those using LLCs.

➤ Special Districts would have to undergo four hours of ethics training.

➤ Sovereign immunity is being considered, in terms of doing away with it altogether to raising the limits significantly. The current amounts are \$200,000 per person and \$300,000 per incident.

➤ Amendment 12, relating to lobbying, would be enforced. Amendment 12 states no member of a public board can lobby any other public board, whether it be local, state or federal.

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

There being no report, the next item followed.

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

- **NEXT MEETING DATE: March 11, 2021 at 6:00 P.M.**

○ **QUORUM CHECK**

The next meeting would be held on March 11, 2021 at 6:00 p.m.

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

The Board and Staff discussed alternate meeting locations for the March meeting. Mrs. Adams announced that the next meeting would be held at the Best Western. Mr. Geltner wanted to know how much it cost to rent the current location and the cost to advertise the meetings, in order to seek reimbursement from the HOA for declining the CDD's ability to use its own Clubhouse. Mr. Adams clarified the reasons why Board Meetings are being held off-site with the HOA and stated Management is operating under the policy it was given and must respect the HOA policy. Mr. Geltner stated he would like to know on what grounds the CDD Board was deprived of the use of the Clubhouse, such as if there was a vote by the HOA Board of Directors. He also wanted to view the minutes from the HOA January meeting. Ms. Silva stated the HOA is a private association that has chosen not to open the Clubhouse to non-residents; however, CDD Board Members could utilize the space but no outsiders were allowed.

Mr. Geltner motioned to direct District Counsel to investigate the grounds upon which the CDD has been deprived of the use of the Clubhouse for its meetings and identify whether the CDD has a legal right to obtain reimbursement for any costs associated with relocating the meetings to an alternate location for tonight's meeting and future meetings. The motion failed due to lack of a second.

Mr. Teckorius directed Management to submit an invoice to the HOA for reimbursement of the venue rental costs incurred by the CDD due to the HOA's meeting policies.

• **Monthly Status Report – Field Operations**

Mrs. Adams introduced Ms. Smith and stated her Report was included for informational purposes.

○ **Key Activity Dates**

The January 2021 Key Activity dates were included for informational purposes.

Mrs. Adams reported the following:

➤ The annual Bank Stabilization Project for 2021 would be included on the next agenda for consideration.

➤ A Board Member was needed to participate in the annual berm compliance inspection. Mr. Teckorius volunteered to inspect the berm with Mrs. Adams.

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

There being no public comments, the next item followed.

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

Mr. Geltner recalled that, Lines 131 through 136 of the January 2020 meeting minutes, had a discussion regarding excess fuel load in the conservation area. With the impending fire season, he felt that fuel load debris should be included as a discussion item on the next agenda and in the CDD Newsletter and brochures. Asked if Staff would provide a report on the condition of the conservation area, Mr. Adams stated that he would obtain a proposal from an Environmental Engineer. Mr. Geltner asked for the need for conservation area and wildlife signage to be included as a discussion item on the next agenda. Discussion ensued regarding signage verbiage, the County, the HOA and the District's liability in relation to wildlife.

Mr. Geltner asked if the District is required to produce a "Required Reporting of Information" document, per Florida Statutes. Mr. Eckert stated the document is related to website compliance. Discussion ensued.

Mr. Geltner asked for the next agenda to include a discussion item about obtaining a drone to get a baseline of the community.

EIGHTEENTH ORDER OF BUSINESS**Adjournment**

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

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the meeting adjourned at 7:25 p.m.

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301
302
303
304
305
306

Secretary/Assistant Secretary

Chair/Vice Chair

MOODY RIVER ESTATES CDD

February 11, 2021 Meeting for March 11, 2021 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
51.	2.11.21	Mrs. Adams to forward an eblast to Ms. Silva regarding the two CDD Board vacancies, include a submittal deadline. STATUS: COMPLETED (subsequent to 02.11.21 meeting)
52.	2.11.21	Per Mr. Geltner, Staff to include adding workshops to the meeting schedule on the next agenda for Board consideration. STATUS: ONGOING
53.	2.11.21	Per Mr. Teckorius, Management to forward an invoice to the HOA for reimbursement of venue rental costs incurred by the CDD for its meetings. STATUS: ONGOING
54.	2.11.21	Mr. Adams to obtain a quote from an environmental Engineer for fuel load management in the conservation area and include fuel load debris as a discussion item on the next agenda. STATUS: ONGOING
55.	2.11.21	Staff to include the need for new conservation area and wildlife signage on the next agenda. STATUS: ONGOING
56.	2.11.21	Per Mr. Geltner, Staff to include the need to obtain a drone as a discussion item on the next agenda. STATUS: ONGOING

MOODY RIVER ESTATES CDD

February 11, 2021 Meeting for March 11, 2021 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 |
| 9. | 10.10.18 | Mrs. Adams tentatively scheduling littoral plantings at WL2-A for the end of November. TRANSFERRED TO ONGOING LIST 05.21.20 |
| 49. | 08.20.20 | Mrs. Adams to coordinate SOLitude contacting Mr. Geltner regarding the dates when aeration and fountain technicians will be onsite to perform any type of repairs or inspections. TRANSFERRED TO ONGOING 02.11.21 |

MOODY RIVER ESTATES CDD

February 11, 2021 Meeting for March 11, 2021 Meeting

COMPLETED ITEMS

In Order of Date Moved to Completed

DATE ADDED		
39.	10.17.19	Per Ms. Sandy, Management to include a Conservation Liability Discussion item on the next agenda. STATUS: COMPLETED 08.20.20
43.	05.21.20	Mr. Eckert to discuss strategy of CDD involvement in lawsuit with HOA Counsel and update the Board. STATUS: COMPLETED 08.20.20
44.	05.21.20	Mr. Adams to send Board Members the link to the Supervisor's of Election website. STATUS: COMPLETED 08.20.20
46.	05.21.20	Mrs. Adams to coordinate SOLitude contacting Mr. Hoffman and Mr. Geltner the dates technicians will be onsite. STATUS: COMPLETED 08.20.20
47.	05.21.20	Mr. Adams to provide the Board real time revenue collection data. UPDATE: Management unable to provide. STATUS: COMPLETED 08.20.20
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: COMPLETED 02.11.21
45.	05.21.20	Management to include on the next in person agenda for discussion Mr. Geltner's proposed Resolution to add Staff Performance Review Policy to the Internal Controls Policy, STATUS: COMPLETED 02.11.21
48.	05.21.20	Management to include in the agenda at the next available in person meeting; discussing Mr. Geltner's Issues List e-mailed to Management and deferred at the last meeting. STATUS: COMPLETED 02.11.21
50.	08.20.20	Mrs. Adams to confirm the fountain lights at Lake #15 were repaired. STATUS: COMPLETED 08.20.20

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

19C

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2020/2021 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 15, 2020 CANCELED	Regular Meeting	1:00 PM
January 14, 2021 CANCELED	Regular Meeting	6:00 PM
February 11, 2021	Regular Meeting	6:00 PM
<i>The Best Western, 13021 N. Cleveland Avenue, Fort Myers, FL 33903</i>		
March 11, 2021	Regular Meeting	6:00 PM
<i>The Best Western, 13021 N. Cleveland Avenue, Fort Myers, FL 33903</i>		
May 20, 2021	Regular Meeting	1:00 PM
June 17, 2021	Regular Meeting	1:00 PM
August 19, 2021	Public Hearing & Regular Meeting	1:00 PM

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

19DI

MOODY RIVER ESTATES CDD

Key Activity Dates

Mar-21

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
Aeration &Fountain Inspection Review and Reporting	SOP	N/A	Bi-Annual Inspection completed November 2nd .The next scheduled review will be sometime in April.	Apr-21
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).	March/May/September
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.	6/15/2021
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	6/30/2021
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.	9/15/2021
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.	9/15/2021
Insurance Renewal	SOP	N/A	Bind Insurance for upcoming Fiscal Year with an effective of October 1st thru September 30th	10/1/2021

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.	11/30/2021
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.	12/3/2021

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

19DII

**MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT
LAKES, UPLANDS, WETLANDS, CONSERVATION AREAS, BERMS, FOUNTAINS & AERATORS**

LAKES

		Location		Perimeter (L.F.)	Area (Acres)	Date Last Maintained	Aeration (Y/N)	Fountain (Y/N)	Continued Required Restoration (Y/N)	Notes, Issues
1	L-1	Central	On East edge of Hancock Bridge Parkway at NW corner Turtle Cove Trail at Gray Heron	824	1.23	19 th	Y	N	No	
2	L-2	Central	Between Turtle Cove Court and Gray Heron	2209	3.16	19 th	Y	N	No	
3	L-3	Central	Entrance to central between Gray Heron and Moody River Boulevard (Gate shack)	985	1.48	19 th	Y	Y	No	
4	L-4	Central	Entrance to central between Moody River Boulevard (Gate shack) and Sail Away	849	1.18	19 th	Y	Y	No	
5	L-5	Central	North of Moody River Boulevard between Sail Away and Silver Thorn Loop	905	1.25	19 th	Y	N	No	Not required however requested to revisit for aesthetic purposes upon completion of current projects
6	L-6	Central	Between Moody River Boulevard on North and Moody River Parkway and Sandy Key Bend	955	1.21	19 th	Y	Y	No	
7	L-7	Central	NE corner of Moody River Parkway and Midship Drive	1015	1.11	19 th	Y	N	Yes	Bank Restoration completed in 2019 however breach due to heavy rains. Rework required to embankment and will be addressed 2021.
8		Central	Between Moody River Boulevard on North and Sandy Key Bend on West and South and Sea Trawler Bend on East	1113	1.78	19 th	Y	Y	Yes	Bank Restoration scheduled for 2021. Littorals to be planted upon completion.
9	L-9	Central	Between east and west sections of Silver Thorn Loop and Moody River Boulevard (Blue Jasmine Drive is in center of “U” Shaped lake)	4624	8.20	19 th	Y	Y	No	Bank Restoration completed in 2020. Littorals to be planted 2021
10	L-10	Central	SW corner of Hancock Bridge Parkway and Moody Road with Leeway Court on the South and Silver Thorn Loop on the West	1057	1.55	19 th	Y	Y	No	
11	L-11	Central	NW corner of Moody River Boulevard and Moody Road between Silver Thorn Loop on West and Moody River Boulevard on South	696	.76	19 th	Y	Y	No	
12	L-12	Central	SW corner of Moody River Boulevard and Moody Road between Moody River Boulevard on North, Sea Trawler Bend on West and Sea Haven Court on South	1178	1.20	19 th	Y	Y	No	12E 5 hp pump & starter box \$3,645
13	L-13	Central	On West edge of Moody Road with Sea Haven Court on North, and Sea Trawler Bend on West and South	921	1.13	19 th	Y	N	No	Bank Restoration completed in 2020. Littorals to be planted 2021

14	L-14	Central	On West edge of Moody Road with Sea Trawler Bend on North, and Midship Drive on South	1320	1.77	19th	Y	N	No	Bank Restoration completed in 2019
15	L-15	South	On Skyline Drive just East of entrance to Moody River Estates South	835	1.05	19th	Y	Y	Yes	Bank Restoration scheduled for 2022. 7.5 hp \$3,400
16	L-16	South	On West side of Olde Banyon Boulevard just North of Sheltered Oak Place	1139	2.06	19th	Y	Y	Yes	Bank Restoration scheduled for 2022
17	L-17	South	SE corner of Olde Banyon Boulevard and Banyon Hollow Loop	649	.65	19th	Y	N	Yes	Bank Restoration scheduled for 2022
18	L-18	South	On West side of Olde Banyon Boulevard just North of Scarlet Oak Place and South of Sheltered Oak Place	1984	3.14	19th	Y	N	Yes	Bank Restoration scheduled for 2021. Littorals to be planted upon completion
19	L-19	South	SE corner of project East of Banyon Hollow Loop	726	.63	19th	N	N	Yes	Bank Restoration scheduled for 2022
20	L-20	South	SW corner of project South of Scarlet Oak Place, West of Olde Banyon Boulevard and North of Blue Banyon Court	1266	2.06	19th	Y	N	No	
21	L-21	North	On North edge of Hancock Bridge Parkway with Seaside Harbour Drive on the West and North perimeter, just East of main entrance to Moody River Estates North	2619	2.78	19th	Y	Y	No	21W 2 hp \$2,400
			TOTALS	2786 9	39.3 8					

WETLANDS & UPLANDS

Wetland Maintenance: Simi-annual maintenance of the wetlands were completed during the month of September 2020– The Spring event has not yet been scheduled however will be completed during the April/May time period. Treatment of U-4 will be 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.

				Location		Perimeter (L.F.)	Wetland (Acres)	Upland (Acres)	Date Last Maintained	Continued Required Restoration		Issues, if any
WETLANDS												
1	WL-1	CE-2	Wetland preserve & upland preserve	Central	North of Skyline west of Moody River Pkwy next to Lake 2		3.37	3.40	9/2020	No		
1A	WL-1A	CE-3	Wetland preserve & upland preserve	Central	South of Clubhouse between Moody River Pkwy and Gray Heron Dr		.84	.26	9/2020	No		
2	WL-2	CE-11	Wetland preserve & upland preserve	Central	North of Skyline and Midship Dr		2.79	2.39	9/2020	No		
2A	WL-2A	CE-6	Wetland preserve & upland preserve	Central	North of Skyline and south Midship Dr between Moody River Pkwy and Moody Rd		.46	.78	9/2020	No		
3	WL-3	CE-8	Wetland preserve	South	South of Skyline West of Entrance South of WL-3A		9.73	1.03	9/2020	No		
3A	WL-3A	CE-7	Wetland preserve	South	South of Skyline West of Entrance North of WL-3		0.00	1.25	9/2020	No		
4	WL-4	CE-9	Wetland preserve & upland preserve	South	Inside of Banyon Hollow Loop, next to U-5		3.91	.40	9/2020	No		
5	WL-5	C-10	Wetland preserve & upland preserve	South	Furthest southeast corner east of Banyon Hollow Loop, next to Lake 19		3.09	.55	9/2020	No		
UPLANDS												
1	U-1	CE-1	Upland preserve	Central	East and south of intersection of Hancock Bridge Pkwy and Skyline north of Turtle Cove Trail		0.00	6.12	9/2020	No		
2	U-2	CE-4	Upland preserve	Central	South of Hancock Bridge Pkwy between Sail Away St and Silver Thorn Loop		0.00	.81	9/2020	No		
3	U-3		Upland preserve	Central	Between homes on Silver Thorn Loop and south of Hancock Bridge Pkwy next to Lake 9		0.00	.34	9/2020	No		
4	U-4	CE-5	Upland preserve	Central	At north end of Blue Jasmine Drive between Silver Thorn Loop and Moody River Blvd		0.00	3.04	9/2020	No		
5	U-5		Upland preserve	South	Inside of Banyon Hollow Loop next to WL-4		0.00	1.71	9/2020			
6	U-6		?	North	North of Hancock Bridge Pkwy south of Seaside Harbour Dr next to Lake 21		0.00	.78	9/2020	No		

BERMS: The annual inspection to review District owned perimeter berms will be scheduled in the Spring 2021.

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

21

Moody River Estates Community Development District
Meeting of 5-21-2020

For use during Supervisor Comments of Robert Geltner

E-Mailed to Management 5-20-2020

	ISSUE	MANAGEMENT COMMENTS	ACTION
	<p>Remind everyone that this is only opportunity for supervisors to talk with other supervisors.</p> <p>All those in attendance at this meeting are reminded, that supervisors are prohibited from discussing district business with other board members either one-on-one, by text, or, by E-Mail, other than at a duly called meeting of the board.</p> <p>Therefore, the only way that board members may become aware of other supervisors' opinions or conduct board business, that is communicate with one another, is through their interactions at these board meetings.</p>		
	<p>For the record, mention number of residents attending meeting.</p> <p>It is noted for the record that there are</p> <p>_____</p> <p>people in attendance other than the board and professional staff.</p>		
1	<u>SOLITUDE AGREEMENT FOR POND MAINTENANCE</u>		
	Are all supervisors receiving Solitude e-mails with webinars, etc.?		
	Does Solitude contract (Agreement for Pond Maintenance Services) price include Solitude requirement to meet with management or board at least once a year?		
	<p>Does Solitude contract require Solitude to notify management in advance so that one supervisor can be designated to monitor Solitude activities?</p> <p>Fountains/Aeration Sep & Mar</p> <p>Uplands May & Oct</p> <p>Ponds 26 bi-weekly visits per year</p>		
	Does Solitude contract require Solitude to notify management of any other issues it observes, for example, need for additional work, replacement of pumps, fountains or other equipment, violations of any law, rule, regulation permit, etc.? See Section 6 of Agreement.)		
	In "Detailed Specifications" page 2 section 1, how does one determine whether things are being done using "sound aesthetic management", is there an objective standard or is this merely subjective?		
	Since the Agreement was first prepared, has there been no changes that might require the agreement or the detailed specifications to be		

	modified?		
	<u>OTHER ISSUES</u>		
2	Suggest CDD (perhaps together with HOA) retain a volunteer or commercial vendor to have a drone produce video evidence of condition of lakes, wetlands, uplands, conservation areas, fuel load in those areas, condition of shoreline, dead trees, missing vegetative buffers, etc.		
3	Internal controls policy, proposed amendments		
	Submit Motion to require periodic Management evaluation, establish board committee to prepare evaluation criteria and rating form or use one provided as starter form		
4	Vegetative Buffer Management: Follow-up work needed to lakes 5 & 15 (and possibly other lakes) where shore-sox, geo tubes, or similar material was installed but shoreline sodding was never completed leaving shoreline bare and aesthetically unpleasing. Are there other alternative erosion control solutions: riprap, bulkheads, coconut logs, etc. that might be appropriate to prevent erosion?		
5	Question regarding what is needed to complete cleaning and painting of entrance “bridge” panels facing lakes 1 and 3. This can only be accomplished reasonably at the end of dry season and before the rainy season while water levels are at the lowest levels. Note: There are several volunteers, including me willing to donate paint, generator, power washer and time to accomplish this project.		
6	Copy of 2020/2021 Assessment/Lien roll		
7	Copy of voter file (1,131 eligible voters)		
8	Copy of Bond Indenture		
9	Copy of “Deep Lake Management Plan”? Is CDD in compliance?		
10	Status of Lee County easement work Hancock Bridge Parkway at Moody Road (areas missing re-sodding)		
11	Reference to Minutes 1/9/2020 lines 121-136 relating to removal of excess “fuel” from conservation areas. What plans, if any, do management have related to removing fuel to decrease fire threat to homes adjacent to wetlands/uplands/ conservation areas? Shouldn’t this be something to be taken care of during early months of year before wild fire season of April-May-June?		
12	Bear observed in conservation area. Does CDD have duty to modify signage to warn residents not to allow attractants in or near their homes which might attract bears?		
13	Question regarding Legend on CDD Maintenance Map showing “Green” color as HOA owned/CDD maintained? Is the map accurate as to which parcels of land are HOA owned?		
14	Was there a Newsletter produced in February 2020? Was it posted on CDD website?		
	Reserve the right to add additional items at time of meeting.		