

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

The special meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, July 21, 2011 at 5:20 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Ed Stone	Board Supervisor, Chairman
Rip Ripley	Board Supervisor, Vice Chairman
Julie Guill	Board Supervisor, Assistant Secretary
Paul Stumpf	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary

Also present were:

Scott Brizendine	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Brizendine called the meeting to order and conducted roll call.

THIRD ORDER OF BUSINESS

Discussion on Bid Protest

Mr. Earlywine stated that at the last meeting he presented a settlement offer made by Greenbriar pertaining to the landscape bid protest and the Board had requested that he go back to Greenbriar with a counter offer. He stated that he met with representatives from Greenbriar, who asked him to present their counter offer to the Board, which, generally stated, calls for them to maintain areas B, C, D, and E at an annual cost of \$24,495 plus compensation of \$6,000 in attorney fees. It was stated that Le Te Kim is currently maintaining area D1 and E, as well as Area A. Mr. Earlywine stated that the Board can either accept the settlement offer, move forward with litigation, or make another counter offer.

A request was made that the representatives from Greenbriar leave the meeting during discussions on this matter. Mr. Earlywine informed the representatives that they had every legal right to attend, but they chose to leave.

Opposing opinions were put forth by the Board Supervisors regarding whether or not the Board should accept the settlement offer. Points were discussed about specific claims made against the Board as part of the protest and the discrepancies in the bid package that led to the decision to protest. Concern was expressed with the amount of the settlement offer and the potential costs should they proceed with litigation. A question was posed as to whether there was room to negotiate the contract amount. Mr. Earlywine recommended that the Board either accept the offer at this time or be prepared to go into litigation.

On a Motion by Ms. Quill, seconded by Mr. Stumpf, with four in favor and 1 against (Ed Stone), the Board of Supervisors authorized District Counsel to prepare an agreement approving the settlement offer as discussed and bring it back to the Board for approval at the next meeting for Harbor Bay Community Development District.

Mr. Brizendine called for a recess of the regular meeting at 5:37 p.m.

Mr. Brizendine reconvened the meeting at 5:39 p.m., with all those in attendance at the onset of the meeting still in attendance.

Mr. Earlywine stated that litigation counsel has requested a shade meeting relating to the seawall litigation as soon as possible. A brief discussion ensued regarding the time needed to advertise the shade session. It was decided to hold a special meeting and shade session on August 3, 2011 at 5:00 p.m. at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

FOURTH ORDER OF BUSINESS

**Newland Communities Request for
Summer Concert Series**

Mr. Brizendine stated that he sent an email out to the Board regarding Newland's request for a Summer Concert Series at the pool (Jammin at Mirabay) to run every other Saturday through October 20th. A letter from Newland Communities apologizing for not seeking prior authorization to hold these events and an article that ran in a local paper was read into the record. The letter also requested permission to invite guests under the "Guest for a Day Program". A brief discussion ensued regarding the "Guest for a Day Program" and a request was made to have information provided to the Board relating to how cards, etc. are distributed. It was decided to table this portion of the request until the procedures for issuing these passes have been reviewed by District Counsel and District Manager.

On a Motion by Mr. Stone, seconded by Ms. Guill, with all in favor, the Board of Supervisors approved the concert series sponsored by Newland Communities, but tabled action on the "Guest for a Day Program" for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

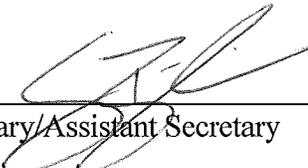
**Supervisor Requests & Audience
Comments**

Mr. Hatcher stated that he has been asked by residents to justify the way he voted on certain items that have been addressed during Board meetings and asked to be given the opportunity to explain his reasoning. He explained that Le Te Kim was not paid for the OTC injections prior to this year and Richard Bailey has a long history of doing inspections for Mr. Kim including one that was referenced in Mr. Stumpf's report. Mr. Hatcher stated that all of the arborist's reports contained pages of disclaimers on the OTC injections, and his research shows that the District has 400 trees that require this type of treatment and over the past 8 years only 10 trees have failed (i.e., less than 3%) and there is no evidence indicating that they died from the disease, so in his mind, the numbers do not warrant expending additional funds for an arborist at this time.

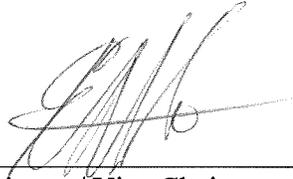
SIXTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stumpf, seconded by Mr. Hatcher, with all in favor, the Board adjourned the meeting, at 6:00 p.m. for Harbor Bay Community Development District.



Secretary/Assistant Secretary



Chairman/ Vice Chairman