
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 meeting of the Board of Supervisors of the Harbor Bay Community Development District was held on **Thursday, January 7, 2010 at 6:30 p.m.**, at the Mira Bay Clubhouse in the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572.

Present and constituting a quorum were:

Laura Ackerman	Board Supervisor, Vice Chairman
Ed Stone	Board Supervisor, Assistant Secretary
Tom Hatcher	Board Supervisor, Assistant Secretary
Rip Ripley	Board Supervisor, Assistant Secretary

Also present were:

Jonathan Miller	District Manager, Rizzetta & Company, Inc.
John Toborg	Operations Manager, Rizzetta & Company, Inc.
Pete Williams	Director of District Management Services, Rizzetta & Company, Inc.
Scott Smith	Community Association Manager, Rizzetta & Company, Inc.
A. Montes de Oca	Administrative Assistant, Rizzetta & Company, Inc.
Biff Craine	District Counsel, Bricklemyer Smolker & Bolves
Jamie Scarola	District Engineer, Scarola Associates
Karla Gibson	Representative, WTS

Audience

FIRST ORDER OF BUSINESS

Call to Order

Mr. Miller called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meeting held on November
24, 2009**

Ms. Ackerman stated that on page four of the minutes, a correction needed to be made to list "Thursday through Sunday" instead of "Thursday through Saturday." Mr. Scarola noted that on page six, the minutes should state "developer" instead of "development."

On a Motion by Ms. Ackerman, seconded by Mr. Ripley, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on November 24, 2009 as amended for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meeting held on December 17, 2009

Ms. Ackerman stated that on page seven of the minutes; Mr. Gelston's name was listed. She stated that he had not been present at the meeting. Mr. Miller stated that a correction would be made to list Thomas Griggs as the proper speaker. Mr. Ripley stated that on page two of the minutes, his statement should read "...all coolers..." instead of "...all beverage coolers..." Mr. Ripley stated that on page four, "proccessional" needed to be changed to "professional." Mr. Ripley also questioned whether on page five, Mr. Scarola's statement should read "in times of rain the number of seawall related maintenance reports *increased*" instead of "*decreased*." Mr. Scarola confirmed that in times of rain the number of complaints increased.

On a Motion by Ms. Ackerman, seconded by Mr. Hatcher, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on December 17, 2009 as amended for Harbor Bay Community Development District.

Mr. Miller noted that there would be no operation and maintenance expenditures to approve for that day's agenda as the District's meeting date moved up and the packages would not be ready for approval until the twentieth of the month.

FOURTH ORDER OF BUSINESS

Update and Discussion Regarding Operations Manager Replacement

Mr. Miller stated that at that time he would like to move the order of the agenda to allow District Management to speak regarding the replacement of the Operations Manager. Mr. Williams addressed the Board and stated that most of the audience should be aware that Scott Smith had tendered his resignation and would be leaving at the end of the month. He noted that Mr. Smith's position involved multiple duties which were divided between the community development district (CDD) and the homeowner's association (HOA). He stated that there had been several proposals given to the HOA, which they would be reviewing and making final decisions on later that month.

Mr. Williams explained how their decision impacted the District and provided recommendations until a determination was made regarding a replacement. Mr. Williams recommended that at the end of the month, in the interim, the District remove Mr. Smith's services from the contract and move forward by increasing the staff hours of Kristy and Bob. In addition, he stated that Operations Manager, John Toborg, would be made available for input regarding landscaping and pond maintenance issues. He stated that the additional time and services would be at no additional costs at that time. Mr. Williams explained that the District would be saving approximately seventy to eighty thousand dollars by implementing the proposed program. He stated

that the District may determine that the new program would enable the District to save money and still have the community maintained at its proper and warranted level. Mr. Williams stated that if, however, after the interim, the District felt it wanted to replace the Operations Manager, they could look into that and whether they wanted someone licensed or unlicensed. Discussion ensued.

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved that the District enter into an interim staffing arrangement with Rizzetta Amenities, minus the operation manager, for a sixty day trial period, with the determination to be made at the end of the sixty days as to whether or not to replace the operations manager position, with fees to be finalized as authorized by the Board in conjunction with Mr. Ripley for Harbor Bay Community Development District.

Mr. Ripley stated that he would like to open the floor to audience comments at that time.

- 1) Resident, Ken, stated that he would like to see a matrix presenting each of the District's proposed replacement and staffing options indicating the number of hours and licensure status for each option. He also expressed his concern with the capability of each option and whether the District would be losing something.
- 2) Resident, Paul, addressed the Board and agreed that a matrix should be provided to show projected costs. He stated that he did not feel the District has gotten the services from the start.
- 3) Mr. Hatcher brought the issue of the proximity cards up for discussion. Resident, Ken, requested clarification regarding the separation of the CDD and HOA entities and how they relate to unpaid assessments.

Mr. Williams explained that the District had no jurisdiction to shut that off, even if there were unpaid CDD assessments. He stated that there were other legal recourses but that they would greatly outweigh the assessments themselves.

FIFTH ORDER OF BUSINESS

Review of District Financials, Current Summary

Mr. Miller brought the discussion back to the Board. He stated that there were no financial statements to present to the Board at that time, however that he had prepared a financial snapshot indicating the District's current position. He stated that the District had collected one point four million dollars in assessments at that time. Mr. Ripley stated that he was concerned about the collections as compared to last year and requested to see a comparison of current year collections to last year's collections at the next meeting.

SIXTH ORDER OF BUSINESS

Discussion and Consideration of Atlas Professional Services Proposal

Mr. Miller presented the proposal from Atlas Professional Services regarding the information technology upgrade and maintenance for the District. He explained that this item had been budgeted for and that all equipment in the proposal was being offered at cost. Discussion ensued. Ms. Ackerman asked if District Management could obtain other proposals. Mr. Miller stated that they could.

SEVENTH ORDER OF BUSINESS

Consideration of Revised Meeting Schedule

Mr. Miller stated that the next item on the agenda was the consideration of a revised meeting schedule as previously requested by the Board. Discussion ensued.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board approved to change the District's meeting schedule to every 4th Thursday, with the exception of February, in which the meeting would be held on February 18th, from 5:30 p.m. to 8:30 p.m. at Mira Bay Clubhouse in the Lagoon Room, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33572, for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Discussion Regarding Final Draft of Landscape Maintenance Services RFP

Mr. Toborg addressed the Board and reviewed the changes to the Landscape Maintenance Services RFP. Mr. Ripley stated that he did not want the RFP to require uniforms from the vendors and asked that the Board vote to determine whether to require them. A vote was taken, with three against, (Mr. Ripley, Mr. Stone, and Mr. Hatcher) and one in favor, (Ms. Ackerman). It was the consensus of the Board to not require uniforms from the vendors. Mr. Toborg stated that he would change the RFP accordingly. Discussion ensued regarding various changes to the RFP.

On a Motion by Mr. Hatcher, seconded by Mr. Stone, with all in favor, the Board approved the final form of the Landscape Maintenance Services RFP as amended and by way of this motion, District Management is hereby authorized to place all necessary advertisements required by applicable law for successful RFP delivery and execution for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Mutual Release Agreement with CapSure, Inc

Mr. Craine explained to the Board and audience that the District had agreed to enter into an agreement with CapSure, Inc. He explained that at their request, an additional paragraph (paragraph twelve) had been added. Mr. Craine explained that if the Board approved, the agreement was ready for execution.

Mr. Toborg left the meeting in progress.

On a Motion by Mr. Ripley, seconded by Mr. Stone, with all in favor, the Board approved the Mutual Release Agreement with CapSure, Inc. as presented for Harbor Bay Community Development District.

TENTH ORDER OF BUSINESS

**Discussion and Consideration on Declaring
a WTS District Representative Designee**

Mr. Miller recommended that the nominee be a Board member or someone who had some background knowledge on how the district operated and functioned.

Ms. Ackerman nominated Mr. Ripley. Mr. Ripley declined and nominated Mr. Stone. Mr. Miller asked if there was a second to nominate Mr. Ripley. There was none.

On a Motion by Ms. Ackerman, with none in favor, the motion failed to nominate Mr. Ripley as the District Representative Designee for Harbor Bay Community Development District.

Mr. Hatcher seconded the nomination for Mr. Stone.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, the Board approved to nominate Mr. Stone as the District Representative Designee for Harbor Bay Community Development District.

ELEVENTH ORDER OF BUSINESS

Staff Reports

District Engineer

1. Mr. Scarola stated that he had received the proposed agreement regarding the riprap repairs as forwarded to his office that day by District Counsel. He stated that he had begun to review the agreement and wanted to discuss it further with District Counsel.
2. Mr. Scarola stated that he had also received the proposed schedule for the 2010 Bond Refunding and that these were the two items he was currently working on.

Mr. Miller asked if there were any questions. There were none.

District Counsel

1. Mr. Craine stated that they had received the proposed agreement for riprap repairs as well as the funding agreement. He stated that they had not had a chance to review them in detail and recommended that the Board either authorize the Chairman to execute the agreement with any changes to be reviewed by the Board, or to table this item until the February meeting.

It was the consensus of the Board to table this item.

2. Mr. Craine informed the Board that the depositions would begin that month.

Mr. Miller asked Mr. Scarola to briefly explain the riprap repairs. Mr. Scarola stated that in general, the repairs were developer funded. He stated that there were areas where the work had been done that appeared to be different aesthetically than other areas. He explained that some areas were at more risk in general and that most of the areas were within the resident's individual properties. He stated that some residents were concerned and that the developer originally did the best they could with getting the whole thing to look reasonable. He explained that since it was funded through the CDD, the current issue was how the repairs would be done without the District becoming responsible for all future repairs.

Mr. Hatcher requested that Mr. Scarola provide a map of the areas to be repaired at the next meeting. Mr. Scarola stated he would do so.

District Manager

1. Mr. Miller stated that the next regularly scheduled meeting would be held on February 18, 2010 from 5:30 p.m. to 8:30 pm.
2. Mr. Miller stated that Mr. Kim had graciously agreed to offer free hand-watering for the months of December 2009, January 2010, and February 2010.

Mr. Ripley requested that a Thank You card be sent to his office. Ms. Ackerman inquired whether Mr. Miller had followed up with the previous invoices. Mr. Miller stated that the request had been put in and that he was waiting to hear from their office.

3. Mr. Miller stated that a draft of the Amenity Center RFP would be presented at the February meeting as well as the preliminary 2010-2011 Budget.

Mr. Scarola left the meeting in progress.

Operations Manager

1. Mr. Smith addressed the Board regarding the visitor passes. He stated that at present residents and visitors sign-in at the clubhouse and provide a \$25 dollar check as a deposit for the card. He stated that there had been issues in receiving and returning the checks. He proposed that the Board consider selling the visitor passes with an ID number to be authorized for a specific period of time. The Board requested that a proposal be drafted to be presented at the next meeting.

Mira Bay Clubhouse Manager

1. Ms. Gibson stated that she had requested authorization to purchase replacement equipment for the spa. Discussion ensued.

On a Motion by Mr. Stone, seconded by Mr. Ripley, with all in favor, the Board approved District Staff to purchase replacement equipment as discussed in an amount not to exceed \$1,000 for Harbor Bay Community Development District.

2. Ms. Gibson stated that she had received a request from a nonresident swim team to come and use the facilities for the winter season. Discussion ensued. It was the consensus of the Board to table this item until various items had been considered, including the non-resident fee structure.
3. Ms. Gibson stated that equipment needed to be purchased for the kayaks which were recently donated.

TWELFTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Supervisor Requests and Comments

1. Mr. Ripley stated residents had requested an area on the reserve islands to be trimmed so that eagles could continue to use the post for nesting.

Mr. Williams stated that the violations for going anywhere near an eagle's nesting area were outstanding.

Mr. Ripley stated that he had received a number of requests for the next newsletter to include a short but accurate description of the job requirements and duties of the HOA versus the CDD.
2. Mr. Hatcher inquired regarding previous proposals for various trees. Mr. Miller and Mr. Smith explained that the work had been completed with the exception of the special order tree which they were waiting to plant in case of a freeze.
3. Ms. Ackerman stated that the bid for WTS needed to start.

Audience Requests and Comments

1. Resident, Ken, stated that the Board should be cautious with the non-resident swim team's request and that there was a potential for a love-hate relationship there.
2. Mr. Allen questioned what the Board's response would be if additional kids wanted to use the pool after allowing the non-resident swim team to use the facilities. He also questioned the Board regarding the potential liability involved.
3. Resident, John, thanked the Board for holding the meetings in the evenings.
4. Mr. McNeil advised the Board to conduct an audit as the District moved forward with the Rizzetta contract, in order to compare hourly rates. He stated that an answer had still not been given regarding the \$30,000 difference.
5. Resident, Paul, asked for an update regarding the Teco status. He also expressed his confusion regarding the amenity facility visitor policy.

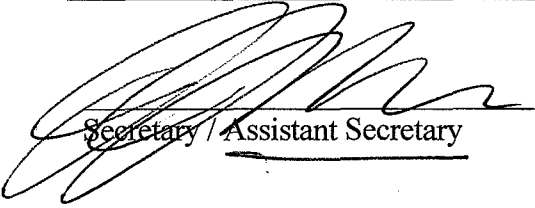
Mr. Miller stated that he had not heard back from them at that time. Discussion regarding the amenity facility use ensued.

6. Resident, Christy, addressed the audience in regards to Paul's comments and stated that the visitor cards had been set up to allow residents, not friends, to use the facilities.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Stone, seconded by Ms. Ackerman, with all in favor, the Board adjourned the Board of Supervisors' Meeting at 9:04 p.m. for Harbor Bay Community Development District.



Secretary / Assistant Secretary



Chairman / Vice Chairman