

MINUTES OF MEETING

**HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Harbor Bay Community Development District Board of Supervisors was held **Monday, November 15, 1999 at 1:45 p.m.** at the offices of Shimberg Cross Company, located at 611 West Bay Street, Tampa, Florida 33606.

Present and constituting a quorum were:

Glen Cross	Supervisor
Harry Lerner	Supervisor
John Paulk	Supervisor

Also present were:

Pete Williams	District Manager
Jamie Scarola	Scarola Engineering
Cheryl Stuart (via speaker phone)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

**Consideration of Minutes of Board of Supervisors'
Meeting on November 1, 1999**

Mr. Williams stated that the next order of business was the consideration of the minutes of the Board of Supervisors' Meeting on November 1, 1999, which are located behind tab 1. He pointed out that there were several minor typos. One is on page 6 under the Ninth Order of Business in the second to last sentence. We have added that the assessments have the same dignity as the county and city taxes. The second one is on page 7 under District Engineer. Beginning with the second paragraph, the new wording is as follows: This same fee structure has been agreed to between Scarola & Associates and the District for Scarola & Associates to provide ongoing services as the District Engineer for the District. Mr. Williams asked if there were any other additions, deletions or corrections to the minutes. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Cross, seconded by Mr. Lerner, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting dated November 1, 1999 (with corrections as noted) for the Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

**Review and Approval of District Engineer's
Contract**

Mr. Williams stated that the next order of business is the review and approval of the District Engineer's contract, which has been distributed to the Board. This contract is based on recommendations from District Counsel and has been reviewed by District Counsel, Jamie Scarola and Pete Williams at least once, if not twice. Mr. Williams asked Ms. Stuart if she had any comments she would like to make in regards to the contract. Ms. Stuart replied that it is a standard, general contract that will allow the engineer to provide whatever engineering services are necessary on a work authorization by work authorization basis. Mr. Williams asked the Board if they had any questions regarding the contract. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Lerner, seconded by Mr. Paulk, with all in favor, the Board approved the District Engineer's Contract for the Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 00-07
Amending the 98/99 Budget**

Mr. Williams stated that the next order of business is the consideration of Resolution 00-07, amending the 1998/1999 budget. For the Board's information, this is purely an accounting function. The Auditor General's office of the State of Florida requires that governmental entities balance or adjust their budget based on spending habits throughout the year or income habits (if that may be the case). Basically, the District needs to take from one line where they've gone over budget and move from other budget line where they're under budget. Some funding from Legal Advertising was removed and contributed to the District Counsel line to balance that out. Mr. Williams asked if there were any questions or concerns regarding this resolution. Mr. Williams stated that, as a general practice, the budget adjusting will be done on a quarterly basis as recommended by the Auditor General's office. Mr. Williams asked for a motion to approve Resolution 00-07.

On a MOTION by Mr. Lerner, seconded by Mr. Cross, with all in favor, the Board approved Resolution 00-07 for the Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Funding Request 00-02

Mr. Williams stated that the next item on the agenda was the consideration of Funding Request 00-02, which is located behind tab 3. He stated that the total amount of the funding request is \$6,563.74. It consists of contractual fees for District Counsel, District Management and fees generated by The Tampa Tribune legal advertising. Mr. Williams asked if there were any questions from the Board regarding this request. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Paulk, seconded by Mr. Cross, with all in favor, the Board approved Funding Request 00-02 for the Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Ms. Stuart stated that, at the last meeting, she indicated she would provide an update on issues relating to legislation that might effect the District. Most of the pre-filed bills that she has reviewed to date involve operations that this District is not involved in, particularly utility issues. There are a few tax-related bills that will effect this District, but not in a way that is different from their effect on local governments, meaning when things get on the tax roll and when they don't and how property appears and the like and, while that might effect the District in the future, it is not a bill targeted at CDD's or dealing specifically with CDD's but with that whole process generically. Ms. Stuart stated that she has reviewed all the legislation getting pre-filed and will keep the District up to speed. She stated she expects there to be some legislation, perhaps dealing with 190, but certainly with the way that non-ad valorem assessments get collected and the process by which they go on the roll. She further stated that she would be watching for that legislation. As of this moment, there is nothing specific for this District to be concerned about.

B. District Engineer

Mr. Williams stated that he had an update on the Engineering Report for bond financing. A preliminary report was submitted at the last meeting. There have been a number of changes and Mr. Williams asked Jamie Scarola to review them for the Board. Mr. Scarola stated that he had passed out Draft 3 of the Capital Improvement Plan for the District. This draft has not changed the estimate of cost, but it has changed in format only. The format changes were agreed to with District Counsel and District Manager. Mr. Williams asked Ms. Stuart if there were any comments she would like to make. Ms. Stuart stated that the changes were an attempt to make it clear as to what the District was proposing versus what the requirement of the DRI, etc. and the requirement of permitting. It is primarily an attempt to keep the terminology consistent throughout. Mr. Williams stated that they did not want to have it sound like the District was going to do some things, but that we were gearing more toward the acceptance of requirements that may be imposed upon the activities that will be undertaken. Mr. Scarola stated there was one additional modification he would like to make. He wanted to change the acreage and unit numbers under the background paragraph, to agree with the numbers originally petitioned for to the County. A comment was made that the acreage was approximately 750 and the units are closer to 1,750. Mr. Williams stated it would be appropriate, if the Board has no further questions or concerns, to approve this Engineering Report, pending the changes in acreage and units.

On a MOTION by Mr. Lerner, seconded by Mr. Cross, with all in favor, the Board approved the Engineering Report (pending the changes) for the Harbor Bay Community Development District.

Mr. Williams stated that a bill has been received from Scarola & Associates, based on the interim contract for working on the information that was reviewed this morning. Normally, the bill would be held and paid out of bond proceeds. Mr. Scarola has asked if this bill could be funded at the present time. Mr. Williams recommended that the bill be presented to the Developer and ask the Developer to fund this. They can bring it back at bond closing as a reimbursable expense to them and receive their funding back. Ms. Stuart stated that it might be appropriate for the District to approve the invoice. Mr. Williams asked for a motion by the Board to approve Invoice #12153 from Scarola & Associates in the amount of \$4,609.38 for work provided based on the interim funding agreement with the

intention that the Developer would fund this and then be reimbursed at bond closing.

On a MOTION by Mr. Lerner, seconded by Mr. Paulk, with all in favor, the Board approved Invoice #12153 from Scarola & Associates for the Harbor Bay Community Development District.

C. District Manager

Mr. Williams stated, for the Board's information, the current financial statements are located behind tab 4.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Williams stated that the next item on the agenda is Supervisor's Requests and Audience Comments. He asked if there were any requests. There was no audience and there were no requests from the Supervisors. Mr. Williams verified that the date of the next Board meeting is December 20, 1999 at 1:30 p.m.

EIGHTH ORDER OF BUSINESS

Adjournment

Mr. Williams then asked for a motion to adjourn.

On a MOTION by Mr. Cross, seconded by Mr. Lerner, with all in favor, the Board adjourned the meeting for the Harbor Bay Community Development District.



Pete Williams
District Manager Secretary



~~Glen Cross~~ Chairman
BRIAN SEWELL