

MINUTES OF MEETING

**HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Harbor Bay Community Development District Board of Supervisors was held **Tuesday, November 20, 2001 at 9:40 a.m.** at the offices of Terrabrook, located at 3505 Frontage Road, Suite 145, Tampa, Florida 33607.

Present and constituting a quorum were:

Mike Dady	Board Supervisor
Kathy Jacobs	Board Supervisor
Debbie Jones	Board Supervisor
Brian Sewell	Board Supervisor

Also present were:

Pete Williams	District Manager
Toxey Hall	District Engineer
Jonathan Johnson	District Counsel
Steve Gamm	Terrabrook

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

**Consideration of the Board of Supervisors'
Meeting Minutes on October 16, 2001**

Mr. Williams stated that the first item on the agenda is the consideration of the minutes of the Board of Supervisors' meeting on October 16, 2001 (located behind tab 1 in the agenda package). He asked if there were any additions, deletions or corrections to the minutes. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on October 16, 2001 for Harbor Bay Community Development District.
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THIRD ORDER OF BUSINESS

Consideration of Auditing Proposal

Mr. Williams stated that the next item on the agenda is the consideration of a proposal for the fiscal year 2000/2001 audit services from Stuart Angelo & Company (the only respondent to the advertisement for bid). This firm did the audit for the prior fiscal year. They are proposing that the District commits to a five-year timeframe. A brief discussion ensued regarding the price and experience of the respondent.

On a MOTION by Mr. Sewell, seconded by Ms. Jacobs, with all in favor, the Board authorized District Staff to begin negotiations with Stuart Angelo & Company for auditing services for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Earthwork and Seawall
Construction Staking Proposal**

Mr. Williams stated that the next item on the agenda is to consider a Heidt & Associates proposal for earthwork and seawall staking (located behind tab 2). Mr. Hall reviewed the proposal for the Board. He stated that it was a lump sum contract for the earthwork and seawall construction staking. Mr. Williams asked if there were any questions. Mr. Johnson asked if this proposal was pursuant to the master contract between Heidt & Associates and the CDD for their work as District Engineer (which was competitively solicited). Mr. Hall stated that it is. This proposal contains no as built. There were no further questions or comments.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board approved the Heidt & Associates earthwork and seawall construction staking proposal for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Special Seawall Locations
Proposal**

Mr. Williams stated that the next item on the agenda is the consideration of the Mortensen Engineering special seawall locations proposal. The lump sum cost estimate is \$13,560. Mr. Hall explained that this proposal includes a new pump station, new pond areas and new Phase 1 roadways. These items were not originally contemplated. Mr. Williams stated that Mortensen had previously been appointed as the District geotechnical engineering firm. He confirmed with Mr. Hall that this proposal is in the scope of what a geotechnical engineer does and is specific work and that anything outside of this proposal would be covered by the main contract with Mortensen Engineering. Mr. Hall stated that it was.

On a MOTION by Mr. Dady, seconded by Ms. Jacobs, with all in favor, the Board approved the Mortensen Engineering special seawall locations proposal for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Amenity Center/Tennis Center
Proposal**

Mr. Williams stated that the next item for discussion is a consideration of a Heidt & Associates proposal for engineering services for the amenity center and tennis center (located behind tab 4). This is a lump sum proposal for \$28,000. Mr. Hall gave an overview of what these services include. Mr. Williams stated that this is within the scope of the District Engineer to provide these services and the main contract would supercede any inconsistencies in case of a liability and risk issue. Mr. Hall confirmed this.

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On a MOTION by Mr. Dady, seconded by Ms. Jones, with all in favor, the Board approved the Heidt & Associates amenity center/tennis center proposal for Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Authorization to Disburse
District Funds 02-02**

Mr. Williams stated that the next order of business is the consideration of the Authorization to Disburse District Funds 02-02, located behind tab 5 in the agenda package. He asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On a MOTION by Mr. Sewell, seconded by Ms. Jacobs, with all in favor, the Board approved Authorization to Disburse District Funds 02-02 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Construction Requisitions
#18-#40**

Mr. Williams stated that the next agenda item is to consider construction requisitions #18 through #40 (recap is located behind tab 6). Mr. Johnson reviewed the requisitions for the Board and stated that the District entered into an Acquisition Agreement with Terrabrook Apollo Beach LP in conjunction with the sale of the first series of capital improvement revenue bonds. The District acquired the right to utilize a number of work product matters and permits, which had been initially procured by Terrabrook in anticipation of the District's improvement program funded by bonds. Mr. Johnson asked Mr. Hall if he had reviewed requisition #'s 22, 24, 28-30 and 38 and concurred that \$21,810.75 for costs relating to permitting matters are appropriate for acquisition under the agreement. Mr. Hall stated that he has reviewed them and concurs and will provide an engineer's certificate. There were no further questions and Mr. Williams asked for a motion.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board approved Construction Requisitions #18 through #40 (#34 had previously been approved) for Harbor Bay Community Development District.

Mr. Williams asked the Board to consider Woodruff & Sons pay application no. 4. The District Engineer has signed off on it. Mr. Hall stated that he would contact Woodruff & Sons to correct an amount discrepancy not recognizing the 10% paid to date for the resistance flow structure. There were no further questions.

On a MOTION by Mr. Dady, seconded by Mr. Sewell, with all in favor, the Board approved Woodruff & Sons pay application no. 4 for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Construction Matters

Mr. Williams stated that the next item on the agenda is the consideration of any construction matters. He stated that an advertisement had been placed for a request for architect proposals. Basham Design Group and GLE Associates,

Inc. both submitted proposals. A brief discussion ensued regarding the qualifications and experience of the two firms. Mr. Williams asked if there were any further questions or discussion. There was none.

On a MOTION by Mr. Sewell, seconded by Ms. Jones, with all in favor, the Board approved Basham Design Group as architectural firm for Harbor Bay Community Development District.

Mr. Hall asked if upcoming Basham invoices need to be approved by the Board prior to being paid. Mr. Johnson stated that the District has approved a resolution that authorizes payment of invoices provided they are consistent with the contract. The Board then ratifies the request after it is approved. The Woodruff & Sons change order was briefly discussed.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Johnson stated that his firm name had changed to Hopping Green & Sams.

B. District Engineer

No further report.

C. District Manager

Mr. Williams stated that the current financial statements have been distributed to the Board. The current Investment Management Report is located behind tab 7.

Mr. Williams reminded the Board that there is a Board Supervisor vacancy. Mr. Sewell nominated Steve Gamm and it was seconded by Mr. Dady. There were no further nominations.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board appointed Steve Gamm for Harbor Bay Community Development District.

Mr. Williams stated that he would read the oath of office and ask Mr. Gamm to so swear and affirm. He read the oath and Mr. Gamm so swore and affirmed. Mr. Williams is a notary for the state of Florida and thereby authorized to administer such oath. Mr. Johnson stated that Mr. Williams needs to supply Mr. Gamm with the required financial disclosure form so that it can be filed with the county in which Mr. Gamm resides. Mr. Johnson informed Mr. Gamm of the Sunshine Law that he needs to abide by and that the records relating to the District are public records.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

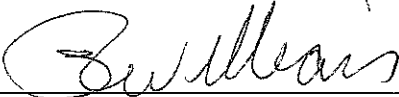
Mr. Williams stated that the next item on the agenda is Supervisor Requests and Audience Comments. There was no audience in attendance other than those noted at the beginning of the meeting. There were no comments. He asked if there were any Supervisor requests. A question was asked about the Investment Management Report. Mr. Williams stated that he would have Mr. Wertz contact Ms. Jacobs to clarify what actions were taken.

TWELFTH ORDER OF BUSINESS


Adjournment

Mr. Williams stated that there were no further agenda items scheduled for discussion and asked for a motion to adjourn.

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



Pete Williams
District Manager



Brian Sewell
Chairman