

**MINUTES OF MEETING  
HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Harbor Bay Community Development District Board of Supervisors was held on **Tuesday, February 17, 2004 at 9:05 a.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Lisa Wrenn	<b>Board Supervisor, Assistant Secretary</b>
Suzi Greene	<b>Board Supervisor, Assistant Secretary</b>
Don Whyte	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Management, Rizzetta &amp; Company, Inc.</b>
Jonathan Johnson	<b>District Counsel, Hopping Green &amp; Sams, P.A</b>
Al Getz	<b>Site Supervisor, HOA</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Williams called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes of the  
Board of Supervisors' Meeting  
on January 30, 2004**

Mr. Williams stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meeting held on January 30, 2004 (located behind tab 1). Mr. Williams asked if there were any additions, deletions or corrections to the minutes. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Mr. Whyte, seconded by Ms. Greene with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on January 30, 2004 for Harbor Bay Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Authorizations  
to Disburse District Funds 2004-05  
and 2004-05A**

Mr. Williams stated that the next item on the agenda is the consideration of the Authorizations to Disburse District Funds 2004-05 and 2004-05A (located behind tab 2). He stated that Disbursement 2004-05 consists of invoices for standard contractual commitments, administrative fees, and annual disclosure fee from Prager, Sealy & Co., LLC. Disbursement 2004-05A consists of invoices related to the amenity center. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Mr. Whyte, seconded by Ms. Greene, with all in favor, the Board approved the Authorizations to Disburse District Funds 2004-05 and 2004-05A for Harbor Bay Community Development District.

*(The Board took a brief recess.)*

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2002  
Construction Requisitions #209-#223**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #209-#223 (recap located behind tab 3). He stated that each of the requisitions has been approved by the Chairman and certified by the District Engineer. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Ms. Greene, seconded by Mr. Whyte, with all in favor, the Board approved Series 2002 Construction Requisitions #209-#223 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of District Website  
Proposal**

Mr. Williams stated that the next item on the agenda is the consideration of a proposed contract from Rizzetta & Company, Inc. for the development and maintenance of an official District website (behind tab 4). The website would be a municipal grade site that would provide an avenue for information to be disseminated to the general public. The initial start-up cost would be \$3,500. There would also be an on-going maintenance fee of \$100 monthly. He asked if there were any comments from the Board. There were none.

On MOTION by Ms. Greene, seconded by Ms. Wrenn, with all in favor, the Board approved the District website contract with Rizzetta & Company, Inc. (\$3,500 set-up, \$100 monthly) for Harbor Bay Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposals**

Mr. Williams stated that there are several proposals for the Board to consider today (distributed under separate cover). The first proposal is from ITS Irrigation Systems for the consolidation of the current maintenance areas. The proposal totals \$1,545 monthly. Additional hourly rates for service calls are also included. Mr. Whyte stated that he has received information that this contractor is not performing satisfactorily on their current contracts. He suggested that additional quotes be solicited for comparison. He also suggests that the level of service currently being provided by ITS Irrigation Systems be confirmed. Mr. Williams suggested that this item be tabled. In the interim, the Board authorized District Management to hire another contractor to provide irrigation services.

On MOTION by Mr. Whyte, seconded by Ms. Greene, with all in favor, the Board authorized the District Manager to hire an interim irrigation maintenance contractor (until a formal contract has been executed by the Board) for Harbor Bay Community Development District.

Mr. Williams stated that the next proposal for consideration is from Kim's Landscape for the mowing of the 11 retention ponds throughout the community. The proposal totals \$2,500 monthly. He asked if the Board would like to table all of the maintenance proposals until the current levels of service can be confirmed. Mr. Whyte stated that he has not heard anything negative regarding the pond maintenance contractor. Mr. Johnson recommends that the proposal not be executed as presented by rather the proposal will be included as an attachment to the standard maintenance agreement.

On MOTION by Mr. Whyte, seconded by Ms. Wrenn, with all in favor, the Board approved the pond maintenance proposal with Kim's Landscape (\$2,500 monthly), as incorporated into the standard contract form for Harbor Bay Community Development District.

Mr. Williams stated that a second proposal has been received from Kim's Landscaping regarding palm tree and shrubbery maintenance, weeding and Bermuda sod maintenance for Parcel 7. This proposal totals \$500 monthly. This will be an addendum to the current contract.

On MOTION by Ms. Wrenn, seconded by Mr. Whyte, with all in favor, the Board approved the landscape maintenance contract addendum with Kim's Landscape (\$500 monthly) for Parcel 7, as incorporated into the standard contract form for Harbor Bay Community Development District.

Mr. Williams stated that the final proposal is from Architectural Fountains, Inc. for quarterly service on the entrance fountains. The total cost per visit is \$140 (\$560 annually). He stated that this is the firm that installed the fountains originally. He asked if there were any questions. There were some general clarifications, but no changes were recommended.

On MOTION by Mr. Whyte, seconded by Ms. Greene, with all in favor, the Board approved the quarterly fountain maintenance proposal from Architectural Fountains, Inc. (\$140 per visit, \$560 annually), as incorporated into the standard form of contract, provided that the first visit be performed immediately for Harbor Bay Community Development District.

## SEVENTH ORDER OF BUSINESS

### Staff Reports

#### A. District Counsel

Mr. Johnson briefly reviewed his qualifications and the qualifications of his firm. He noted that Hopping Green & Sams, P.A. represents approximately 50 CDDs throughout the state and employs 6 attorneys (2 Partners, 2 Senior Level Associates, and 2 Junior Level Associates) who handle only CDD-related business. His firm has represented this District since its inception. He noted that the firm coordinates the schedules of the numerous CDD meetings around the state, in an effort to economize expenses for the traveling partners. The actual travel time is not billed to the client; however, traveling expenses are shared on a pro rata basis between the various CDDs. He noted that he understands the Board's desire to consider a local-based firm and would be happy to facilitate a transition of counsel.

Mr. Whyte stated that there is not an issue relating to the quality of legal services being provided. He is primarily concerned that local based counsel will become even more important as residents begin to move in. He suggests that this transition occur over the next couple of meetings. He appreciates that Mr. Johnson has offered to assist with this transition. The Board directed District Management to request qualifications from local firms. Mr. Johnson stated that he will submit his resignation to become effective upon acceptance of the Chairman. Mr. Williams stated that the decision to replace would be based on the availability of local representation. He further commented that Mr. Johnson has served the Board admirably.

B. District Engineer

Not present.

C. District Manager

Mr. Williams stated that Steve Gamm has submitted his resignation form the Board. Mr. Williams asked for a motion to accept the resignation.

On MOTION by Mr. Whyte, seconded by Ms. Wrenn, with all in favor, the Board accepted the resignation of Steve Gamm from the Board of Supervisors for Harbor Bay Community Development District.

Mr. Williams noted that Mr. Gamm held the position of Chairman. In the meantime, Brenda Kunkel, who holds the position of Vice Chairman, will execute all District documents. Mr. Johnson stated that the Board may consider designating a new Chairman today. Mr. Williams asked if there were any nominations for a Chairman.

On MOTION by Ms. Greene, seconded by Ms. Wrenn, with all in favor, the Board designated Don Whyte as Chairman for Harbor Bay Community Development District.

Mr. Williams stated that it would be appropriate for the Board to consider appointing a replacement Supervisor to fulfill the unexpired term of Mr. Gamm (to expire 2006). He asked if there were any nominations for a replacement Supervisor. The Board tabled this item until the next meeting.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

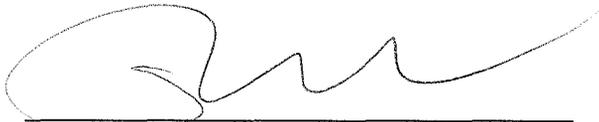
Mr. Williams stated that the next item on the agenda is Supervisor requests and audience comments. The only audience members in attendance were those individuals identified at the beginning of the meeting. He asked if there were any Supervisor or audience comments. There were none.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Mr. Williams stated that there were no further agenda items to come before the Board and asked for a motion to adjourn.

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



Pete Williams  
Secretary



W. Don Whyte  
Chairman