

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, February 17, 2016 at 6:00 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Bob Collins	Board Supervisor, Chairman
Bob Cribbs	Board Supervisor, Vice Chairman
Ned Carr	Board Supervisor, Assistant Secretary
Joe McNeil	Board Supervisor, Assistant Secretary
Kathy Dukes	Board Supervisor, Assistant Secretary

Also present were:

Greg Cox	District Manager, Rizzetta & Company, Inc.
Angel Montagna	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Eng.
Raul Anaya	Club Director, Rizzetta Amenities
Mindy Anderson	Club Manager
Ashley Atkins	WTS
Amy Gallogy	WTS
John Magnavita	Langan Engineering
Brett Sealy	MBS Capital Markets (via phone)

Audience members

FIRST ORDER OF BUSINESS

Comments from Bob Collins, Chairman

Mr. Collins opened with comments regarding his personal background and his qualifications to serve on the Board. He explained that two residents have filed ethics complaints against him and that he needed to legally defend himself and others who have served on the Board. Mr. Collins further explained the need for legal defense above and beyond the defense provided by the District's insurance policy and presented an agreement for legal services with Mark Herron with Messer Caparello, P.A. (exhibit) which required a \$25,000 advanced deposit and quoted rates of \$300 per hour of which the insurance company would pay \$195 per hour.

48
49 The Board took a 15 minute recess at 6:15 p.m. to allow the Board members to read the
50 documents presented by Mr. Collins.

51
52 At 6:32 p.m., Mr. Cox called the meeting back to order and initiated a roll call to verify
53 that all Board members were still present.

54
55 The Board members discussed the issue and Mr. Earlywine provided additional details
56 regarding the current resolution that provides for Board member legal defense.

57
58 Mr. Cox opened the floor for comments from the attending public regarding this topic.

59
60 Mr. Curley suggested the topic be delayed until the next regular meeting.

61
62 Mr. Peterson identified himself as one of those who made the complaint and indicated
63 there was no lawsuit underway.

64
65 Mr. Winegrad expressed he was tired of the litigation and suggested the complaints be
66 withdrawn.

67
68 Ms. Chi noted that there was an election in November and Board members might change.

69
70 Ms. Guill thanked the Board for their service.

71
72 Ms. Daugherty further addressed the ethics complaints.

73
74 Supervisor McNeil discussed several issues he had with the topic.

75
76 With a motion from Mr. Cribbs, seconded by Ms. Dukes, with all in favor, the Board approved to
77 support the legal agreement for Mr. Collins defense with Mr. Collins declaring a conflict and
78 abstaining from the vote, for the Harbor Bay CDD.

79
80 Mr. Collins was provided a Form 8B Memorandum of Voting Conflict to complete and
81 file with the District.

82
83 **SECOND ORDER OF BUSINESS**

Consideration of Emergency RFP Responses

84
85
86 Mr. Magnavita, with Langan Engineering, delivered a presentation that depicted the
87 current emergency situation with the repairs needed to the seawall at phases 9 through 18 noting
88 that phase 11 was already complete. He explained the proposals that were received from three
89 companies to complete those repairs. The companies were Hecker Construction (current on-
90 site), Kelly Brothers and Shoreline Foundation. He explained that the type of repairs ranged
91 from rip-rap temporary repairs that would eventually need to be removed for future work or the
92 building of new walls.

93

94 The Board discussed the options and merits of each proposal and the associated costs.
95 Prior to making a decision on this topic, the Board opened the floor for comments from the
96 attending public.

97
98 **THIRD ORDER OF BUSINESS**

Audience Comments

99
100 Mr. Curley provided his comments regarding the emergency RFP and the upcoming
101 master RFP.

102
103 Mr. Rozychi discussed the sheeting costs and suggested they be removed from the
104 bidding.

105
106 Mr. Lockom discussed his issues with the emergency RFP and posed questions to the
107 Board. He also expressed his concerns regarding the lack of communication about the
108 emergency RFP and the lack of transparency by not being able to see the proposals prior to the
109 meeting.

110
111 Ms. Guill provided her support for the emergency RFP.

112
113 Mr. Perez discussed his thoughts on a new wall versus the rip-rap proposal.

114
115 At the completion of audience comments, Mr. Earlywine requested that the Board
116 consider a motion to ratify the previous repair work completed by Hecker Construction on Phase
117 11.

118
119 With a motion from Mr. Cribbs, seconded by Mr. Carr, with all in favor, the Board ratified the
120 Chairman's authorization for the previous repair work on the seawall at phase 11 by Hecker
121 Construction for the Harbor Bay CDD

122
123 Mr. Earlywine and Mr. Magnavita next provided responses to the questions that were
124 presented by the audience and the Board members continued to discuss the proposals and the
125 options presented.

126
127 With a motion from Ms. Dukes, seconded by Mr. Collins, with Mr. McNeil opposed, the Board
128 approved the proposal for new wall construction for phases 9-18 (minus phase 11) by Hecker
129 Construction for the Harbor Bay CDD

130
131
132
133
134
135
136
137
138
139

140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185

FOURTH ORDER OF BUSINESS

**Consideration of Master RFP
Consideration of Resolution 2016-01,
Authorizing Master Project RFP**

Mr. Earlywine presented the topic to the Board and addressed questions regarding changes requested to the RFP document by the Board members. Following Board member discussion, Mr. Earlywine summarized the changes that would be made to the RFP.

With a motion from Mr. Collins, seconded by Mr. Cribbs, the Board adopted Resolution 2016-01, Authorizing Master Project RFP, for the Harbor Bay CDD.

FIFTH ORDER OF BUSINESS

**Discussion Regarding Bond Financing &
Consideration of Bond Financing Team
Agreements**

Consideration of MBS Engagement Letter

Mr. Earlywine introduced the topic of the potential bond refinancing and issuance and requested that Mr. Sealy attending by phone to provide information to the Board. Mr. Sealy provided his company's background with the District and the work MBS Capital Markets has completed with other Districts.

The Board discussed the merits of the potential bond refinancing and other options for financing the seawall work.

With a motion from Mr. McNeil, seconded by Mr. Cribbs, the Board approved the execution of the Underwriter Engagement Letter with MBS Capital Markets for the Harbor Bay CDD.

SIXTH ORDER OF BUSINESS

**Consideration of Bond Counsel
Engagement Letter**

Mr. Earlywine presented the Bond Counsel Engagement Letter and explained its purpose. The Board discussed the topic and tabled the item until the next regular meeting and requested that Mr. Earlywine attempt to acquire another proposal.

186 SEVENTH ORDER OF BUSINESS

Consideration of Assessment Consultant
Engagement Letter

187
188
189
190
191
192

Mr. Brizendine, with Rizzetta & Company, Inc., presented the Assessment Consultant Engagement Letter and explained its purpose. The Board discussed the letter and the rates and how the rates were paid.

193 With a motion from Mr. Collins, seconded by Mr. Carr, the Board approved the execution of the
194 Assessment Consultant Engagement Letter with Rizzetta & Company for the Harbor Bay CDD.

195
196

197 EIGHTH ORDER OF BUSINESS

Discussion regarding Admiral's Pointe
Amenity Center Operations

198
199

200 Ms. Gallogy, with WTS, presented the proposed plans to staff and operate the
201 new Admiral's Pointe Amenity Center. She explained the staffing hours and the proposed hours
202 of operation.

203
204

205 The Board members discussed the plans and whether the staffing, as proposed,
206 was required at this time or if a lower staffing level or alternate plan could be developed.

207 The Board tabled the consideration of the addendum to the contract to the next
208 regular meeting and requested that staff rework the scope of work and staffing requirements to
209 minimize the levels.

210

211 NINTH ORDER OF BUSINESS

Supervisors Requests

212
213

There were no Supervisor requests.

214

215 TENTH ORDER OF BUSINESS

Audience Comments

216
217

There were no Audience comments.

218

219 ELEVENTH ORDER OF BUSINESS

Adjournment

220

221 On a Motion by Mr. Collins, seconded by Mr. Cribbs, with all in favor, the Board adjourned the
222 meeting at 10:27 p.m. for Harbor Bay Community Development District.

223
224
225


Secretary/Assistant Secretary

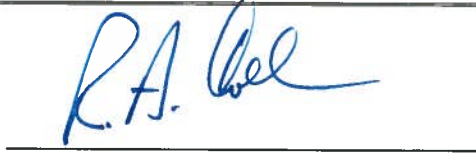

Chairman/ Vice Chairman

Exhibit A

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME COLLINS ROBERT ALLAN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE HARBOR BAY CDD Board of Supervisors
MAILING ADDRESS 437 MIRABAY BLVD	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY APOLLO BEACH HILLSBOROUGH	NAME OF POLITICAL SUBDIVISION: Harbor Bay Community Development District
DATE ON WHICH VOTE OCCURRED 17 February 2016	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert A. Collins, hereby disclose that on 17 February, 20 16:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Vote for approval of Agreement For Legal Services and Representation to provide legal defense for Robert A. Collins which contains an advanced fee deposit of \$25,000 and retains and employs Mark Herron of Messer Caparelli, P.A.

17 February 2016

Date Filed

Robert A. Collins

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.