

MINUTES OF MEETING

HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Harbor Bay Community Development District Board of Supervisors was held **Wednesday, April 24, 2002 at 8:30 a.m.** at the offices of Terrabrook, located at 3505 Frontage Road, Suite 145, Tampa, Florida 33607.

Present and constituting a quorum were:

Kathy Jacobs	Board Supervisor, Vice Chairman
Debbie Jones	Board Supervisor, Assistant Secretary
Mike Dady	Board Supervisor, Assistant Secretary
Steve Gamm	Board Supervisor, Assistant Secretary
Brian Sewell	Board Supervisor, Chairman

Also present were:

Pete Williams	District Manager, Rizzetta & Company
Jonathan Johnson	District Counsel, Hopping Green & Sams, P.A.
Toxey Hall	District Engineer, Heidt & Associates, Inc.

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 March 19, 2002**

Mr. Williams stated that the first item to consider is the minutes of the Board of Supervisors' meeting held on March 19, 2002 (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 Ms. Jacobs, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on March 19, 2002 for Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of Disclosure Statement

Mr. Williams stated that the next item on the agenda is the consideration of a disclosure statement which had been drafted by District Counsel. Mr. Johnson explained the statement to the Board. He stated that Section 190.009 requires the District to make affirmative disclosure of its financing and maintenance of improvements. This document is to be made available to the public who may be purchasing property within the District. The Department of Community Affairs also keeps these documents on file for the public and state government. He recommends that this document be provided to Terrabrook Apollo Beach, LP. Terrabrook Apollo Beach may be required to include

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this document with certain filings with the Division of Land Sales. He asked that the Board authorize the adoption of the disclosure statement and its transmission to Terrabrook Apollo Beach, LP and authorize the District to make the document available to the general public. A question was asked if it was necessary to disclose the Series B bonds to the public. Mr. Johnson stated that the focus is on the long-term assessments. By the time someone would see this document, the lien on the lot will be gone. A question was asked if the District is obligated to give this document to prospective buyers. Mr. Johnson stated yes. There were no further questions.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board approved the Disclosure Statement for Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Amended Budget Resolution

Mr. Williams stated that the next item on the agenda is to consider an amended budget resolution that had been distributed to the Board. The original resolution has been amended to include a Developer Funding Agreement, which had been inadvertently omitted. He asked if there were any questions. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Sewell, seconded by Ms. Jones, with all in favor, the Board approved the amended budget resolution 2001-11 for Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of Authorization to Disburse District Funds 02-07

Mr. Williams stated that the next order of business is the consideration of the Authorization to Disburse District Funds 02-07 (located behind tab 3). There are invoices for District Staff. He asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On a MOTION by Ms. Jacobs, seconded by Ms. Jones, with all in favor, the Board approved Authorization to Disburse District Funds 02-07 for Harbor Bay Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Infrastructure Bids

Mr. Williams stated that the next item is the consideration of infrastructure bids. Mr. Hall stated that the bids for the next phase of infrastructure had been opened last week. He has passed out a tabulation of the four bidders to the Board. Kearney Development is the low bidder at \$2,248,910. Mr. Hall stated that the Kearney bid conforms to the requirements that had been set forth. Also, he passed out a colored map which indicates the geographic areas of the bid. Mr. Hall asked the Board if they would like him to complete the bid award notice and send to all bidders. A question was asked about the appeal period. Mr. Johnson stated that from the time that each contractor receives their notice, they have 72 hours to file a Notice of Protest. If they file a Notice of Protest, they then have 7 days to file a further document. Nothing can be done during the 72 hour period. Mr. Hall stated that he will send the document tonight.

On a MOTION by Mr. Sewell, seconded by Mr. Gamm, with all in favor, the Board approved Kearney Development as the low bidder for the next infrastructure portion of Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Construction Requisitions

#79-#83

Mr. Williams stated that the next agenda item is to consider construction requisitions #79 through #83 (recap is located behind tab 4). These have been approved and certified by the District Engineer. He reviewed the requisitions for the Board. A brief discussion ensued regarding if there were any outstanding Reuben Clarson invoices and an outstanding Biological Research Associates invoice that is being held because they have failed to provide a contract in a timely manner. There were no further questions and Mr. Williams asked for a motion.

On a MOTION by Mr. Sewell, seconded by Ms. Jones, with all in favor, the Board approved Construction Requisitions #79-#83 for Harbor Bay Community Development District.

EIGHTH ORDER OF BUSINESS

Discussion of Construction Matters

Mr. Williams stated that he had a couple of items to discuss. He has received a Heidt & Associates Work Authorization for the sales/amenities/tennis court entrance road, but Mr. Hall said it should be directed to Terrabrook and not the District. Also, Woodruff & Sons has submitted Change Orders #11, 14, 15 and 16. Mr. Hall has approved these change orders and described them to the Board. Change Order #11 is for the final resolution of connecting the small discharge pond pipes as well as large culvert drains. Change Order #14 is for a segmental wall treatment at a bridge. Change Order #15 is to add in earthwork grading for Parcel 19. Change Order #16 is to upgrade seawall at the boatlift. Mr. Williams confirmed that Mr. Gamm had reviewed these change orders. There were no questions from the Board.

On a MOTION by Mr. Gamm, seconded by Mr. Dady, with all in favor, the Board approved Woodruff & Sons Change Orders #11 and #14 through #16 for Harbor Bay Community Development District.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Johnson stated that the fictitious name application has been filed under the name Mirabay Community Development District. The name of the District will remain Harbor Bay, but this gives us the option of using either name depending on the situation.

B. District Engineer

No further report.

C. District Manager

Mr. Williams stated that the current financial statements are located behind tab 5. He further stated that the budget process for fiscal year 2002/2003 has begun. He has passed out the proposed budget to the

Supervisors, which he reviewed for the Board. It was suggested that the figure under Parks and Recreation Lake Maintenance may need to be adjusted due to a long term monitoring program that needs to be in place for the maintenance. Discussion ensued. It was decided to continue this meeting until May 3 at 10:30 a.m. to further discuss the proposed budget.

TENTH 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. He asked if there were any Supervisor requests. Ms. Jones tendered her resignation from the Board of Supervisors effective at the end of the meeting. Mr. Williams asked if there was any discussion. There was none and he asked for a motion.

On a MOTION by Mr. Sewell, seconded by Mr. Dady, with all in favor, the Board accepted Ms. Jones' resignation from the Board of Supervisors for Harbor Bay Community Development District.

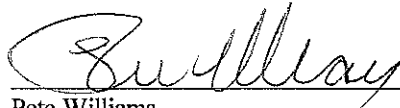
Mr. Williams asked if the Board had any names for consideration to fill the vacated position. There were none. Mr. Johnson stated that Ms. Jones needs to complete a final financial disclosure form that will be provided by Mr. Williams.

ELEVENTH ORDER OF BUSINESS

Continuance

Mr. Williams stated that there were no further agenda items scheduled for discussion and asked for a motion to continue the meeting until Friday, May 3 at 10:30 a.m. at the Terrabrook office.

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



Pete Williams
District Manager



Brian Sewell
Chairman