

**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, May 20, 2003 at 12:08 p.m.** at the Mirabay Welcome Center, located at 205 Manns Harbor Drive, Apollo Beach, FL 33572.

Present and constituting a quorum were:

Brenda Kunkel	<b>Board Supervisor, Assistant Secretary</b>
Steve Gamm	<b>Board Supervisor, Vice Chairman</b>
Susie Marler	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Jonathan Johnson	<b>District Counsel, Hopping Green &amp; Sams, P.A.</b>
Roy Van Weick	<b>District Counsel Representative, Hopping Green &amp; Sams, P.A.</b>
Toxey Hall	<b>District Engineer, Heidt &amp; Associates, Inc.</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 April 15, 2003**

Mr. Williams stated that the first item is to consider the minutes of the Board of Supervisors' meeting held on April 15, 2003 (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.

<p>On MOTION by Ms. Kunkel, seconded by Ms. Marler with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on April 15, 2003 for Harbor Bay Community Development District.</p>
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**THIRD ORDER OF BUSINESS**

**Consideration of Authorization  
to Disburse District Funds 2003-08**

Mr. Williams stated that the next item on the agenda is the consideration of Authorization to Disburse District Funds 2003-08 (located behind tab 2). He stated that the disbursement consists of invoices for standard contractual commitments with the addition of fees associated with some recently activated electric service. Mr. Williams asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On MOTION by Ms. Marler, seconded by Ms. Kunkel, with all in favor, the Board approved the Authorization to Disburse District Funds 2003-08 for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Series 2002  
Construction Requisitions #66-#90**

Mr. Williams stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #66-#90 (recap located behind tab 3). Mr. Williams stated that all requisitions have been certified by the District Engineer and approved by the Chairman. He asked if there were any questions. Hearing and seeing none, Mr. Williams asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Marler, with all in favor, the Board approved Series 2002 Construction Requisitions #66-#90 for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2003/2004  
Proposed Budget and Consideration of  
Resolution 2003-16, Adopting Proposed  
Budget**

Mr. Williams stated that the next item on the agenda is the consideration of the fiscal year 2003/2004 Proposed Budget (under separate cover) and the consideration of Resolution 2003-16, Adopting Proposed Budget (located behind tab 4). He explained to the Board that the Chairman and he had met with consultants to evaluate and estimate anticipated costs pertaining to the operation of the Clubhouse and the recreational facilities (which are expected to be available by the next fiscal year). Mr. Williams explained to the Board in order to have a sufficient amount to cover the anticipated expenses of the operation and maintenance of the facilities, the maximum proposed budget that was adopted several years ago will be used as a starting point for the budget for this fiscal year.

He reminded the Board that there may be a reduction of funds for the line item of landscaping due to the fact that all areas will not be available for the next fiscal year. Mr. Williams asked if there were any questions. There was a discussion regarding the public hearing date. He asked for a motion to approve.

On MOTION by Ms. Kunkel, seconded by Ms. Marler, with all in favor, the Board adopted the Fiscal Year 2003/2004 Proposed Budget and approved Resolution 2003-16, setting the public hearing for July 22, 2003 at 9:00 a.m. for Harbor Bay Community Development District.

Mr. Williams explained to the Board that the staff will have more accurate figures pertaining to the operation and maintenance of the recreation and Clubhouse facilities. Review and alterations of the cost estimates can then be made in advance of the July meeting.

**SIXTH ORDER OF BUSINESS**

**Public Hearing on  
Recreation Facility Rules**

Mr. Williams stated that the next item on the agenda is the public hearing on Recreation Facility Rules and Rates. He asked for a motion to continue the public hearing until the June meeting. This is due to the current review of the rate structure (utilizing comparison studies of similar facilities within other Districts) by the consultants of WTS International. Mr. Williams explained that there is also the potential for possible recreational facility staffing by WTS International.

On MOTION by Ms. Kunkel, seconded by Ms. Marler, with all in favor, the Board approved the continuation of the Public Hearing on Recreation Facility Rules to be held at the June meeting for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Property  
Management Agreement**

Mr. Williams stated that the next item on the agenda is the consideration of the Property Management Agreement. Mr. Johnson asked the Board to table the consideration of the Property Management Agreement to the June meeting in order to give the developer's counsel sufficient time to review the document. Mr. Williams asked if there were any questions. There were none.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Johnson explained that the boundary amendment is currently in process. He explained that he is working in cooperation with the District Engineer and Mr. Gamm in regards to finalizing the bond for Kim's Landscaping contract.

B. District Engineer

Mr. Hall explained that he would like to resign by the end of the summer. He recommended Mr. Cervola for the position of District Engineer. Mr. Hall asked questions about arrangements for finalizing his position and transitioning the work load. Mr. Williams asked Mr. Hall if his resignation could take place at the next fiscal year, October 1<sup>st</sup> so that arrangements could be made to extend that date if needed. Mr. Hall concurred.

C. District Manager

Mr. Williams reminded the Board that the community is growing and resident participation in the Board meetings will occur. He asked the Board for future consideration in holding the Board meetings in the evening to enable residents to participate.

**NINTH 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 were no audience members in attendance other than those noted at the beginning of the meeting. He asked if there were any Supervisor requests.

Mr. Williams stated that there was a change order request #723-72 for The Sinclair Group. Mr. Gamm stated that the change order pertains to the interior completion of the Clubhouse (wall coverings, indoor trim, etc.) for a total of \$255,281.00. He explained that the change order was a pricing negotiation initiated to ensure that the price by the contractor was in line with current industry standards for the same type of work. Mr. Williams inquired if Basham Design Group was informed of the negotiated contract price. Mr. Gamm stated that Basham Design Group has been involved in the pricing negotiation and has approved the contract. Mr. Williams recommended to the Board that the change order copy that the Chairman signs also contains the signature of a representative of Basham Design Group.

On MOTION by Ms. Kunkel, seconded by Ms. Marler, with all in favor, the Board approved the change order request #723-72 for The Sinclair Group for Harbor Bay Community Development District.

Mr. Gamm reminded the Board there was a request to hold elections for new officers (Chairman and Vice Chairman) at the next Board meeting. Mr. Johnson verified that, per the procedural rules, the majority is allowed to approach the Board to request the replacement of the Chairman and Vice Chairman. He explained the item can be added to the agenda for next month's meeting.

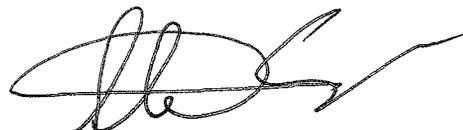
**TENTH ORDER OF BUSINESS**

**Adjournment**

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

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

  
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Pete Williams  
Secretary

  
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~~Kathy Shelling~~ Steven E. Gamm  
Chairman