

**MINUTES OF MEETING**

**HARBOR BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of Harbor Bay Community Development District Board of Supervisors was held **Tuesday, June 19, 2001 at 9:30 a.m.** at the offices of Terrabrook, located at 3505 Frontage Road, Suite 145, Tampa, Florida 33607.

Present and constituting a quorum were:

Debbie Jones	<b>Board Supervisor</b>
Mike Price	<b>Board Supervisor</b>
Brian Sewell	<b>Board Supervisor</b>

Also present were:

Pete Williams	<b>District Manager</b>
Toxey Hall	<b>Heidt &amp; Associates</b>
Shannon Novey	<b>District Counsel</b>

**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 May 15, May 21  
and May 29, 2001**

Mr. Williams stated that the first item on the agenda is the consideration of the minutes of the Board of Supervisors' meetings on May 15, May 21 and May 29, 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, 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 minutes of the Board of Supervisors' meetings on May 15, May 21 and May 29, 2001 for Harbor Bay Community Development District.
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**THIRD ORDER OF BUSINESS**

**Consideration of Funding Request 01-09**

Mr. Williams stated that the next order of business is the consideration of Funding Request 01-09, located behind tab 2 in the agenda package. The funding request consists of the standard contractual fees for District Counsel and District Management, as well as an invoice for legal advertising. It was pointed out that two of the Hopping Green invoices (for \$627.59 and \$740.52) should be placed under the Capital Projects Fund and not the General Fund. Mr. Williams asked the Board if they had any further questions regarding the funding request. Hearing and seeing no questions, Mr. Williams asked for a motion to approve.

On a MOTION by Mr. Sewell, seconded by Mr. Price, with all in favor, the Board approved Funding Request 01-09 for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2001/2002  
Proposed Budget and Resolution 01-05**

Mr. Williams stated that next on the agenda is to consider the proposed budget for fiscal year 2001/2002 as well as the resolution to approve it. He stated that the public hearing date on the resolution should read Tuesday, August 21, 2001. The prior history of contractual commitments was utilized in determining the administration portion of the budget. The proposed administration portion is \$101,675, which includes the various fees for staff entities. There are some fees that will be entered into next year, i.e., disclosure report, Trustee fees, assessment roll, collection agent, etc. The disclosure report is mandatory as part of the Trust Indenture. It is normally a contract with a third party that will periodically give the Bondbuyers results of the project (number of lots sold, current proceeds left in the Construction Fund, etc.) The Trustee fees are paid to the Trustee who will administer the bond trust account for the construction fund. More than likely, next year there will be preparation of the assessment roll to collect O&M and a debt service portion. Collection Agent is the contractual commitment authorized by the Master Trust Indenture for a third party collection agent who collects the lump sum payments as lots are sold. Arbitrage Rebate Calculation is once your bonds are sold and if you invest the funds pending construction draws, by Statute you are allowed to recoup the same percentage that the bonds actually cost. The IRS requires that an arbitrage rebate reflects that the District is not making more than what the bond interest is costing.

The auditing services line item covers the annual audit that the District is required to conduct. A comment was made that the amount seemed high. Mr. Williams stated that the first audit is always high because a series of testing in the bond issue is done. They are certifying that the bond issue transaction is in the proper format and all regulations followed. The auditor is certifying to the results of the bond issue in the first year. A question was asked about the collection agent. Mr. Williams explained that it is a third party and in most districts it is usually the same firm that serves as the management company. That firm is responsible for issuing the estoppel letters for the short-term paydown. The O&M assessment is the total expenditures anticipated by the District. When the final budget and the appropriations resolution is adopted, we will adopt assessments per lot and Developer funding in lieu of assessments for non-platted parcels. Mr. Williams stated that because there are so few lots that will be sold to a third party who will be paying their prorata share, we will have the District invoice them rather than place 15 or 20 lots on the tax roll. Most likely, next fiscal year the District will want to be on the tax roll.

A question was asked about landscape maintenance. Mr. Williams stated that the estimate is based on past experience with other districts for their first year of operation. The proposed budget can be adjusted during the next 60 days. Mr. Williams asked if there were any further questions. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Price, seconded by Mr. Sewell, with all in favor, the Board approved Resolution 01-05 to set the public hearing for Tuesday, August 21, 2001 at 9:30 a.m. for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Status Report on Construction Matters**

Mr. Williams stated that the next item for discussion is the consideration of construction matters. Mr. Hall stated that the dewatering plan is proceeding so that construction can commence. He had the updated Woodruff contracts for signature.

**SIXTH ORDER OF BUSINESS**

**Status Report on Financing Matters**

Mr. Williams stated that the next agenda item is to consider the financing matters. July 9, 2001 is the scheduled final special assessment hearing date. There is a possibility that the meeting will be continued. The final requires that the bonds have been committed to a particular purchaser, that a final interest amount has been agreed to, and that we are able to finalize the figures.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Geotechnical  
Engineering Proposals**

Mr. Williams stated that the next item on the agenda is a discussion to consider the Geotechnical Engineering Proposals, which were distributed to the Board at last month's meeting. The District Engineer was asked to review the bid proposals and present his opinion at today's meeting. The Board needs to approve District Staff to negotiate fees and execute an agreement with the selected firm.

Mr. Hall stated that there had been five bids received: Mortensen Engineering, Test Lab, Ardaman, Tierra and Law Gibb Group. He reviewed them and focused on their experience related to the type of work they would be performing on this project. He believes Mortensen Engineering is the most qualified based on their extensive background, almost exclusively in the sector that they would be working within on this project. And also given their background on the Harbor Bay property over the past 15 years. Mr. Williams asked Mr. Hall how the other firms compare. Mr. Hall stated that he didn't have a ranking system so he did not choose a second place, but he could by the end of the meeting review his material and give suggestions.

Mr. Williams recommended that, if the Board sees fit, to take the District Engineer's recommendation and appoint Mortensen as the #1 ranked firm and allow for the negotiation of fees and the execution of the agreement. If terms and fees cannot be agreed upon by District Staff and by the Chairman, then he recommends that we go back to the District Engineer to determine who would be the next choice of bidder. Ms. Jones said that was fine.

On a MOTION by Mr. Price, seconded by Ms. Jones, with all in favor, the Board appointed Mortensen Engineering as the #1 ranked firm and authorized District Staff to negotiate terms and fees and enter into an agreement for Harbor Bay Community Development District.

Mr. Hall asked Mr. Williams what the procedure is for keeping the other bidders' proposals. Mr. Williams stated that we keep them at the District Office. Mr. Williams stated that Mortensen should submit their proposals for work to the District Engineer, District Manager and District Counsel for review. Mortensen will provide us with a retainer agreement that lists service fees. They then submit a specific work order when that item of work is requested. Mr. Williams reminded the Board that a resolution was adopted that would allow the Chairman and the District Manager to enter into certain specific work contracts prior to Board meetings as long as they met certain criteria. There were no further questions.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Ms. Novey stated that she had no format report, but would answer any questions from the Board. There were no questions.

B. District Engineer

No further report at this time.

C. District Manager

Mr. Williams stated that the current financial statements were located behind tab 3 in the agenda package. The next Board of Supervisors' meeting will be July 9, 2001 at 10:30 a.m. This is for the public hearing on the final special assessments. This meeting was duly noticed in The Tampa Tribune. The written notice was mailed and hand delivered and signed for by the Landowner of the District.

**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 was no audience in attendance other than those noted at the beginning of the meeting. He asked if there were any Supervisor requests. There were none.

**TENTH 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. Price, 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