

**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 regular meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, June 24, 2010 at 5:30 p.m.** at 700 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Scott Jones	<b>Board Supervisor, Chairman</b>
Laura Ackerman	<b>Board Supervisor, Vice Chairman</b>
Rip Ripley	<b>Board Supervisor, Assistant Secretary</b>
Tom Hatcher	<b>Board Supervisor, Assistant Secretary</b>
Ed Stone	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Jonathan Miller	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
John Toborg	<b>Operations Manager, Rizzetta &amp; Company, Inc.</b>
Biff Craine	<b>District Counsel, Brickleyer, Smolker, Bolves</b>
Karla Gibson	<b>Representative, WTS International</b>
Kristy Owens	<b>District Coordinator</b>
Mercedes Tutich	<b>Representative, Newland Communities</b>
Ed Bulleit	<b>Representative, Prager, Sealy &amp; Co., LLC</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Miller called the meeting to order and conducted roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes of the Board of Supervisors' Meeting held on May 27, 2010**

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on May 27, 2010 for Harbor Bay Community Development District.
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**THIRD ORDER OF BUSINESS**

**Consideration of Operations and Maintenance Expenditures for June 2010**

On a Motion by Mr. Jones, seconded by Mr. Stone, with all in favor, the Board approved the Operation and Maintenance Expenditures for June 2010 (\$175,531.54) for Harbor Bay Community Development District.

On a Motion by Mr. Ripley, seconded by Mr. Jones, with all in favor, the Board approved the Operation and Maintenance Expenditures for June 2010 (\$54,745.72) for the Mirabay Clubhouse for Harbor Bay Community Development District.

**FOURTH ORDER OF BUSINESS**

**Discussion on Refinancing Options for Series 2001A Bonds**

Mr. Bulleit gave a presentation to the Board on refinancing options for the Series 2001A bonds.

On a Motion by Ms. Ackerman, seconded by Mr. Ripley, with all in favor, the Board authorized Prager Sealy to move forward with explaining the Series 2001A Bond refinancing options with the parties involved for Harbor Bay Community Development District.

**FIFTH ORDER OF BUSINESS**

**Staff Report: Operations Manager**

Mr. Toborg discussed various updates with the Board. No action was taken.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposals Received for Landscape Maintenance Services**

Mr. Miller announced that proposals were received from the below listed firms and were ranked as follows:

1. Lee Te Kim Lawn Care & Nursery
2. Greenbriar Landscape
3. TruGreen Landcare
4. Landscape Maintenance Professionals
5. Vila & Son Landscape
6. The Budd Group
7. OneSource Landscape & Golf Services
8. Girard Environmental Services
9. Luke Brothers
10. ValleyCrest Landscape Maintenance

On a Motion by Mr. Stone, seconded by Mr. Hatcher, with all in favor, the Board approved Lee Te Kim Lawn Care & Nursery as the successful bidder for Landscape Maintenance Services for Harbor Bay Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Review of Unaudited Financial Statements,  
May 2010**

Mr. Miller reviewed the District's financials for May 2010 for the Board.

**EIGHTH ORDER OF BUSINESS**

**Review of Districts Financial Cash Flow  
Analysis, May 2010**

Mr. Miller reviewed and explained the District Financial Forecast Analysis for May 2010 for informational purposes only.

**NINTH ORDER OF BUSINESS**

**Presentation of Utilities Report**

Mr. Miller stated the utilities report was included in the agenda for informational purposes only.

**TENTH ORDER OF BUSINESS**

**Discussion on Insurance Requirements for  
HCSO Off Duty Law Enforcement  
Services**

The Board agreed to suspend the off duty Sheriff patrols until the insurance liability coverage could be obtained.

On a Motion by Mr. Hatcher, seconded by Mr. Ripley, with all in favor, the Board approved to suspend the Off-Duty Sheriff Patrols for Harbor Bay Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Discussion on Fiscal Year 2010/2011  
Proposed Budget**

The Board requested that Mr. Miller allocated 50% of the landscape savings to the reserves; with the remaining 50% being removed from the budget in its entirety.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board authorized the District Manager to allocate 50% of the landscape savings to the reserves; with the remaining 50% being removed from the budget in its entirety for Harbor Bay Community Development District.

**TWELFTH ORDER OF BUSINESS**

**Discussion Regarding Draft WTS  
Agreement for Amenity Facilities  
Management Services**

**HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT**

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On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board approved the Second Addendum to the WTS Agreement for Amenity Facilities Management Services for Harbor Bay Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.
- B. District Engineer  
No report.
- C. Club Manager – Karla Gibson  
No report.
- D. District Coordinator – Kristy Owens  
No report.
- E. District Manager
  1. Mr. Miller announced that there were currently 920 registered voters within the District.
  2. Mr. Miller announced the next meeting would be held on July 22, 2010 at 5:30 p.m.

On a Motion by Mr. Ripley, seconded by Mr. Hatcher, with all in favor, the Board authorized District Staff to order vehicle guest passes for Harbor Bay Community Development District.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

Mr. Hatcher requested that a discussion be held regarding the Resident Services Specialist position during the budget workshop on July 15, 2010.

The Board entertained various public comments; however no board action was taken.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Stone, seconded by Mr. Jones, with all in favor, the Board adjourned the meeting at 7:50 p.m. for Harbor Bay Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/ Vice Chairman

June 24, 2010

**HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT  
(DBA MIRABAY)**

**DISTRICT MANAGEMENT'S RESPONSE TO BOARD OF SUPERVISOR'S QUESTIONS REGARDING  
OPERATION & MAINTENANCE EXPENDITURES FOR:**

1. The General Ledger
2. The Enterprise Fund (MiraBay Club Specific Expenditures)

**\*\*\*All Board of Supervisor Questions Are Subsequently Attached\*\*\***

**Response to Board Supervisor, Rip Ripley's Question:**

Question # 1: (Enterprise Fund)

The Ipod Shuffle that was purchased was for use in the gym facility. Many users complained there were too many commercials with the radio. Instead of utilizing the radio, staff now utilizes continuous playlists stored on the Ipod for the overhead speakers in the gym facility.

**Response to Board Supervisor, Laura Ackerman's Questions:**

Question # 1: (General Fund)

The reason Workers Compensation insurance was secured was to meet the contractual obligation of the indemnification agreement the District holds with the Hillsborough County Sheriff's Office. The District previously did not have this coverage in its master policy. The District Management Office felt it was prudent to obtain this coverage outside of a District board meeting to bring the District into contractual compliance with a currently held agreement. Additionally the premium for such coverage was a relatively small number and within the District Manager's authority to execute.

Question # 1: (Enterprise Fund)

Please reference response to Rip Ripley's question # 1.

Question # 2: (Enterprise Fund)

The "Account Analysis Fee" is a charge the financial institution collects for management tools available on the account. Management tools include the ability to transfer funds electronically online, online banking, account reconciliation, etc. Please be advised the District's accounts are not the same as personal checking and savings accounts held by individuals. These are considered commercial/municipal level accounts. It is common

practice to see bank fees on accounts of this type. These fees are determined by the number of transactions that occur on a monthly basis. This fee is offset by the interest accumulated on the principal maintained in the account at given intervals of time. The District Management Office has contacted the financial institution to inquire about the removal/reduction of such fees. The received response was that "account analysis" fees will be removed on a go forward basis.

## Jonathan Miller

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**From:** Laura Ackerman [ackermanlaura@yahoo.com]  
**Sent:** Monday, June 21, 2010 6:14 PM  
**To:** Jonathan Miller  
**Subject:** questions on Harbor Bay monthly expenditures

Jonathan,

In reviewing the monthly expenditures, I have the following questions:

1. Stahl & Associates Insurance, WC & Empl Liab insurance for off-duty officers. At the last meeting, the discussion was about insurance requirements & looking into what the HOA did in relation to the marine patrol. The answers/costs were to be brought back to the board. Also, I thought the main problem was general liability insurance. Why did we already purchase workers comp for these people?
2. Questions on Mirabay Club:
  - a. An iPod shuffle was purchased by Karla. Why did we buy an iPod?
  - b. Outstanding question from prior months---All the Suntrust bank statements show an "Account Analysis Fee." Each bank statement charged this on 4/20, but amounts varied (\$18.74, \$20.76, \$19.80). I would still like to know what this is & why it is being incurred.

Thanks,  
Laura

## Jonathan Miller

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**From:** Ripripley@aol.com  
**Sent:** Thursday, June 17, 2010 2:42 PM  
**To:** Jonathan Miller  
**Subject:** Questions concerning invoices presented:

Jonathan, I did not receive part one of the operations package for the CDD, as opposed to the amenities package of which both were received. Could you please send a copy of the first part of the operations package.

Below is my question concerning the amenities invoices.

O&M June 2010:

Item- pg. 77- invoice from Amazon Item: I pod shuffle. Why do we need this?

Pleas respond to this question in writing to be added to the minutes.

Thank you,

Rip Ripley