

**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 **Tuesday, July 28, 2016 at 6:02 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

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

Also present were:

Matthew Huber	<b>District Manager, Rizzetta &amp; Co.</b>
Jere Earlywine	<b>District Counsel, Hopping, Green &amp; Sams, P.A.</b>
Jamie Scarola	<b>District Engineer, Scarola Associates Eng.</b>
Raul Anaya	<b>Club Director</b>
Ashley Adkins	<b>WTS</b>
Mindy Anderson	<b>Club Manager</b>
John Magnavita	<b>Langan</b>

Audience members

**FIRST ORDER OF BUSINESS**

**Call to Order and Pledge of Allegiance**

The meeting was called to order and roll call performed confirming that a quorum was present.

The Pledge of Allegiance was conducted.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Paul Curley- Requested changes to the minutes from March 17, 2016, inquired about the Mira Bay Slide and inquired about the Landscape RFP.

Steve Lockom- Provided a handout to the Board and spoke regarding the Seawall Project.

48 **THIRD ORDER OF BUSINESS** **Update on Master Seawall Project**

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50 Mr. Earlywine provided a brief update on the work with Newland. Mr. Magnavita gave an  
51 updated presentation on the plans for the Master Seawall Project. Mr. Magnavita answered  
52 questions from the Board regarding the updated presentation.  
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54 **FOURTH ORDER OF BUSINESS** **Consideration of Revised Berm Design**

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56 Board discussed the Revised Berm Design for Section 2 of the Master Seawall Project.  
57 Board discussed the current methodology for assessments. Board opened the floor to Audience  
58 comments regarding both motions.  
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On a Motion by Mr. Collins, seconded by Mr. McNeil, with all in favor, the Board of Supervisors authorized Staff to work with Langan to develop an RFP priorities plan with available funds for Harbor Bay CDD.

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On a Motion by Mr. Collins, seconded by Mr. McNeil, with all in favor, the Board of Supervisors authorized Staff to engage Fishkind & Associates to review the Methodology with a not to exceed of \$5,000.00 for Harbor Bay CDD.

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62 *Board recessed at 7:49pm*  
63 *Board reconvened at 8:07pm*  
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65 **FIFTH ORDER OF BUSINESS** **Consideration of TCM Pickle Ball Proposal**

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67 Mr. Huber introduced the proposal for pickle ball striping and Mr. Anaya reviewed the  
68 details for the Board.  
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On a Motion by Mr. Cribbs, seconded by Ms. Dukes, with all in favor, the Board of Supervisors approved the TCM proposal to paint a pickle ball court at the basketball court for Harbor Bay CDD.

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71 **SIXTH ORDER OF BUSINESS** **Consideration of Proposals for Water Fountain at Basketball Courts**

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73 Mr. Huber introduced the Water Fountain proposals and Mr. Anaya reviewed the details for  
74 the Board. Ms. Dukes reviewed where she felt the fountain should be placed with the Board.  
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On a Motion by Mr. Cribbs, seconded by Ms. Dukes, with all in favor, the Board of Supervisors approved the installation of a water fountain at the basketball court with a not to exceed of \$5,000.00 for Harbor Bay CDD.

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77 **SEVENTH ORDER OF BUSINESS** **Consideration of Proposal for Mira Bay Slide**

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80 Mr. Earlywine reviewed a revised contract that was not included in the agenda.





147 **EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

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**A. District Counsel**

Mr. Earlywine spoke regarding the interior designer proposal and the licensing requirements. Board discussed the Clubhouse redesign project and how to proceed. Board opened the floor for audience comments.

On a Motion by Mr. McNeil seconded by Mr. Collins, with all in favor, the Board of Supervisors approved the placing of Meredith's presentation on the August agenda to start at 5:00pm for Harbor Bay CDD.

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**B. District Engineer**

No report.

**C. District Manager**

Mr. Huber informed the Board that the next meeting is the Final Budget Meeting and is August 25, 2016 at 6pm and staff will advertise for a 5pm movie to discuss the interior design project. Mr. Huber informed the Board of need for additional staffing and need a proposal.

On a Motion by Mr. McNeil seconded by Ms. Dukes, with all in favor, the Board of Supervisors authorized Staff to gather a proposal for additional staffing and description of current staffing duties for Harbor Bay CDD.

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**NINETEENTH ORDER OF BUSINESS**

**Consent Agenda/Business Administration**

- A. Consideration of the Minutes of the Board of Supervisors' Special Meeting held on March 17, 2016
- B. Consideration of the Minutes of the Board of Supervisors' Regular Meeting held on April 28, 2016
- C. Consideration of the Minutes of the Board of Supervisors' Special Meeting held on May 26, 2016
- D. Consideration of the Minutes of the Board of Supervisors' Regular Meeting held on June 23, 2016
- E. Consideration of Operation and Maintenance Expenditures for June 2016
- F. Consideration of Operation and Maintenance Expenditures for June 2016
- G. Consideration of Supplemental Construction Requisitions #65-69, 71-79, 81-83 & #70, 80
- H. Mira Bay Club Manager
- I. Club Director

Board requested staff add Mr. Curley's comments to the March 17, 2016 minutes once verified by audio.

On a Motion by Mr. Collins seconded by Mr. Cribbs, with all in favor, the Board of Supervisors approved Consent Agenda Items A-G as amended, for Harbor Bay CDD.

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185 **TWENTIETH ORDER OF BUSINESS**

**Supervisors Requests**

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187 No Supervisor Requests

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190 **TWENTY-FIRST ORDER OF BUSINESS**

**Audience Comments**

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192 Paul Curley- Commented on the Landscape RFP and having an expert give a recommendation  
193 based on criteria, and spoke on the Seawall Project.

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196 **TWENTY-SECOND ORDER OF BUSINESS**

**Adjournment**

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On a Motion by Mr. Dukes, seconded by Ms. Carr, with all in favor, the Board adjourned the meeting at 11:04 p.m. for Harbor Bay Community Development District.

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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 <i>Collins Robert Allan</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Harbor Bay CDD</i>
MAILING ADDRESS <i>437 Mirabay Blvd.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Apollo Beach FL</i>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
COUNTY <i>Hills.</i>	NAME OF POLITICAL SUBDIVISION: <i>Harbor Bay CDD</i>
DATE ON WHICH VOTE OCCURRED <i>7/22/16</i>	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 28 July, 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:

On July 28, 2016 the Board of Supervisor for the Harbor Bay CDD considered Resolution 2016-07 which addresses the defense of, among others, Board of Supervisors. Because there is a pending ethics claim has been filed against me, and Resolution 2016-07 addresses the defense of Board Supervisors, among others, against such claims, I recused myself from voting for or against Resolution 2016-07

28 July 16

R. A. Coll

Date Filed

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.