

MINUTES OF MEETING
HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harbor Bay Community Development District was held **Monday, September 20, 1999 at 1:30 p.m.** at the offices of Shimberg Cross Company, located at 611 West Bay Street, Tampa, Florida 33606.

Present and constituting a quorum were:

Glen Cross	Supervisor
Galen Custard	Supervisor
John Paulk	Supervisor

Also present were:

Pete Williams	District Manager
James Scarola	Scarola Engineering
Jonathan Johnson (via speaker phone)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order

Mr. Williams called the meeting to order.

SECOND ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meeting on August 24, 1999

Mr. Williams stated that the next order of business was the consideration of the Board of Supervisors' meeting minutes from August 24, 1999 which are located behind tab 1. He asked if there were any additions, deletions, corrections or comments to the minutes. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Paulk, seconded by Mr. Custard, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on August 24, 1999 for the Harbor Bay Community Development District.

THIRD ORDER OF BUSINESS

Consideration of the District Engineering Proposals

Mr. Williams stated that the next order of business is the consideration of Resolution 99-23 (located behind tab 2) which is to appoint the district engineer. Three proposal packages have been received in response to the request for proposal. They were from George F. Young, Inc., Water Resources Engineering, Inc., and Scarola & Associates. Mr. Williams stated that George F. Young and Water Resources do not list any past experience with community development districts. Mr. Williams asked the Board if they had any questions or comments regarding any of the proposals. Mr. Custard asked why there is no price included. Mr. Williams explained that at the time of proposal, it is not necessary to include the price. The firms simply state their qualifications and the District picks the firm they feel is most qualified, in their opinion, and then negotiate price from there. A statement was made by John Paulk, that Scarola

& Associates was located close by, has already been involved with the project and has experience with this CDD. Mr. Johnson stated that the record should reflect that the other two proposals are not being rejected until Scarola & Associates has submitted bid pricing that is approved and accepted by the Board.

On a MOTION by Mr. Cross, seconded by Mr. Paulk, with all in favor, the Board approved Resolution 99-23 appointing Scarola & Associates as the District Engineer for the Harbor Bay Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of Compensation of Board Members

Mr. Williams stated that the next order of business is the consideration of compensation of the Board Members. Board Members who are not a statutory employee or an agent of the landowner or of the development entity are normally compensated at \$200 per meeting, with a maximum of \$4,800 per year. Mr. Williams stated that John Paulk is the only person who is not a statutory employee or an agent of the developer. Mr. Paulk answered that he was a consultant to Atlantic Gulf and represented them. Mr. Williams stated that the Board could table any consideration for Board members at this time. He also reminded the Board that a travel and expense reimbursement policy was adopted at the original organizational meeting which allows Board members who expended personal funds for travel, etc. to be reimbursed by the District, based on Florida statute requirements. Mr. Johnson stated that a motion should be made to waive compensation at this time.

On a MOTION by Mr. Cross, seconded by Mr. Custard, with all in favor, the Board approved waiving compensation (at the present time) for Board members for the Harbor Bay Community Development District.

FIFTH ORDER OF BUSINESS

Discussion of Conflict of Interest

Mr. Williams stated that the next order of business is to discuss whether a blanket conflict of interest form be filled out by the Board members who were either involved with the actual development phases or as landowners. Mr. Johnson stated an excerpt from Section 190.007 of the Florida statutes which specifically provides: "It shall not be a conflict of interest under Chapter 112 for a Board member or the District Manager or another employee of the District to be a stockholder, officer, or employee of a landowner." There are other provisions under Chapter 112 which would exempt many of the actions a Board of Supervisors may take. Mr. Johnson stated that we believe those exemptions are sufficient and don't generally recommend that Board members execute a blanket conflict of interest form. Mr. Williams asked if there were any further questions or comments. Hearing and seeing none, Mr. Williams continued on.

SIXTH ORDER OF BUSINESS

Consideration of Funding Request 99-02

Mr. Williams stated that the next item on the agenda was the consideration of Funding Request 99-02 which is located behind tab 3. The funding request is for \$3,286.78 for the District Management & Recording Secretary fees and the ads run in the Tampa Tribune for a total of \$3,652.54. Mr. Williams asked if there were any questions from the Board regarding this request. Hearing and seeing none, he asked for a motion to approve.

On a MOTION by Mr. Cross, seconded by Mr. Paulk, with all in favor, the Board approved Funding Request 99-02 for the Harbor Bay Community Development District.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Johnson stated that the Notice of Establishment, one of the new legislative requirements, has been sent for recording. He further stated that he has been working with Bond Counsel to get the pleadings in order to commence the validation process and they hope to file in an as expeditious manner as is desired once some further work with Scarola & Associates is completed on the engineering report.

B. District Engineer

Jamie Scarola stated that a draft improvement plan had been prepared and would expect that a final improvement plan will be available by the end of this week.

C. District Manager

Mr. Williams stated that behind tab 4 are the current financial statements for the Board's information. He also stated that the next scheduled Board meeting is November 1, 1999. The landowner election, the public hearings on the FY 99/00 budget, and the public hearing on the Uniform Rules of Regulation will take place during that meeting. Mr. Williams asked Mr. Johnson for a copy of his recommendation on those rules of procedure.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Williams stated that the next item on the Agenda is Supervisor's Requests and Audience Comments. He asked if there were any questions or concerns. There was no audience and there were no questions from the Supervisors.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Williams then asked for a motion to adjourn.

On a MOTION by Mr. Cross, seconded by Mr. Custard, with all in favor, the Board adjourned the meeting for the Harbor Bay Community Development District.



Pete Williams
District Manager


Glen Cross
Chairman