

RESOLUTION 2010-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT ADOPTING RULES OF PROCEDURE FOR THE FORMATION AND CONDUCT OF OFFICIAL COMMITTEES OF THE HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT AND AUTHORIZING STAFF TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A PUBLIC HEARING IF REQUESTED; PROVIDED SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Harbor Bay Community Development District (the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Hillsborough County Florida; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of district business; and

WHEREAS, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution Rules of Procedure for the Formation and Conduct of Official Committee of the District ("Committee Rules").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Committee Rules adopted pursuant to this resolution is necessary for the conduct of District business. These rules shall stay in full force and effect until such time as the Board of Supervisors may further amend these rules in accordance with Chapter 190, Florida Statutes.

SECTION 2. If any provision of this Resolution or these Committee Rules is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

SECTION 4. The Committee Rules as found in attached Exhibit "A" are hereby adopted as the rules and policies for the formation, appointment and conduct of official committees of the Harbor Bay Community Development District Board of Supervisors.

SECTION 5. There are no regulatory costs associated with the adoption of these rules, however, compliance with advertisement and notice requirements under Florida Statutes by

operation of these rules will incur costs, as required to comply with the advertising and notice provisions of the statutes.

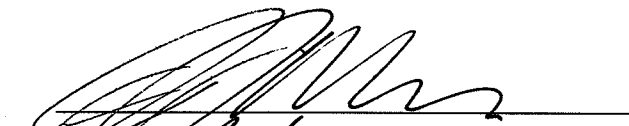
PASSED AND ADOPTED this 22nd day of October, 2009.

**BOARD OF SUPERVISORS OF THE
HARBOR BAY COMMUNITY
DEVELOPMENT DISTRICT**



Chairman,
Board of Supervisors

ATTEST:



Secretary, *Asst.*
Board of Supervisors

District Policy for Official Committee Formation / Establishment

The Board of Supervisors of the Harbor Bay Community Development District reserves the right to amend the policies contained herein at their sole and absolute discretion.

Definitions:

Community Development District: means a local unit of special-purpose government which is created pursuant to Chapter 190 of the Florida Statutes and limited to the performance of those specialized functions authorized by such statute; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this statute for the purpose of the delivery of urban community development services; and the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law.

Official Committee: a body of persons delegated to consider, investigate, or report on some matter; especially a group of residents chosen by the Board of Supervisors to give consideration to certain matters.

Steps to Formation / Establishment:

1. The District's Board of Supervisors will have sole and absolute authority and determination if an official committee needs to be formed / established to address a specific business matter ("Scope of Business") of the District.
 - a. By way of official committee formation / establishment, the Board of Supervisors authorizes the District Management Office to advertise such official committee meetings in accordance to Section 4 of this document and to the extent required by Florida Law.
 - b. The District's Board of Supervisors reserves the right to amend the committee's Scope of Business at any time between initial committee formation / establishment through committee termination / dissolution.
2. The District's Board of Supervisors will have sole and absolute authority and determination on the number of members that will comprise an official committee of the District.
 - a. Committee membership at minimum will consist of three (3) persons:
 - i. Committee Chair
 - ii. Committee Vice Chair
 - iii. Assistant Secretary
3. The District's Board of Supervisors will have sole and absolute authority and determination on official committee member appointment and selection by way of successful motion (1st, 2nd, MC).
 - a. Members of the District's Board of Supervisors have and may exercise the right to place themselves in line for appoint and selection to an official committee of the District. The same rules of appointment and selection apply.
 - b. The District's Board of Supervisors maintains the right to add additional committee members at any time between initial committee formation / establishment through committee termination / dissolution. The same rules of appointment and selection apply.
 - c. More than one of the District's Board of Supervisors may attend meetings of an official committee (as either a committee member (if so appointed) or general audience member).
4. To assure compliance with all applicable laws regarding advertising and notice and to properly advise both the public and the Board of the working schedules of the committees, committee meetings, the

District's Board of Supervisors will have sole and absolute authority and determination in setting the dates, times, and locations for all meetings of official committees of the District.

- a. All meetings must be decided upon at the time of official committee formation by the District's Board of Supervisors.
- b. Should an official committee require additional meetings upon post committee formation / establishment outside the previously set schedule determined at the time of committee formation, the Committee Chair / Vice Chair will need to request authorization from the Board of Supervisors at a regularly scheduled District meeting. Approval of such request will be determined by way of successful motion (1st, 2nd, MC).
- c. In emergency situations following post committee formation / establishment, the Board Chair / Vice Chair of the Board of Supervisors will have the authority to authorize the District Management Office to advertise for additional official committee meetings outside of regularly scheduled District meetings.

5. Committee Proceedings & Structure:

- a. All meetings will be audio recorded for record purposes.
- b. All meetings will be called to order in the same fashion as regularly scheduled District Meetings.
 - i. Statement of Committee Name
 - ii. Statement of Date & Time
 - iii. Disclosure of Committee Members present
 - iv. Discussion & Consideration of Committee Business (Content Limited to Committee's Scope of Business)
 1. No business agenda is required, but will be made available in advance by the District Management Office at the direction of the Committee Chair / Vice Chair
 - v. Committee business matter(s) resolution(s) will be concluded by way of successful motion (1st, 2nd, MC)
 - vi. Motion for meeting adjournment (1st, 2nd, MC)
- c. All meetings will be open to the general public for attendance.
- d. Public Comment & Testimony will be made available for general audience member attendance prior to committee meeting adjournment.
- e. Opinions or recommendations of the committee may either be made verbally or written as directed by the District's Board of Supervisors.
 - i. Opinions or recommendations of the committee must be entered on record at a regularly scheduled District meeting by the Committee Chair, Vice Chair or District Staff to insure integrity and validity.
 - ii. Subsequent to a Committee's opinion or recommendation being entered on record, the District's Board of Supervisors must acknowledge such information by way of general consensus.

6. Committee Authority:

- a. Committees have the authority to furnish either an opinion or recommendation to the District's Board of Supervisors.
- b. Committees do not have the authority to:
 - i. Authorize the spending of District funds.

- ii. Sign Legal Binding Agreements on behalf of the District.
- iii. Direct District Staff outside the Scope of Business of the committee's establishment.
- iv. Direct District Employees, Consultants and / or Vendors.

7. Committee Member Removal:

- a. The District's Board of Supervisors reserves the right and discretion at any time to remove a committee member, with or without cause.
- b. Committees have the right to petition the District's Board of Supervisor for committee member removal. Such request must be submitted in writing to the District Management Office for placement on the next regularly scheduled District meeting agenda. A request for removal may only be submitted by Committee Chair / Vice Chair. The request must further contain majority advocacy of fellow committee members by way of their printed name and signature.
- c. Committee members do not have the authority to remove fellow committee members.
- d. Once appointed to an official committee of the District, committee members can be removed by:
 - i. Personal Resignation
 - ii. Successful Committee Member Removal Request (as defined in section 7b of this document)
 - iii. Direct District Board of Supervisor Action (Successful Motion - 1st, 2nd, MC)

8. Governing Laws, Statues & Legislation:

- a. Official Committees will abide by all applicable legal regulations & policies governing their existence:
 - i. State – State of Florida
 - ii. Local – Hillsborough County
 - iii. Special Unit of Localized Government – Harbor Bay Community Development District
- b. Official Committees are subject to Florida "Sunshine" Laws, applicable financial disclosure laws, and applicable ethics laws.
- c. Should any of the policies contained herein conflict with any State (Florida) or Local (Hillsborough) laws, statues or legislation, the policies of those institutions (State & Local) shall prevail.

9. Committee Termination and Dissolution:

- a. The District's Board of Supervisors reserves the right to dissolve and an official committee of the District at any time. (Successful Motion – 1st, 2nd, MC)
- b. Official committees do not have the power or authority to dissolve themselves.
 - i. Official committees may request dissolution from the District's Board of Supervisors. Such request must be submitted in writing to the District Management Office for placement on the next regularly scheduled District meeting agenda. A request for dissolution may only be submitted by Committee Chair / Vice Chair. The request must further contain majority advocacy of fellow committee members by way of their printed name and signature.
- c. In emergency situations, the Board Chair / Vice Chair of the District's Board of Supervisors will have the authority to dissolve official committees of the District outside regularly scheduled District meetings.

Notes & Clarifications:

- 1. Whereby the Board Chair's Signature & Authorization of the District's Board of Supervisors cannot be obtained because of mental incapacity, physical ailment, or unavailability; the Board Vice Chair's Signature & Authorization may substitute.*
- 2. Whereby the Committee Chair's Signature & Authorization cannot be obtained because of mental incapacity, physical ailment, or unavailability; the Committee Vice Chair's Signature & Authorization may substitute.*