

**MINUTES OF MEETING**

**LUCAYA  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Lucaya Community Development District was held on **Friday, February 18, 2005 at 1:40 p.m.** at the office of Barraco and Associates, Inc., located at 2271 McGregor Boulevard, Fort Myers, Florida 33901.

Present and constituting a quorum:

Alan B. Smith	<b>Board Supervisor, Chairman</b> ( <i>joined in progress</i> )
Douglas Schwartz	<b>Board Supervisor, Vice Chairman</b>
Michael Dady	<b>Board Supervisor, Assistant Secretary</b>
Marc Spencer	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Pete Williams	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Karen Hartman	<b>Representative, Rizzetta &amp; Company, Inc.</b>
Jonathan Johnson	<b>District Counsel, Hopping Green &amp; Sams, P.A.</b>
Drew Fitzgerald	<b>Interim Engineer, Barraco &amp; Associates, Inc.</b>
Joann Burham	<b>Representative, Taylor Woodrow Homes</b>
Michelle Campbell	<b>Representative, Taylor Woodrow Homes</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Williams called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Consideration of the Resignation of Board Supervisor**

Mr. Williams stated that the first item on the agenda was the consideration of the resignation of Board Supervisor Carlos Alexander Bratt (behind tab 1). Mr. Williams asked for a motion to approve the resignation.

On MOTION by Mr. Dady, seconded by Mr. Schwartz, with all in favor, the Board approved the resignation of Carlos Alexander Bratt for Lucaya Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Replacement Board Supervisor**

Mr. Williams stated that the next item on the agenda was the consideration of a replacement Board Supervisor. There was a nomination for Michelle Campbell as a replacement Board Supervisor.

On MOTION by Mr. Spencer, seconded by Mr. Schwartz, with all in favor, the Board appointed Michelle Campbell for the replacement Board Supervisor for Lucaya Community Development District.

Mr. Williams administered the Oath of Office to the newly appointed Supervisor, Michelle Campbell. Mr. Williams is a Notary Public in the State of Florida, and authorized to administer the oath. Ms. Campbell was asked to raise her right hand and swear and affirm to the oath he read. Ms. Campbell did swear and affirm to the oath.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Board of Supervisors' Meeting on February 1, 2005**

Mr. Williams stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' meeting, held on February 1, 2005. He asked if there were any additions, corrections, or deletions. Mr. Johnson stated that on Page 6, under item L, line 2, the reference to Brevard County should be changed to Lee County. On Page 9, under Business Item A, the reference in the motion box should be "Banc of America Securities, L.L.C." On Page 10, under item D in the motion box, Mr. Johnson stated that there were two agreements. The Construction Funding Agreement was tabled and the Financing Team Funding Agreement was approved.

Mr. Williams asked if there were any further additions, deletions, or corrections to the minutes. There were none, so he asked for a motion to approve, as amended.

On MOTION by Mr. Schwartz, seconded by Mr. Dady, with all in favor, the Board approved the minutes from the February 1, 2005 Board of Supervisors' meeting, as amended, for Lucaya Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Developer Funding Agreement**

Mr. Williams stated that the next item on the agenda was the consideration of the Developer Funding Agreement as it relates to construction. Mr. Johnson stated that this discussion was unnecessary at this time.

**SIXTH ORDER OF BUSINESS****Consideration of the Revised Engineer's Report**

Mr. Williams stated that the next item on the agenda was the consideration of the revised Engineer's Report. Mr. Williams stated that copies have been distributed to the Board members. Mr. Johnson stated that the Opinion of Probable Costs appears to be in line with the Validation Report, which was adopted at the last meeting, which establishes the not-to-exceed figure. Mr. Johnson stated that the reason this report was being brought before the Board today was to obtain some Board action on this matter in conjunction with the filing of the Bond Validation Complaint, which was filed; however, there is no hearing date set as of yet. Mr. Johnson recommended approving the report. He stated that there may be a few more revisions to the report; however, the Board can approve the report subject to the Chairman's final sign-off. Mr. Johnson stated that this report will need to go to the State Attorney's office before the Bond Validation Hearing. There was a correction to the report on Page 6, Section 1.4, Report Assumptions; which should read "Taylor Woodrow Homes-Southwest Florida Division, L.L.C.". Mr. Williams asked for a motion to approve, as amended. *(Mr. Smith joined the meeting)*.

On MOTION by Mr. Spencer, seconded by Mr. Dady, with all in favor, the Board approved the Revised Engineer's Report, in substantial form, pending review by District Counsel, Financing Team, District Staff, and the Chairman, as amended, for Lucaya Community Development District.

**SEVENTH ORDER OF BUSINESS****Staff Reports**

- A. District Counsel  
No report.
- B. Interim District Engineer  
No report.
- C. District Manager  
Mr. Williams stated that at the organizational meeting, the Landowners' meeting date was set to be held on March 4, 2005 at 1:00 p.m. The results will be brought back before the Board at the March 18, 2005 meeting.

**EIGHTH 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 one audience member in attendance, but no comment was made.

Mr. Williams asked if there were any Supervisor requests. Mr. Spencer asked the Interim Engineer to provide confirmation as to operation and maintenance fees for the utility systems that the District is anticipating to undertake. Mr. Williams stated that the management office has already received the water rate schedules from the County, and it is anticipated that the average potential usage per unit should be about 3000 gallons per month.

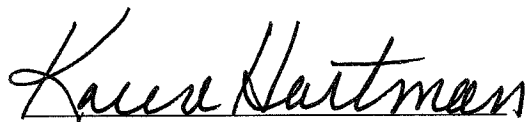
Mr. Williams explained that he wants the County to ensure the District how they intend to manage the rates, so the budget projections can be more accurate. Mr. Spencer requested that Staff research this issue and bring their findings back to the Board at a future meeting.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Mr. Williams stated that there were no other agenda items to come before the Board; so he asked for a motion to adjourn at 1:55 p.m.

On MOTION by Mr. Smith, seconded by Ms. Campbell, with all in favor, the Board adjourned the Board of Supervisors' meeting for Lucaya Community Development District.



Rene Williams  
Secretary



Alan Smith  
Chairman