

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, September 30, 2005 at 2:00 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	Board Supervisor, Chairman
Douglas Schwartz	Board Supervisor, Vice Chairman
Michael Dady	Board Supervisor, Assistant Secretary

Also present were:

Karen Hartman	District Manager, Rizzetta & Company, Inc.
Paula Sparkman	District Counsel, Hopping Green & Sams, P.A. <i>(via speakerphone)</i>

FIRST ORDER OF BUSINESS

Call to Order

Ms. Hartman called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

**Administration of Oath of Office to Newly
Appointed Board Supervisor**

Ms. Sparkman asked if Mr. Bullock's oath had been administered prior to the meeting in order to guarantee a quorum. It was stated that Mr. Bullock was not in attendance today but there are still three Board members present. Ms. Sparkman stated that the oath could not be administered via speakerphone as a notary is required to witness the oath.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meeting on July 27, 2005**

Ms. Hartman stated that the next item on the agenda was the consideration of the minutes of the Board of Supervisors' meeting held on July 27, 2005. She distributed a revised copy of the minutes, incorporating comments from District Counsel, for the Boards' approval. Ms. Hartman asked if there were any other additions, corrections or deletions. Ms. Hartman asked for a motion to approve the minutes as revised.

On a Motion by Mr. Dady, seconded by Mr. Smith, with all in favor, the Board approved the minutes from the July 27, 2005 Board of Supervisors' meeting (as revised) for Lucaya Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for August
and September**

Ms. Hartman stated that the next item on the agenda was the consideration of the Operation and Maintenance Expenditures for August and September. She reviewed the expenditures for August totaling \$13,843.48 with the Board.

Ms. Hartman asked if there were any questions or comments. Hearing none, she asked for a motion to approve.

On a Motion by Mr. Smith, seconded by Mr. Schwartz, with all in favor, the Board approved the Operation and Maintenance Expenditures for August totaling \$13,843.48 for Lucaya Community Development District.

Ms. Hartman reviewed the Operation and Maintenance expenditures for September totaling \$12,534.82. She asked if there were any questions. Hearing none, Ms. Hartman asked for a motion to approve.

On a Motion by Mr. Schwartz, seconded by Mr. Smith, with all in favor, the Board approved the Operation and Maintenance Expenditures for September totaling \$12,534.82 for Lucaya Community Development District.

FIFTH ORDER OF BUSINESS

**Public Hearing on Fiscal Year 2005/2006
Final Operating Budget**

Ms. Hartman stated that the next item on the agenda was the public hearing on Fiscal Year 2005/2006 Final Operating Budget. She stated that the meeting was duly advertised and briefly outlined the procedures for the public hearing and she asked for a motion to open the public hearing.

On a Motion by Mr. Dady, seconded by Mr. Schwartz, with all in favor, the Board opened the public hearing on Fiscal Year 2005/2006 Final Operating Budget for Lucaya Community Development District.

Ms. Sparkman asked if Staff could verify that the meeting was advertised. Ms. Hartman stated that she would provide a copy of the affidavit for her records.

Ms. Hartman stated that the budget was developed in conjunction with the Chairman, Mr. Smith. She explained that at the Board's direction, she has established an enterprise fund for utilities and a direct bill amount has been included in the budget, as well as a maintenance reserve amount. The District will use a master meter, and billing will be run through the HOA. Ms. Hartman stated that after speaking with District Counsel, one minor change was made to the budget. The miscellaneous reserve line item is now called contingency maintenance reserves.

Ms. Hartman asked if there were any questions or comments from the Board. It was noted, for the record, that there were no audience members present at this hearing. With no other comments, Ms. Hartman asked for a motion to close the public hearing.

On a Motion by Mr. Smith, seconded by Mr. Dady, with all in favor, the Board closed the public hearing on Fiscal Year 2005/2006 Final Operating Budget for Lucaya Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Fiscal Year 2005/2006 Funding Agreement

Ms. Sparkman stated that the Board has discussed and elected to enter into a funding agreement with Taylor Woodrow Homes. She explained that the funding agreement included in the agenda package, while substantially correct, does contain some typographical errors and that is why another version was distributed to the Board. The agreement calls for Taylor Woodrow Homes to fund the operation and maintenance expenditures portion of the budget and the debt service fund would be collected through a direct billing process. In response to a question, Ms. Sparkman explained that this agreement is for a term of one year and is essentially the same as the current agreement with Taylor Woodrow Homes for Fiscal Year 2004/2005.

On a Motion by Mr. Smith, seconded by Mr. Schwartz, with all in favor, the Board approved the Fiscal Year 2005/2006 Funding Agreement for Lucaya Community Development District.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2005-36, Adopting Fiscal Year 2005/2006 Final Operating Budget

Ms. Hartman stated that the next item on the agenda was the consideration of Resolution 2005-36, Adopting Fiscal Year 2005/2006 Final Operating Budget. Ms. Sparkman stated that this document is an appropriations resolution that sets forth that the Board has provided prior notice and copies of the proposed budget to the local governing entity sixty (60) days prior to today's public hearing and provided for the public to comment on the budget. It was further stated that the Board is approving the Budget as adopted today.

On a Motion by Mr. Schwartz, seconded by Mr. Smith, with all in favor, the Board approved Resolution 2005-36, Adopting Fiscal Year 2005/2006 Final Operating Budget for Lucaya Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2005-37,
Designating Fiscal Year 2005/2006
Meeting Dates, Time and Location**

Ms. Hartman stated that the next item on the agenda was the consideration of Resolution 2005-37, Designating Fiscal Year 2005/2006 Meeting Dates, Time and Location. She stated that, currently, the Board meets on the third Friday of each month at 1:30 p.m. at the office of Barraco and Associates, Inc., located at 2271 McGregor Boulevard, Fort Myers, Florida 33901. She asked if the Board would like to maintain the same schedule. Following a brief discussion, it was decided to keep the current meeting times and location for Fiscal Year 2005/2006.

On a Motion by Mr. Schwartz, seconded by Mr. Smith, with all in favor, the Board approved Resolution 2005-37, Designating Fiscal Year 2005/2006 Meeting Dates, Time and Location as the third Friday of each month at 1:30 p.m. at the office of Barraco and Associates, Inc., located at 2271 McGregor Boulevard, Fort Myers, Florida 33901 for Lucaya Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2005-38,
Approving Fiscal Year 2005/2006 General
Budget Funding Agreement and
Providing for Direct Collection of
Assessments**

Ms. Sparkman asked if the Board had approved Resolution 2005-38 and it was noted that the resolution has not been approved yet. She stated that it provides for the collection of operation and maintenance expenditures through the previously adopted Developer Funding Agreement and authorizes the collection of the debt service by direct billing. Mr. Schwartz made a motion to approve.

On a Motion by Mr. Schwartz, seconded by Mr. Dady, with all in favor, the Board approved Resolution 2005-38, Approving Fiscal Year 2005/2006 General Budget Funding Agreement and Providing for Direct Collection of Assessments for Lucaya Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
No report.

- B. District Engineer

Not present.

- C. District Manager
No report.

ELEVENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Ms. Hartman stated that the next item on the agenda was Supervisor requests and audience comments. She noted that there were no audience members present, other than those named at the beginning of the meeting. Ms. Hartman asked if there were Supervisor requests. It was requested that the administration of Mr. Bullock's oath of office be placed on the next agenda.

TWELFTH ORDER OF BUSINESS

Adjournment

Ms. Hartman stated that there were no other agenda items to come before the Board and asked for a motion to adjourn.

On a Motion by Mr. Dady, seconded by Mr. Smith, with all in favor, the Board adjourned the Board of Supervisors' meeting at 2:15 p.m. for Lucaya Community Development District.


Secretary/Assistant Secretary


Chairman/~~Vice Chairman~~