

**MINUTES OF MEETING
HARMONY COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, October 29, 2020, at 6:00 p.m. via virtual teleconferencing using WebX.

Present and constituting a quorum were:

Steve Berube
Bill Bokunic
Kerul Kassel
David Farnsworth
Mike Scarborough

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Kristen Suit
Tim Qualls
Tristan LaNasa
Steve Boyd
Gerhard van der Snel
Pete Betancourt
Residents and Members of the Public

District Manager: Inframark
District Attorney: Young Qualls, P.A.
Young Qualls, P.A.
District Engineer
Field Services Manager
Servello

The following is a summary of the discussions and actions taken at the October 29, 2020 Harmony CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Supv Berube called the meeting to order at 6:00 p.m.

Roll was called and the record will reflect a quorum.

SECOND ORDER OF BUSINESS

Audience Comments

Supv Berube noted they received a large package from Mr. Leet.

Mr. Leet addressed the parcel that connects Five Oaks Drive to Billy's Trail noting there is a section that is washed out. He outlined the package.

Supv Berube noted Mr. van der Snel agrees it is low and needs to be filled. He suggested Mr. van der Snel and Mr. Boyd coordinate with Mr. Leet to figure out what needs to be done there and bring it back in the near future.

Ms. Kramer noted it was nice to see the resolutions recognizing Supervisor Bokunic and Supervisor Farnsworth. She further addressed the surveying for the new dog park and the parcel across the entrance road to the golf maintenance area and inquired if permanent corner markers were placed when surveyed prior.

Supv Berube noted the District Engineer will speak to this during his presentation.

Ms. Kramer noted if they did not put corner markers in, they may want to ask them to do so when doing the topographic survey. She further addressed the website maintenance agreement, and discussion of the possible playground across from the Board approved dog park and noted her concerns.

THIRD ORDER OF BUSINESS

Organizational Matters

Ms. Suit noted they would like to recognize the two supervisors whose terms are ending noting they hate to see them go.

A. Resolution 2021-01 – Recognizing Mr. Bill Bokunic

B. Resolution 2021-02 – Recognizing Mr. David Farnsworth

Ms. Suit outlined Resolution 2021-01 recognizing Mr. Bill Bokunic and Resolution 2021-02 recognizing Mr. David Farnsworth for their service to the Board and community.

On MOTION by Supv Kassel seconded by Supv Berube, with all in favor, Resolution 2021-01 and Resolution 2021-02 were adopted (5-0).

FOURTH ORDER OF BUSINESS

Approval of the Minutes

A. September 24, 2020 - Regular Monthly Meeting Minutes

Supv Kassel noted she reviewed; there were some minor errors not affecting clarity.

On MOTION by Supv Kassel seconded by Supv Bokunic, with all in favor, the September 24, 2020 regular meeting minutes, as amended, were approved. (5-0)

FIFTH ORDER OF BUSINESS

Subcontractors' Reports

A. Servello

i. Grounds Maintenance Status (*Work Chart*)

Mr. Pete Betancourt reported they are in bi-weekly service for the winter.

Mr. van der Snel noted he and Mr. Betancourt did a ride through and are planning several cleanouts, replacements and finetuning work. They are scheduling a ride through for trees to see what needs to be added. They have also discussed a sod replacement project that he would like to discuss with the Board. In his opinion they could wait another year for the sod replacement. There are a couple of areas – one being on Five Oaks West across from 7001 to 7023 that is a troubled area with sod, and they would like

to work on it a bit. The tree trimming project has a rough start however, they are getting a good start now and will hopefully be done in a couple of weeks.

Supv Berube addressed the discussion last month regarding Liriope grass in areas with tree rings along Cat Brier and a couple of other areas and inquired if there is a proposal for that?

Mr. Betancourt noted he will follow-up with Mr. Feliciano on it tomorrow.

Supv Berube addressed the trees along the inner streets noting some, if not all, may need lifting and thinning and requested they take a look at them.

Mr. Betancourt noted he will look at them and get with Mr. van der Snel.

Mr. van der Snel noted they were done last year and are normally on a bi-annual schedule. They can do some finetuning.

SIXTH ORDER OF BUSINESS

Storm Drain Pipe Failure Update

Supv Berube outlined the pictures included in the agenda package and what the job should have consisted of. Once the situation was realized by Brownie's the entire job turned. He addressed the damage to the top of the pipe by the excavator bucket and being blamed on being blown out by the water pressure. He further addressed the steel pilings being driven into the pipe noting once Brownie's was challenged on this, they agreed the pilings being driven into the plastic pipe is what damaged it but did not comment on the damage caused by the bucket. This is when the mood of the job changed, and Brownie's agreed to fix it at no cost. The repair added significant time and cost to the job and is the nature of the dispute that is detailed in the agenda package. He further noted no change orders were submitted for the project until they were closing the hole and took the project to \$150,000. He suggested they offer to pay Brownie's the \$75,000 that was the contract value on a not to exceed, get a release from them that this covers everything, and they are done, and they can pick up the final cleanup of the jobsite from there.

Supv Farnsworth inquired about the cleanup.

Supv Berube noted there is 500 square feet, give or take, along Five Oaks where the sod has been removed, the hole has been settling in with the rain and needs be graded and sodded.

Supv Farnsworth noted this was originally part of the job.

Supv Berube noted there were several things not done that District Counsel and the District Engineer will talk about.

Supv Scarborough addressed the suggestion to give Brownie's the original agreed upon amount and continue to pay for the remainder of the job for the restoration work.

Supv Berube noted there is an outstanding bill for the diver to rent, install and remove the plugs, which the CDD agreed to as part of contract #1 of about \$4,000.00 and has not been billed nor paid. Against contract #2 they have the rental of the dewatering system at about \$10,000.00. There is about \$14,000.00 in unbilled/unseen over the \$57,000.00 so \$72,000.00 on agreed to stuff, bringing it up to the \$75,000 agreed up, call it a day and move on.

Supv Scarborough noted they did not inflict the pain upon themselves that they should have to pay the penalty for expending CDD resources to fix.

Supv Berube noted there is an additional adjustment factor in that they exceeded the contract term by 27 days and there is a \$250 per day penalty. He noted believes he and District Counsel agree on getting the release, getting them out and the CDD picking it up from there.

Discussion continued on the remaining work to complete the project.

Mr. Boyd outlined the soil penetration test noting Brownie's dumped dirt in the hole and left without properly compacting it. He had discussed with them the need to compact the backfill in layers as they filled it because the HDPE pipes are flexible and if you put a lot of soil pressure on top of it and the trench has not been backfilled properly the weight of the earth above the pipe deforms it, causing a joint failure again. He feels the right thing to do is have Devo Engineering drive a penetrometer into the ground to determine if the backfill is compacted or how compacted it is based on the resistance. They quoted \$1,200.00.

Discussion continued on the soil penetration test.

Mr. Qualls noted they will leave the details of what went wrong to the experts. They wanted to ensure they followed the Florida Prompt Payment Act as well as their own rules governing decisions which substantially affect somebody's interest. They sent a letter and got the information on the costs, and the Florida Prompt Payment Act allows the holding of 150% of what they think it will cost to redress any shortcomings in the two contracts. Today they received a letter from Counsel for Brownie's requesting a hearing

and they are going to recommend they hold the hearing next month. There is a rule about how they conduct such hearings to hear their side and then make a final determination on what you want to do. The process is described in the letter and in Rule 1.6; they can circulate a memo they did awhile back on how the hearings work.

Supv Scarborough addressed his concerns noting he has experience as a business owner and a customer would not be willing to pay him the full contract amount, nor would he expect them to, knowing that he is fully liable. This is what liability insurance is for and he does not seem them capturing the full contract amount unless they want to complete the job to its full extent.

Supv Berube noted he may have stated his suggestion incorrectly – he would suggest paying up to the contract amount. Discussion followed on the contract amounts and offsets.

Mr. Qualls outlined the public hearing process for next month noting the Board needs to designate someone to conduct the hearing. The Board will then have 45 days after that to issue a final order.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

i. Discussion and Consideration of Updated Maps

Mr. Boyd reported before last month's meeting they provided the updated maps and his understanding was there was no follow-up required.

Ms. Suit noted Supervisor Farnsworth has asked that she send it to the Board for review and if they had any comments or questions now would be the time.

ii. Discussion and Consideration of Johnson's Surveying Proposal

Supv Berube inquired if Mr. Boyd heard Ms. Kramer's request about the markers.

Mr. Boyd noted he did. He reviewed the surveying proposal noting the black lines are the tract boundaries and should have iron markers there. The survey is not to establish a boundary; the purpose is to get up-to-date topography, tree locations and sizes, accurately pick up the existing sidewalk, the road, and the elevation of the service road. For site improvements like a park the County requires a full site development permit.

ON MOTION by Supv Kassel seconded by Supv Berube, with all in favor, the Johnston's Surveying proposal in the amount of \$3,500 was approved. (5-0)

Mr. Boyd noted they will need the proposal signed by a representative of the District.

Mr. Boyd inquired if the Board was going to act on getting Devo Engineering to do the soil compaction test.

Supv Berube MOVED to approve the Devo Engineering proposal for soil compaction testing in the amount of \$1,200.00 and Mr. Bokunic seconded the motion.

Supv Kassel inquired if the Board has seen the proposal.

Ms. Suit noted they have not.

Mr. Boyd noted it was an email he forwarded to Supervisor Berube.

On VOICE vote Supv Farnsworth voted aye.
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Supv Kassel inquired if she can abstain since she has not seen the contract.

Mr. Qualls inquired if there is a way to table this and send Supervisor Kassel the proposal. He agrees it should be disclosed but he also understands the importance of having this information.

Supv Berube noted this was a line in an email.

Mr. Boyd noted they did not send a contract to forward to you and he should have asked.

On VOICE vote Supv Scarborough voted aye.

Supv Kassel again raised the question of abstaining or does she have to vote nay.

Mr. Qualls noted the grounds for abstaining are a conflict. Maybe some questions to the Engineer may help. He inquired if the price seems reasonable.

Mr. Boyd noted he thought it was low.

Mr. Qualls suggested an amendment to the motion that it be contingent upon a legal review of the contract.

Supv Kassel inquired if Mr. Boyd has worked with the contractor before and his experience or knowledge is.

Mr. Boyd noted he has, and they do excellent work.

On VOICE vote Supv Kassel vote aye, and the motion passed. (5-0)

Supv Berube inquired where they are with the parking area SPD.

Mr. Boyd noted during a site visit Supv Berube directed how the fencing and landscaping needs be revised. In following up with John Adams, he needs all of the detail in the PD and they should have it finalized and to Mr. Adams on Friday.

B. District Attorney

i. Discussion and Consideration of CDD Board Meeting Location Agreement

Mr. Qualls outlined the meeting location agreement – it is an 11-month term beginning in November and includes language regarding Osceola County or the State of Florida stopping meetings, they would get a return/refund for the meetings they miss.

Supv Kassel inquired if they are voting to meet in person even if the Governor extends the order.

Supv Berube noted that is correct. The order does not force them to meet telephonically, it gives the ability to do so.

Mr. Qualls noted it suspends the physical quorum requirement, there are local governments that have been meeting in person.

Supv Kassel inquired if it would be possible to have a combination in-person and virtual meeting.

Mr. Qualls noted legally it is possible. If the Governor does not extend the physical quorum requirement then you have to be physically present to count for the quorum requirement and to vote, but you can participate.

Ms. Suit noted you have to have at least three people present in the room and the Supervisors can vote by phone.

Mr. Qualls addressed what other governments are doing such as making audience wait outside until it is time to speak and then enter one at a time. There is going to be some flexibility; it has to be open to the public.

Ms. Suit addressed the challenges of running an in-person meeting and virtual meeting at the same time.

On MOTION by Supv Berube seconded by Supv Kassel, with all in favor, to return to in person meetings at Grace Community Church subject to social distancing guidelines, Grace Community Church agreement guidelines, allowing for telephonic access to join the meeting by use of the District Manager's conference line and access number was approved. (5-0)

ii. Discussion and Consideration of Website Maintenance Agreement

Mr. Qualls outlined the website maintenance agreement.

Supv Berube noted Mr. Leet has agreed to pickup the website maintenance should he be elected to the Board. Mr. Leet has the capability, but Supervisor Farnsworth has a lot of unique aspects to the website and he thinks Mr. Leet would appreciate a period of time to settle in as a Supervisor should he be elected, as well as having the guidance and insight of Supervisor Farnsworth in providing a smooth transition.

On MOTION by Supv Kassel seconded by Supv Scarborough, with Supv Kassel, Supv Scarborough, Supv Bokunic and Supv Berube voting aye and Supv Farnsworth abstaining, the agreement with Mr. David Farnsworth for the District website maintenance in the amount of \$300 monthly was approved. (4-1)

Mr. Farnsworth abstained as he is a party to the agreement; a copy of Form 8B is attached hereto and made a part of the record.

Ms. Suit noted they will begin making payment on November 15th.

Supv Berube thanked Supervisor Farnsworth for continuing to maintain the website.

Mr. Qualls noted while the Sunshine Law would not apply all records pertaining to this contract would still be public records.

iii. Update on Brownies Septic & Plumbing Invoices

Previously addressed.

iv. Update on Fusilier's Litigation and CDD Irrigation Infringement

Mr. Qualls noted there is no update other than it is ongoing.

Supv Berube addressed this being the fourth month that this is on the list and there has been no forward movement. He addressed previous discussions regarding having the Board back Field Services to unlock the boxes to do maintenance. He requested guidance noting he thinks their people need to open the boxes to make sure the irrigation system is functioning the way it should be and do maintenance.

Mr. Qualls noted he thinks he has a proposal which probably everyone will not like. There is ongoing litigation, and when it comes to the fact that their irrigation boxes have been locked up unlawfully, on the other side of the road filling some sort of legal action in court which would be expensive and time consuming, so one thought is they have the existing ongoing litigation and could file within this case an emergency motion for injunctive relief.

Supv Farnsworth noted it sounds like a good idea.

Supv Berube addressed the time it would take to go before a judge or get on a calendar.

Mr. Qualls noted they can ask for emergency injunctive relief.

Supv Berube further addressed taking control of the boxes to make sure the irrigations system works.

Supv Kassel noted they have been told they can ask Mr. Fusilier for access to the boxes without going through a motion that is escalatory. They can file the injunction and request their staff meet District staff at the boxes to check them out.

Mr. van der Snel reported he approached Casey, one of the maintenance people for Mr. Fusilier, and said "I heard if I contact you, we can go together to do maintenance" his response was let me ask Mr. Fusilier and the response was no. It was later heard that it needs to be a written request to Mr. Fusilier.

Supv Kassel noted to do the written request.

Supv Scarborough addressed asking permission of someone to access their own property.

Discussion followed on the ownership of the property being in dispute and the easements for utilities and drainage with Mr. Qualls noting it is a community-wide irrigation system and the CDD has the duty to maintain the system. The District Engineer has put in writing to opposing Counsel that the CDD has an easement to access the sprinkler system.

On MOTION by Supv Berube seconded by Supv Scarborough, with Supv Berube and Supv Scarborough voting aye and Supv Bokunic, Supv Farnsworth and Supv Kassel voting nay, authorizing the Field Manager to access irrigation boxes with use of law enforcement to ensure proper ongoing maintenance and operations failed. (2-3)

On MOTION by Supv Kassel seconded by Supv Bokunic, with Supv Kassel, Supv Bokunic and Supv Farnsworth voting aye, and Supv Scarborough and Supv Berube voting nay, authorizing District Counsel to file an injunction against Mr. Fusilier was approved. (3-2)

Supv Bokunic noted he has been consistent on this and thinks that cutting locks and being provocative and wishes they had thought of this solution in the previous months and could have been down the road with it.

Supv Kassel noted it was presented but not heard.

v. Update on The Lakes Deeds of Dedication

Mr. Qualls noted there nothing to report. There was a mix-up with the parcel numbers, and so they have not received the documents.

vi. Review of Memo re: District Solicitation Policy

Mr. Qualls noted the memo on the solicitation policy was included in the agenda package. The Board can make a determination of what they want to do.

Supv Berube noted he feels it is more involved than he anticipated. He addressed his concerns of employees, the employee handbook, the use of the term employees, and prior advice to avoid being employers.

Mr. Qualls addressed the statute noting it states the District shall have a District Manager and the District Manager manages the works of the District. When it comes to folks needed to carry out that task it should be done through the District Manager; technically they have not heeded that advice which is fine and he is not saying they did anything wrong. He can assure them if there is an issue with somebody from field staff and they want to get litigious they are going to sue the District as an employer. For this policy the question is how they can make sure the policy applies to everybody and he thinks they can do that without specifically saying employees.

Supv Kassel noted the way the policy is written it focuses on employees and disciplinary consequences that is loses its focuses as a solicitation policy for everyone.

Mr. Qualls noted the policy was drafted by Supervisor Farnsworth.

Supv Kassel inquired if Supervisor Farnsworth would want to rework the policy or have someone else do it noting she is willing to take out some of the language but keep the policy elements making it more about solicitation than employees.

Supv Farnsworth noted it is a template he pulled from the internet and he only customized some words to make it Harmony. Since he did not write it; it would be difficult to manipulate it legally and would rather have District Counsel make modifications to it.

Supv Kassel noted she is happy to make some modifications to it and pass it by the Board at the next meeting.

Supv Berube noted it sounds perfect and thanked Supervisor Kassel for offering.

Mr. Qualls thanked Supervisor Farnsworth and Supervisor Bokunic for their time and effort noting it has been a pleasure working with you both. He is amazed that good people, like all of them, give so much time and it largely goes unrecognized or just have to put up with so much bull. They did a good job and he loved working them and wished them well.

Mr. Qualls noted he has been giving a lot of thought to the natural strain that he does not like in the traditional legal model, with that being the hourly rate, while they have extremely competitive hourly rates, there is a lot the Board is dealing with and they have spent a lot of hours and he never wants one of his clients to be in a position where they say “we would like advice but if I call it starts the clock”. He values working with Harmony and is going to bring a proposal to go to a flat monthly fee. He wants them to be able to call, wants them to be able to get the best legal advice.

Ms. Suit noted she has more than ten districts and if she is not mistaken his fees are the lowest of all the attorney’s she works with.

Supv Berube inquired if he is talking a fixed monthly rate up to a cap for the year, then after that they stop or has, he not brought it that far along yet.

Mr. Qualls noted it would be a flat monthly rate and would not include litigation.

Supv Berube noted thanked Mr. Qualls noting he thinks he provides great advice at a very reasonable price and it is appreciated. He noted Mr. LaNasa is following in his

footsteps and has probably been the better, if not the best, associate counsel brought onboard.

Supv Bokunic thanked Mr. Qualls for his kind words. As he personally transitions to an audience member from the Board if there are any suggestions in a change on the legal side there is going to be a loud argument from him as a resident. He [Mr. Qualls] gives above and beyond and is always available for conversation and he has enjoyed working with him as well.

C. Field Manager

- i. Facilities Maintenance (Parks, Pools, Docks, Boats, etc.)**
- ii. Facility Use Records (Inclusive – Boats & Other)**
- iii. Resident Submittals (Facebook & Direct)**
- iv. Pond Maintenance (Chart & Map)**
- v. Wetlands Report (Chart & Map)**

Mr. van der Snel noted his reports were in the package and inquired if there were any questions or concerns.

Supv Kassel noted for the invasive weed control the report does not seem to indicate they are making headway and inquired if they are being effective with their control measures.

Mr. van der Snel noted the mitigation project is done by Brad who is also the dock master. They have another staff member who helps Brad. The two go into the field together for safety purposes. The project has proven to be immense and they have been working behind Bracken Fern for a while now. The further they go the more they see; it is bigger than anybody thought.

Supv Berube noted the area being mitigated has expanded to four or five times larger than the initial project area.

Discussion continued on the mitigation area with Mr. van der Snel they are going to be a while since it is bigger than it looks.

Supv Scarborough addressed the road leading to the garden and RV parking area noting the road is horrific. He thinks the road needs to be addressed and maintained properly and a proper base put down.

Mr. van der Snel noted he agrees and has a quote pending for concrete fines. The road is 12,000 square foot. He addressed the use of concrete fines noting shell rock has

proven not to work and asphalt is not an option because of the gas pipeline. He will have a proposal next month.

Supv Berube noted he wants to ask Mr. Boyd the timing for the Harmony Central easement. Harmony Central is going to dig up along the road and the agreement with them included regrading the road.

Supv Berube noted page 67 is a picture of the new Yamaha U-Max 2 that was approved for purchase a couple of months ago.

Mr. van der Snel reported Phase 4 of the sidewalks is completed and Phase 5 will be in November.

Supv Scarborough extended a compliment for the bench that was installed noting he has seen it being used.

Supv Berube noted the User Facilities revenues was budgeted at \$12,600 last year and was actually \$21,460 from the combined facilities. \$12,600 was budgeted for expenses and they spent \$10,070.

SEVENTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements for September 30, 2020

B. Approval of: #246 Invoices, Check Register and Debit Purchases

Ms. Suit noted she would be happy to answer any questions.

On MOTION by Supv Berube seconded by Supv Kassel, with all in favor, the September 30, 2020 financials, Invoice Approval #246, Check Register and Debit Purchases was approved. (5-0)

C. Discussion and Consideration of Budget Amendment for FY 2020 – Resolution 2021-3

Ms. Suit outlined the budget amendment for FY 2020 for \$83,196 noting the District is not over budget, but for accounting purposes the District is required to show the transfer of the funds for the VC-1 debt service as an expenditure.

Supv Berube noted that is part of the amendment but the full amount is outlined on page 104 is the debt payment plus \$51,822 into the fund balance.

On MOTION Supv Kassel seconded by Supervisor Bokunic, with all in favor, Resolution 2021-03 for FY 2020 was adopted. (5-0)

D. Discussion and Consideration of Motion Assigning Fund Balance

Ms. Suit outlined the motion assigning fund balance.

Operating Reserve	\$423,528
Reserves Renewal & Replacement	\$ 40,215
Reserves Sidewalks & Alleyways	\$213,208
Reserves Uninsured Repairs	\$ 50,000

Supv Kassel addressed unassigned fund balance of \$571,236.

Ms. Suit noted that is a different line item, this motion assigns reserves.

On MOTION by Supv Kassel seconded by Supv Berube, with all in favor, the motion assigning fund balance, as outlined, was approved. (5-0)

Supv Berube addressed the reserves for Sidewalks & Alleyways noting they have been funding the ongoing sidewalk panel replacements out of the budget. Do they want to fund some of the sidewalk repairs from the reserve fund or continue to leave it and fund from the budget?

Supv Kassel inquired why they cannot move from assigned fund balance to the line item in the operating.

Discussion ensued on fund balance, line items and the use of reserve funds.

EIGHTH ORDER OF BUSINESS Old Business

A. Discussion of Parcel VC-1 Usage

i. Survey Questions

Supv Berube noted he thinks Supv Kassel did a remarkable job and it looks stellar to him. Are there any comments or questions?

Supv Farnsworth inquired as to the impetus for adding the underlying comment at the end of the first paragraph.

Supv Kassel noted the need to add from her perspective is they had the discussion for months about a community center at that site and she wanted to assure people before they answered the questions that was not the reason for the survey.

Supv Farnsworth noted in his opinion it was superfluous to what was being sought.

Discussion continued on the inclusion of the comment.

Supv Berube will contact Mark regarding the price for mailing the survey to the residents.

Supv Farnsworth addressed the different opinions on how people would like to receive the survey – email, social media, and US Mail.

Supv Kassel noted her understanding is because it is a CDD issue and the target group is CDD assessment payers and sending via US Mail is the most appropriate avenue to take and has the potential to reach the highest percentage of owners in Harmony. She inquired if she should put it on Survey Monkey and provide a link for people to go online to respond to the survey.

The consensus is to use Survey Monkey with Supervisor Kassel creating the online survey and providing the link for the mailing.

Supv Berube will bring the numbers back next month for the mailing.

B. Discussion and Consideration of Installing Playground Equipment in Area Across from Board Approved New Dog Park

Supv Berube noted they need the SDP and suggested moving to next month.

NINTH ORDER OF BUSINESS

New Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Topical Subject Discussions

There being none, the next item of business followed.

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

Supv Kassel noted there is more consistent attention to the dog parks and things have to be reported on to be addressed aside from mowing and requested Mr. van der Snel send a field services person into the dog parks once a week to make sure things such as the rubber mulch is not in the way of the gate, the gates are closing properly, faucets are in working order, are drains are clear are being addressed. She noted they had also talked about putting a drain at the swings outside the dog parks to the pond; she does not think this has been done because it is still flooding.

Mr. van der Snel noted they have been working with Servello on the issue and they were prepared to provide a quote for installing a drain. If the Board would like for him to get a quote, he will be happy to provide it.

Supv Kassel noted when it was discussed it was stated they had the equipment to do it themselves.

Mr. van der Snel noted they have the equipment but not the knowledge.

Supv Berube inquired about raising the ground and the swings letting the water runoff into surrounding areas.

Supv Kassel noted the surrounding areas are the dog park, the other playground and someone's house.

Mr. van der Snel noted the mulch will wash out and they have to have mulch.

Supv Kassel noted the long-term solution would be a drain.

Supv Scarborough noted he has done hundreds of these and would be happy to assist if it is something they want to do in-house.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Supv Berube seconded by Supv Kassel, with all in favor, the meeting was adjourned.
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Kristen Suit
Secretary

Steven Berube
Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Farnsworth, David Lee		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Community Development District	
MAILING ADDRESS 3336 Cat Brier Trail		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Harmony	COUNTY Osceola	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED October 29, 2020		NAME OF POLITICAL SUBDIVISION: Harmony	
		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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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, David Lee Farnsworth, hereby disclose that on 29 October, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ 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 subsidiary, or sibling 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:

Subject: Maintenance of Harmony CDD website (www.harmonycdd.org).

History: As a member (elected Supervisor), I performed this task voluntarily from 2016 until the present. There is concern regarding continuity of the site when my term in office ends in November 2020.

Condition: I am amenable to a short-term continuance, but only until Board finds a permanent replacement.

Conflict: Since continuance would be compensated, I cannot participate in a related Board motion or vote.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

15 October, 2020

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.