

**MINUTES OF MEETING  
HARMONY COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Monday, August 15, 2022, at 6:00 p.m. at the Jones Model Home, 3285 Songbird Circle, Saint Cloud, FL 34773.

Present and constituting a quorum were:

Teresa Kramer	Chair
Daniel Leet	Vice Chair
Kerul Kassel	Assistant Secretary
Joellyn Phillips	Supervisor
Dane Short	Supervisor

Also present, either in person or via Zoom Video Communications, were:

Angel Montagna	Manager: Inframark, Management Services
Michael Eckert	Attorney: Kutak Rock
David Hamstra ( <i>by phone</i> )	Engineer: Pegasus Engineering
Pete Betancourt	Servello & Sons
Brenda Burgess	Inframark, Management Services
Sean Israel	Inframark, Management Services
Vincent Morrell	Field Manager
Brett Perez	Inframark, Field Services
Residents and Members of the Public	

*This is not a certified or verbatim transcript but rather represents the context of the meeting. The full meeting recording is available in audio format upon request. Contact the District Office for any related costs for an audio copy.*

**FIRST ORDER OF BUSINESS**

**Call to Order and Roll Call**

Ms. Kramer called the meeting to order at 6:00 p.m.

Ms. Kramer called the roll and indicated a quorum was present for the meeting.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Ms. Kramer asked the audience to turn cell phones off, and to complete a speaking request form for those wishing to speak. This section of audience comments is distinguished from the budget hearing. For anyone wanting to ask questions or make comments about the budget, it would be best to speak during the budget hearing. This period is for anyone who has comments or requests of the Board. Comments are limited to three minutes for each speaker to address the Board. It is not a back-and-forth discussion, but it is a time to make your voice heard.

Mr. Michael Van Houten stated I wanted to let the Board know that by the golf club maintenance facility, the roadway continues to flood during heavy rains. It flooded this



Ms. Kramer stated this normally happens whenever the legal counsel changes, and the Board made that change at the last meeting. Mr. Eckert with Kutak Rock is our attorney and should be designated as our registered agent, which change is made by Resolution.

Ms. Kassel made a MOTION to approve Resolution 2022-13 designating Mr. Eckert as the District's registered agent and the offices of Kutak Rock as the registered office.  
Mr. Short seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to Resolution 2022-13 designating Mr. Eckert as the District's registered agent and the offices of Kutak Rock as the registered office.

**B. Consideration of Resolution 2022-10, Amending the Budget Hearing Date**

Ms. Kramer read Resolution 2022-10 into the record by title.

Ms. Kramer stated Resolution 2022-10 amends the date of the public hearing to today. We had an extensive discussion about the budget at our last meeting, but we did not amend the date, so we are ratifying staff's actions in amending the date.

Ms. Kassel made a MOTION to approve Resolution 2022-10 amending the public hearing date for adoption of the fiscal year 2023 budget from July 28, 2022, to August 15, 2022.  
Mr. Short seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to Resolution 2022-10 amending the public hearing date for adoption of the fiscal year 2023 budget from July 28, 2022, to August 15, 2022.

**C. Public Hearing for Adoption of the Fiscal Year 2023 Budget**

**i. Fiscal Year 2023 Budget**

Ms. Kramer stated we have reviewed the budget extensively. It has been a difficult year. We have considerable costs, and we are moving forward to adopt the budget.

Ms. Kramer opened the public hearing for adoption of the fiscal year 2023 budget.

**ii. Public Comments**

Mr. Janeczek stated I am curious, and I know costs have increased. Two years ago, the Board at the time talked about the surplus and building a community center. Where did all that money go? You talk about paying down debt and other items, and now you are talking about a 28% assessment increase, which I presume is a one-time assessment increase. At

least that is what it is looking like. I do not know if it is a 28% increase. If so, I will say that is ridiculous. I am curious why the golf course and other places do not have assessments. Town Center pays a very low assessment, in my opinion, based on everyone else's footage. If it truly is a one-time assessment and not an annual increase, could it be spread out over a couple years as the need for money comes, when we know we need the money, rather than putting \$2 million in the bank that will not earn interest right now? You proposed a 28% increase. If we are all sharing the costs, should it not be a flat fee per household?

Ms. Kassel stated you asked a lot of questions, and I will be happy to answer them if you want to take my card and get in contact with me. I know it is preferable to answer them now, but we will be here all night if we answer every single question. We have a lot of answers that I am happy to provide to you and anyone else.

Ms. Kramer stated each of us has an email address. We would be more than happy to talk with residents. I had a town hall meeting at the Lakes to discuss a lot of these issues. We had a nice time and answered a lot of questions. If you want to reach out and find out about what is going on, we are more than happy to answer your questions.

A Resident asked can you answer one question if this is a one-time increase, or if it will always be increased?

Ms. Kramer stated this will be an annual assessment unless the Board votes later to reduce it. I reviewed most of the sections throughout Harmony, and the dollar amount varies. The 28.1% increase is only for the operation and maintenance ("O&M") assessment, not the entire assessment.

Ms. Kassel stated unless you paid down the bond debt. Your non-ad valorem assessment is made up of the O&M assessments (the everyday operating costs for the District) and the bond debt, which is what everyone pays back related to the cost of installing the infrastructure for the community. If you have not paid off your bond debt but are still paying it annually through the assessments, it is increasing only 12.2%. If you paid off your bond debt, like I have, my increase is 28.1%.

A Resident asked is the bond debt 20 years?

Mr. Leet stated I believe it matures in nine years for west of the town square, and 13 years for east of the town square.

Ms. Kramer stated to answer the previous question, yes, it is a permanent increase for most people. On average, it is approximately \$27 per month. Most of you are paying this with your escrow through your mortgage. Some people will pay less if you are in a less-impactful unit; if you live in a larger unit or have more acreage, it will be higher. It is based on a historical and established assessment methodology for each product type.

Ms. Kassel stated the assessment methodology is not something the Board has much influence over.

Mr. Fred Meek stated I am speaking to the District's Supervisors to address the proposed 28.1% increase in assessments. I strongly oppose the increase. I am pretty sure I am not the only one in the community who feels this way. As of yesterday, my Facebook straw poll that I sent out with 267 votes, 74% say they understand an increase is needed but not at the proposed 28.1%. Let us be smart in how we spend our money and tighten our wallet. Doggie pot bags should not cost 50% more. If they do, then people need to get their own. It is a convenience, not a necessity to the community. I say we put a moratorium on doggie pot bags. Save your shopping bags, go to Dollar Tree and get 100 bags for \$1.25. Engineering has a proposed 25% increase in the hourly rate. I wish I received a 25% increase in my hourly rate. If you pay someone well to find problems, then they will find problems. Ask me how I know. Twenty-five percent is a little excessive. Let us prioritize and take care of the urgent items. Not everything is urgent. Patch potholes and maybe consider sealing the asphalt instead of replacing it. Defer some maintenance until costs of goods stabilize. Now is not the time to take care of high-ticket items. Regarding a 400% increase for management of invasive aquatic weeds in Buck Lake and ponds, maybe three or four people really care about the invasive pine and fern you have to go way back in the forest to find. Regarding fire ladders, we have a fire station across the street and home owners insurance. Do the minimum to keep us in compliance with South Florida Water Management District ("SFWMD"). What happens to all these increased fees once they are collected? Will they all be earmarked and appropriated to the proposed line items? Will they be placed in a big pot to spend, spend, spend? A lot of single-stream-income families live in our community. A lot of families are really struggling. In line 1127 from the May 26 minutes, someone stated that. People should not have to do extra to make sure they take care of their priorities. Now is not the time to increase assessments just because of the current economic status of inflation. A lot of people have to figure out how to do more with

the same amount of money, or less. A lot of residents are angry, stressed, and concerned due to this proposed increase. I am one of many. I am hoping you Supervisors make some wise decisions in light of what 74% of the community would like. I am hoping you show a little more fiscal responsibility. It is my money, so spend it wisely.

Ms. Kassel offered a copy of the budget to answer some of the questions raised.

Mr. Meek stated I have reviewed the budget, and I know how to reach out to the Board.

Mr. Richard Slaughter stated I moved here in 2019. Grass around the ponds used to be mowed down to the water's edge. Now it is six or seven feet of grass. We need to have signage by the golf course and by houses because alligators are getting too big, and they are laying in the grass. We are waiting for an accident to happen with that.

Ms. Kramer stated our landscape company was supposed to be cutting within four feet of the pond's edge. To prevent erosion, we do not want to go all the way to the pond's edge. We had amended that, and in our latest landscape proposal, they will mow within two feet of the pond's edge. Twice a year, they will mow all the way to the edge. That will be an improvement going forward. One of the biggest issues is, particularly on your pond and some of the ponds in the Lakes, the developer did not put in any littoral zone vegetation whatsoever. Some of the increase will go to put in proper littoral zone vegetation, which will make those ponds look more like natural ponds.

Mr. Slaughter stated they are full of weeds.

Ms. Kramer stated yes, I know.

Mr. Slaughter stated you said they are supposed to mow to within four feet of the edge.

Ms. Kramer stated they will mow within two feet.

Mr. Slaughter asked when are they going to start?

Ms. Kramer stated October 1.

Mr. Slaughter stated children play in that area.

Ms. Kramer stated that is a steep bank.

Mr. Slaughter asked can we still get signs? In 2019, the alligators were small. These alligators are six or seven feet, and they lay in the grass all day. Kids are out there walking around all the time. We are just waiting for something to happen.

Ms. Kramer stated we can look into that. We have signs in other ponds.

Ms. Kassel asked what kind of signs?

Mr. Slaughter stated regarding alligators.

Ms. Kramer stated the small “caution” signs. Field services will put together some of those signs.

Mr. Slaughter stated one of the previous speakers had most of the same questions I did, so I want to echo what he said.

Mr. Brendan McGovern stated I want to address the 28% assessment increase and give my thoughts. People often come and complain, and no one will mention 28% is a little exorbitant, which is really is. You can do this in other ways over another period of time. Mr. Steve Berube at one time proposed a special assessment regarding some things that need to be paid off within this community. I agree that we need an increase because we need to maintain our environment. During this time between inflation and uncertainty over what will happen in the housing market and people’s jobs, I believe you are asking too much from the people of this community, all of us. Some of us can afford it without a problem, and some of us cannot. Some people are living paycheck to paycheck. That amount of money, while it is \$35 per month for me and \$27 per month for others, is breaking their backs. You are proposing a 400% increase for invasive weeds. That is an assessment you are adding to our annual amount. Instead of doing a flat increase over that time, why not do a special assessment that has a beginning and an end so people will know this is not going to continue forward but is limited to a certain amount of time? Then you can reassess it and see if we have combatted the aquatic weeds and do not need to address it every year with this amount of money, but it can decrease. Then you can levy a new special assessment for a different amount, less than what it was originally intended for. It is the same with this 28.1% increase. It includes things such as new legal counsel and a 25% increase for the engineer. These are things that, while they might have been needed, you need to look at the environment in which we are living now. I am not one to spend frivolously, which it seems to a lot of people is what you are doing. Regardless of what you paint for us on what this picture looks like, what we see is different. What we feel is different from you. We ask that you look at it from our point of view, of how it will impact us financially, day to day, living our lives, not just how it will impact where we live with weeds, with Inframark and Servello & Sons (“Servello”) and how they handle our environment, but how it impacts what we do. Changing it from one lump necessary assessment to perhaps a temporary or possibly a special assessment gives you a three-year window or however you set the terms. Tell us that you have budget constraints and have to

meet this budget, and define the window you need to do it in, and you will look at it again after that time period. Those are the ideas I came up with in looking at our current budget and our current situation, as well as talking with some people who live in this community. Do not think we can afford anything you push out there because not many people can right now.

Mr. Leet stated I saw we had some connection issues with Zoom. We are also recording the entire meeting locally. If I see Zoom has disconnected, I am trying to reconnect as quickly as possible. A couple people on the Zoom call had raised their hand. You need to have emailed a speaking request to Ms. Montagna, and I am not sure if we received any of those. If you are participating via Zoom, make sure you email in a speaking request form.

Ms. Amber White stated I have lived in this community for four years, and I am fairly happy living here. My children like it, it is close to the school, and we are very involved in the high school. My questions are about the due diligence process in coming up with these increases. Did you go out for proposals? Did you look at three or four different groups? I pulled up the doggie bags because it is the one line item generating a lot of feedback. I do not see a 50% increase. When I shop for doggie bags online, I do not see that increase. Then that makes me wonder if we went out for bids or polled three or four different companies that might offer these items. Did we go with the lowest price, or did we go with the same company we have always used so we are just going to continue to use them? It is just a thought. My second comment is about alleys. Infrastructure in our County is a problem. Everyone talks about it. We do not have enough roads. We do not have enough of this. We do not have enough of that. The last thing the City of Saint Cloud (“City”) or the County is going to do is rip up pavement and repave it. They will try to reseal and restripe it to get more life out of it. Even though it may have met its useful life because it is 20 years old, I can tell you about parking lots in the City and County that are over 20 years old that they just reseal and restripe to keep them going because of the cost. Have we considered that?

Ms. Kassel stated alleys belong to the District, not the County.

Ms. White stated my point is, I am using the City and the County as an example.

Ms. Kramer stated the County is repaving roads; in fact, they are repaving Harmony section by section now. They did the section from U.S. Hwy 192 to the Schoolhouse Road roundabout last year. They did the section between the two roundabouts on Five Oaks

Drive. They are coming in and repaving. They recognize the way Harmony was built was not on the most stable soil structure. Roads have cracking and potholes. A neighbor stopped me yesterday regarding a pothole on the alley. He stepped in it, and it went halfway up his shin. This is a serious issue we have to address. If we do not repave them now and correct that cracking, we will have damage to the base under the road. Then we will have to rip it all out and start again, which will be extremely expensive. We defer some maintenance. We are piecing together the pool furniture with extra parts. We are trying to be as cost effective as we can. We have a procurement procedure that we put in place last year. Depending on the cost of the item, we have to obtain two or three quotes that have to be presented to the Board. It is a requirement that we do our comparison shopping and provide that information and make it available to the public for you to see what we are doing to be responsible with your money.

Ms. White stated regarding the parking lot, I understand we might have some alleys that might be in disarray or eroding more than others, but it appears to the consumer—to the person living in the community—it is a blanket, and we are just going to do them all.

Ms. Kramer stated no, we are not.

Ms. White stated my first question is if we are going to assess them all. My second point is, we, as a community, voted you in. We should not have to come to you and ask you to be transparent and show us your bids. You should want to do that. I do not have Facebook, so I look at my husband's account because I do not want to see all the negativity. I did not want to come here today and be negative, but it would seem to me that you would want to put the information out there, that you would want to be transparent.

Ms. Kassel stated it is out there.

Ms. White stated I could not see it.

Ms. Kassel stated it is in our meeting agenda, which is online.

Ms. White stated I could not see it when I looked.

Ms. Kramer stated I will be happy to show you after the meeting how to navigate the website. We are more transparent now than the Board ever has been. Instead of a short agenda package, we require that every item includes backup and information with the quotes we receive. You can see them in the agenda package. We have verbatim minutes you can read if you are interested in a specific item. You can do a word search for it and immediately find the topic you are interested in and read all the discussion the Board had

so that you can be fully aware of the discussion and what went into the decision to do a certain thing. We provide participation through Zoom for these meetings so you can stay in your own home and watch the meetings. As far as transparency, we have gone above and beyond, more than is required by any State law or local ordinance.

Ms. White asked if we want to make a public records request, we can do that here right now and we would email that to you?

Ms. Montagna stated you would send an email, and the address is on the website, which is [publicrecords@inframark.com](mailto:publicrecords@inframark.com), or you can send the email to me listing out whatever you want. We will provide whatever documents you request.

Ms. White stated I am listening to what you are saying, and I do not typically come to these meetings. But I am looking around the room at all the people who are here, and I will go out on a limb and say the bulk of these people are here because they do not support the proposed assessment. If it is that transparent, then they would have already been very clear why the assessments are being increased, and they would be okay with it. They would not be wanting to stand up here and talk about it.

Ms. Kramer stated out of 1,100 homes, we have received five requests to speak.

Ms. White asked how is it that your bylaws will allow a renter to be on the Board, when they have no skin in the game? It is just a question. I am not asking you to respond.

Ms. Kramer stated I will answer. It is in the Florida Statutes. The requirement is that you reside in the District. You do not have to be a property owner in the District.

Ms. White stated it does not seem to me, as a home owner, that they have any skin in the game. They can make decisions about our community, and when their lease is up, they can bolt out of here and move down the road.

Ms. Kramer stated similarly you can always sell your home.

Ms. Montagna stated we are getting off topic. We need to move through the agenda.

Ms. Kramer stated we are receiving comments on the budget.

Ms. White stated I oppose the budget, and I oppose the increase.

Ms. Lauren Millan stated I was participating via Zoom, but it was hard to here, so I am here in person. I am brand new to the community. I purchased a home here because I loved it. The comment Ms. Kramer just made, with all due respect, was hurtful. You just told her that if she does not like it, then she could always sell her house.

Ms. Kramer stated let me clarify. I did not say that. She was disrespectful to a Board member who happens to be a renter. What I said was, just as a Board member who is a renter can leave at the end of their lease, any one of us at any time can choose to pick up and move. I was not asking her to move.

Ms. Millan stated moving here, falling in love with Harmony, and coming from Orlando, I was not expecting a 28% increase on a brand new home. We just closed three weeks ago. Taking that into consideration, we are still under construction. The District has not gone into our neighborhood and put doggie bags, for example. I walk my dog, and I have to pick up trash because we have no trash service. In the back of our neighborhood, the weeds are completely messing our home. You are demanding things, but where are you giving?

Ms. Kramer stated I presume you are in the Enclave, which has not been turned over to the District yet. You are still under developer control, so the District has no control over anything in your neighborhood now. We are working to get it turned over, and we are working with the developer to ensure the proper corrections are made prior to it being turned over to the District.

Ms. Kassel stated so we do not have to spend more money to correct what they did not do right.

Ms. Millan stated I agree with that. However, we are getting an increase without it having been turned over.

Ms. Kramer stated your property has been paying assessments the entire time, and you are able to use the docks, pools, boats, and everything that is available to you.

Ms. Millan stated we can use half of the facilities. That is why I am here. You say it has not been turned over so you cannot do anything yet. Most people are listening from home but could not come to this meeting. I offered to come and I will let them know what is happening. An increase of 28% is huge. Some residents have lived here for years. Imagine a new home owner who moved from Orlando for a reason to now have a \$400 or \$500 increase.

Ms. Kramer stated I do not have the exact values, but it is \$400 or \$500 per year.

Ms. Millan stated but it is still a budget item. As has been commented whether it is \$30 or \$25, it impacts our budget.

Mr. Leet stated thank you for coming here and speaking. One thing the District has been doing, even ahead of the property to be turned over, the property that runs behind the Enclavs is a District-owned tract that will connect to the wilderness trail that has been here from the beginning. It used to run through your neighborhood. We are waiting for it to be turned over. We are waiting for some landscaping and runoff issues to be fixed. For me personally, that has been a project since before I was elected, and it has the Board's attention. I feel sympathy for you. When I was building, I was in neighborhood F. After we moved in, because some properties had been replatted by the developer, I also had an increase shortly after moving in. I feel your pain. As was mentioned earlier, the assessments are determined by the property's size across the entire community, which methodology goes back many years.

Ms. Millan stated the Zoom call was cut off during the conversation regarding driving down by the flooding. What was the outcome for that?

Ms. Kassel stated the flooding is occurring on a County road, so our field services will contact the County to ask them to address the issue.

Ms. Millan stated I have a daughter, so I pick her up, and I see kids out. This past weekend when it rained, a little girl got soaked by a car. She was on her bicycle, and all she did was stand there. We have to put our kids as a priority.

Ms. Debra Baer stated I do not like being lumped into the category of people who are here for a certain reason. I do not want the budget to increase, but that is life. Costs increase. I compare it to your house. You have a house payment and a house you take care of. In 20+ years, you need to improve the air conditioner, refrigerator, roof, and so forth. This is a fact of life. I started coming to these meetings maybe a year ago. I have learned so much information. I have learned the process you go through to come up with this budget. This community has yelled and screamed about what they want, but you chose one of the least expensive landscaping companies because you wanted to keep the budget down. People should take the time to look at the minutes and come to the meetings. I think I have contacted each of the Board members when I had questions. Ms. Phillips and Mr. Short are new, so I will reach out to them. I have challenged you. I may not agree with everything in this budget, but that is life. We are not all going to agree on everything. I commend each of you for taking the challenge to run for a seat. People commented on Facebook they are going to take your seat. When two positions became available, nobody wanted them.

Thanks to Ms. Phillips and Mr. Short. If you want a beautiful community, you have to pay for the infrastructure. You have to keep the infrastructure up and running. The O&M assessments fund the operating and maintenance budget, which keep the infrastructure running. It is that simple. Go to the website. The information is available, and it explains everything. We are all intelligent people. For someone to stand here and say they do not know what is going in and that you are not transparent, I will ask if you are blind or have you not listened? The information is available. It ticks me off that some people say they are here to take you down. I am not here for that. I am here to learn, continue to support you where I can, disagree at times, but respect you at the same time. We have all been renters at one point in our lives, so we need to stop bashing renters.

Mr. Richard Conway stated I addressed the Board three or four months ago. I want to make the point that South Lakes and East Lakes were advertised in a magazine as where to retire, where we could save money. We could live in retirement and not pay Massachusetts sales or income taxes, and we could live in Harmony. Since I purchase my house, home owner association (“HOA”) fees for my home have essentially doubled, from \$250 to \$475 every quarter. My HOA fees for the Lakes of Harmony clubhouse have gone from \$222 to \$247 per quarter. It may not seem like much, but it has doubled in four years. I am a retiree who has no income other than social security and savings. As a child, we used to play pig pile where everyone jumped on you and yelled “pig pile.” Right now, I feel like you are playing pig pile, and it is starting to hurt.

Hearing no further public comments, Ms. Kramer closed the public hearing.

**iii. Consideration of Resolution 2022-11, Adopting the Budget**

Ms. Kramer read Resolution 2022-11 into the record by title.

<p>Ms. Kassel made a MOTION to approve Resolution 2022-11, adopting the budget for fiscal year 2023, as presented. Mr. Leet seconded the motion.</p>
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Ms. Phillips stated I am intrigued by the comments regarding doggie pot bags. Do we have more dog parks now? Will we need more bags?

Ms. Kassel stated we have more residents and more neighborhoods.

Ms. Phillips asked did the price of the bags themselves increase 50%?

Ms. Kramer stated no, not totally. I did extensive research on this.

Ms. Montagna stated we have a cost analysis on doggie pot bags.

Ms. Kramer stated during the pandemic, a lot of residents got dogs. Over the past seven years when we had no increases, we brought on many new neighborhoods. The Enclave will be getting theirs soon, but we now have 83 doggie stations, which is a lot of stations. We refill them every Tuesday and Saturday. It is not just the cost of bags but also the cost of maintenance. We are using a lot more bags and the cost has gone up, so it is both. We are always struggling to keep this cost down. We investigated and found a provider on Amazon that has them a little cheaper. We are hoping they will maintain their supply, but we cannot guarantee it. The problem is, we need to include it in our budget now. We cannot run short, or we will end up with problems legally if we cannot pay for the services. I do not think anyone—dog owner or not—wants us to get rid of the doggie pot stations. If we do, those of you who do not own dogs will have so much dog waste in your yard. Unless an overwhelming number of people want us to get rid of that service, we will continue it.

Mr. Short asked when was the last time we increased assessments?

Ms. Kassel stated over ten years ago.

Mr. Short stated I just did a little math. In the last 12 years, inflation has increased a cumulative of 35%, so increasing assessments by 28.1% feels like are in alignment or perhaps behind.

Mr. Leet stated this is a sizable increase to hit all at once. If we had been raising it 1.5% per year, it is an increase. I am not saying to increase it for the sake of increasing it, but had we been doing that, it would have kept up with inflation, and we would not be in this situation where we now have drainage issues, weeds, and other issues and have a shortfall where we need to increase by this amount. It could have been a more gradual transition.

Ms. Kramer stated the other thing we also have is aging infrastructure.

Ms. Kassel stated which has not been addressed.

Ms. Kramer stated that is correct. We have deferred maintenance, and we are paying for it now. The repairs are becoming more costly in order to keep up with the standard that Harmony residents expect.

Mr. Short stated this would have been a lot less painful if it had been incrementally increased. It feels like a gut punch right now because it is all at once.

Ms. Kassel stated a previous Board wanted to keep things status quo to keep everyone happy. I have been pushing for a reserve study for years so that we can have a clear picture of how much we need to set aside to refurbish our infrastructure. Our engineer at the time

provided us with a summary, but it was not complete. He explained that we should hire someone, which we just did. The draft reserve study that first came to us showed certain prices, and we have gone back to them to say the reserve study needs to reflect prices now. So those have increased substantially from the first draft to the current draft. Plus, prices have been rising very significantly for things like repaving alleys and redoing pools. All these costs have been increasing, and we cannot hold those costs down because we are depending on them to provide services to us. They have also seen cost increases.

Mr. Leet stated we approved a reserve study to be done in the past year or so. It is not like we are changing the assessments without a plan. We have a very detailed plan over the course of the next 15 to 30 years. Granted, we still have the option, the alleys for example, at the recommendation from our civil engineer. We have drainage issues, and the proper, best fix is to regrade when we repave them. We have not done that, and we reserve the ability to consider it. We are kicking the can down the road, and it could be a snowball effect with this reserve study. If we plan on this work to be done in a certain timeframe but we push it down the road, we will have the same problem in four or five or eight years.

Ms. Kassel stated because it will have degraded further and will be more expensive. Costs can also increase.

Mr. Leet stated all these things will get harder and more of a safety issue and more expensive to fix the longer we put them off.

Ms. Kramer stated these are difficult decisions, and none of us wants to increase assessments. I am on a fixed income, and not a very big one. People know that I am a lawyer, but I have been a public service lawyer all my life, which means I made next to nothing. I have social security and a tiny bit of savings. It is hurting all of us. We do not want to increase assessments, but we recognize what is going to happen if we do not. None of you will be happy with that.

Upon VOICE VOTE, with all in favor, unanimous approval was given to Resolution 2022-11, adopting the budget for fiscal year 2023, as presented.
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#### **D. Public Hearing for Levying Assessments**

##### **i. Public Comments**

Ms. Kramer opened the public hearing for consideration of imposing and levying the assessments.

Ms. Kramer stated many residents already spoke on the assessments, but if anyone has input regarding a particular item, the assessment itself, or any concerns about the way it is being levied, you may make your comments.

Ms. Nancy Snyder stated I have been listening to people's comments. I have attended most of the meetings, and I also used to be a Board member many years ago. What I am hearing is, the O&M part of our budget is like an HOA. I have owned several rental properties outside of Harmony and several in Harmony, also. I remember maybe only one or two years when the HOA dues were not raised. When we are talking \$30 to \$50 per month, HOA dues were raised much more than that. We can compare dues from the HOA and other communities to the District's assessments. Plus, the District's assessment is tax deductible. Those are some of the things I thought of to maybe make it easier. You are correct that it has not been raised in many years. I have lived here 17 years, and we have not had many increases. Thanks to the Board members for all your work.

Ms. Millan stated I work for talent acquisition for a big corporation, and I have an overall statement. I understand a 28% increase is needed, but that is not how much the average American is getting. If you look around, people are leaving their jobs, and I see it every day. People are not making as much. You increasing it now by this much will hurt those people who are not working and those who are barely receiving 3% raises each year. I am not saying not to increase the assessments, but I am asking if it is smart to increase them 28% at once.

Hearing no further comments, Ms. Kramer closed the public hearing regarding levying the assessments.

**ii. Consideration of Resolution 2022-12, Levying the Assessments**

Ms. Kramer read Resolution 2022-12 into the record by title.

Ms. Kassel stated for the benefit of the audience, these resolutions are included in the agenda packages on the District's website, HarmonyCDD.org.

Ms. Kassel made a MOTION to approve Resolution 2022-12 imposing and levying assessments for fiscal year 2023.  
Mr. Leet seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to Resolution 2022-12 imposing and levying assessments for fiscal year 2023.

**E. Acceptance of Fiscal Year 2023 Meeting Schedule**

Ms. Kramer stated the schedule included in the agenda package has us meeting on the fourth Thursday of each month with the exception of November and December due to the holidays, so those will be the third Thursday. In the past, the Board has met on the last Thursday of every month except in November and December.

Ms. Kassel stated we want to change the schedule for meetings to be the last Thursday of each month, except for November and December.

Ms. Montagna stated that affects three meetings: March, June, and August. We will change those meetings to the last Thursday, as opposed to what it states for the fourth Thursday.

Ms. Kramer stated this is when we have met for a long time. We can discuss if anyone wants to meet on a different schedule.

Mr. Leet stated those dates are good for me. Is the situation with Jones Homes okay for us to continue meeting in this model home location?

Ms. Montagna stated I have not been told anything differently.

<p>Ms. Kassel made a MOTION to approve the meeting schedule for fiscal year 2023, amending the dates for March, June, and August to be the last Thursday of the month. Mr. Leet seconded the motion.</p>
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<p>Upon VOICE VOTE, with all in favor, unanimous approval was given to the meeting schedule for fiscal year 2023, amending the dates for March, June, and August to be the last Thursday of the month.</p>
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**F. South Lake Items**

Ms. Kramer stated these are items with some landscaping issues.

Mr. Van Houten stated I am a board member for the South Lake community, as is Barbara. I first want to thank Ms. Kramer for speaking with the Lakes community. It was appreciated to address the budget and our questions. As you may be aware, South Lake has reached our numbers and is getting ready to turn over the HOA from the developer to the home owners. As part of that, Barbara and I have walked through the communities. In that process, we identified key areas that are District properties we would like to have addressed. The first is to the right of 7450 Oakmark. The sprinkler system has not been on for a while, and the grass had died. Some has grown back due to the rain we have gotten, but it still has patches.

Ms. Kassel asked is it being irrigated now?

Mr. Van Houten stated I have not seen the sprinklers on in a while. I know they were looking at the valves, but I have not seen it.

Ms. Kramer stated this is the subject of a proposal from Servello, and I have some questions when we discuss that proposal. I agree. I looked at it the other day. It is quite green now, but it is all weeds. The property owners on either side are maintaining their St. Augustine well, but it is a serious weed patch. We have been under contract with Servello from the time this was damaged, so we need to discuss whose responsibility it is.

Mr. Van Houten stated between 3391 and 3393 Sagebrush Street, when Lennar finished its last home, this was one of the properties that was left barren. Then they quickly put down grass, but they never graded it properly. The lawn curves, so when it rains, water flows toward the homes instead of being graded inward and water flowing toward the street or retention pond in the back. The property needs to be looked at and graded. Otherwise, home owners on both sides will have water intrusion, especially during a hurricane.

A Resident stated that area is also full of weeds and construction debris.

Mr. Van Houten stated you can see areas where it has died out.

Ms. Kassel stated people were discussing before about accepting the Enclave, but we do not want to accept the Enclave until issues like this are addressed.

Ms. Kramer stated I know people are upset with the engineer, but since this involves drainage, this is where we utilize the services of our engineer. We can move dirt around with our tractor, but that might make it worse. We really need to take a close look at it to make sure it is done properly.

Mr. Van Houten stated my wife and I had the same problem in the house we moved into. When we brought it up to Lennar, they literally came in and had to scrape all the soil away, regrade it down, and replant grass. It was a time-consuming process. I just want people to be aware.

Ms. Kramer stated you may need to bring Lennar back in and see if they will do anything.

Mr. Van Houten stated this was a Lennar issue, so it is under Lennar, not Jones Homes.

Mr. Short asked do we know if that area is irrigated?

Mr. Van Houten stated I am not sure. It is District property, but I have not walked by there at night.

A Resident stated I have seen sprinklers on, but I have never seen them on at the Oakmark address.

Mr. Perez stated Mr. Betancourt thinks they are.

Ms. Kramer stated I am pretty sure they are. We have done some investigation, and we are investing further in all these areas. Sprinklers are at the back edges, some of which irrigate bahia, which should not be irrigated unless it is under drought conditions, but the St. Augustine stub-outs between the houses should be irrigated. We need to look at the irrigation system to see what is going on and what should be adjusted. Irrigating bahia right now creates a field of weeds.

Mr. Van Houten stated the last item is on Atwood Drive between South Lake and East Lake. The South Lake homes back up to the three retention ponds. I know Jones Homes has gone in and put down some dirt or tried to address the drainage issues, but every single time it rains heavily, like it has been, everyone's backyard gets significant ponding. We have pictures that Barbara took this morning where you can see the water that remains from this past weekend. I know it will cost money, but water is coming up to the back of people's homes. We are looking to the engineer to see if those ponds can be regraded or if Jones Homes can regrade them.

Mr. Perez stated regarding the Jones Homes lots, including Songbird, I have reached out to them. When they grade out their lots, they grade out to District property. Then they finish the lot, install a fence, and put in a barrier. They do not sod behind it. They originally said they were going to seed it, and I requested they not because that is not very good for the sod. Bahia has a low germination rate. They are coming back to a lot of areas. Behind Songbird, they are going to install sod. Regarding the area with ponding on Atwood and Songbird, that was just shared with them yesterday, and they sent it to their construction supervisor, the vice president of construction, to get that area corrected. I have not received a response, but I will stay diligent on them. The proposal in the agenda package addresses the area between the homes with the grading issue. At first, I was told it had no irrigation, so two proposals are included: one for bahia and one for St. Augustine. It is up to the Board, and you can go with bahia if you want, but it would make sense to go with St. Augustine for the side yards. The last proposal we will discuss with Servello. Those are the three I am aware of. Moving forward for any work with Jones Homes in the Enclave, we will hold them accountable to make sure they correct any deficiencies to District property.

Mr. Van Houten stated I have one last item that was not included on the email. The area between 3326 and 3330 Sagebrush Street is a large area of District property, and a sprinkler is broken and has now created a hole. It is on the street side between the street and the sidewalk. You cannot miss the hole.

Ms. Kramer stated in the future, you do not have to wait for a meeting. You can email the District at [cddmaintenance@inframark.com](mailto:cddmaintenance@inframark.com). Mr. Morrell can address your issues.

A Resident stated Mr. Morrell said it was not District property.

Mr. Van Houten stated we went back and forth on that sprinkler.

Mr. Morrell stated I reviewed the area this week, and it is not the District's property.

Mr. Van Houten stated it is not HOA property. It is in the segment between the homes, which is District property.

Mr. Morrell stated I will meet you onsite and show you.

Mr. Van Houten stated if it is not on District property, then we will address it from an HOA standpoint. Up until now, I have been under the impression that segment is all District property.

Mr. Morrell stated I will show you tomorrow.

A Resident stated that sprinkler came on when the District's sprinklers were irrigating. It does not come on with the home owner's irrigation system.

Ms. Kramer stated staff will work with Mr. Van Houten and get it straightened out.

#### **FOURTH ORDER OF BUSINESS**

#### **Contractors' Reports**

##### **A. Servello & Sons**

Mr. Betancourt stated all breaks are fixed. The only thing is, water is not on Cat Brier Trail yet. All the mainline breaks and lateral line breaks, approved in previous proposals, were fixed today.

Ms. Kramer stated the proposals were on the Board's agenda, but our contract says that anything in the amount of \$2,500 or less can be approved by the District Manager. That way we do not have to wait for a Board meeting for certain repairs, like these breaks that will run up our water bills. These are not-to-exceed proposals. Now that repairs have been made, Servello will provide actual costs, and the management team will scrutinize the bills.

Mr. Betancourt stated we also took pictures of the repairs.

Ms. Kramer stated for the awareness of the audience, the irrigation system is 20 years old. We are having a number of breaks, which cause some serious problems getting areas irrigated and also loss of water, which runs up the water bills. We are trying to stay on top

of these and get them fixed. Toho Water Authority (“Toho”) has been wonderful working with us, and, in fact, is giving us new metrics to see and identify water breaks much earlier than waiting to receive utility bills. We are excited about that. When the new system comes online, it will give us almost a real time look at our water usage.

Ms. Kassel asked have we received an answer from Toho on that one very high bill?

Ms. Montagna stated they are working on that one with Mr. Perez. We are providing all the information to them.

Ms. Kramer stated Toho indicated they would forgive that, provided we show them we fixed it. I have received several other bills like that, also.

Ms. Kassel stated it was a \$20,000 bill.

Mr. Betancourt asked was that for the mainline break on the other property?

Ms. Kramer stated yes.

Mr. Betancourt stated when I was at the square, one of the Toho employees asked me who the manager was. I replied that I am. He took me over there to show me. By then, outside the fence, the whole ditch area was flooded. I do not know how long it was running.

Ms. Kramer stated we will be staying on top of that because the water bills are a big part of our budget.

Mr. Betancourt stated on the new parcel the District just accepted is U-2.

Ms. Kramer stated yes, let me apologize and announce to the Board that it was not Servello who delayed in mowing. The agreement ended up in my box, and I neglected to sign it and get it back to them. Mowing of that area is not the full area. I will need to show Mr. Betancourt the area. Plus, it is the area along the front fence and around in that east entrance. We now own all that area on either side of the east entrance, and we need to get it mowed and cleaned up.

Mr. Betancourt stated I would like to meet you onsite. I am visual.

Ms. Kramer stated I am, too. We will meet regarding that area, so let me know your availability.

Mr. Betancourt stated I received an email from Mr. Morrell with a very vague description: broken sprinkler on Five Oaks Drive by Town Square, but I do not know where that is. A puddle always appears going to the swim club in front of the restaurant. That irrigation is not ours. Whatever sprinkler is broken belongs to the tavern. I think that is where it is coming from.

Ms. Kramer stated I will ask Mr. Morrell to meet Mr. Betancourt onsite to address that vague description. The problem when we get comments from residents, sometimes they are not very descriptive. Those comments help us and are wonderful because they are providing us with input. Without that input, we could have breaks that go unnoticed for a long time. Mr. Betancourt and Mr. Morrell can meet and perhaps reach out to the resident who reported it.

**i. Proposals**

Ms. Kassel stated for the benefit of the residents, we were just discussing irrigation and water use and how it has increased so much. Not only is water use increasing because we have a lot of new neighborhoods, but also costs for maintaining the irrigation have increased. When the developer installed the irrigation systems along the roadways, he planted oak trees not far from the irrigation lines. Those oak trees are 20+ years old, and the roots are growing into the lines and causing major breaks. The piping does not have a very long longevity, so all of this is now an issue. Wiring is also involved, so all the pipes are being broken by tree roots and need to be replaced, which are very expensive repairs. We are having to repair more and more of them, and all the streets have trees down them. The new neighborhoods, even though they are not being affected now, in 10 or 15 years will have the same kind of problem.

**a. #6683 to Replace Sod with St. Augustine at 3329 Sagebrush Street**

**b. #6684 to Replace Sod with Bahia at 3329 Sagebrush Street**

Ms. Kramer stated proposals #6683 and #6684 are for the same location, which is the location we just discussed that does not have the drainage issue. I was confused about these. I measured the area for St. Augustine. The bahia looks okay between the two houses. The area was 36 feet by 15 feet, which is 540 square feet for St. Augustine, but the proposal has 1,200 square feet.

Mr. Betancourt stated we do not purchase half pallets or quarter pallets; we have to buy the whole pallet.

Ms. Kassel asked is the whole pallet 1,200 square feet? I thought it was 450 square feet.

Mr. Betancourt stated a pallet is 400 square feet, and it will take three pallets.

Mr. Leet asked could you get two pallets?

Mr. Betancourt stated yes. I believe I measured the whole area for bahia and one for St. Augustine.

Ms. Kramer stated as previously mentioned, this area has more of a recent issue of the irrigation not being on. One of the reasons we switched irrigation over to Servello is so they would be responsible. I know this is something you probably have to review with Mr. Scott Feliciano. If you have not been able to keep the irrigation on, and the sod died, would you not be responsible to replace the sod?

Mr. Betancourt stated if we know about a problem with the clock or a certain valve and the sod dies, yes. It is warrantied.

Ms. Kramer stated you are supposed to be monitoring those on a regular basis. You should have known about the problem. I would like to kick this back to the District management staff to work out with Servello. I know this is a level above Mr. Betancourt.

Ms. Montagna asked you want us to address both proposals #6683 and #6684?

Ms. Kramer stated yes.

Mr. Betancourt stated one is for bahia, and one is St. Augustine.

Ms. Kramer stated the properties on either side have St. Augustine, and we need to make sure the irrigation system is fixed and running properly before we do anything.

Mr. Betancourt stated it is running now.

Ms. Kramer stated I recommend St. Augustine. If you put in bahia, it will go into the adjacent yards.

Mr. Betancourt stated it was probably bahia at one time when they first built the house. The easement was probably bahia.

Ms. Kramer stated no, when I was looking at it, I think they put St. Augustine in all those if you look closely at it. They put St. Augustine between the houses up to the back property line, and then they started the bahia from there.

Mr. Betancourt stated that was before my time.

Ms. Kramer asked have you been here five years?

Mr. Betancourt stated three years.

Ms. Kramer stated sprigs of St. Augustine are running through there. I will ask the District Manager to resolve this.

Ms. Montagna stated yes, I will get right on it.

**c. #6833 to Replace Sod with St. Augustine at Nine Locations on Schoolhouse Road**

Ms. Kramer stated this is for the rights-of-way on Schoolhouse Road. These are the areas that we are turning back to the residents. This proposal is for nine residences,

proposing to sod in front of each residence. When I went out to take a look, I did not see significant damage. It was not like the whole areas have gone bad. The question is if this is really needed. The cost is \$1,000 per house to install St. Augustine in front of all the houses. In front of each house, I would say over 50% of the sod is still good. The damaged sod or bare areas are where the residents walk to their cars parked on the roadway. I do not support this proposal. Hopefully residents will take better care once it is their responsibility.

Ms. Kassel asked will their responsibility start as of October 1, 2022?

Ms. Kramer stated yes.

Ms. Kassel stated we need to let them know that.

Ms. Kramer stated yes.

Ms. Phillips asked should the fuel surcharge be taken off?

Ms. Kramer stated yes.

Ms. Kassel stated we are not moving forward with that.

Ms. Kramer stated we have discussed it with Servello, and they have removed it. The other ones came below \$2,500, and they were able to remove the surcharge.

Ms. Montagna stated I did not quite hear. You are not tabling this but taking it completely off.

Ms. Kramer stated yes.

Ms. Kassel stated at least for the time being, unless something drastically changes.

**d. #7037 for Irrigation Main Line Break on Buttonbush Loop**

**e. #7038 for Irrigation Main Line Break at 3356 Cat Brier Trail**

**f. #7040 for Irrigation Lateral Line Break at 3374 Cat Brier Trail**

Ms. Kramer stated proposals #7037, #7038, and #7040 do not need to be considered at today's meeting. They have all been handled between the management company and Servello. We will get with Mr. Betancourt to show him where the easements are.

Mr. Betancourt stated I need the visual to see where the lines are. If I use the property appraisal, it does not really give me what I need. The other mainline break we addressed on parcel U-2 was also running for a while.

Ms. Kramer stated if you will give me the meter number, I will get with Toho and see if they can adjust the bill.

Mr. Betancourt stated it is where the clocks are.

Ms. Kramer stated you will need to send it to me.

Mr. Betancourt stated I will.

**FIFTH ORDER OF BUSINESS**                      **Consent Agenda**

**A. Acceptance of May 26, 2022, Workshop and Meeting Minutes**

The minutes are included in the agenda package and available for review on the website or in the District office during normal business hours.

Ms. Kramer stated we provided amendments to the workshop minutes.

Ms. Kassel stated I have one correction to the meeting minutes where it was labeled as the Juniper representative voting on a Board decision. I presumed it was Ms. Kramer, and I asked Ms. Montagna to have that corrected.

**B. Acceptance of Financial Statements (July 2022)**

The financial statements are included in the agenda package and available for review on the website or in the District office during normal business hours.

**C. Approval of #267 Invoices and Check Register (Invoices available upon request)**

The invoices and check register are included in the agenda package and available for review on the website or in the District office during normal business hours.

<p>Ms. Kassel made a MOTION to approve the consent agenda, regular meeting minutes as amended. Mr. Leet seconded the motion.</p>
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Ms. Philips stated I was not here for this meeting, so I take it that I should not vote.

Mr. Eckert stated you are certainly allowed to vote, and generally, we encourage Board members to vote. Some attorneys say you can abstain, but I do not agree with that opinion. You have different rules than I have with my districts, so I will defer to those who have been here a while on how to address that issue.

Mr. Leet stated you are still able to review the minutes, and if you see any glaring errors, you can mention them.

Ms. Phillips stated I did read them.

<p>Upon VOICE VOTE, with all in favor, unanimous approval was given to the consent agenda, regular meeting minutes as amended.</p>
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**SIXTH ORDER OF BUSINESS**                      **Staff Reports**

**A. District Engineer's Report**

The engineer's report is included in the agenda package and available for review on the website or in the District office during normal business hours.

Ms. Kramer asked when can we expect the summary report on the Estates to give us an idea what work needs to be done to correct the issues?

Mr. Hamstra stated we are trying to solicit realistic bids for the repairs to present to the Board at the September meeting.

Ms. Kramer stated even if you do not have all the numbers, I will ask Mr. Hamstra to give us a summary of everything that needs to be done.

Mr. Hamstra stated yes, you will have a map showing all the areas to be repaired or replaced, with our estimate and hopefully complementary, realistic numbers.

Ms. Kramer stated wonderful, thank you.

**B. District Counsel Report**

Ms. Kramer stated since Mr. Eckert is new to the Board, we did not have a written report in the agenda package. In the future, you should include a report in the agenda package with any items to address. Mr. Eckert provided us with a new supervisors package to inform the new supervisors of a number of different things.

Mr. Eckert stated I have a couple items to discuss with the Board. I stated at the last meeting that I would have a conversation with each Board member at no charge, to introduce myself as well as get up to speed on issues individual Board members have concerns about. I have spoken with three Board members, and I will speak with the other two hopefully within the next week. That is underway. I also reached out to your former legal counsel and requested any public records. That is what your duty is as an attorney. It is your attorney's file; however, when you represent a public body, it is your duty to turn over all public records, electronic and paper. I have made that request. I also suggested a conference call with him, for me to get up to speed on any pending issues so we do not miss anything. I am waiting to hear back from him, but that was just sent today. I prepared the AAA Court Surfaces contract for the basketball court resurfacing. I provided it to the District Manager, who is working to get it executed. We are also in the process of preparing the landscaping maintenance contract and working with the Chair in terms of some language changes we will look at that have worked for us in a couple other communities in terms of dealing with missed time, when they have missed mows or other missed services, and how the District gets either a credit financially or through additional services. We will be pretty proactive on that and will include it in the contract. I anticipate you will see that at the next meeting. Our fee agreement is on the agenda, but I do want to discuss with the Board perhaps some cost savings or allocation of your resources that I think might be the best for the District. We hit the ground running, and I feel good about it. Do you

want to incur the expense of me preparing a written report for each agenda package? I am happy to do that.

Ms. Kramer stated yes, if extensive items need an explanation, but not if it is just regular, mundane activities.

Mr. Eckert stated what I just described verbally is not what you want.

Ms. Kramer stated no, we do not need that in a report.

Mr. Eckert stated for action items, I will include a memorandum explaining what we are doing and why, and what the recommended action of the Board is.

Ms. Kramer stated yes, that is correct, unless another Board member has something they would like to see in a written report.

Ms. Kassel stated I have nothing at this time. I presume the invoices will show what Mr. Eckert is working on, which will give us, and any resident who wants to review the invoices, a good idea of what you have been working on and spending time on. When we receive it, we can request it be added to the next agenda if we want.

Ms. Montagna stated Kutak Rock's invoices are lined out as to exactly where their time is spent.

Mr. Eckert stated we will discuss this further when we get to the alternative fee agreements in terms of the level of communication I want to have with the Board and the check-ins so we can make sure it is a fair relationship for everyone. If we have a flat fee, I will show you exactly who worked on a matter, how much time it took, and what it would have been if we billed it hourly. That will be detailed out and provided to the Board so you can see if you are getting value or not, and so I can also see. That is how it has to be in order for it to work. To me, a flat fee is simple and convenient, but it is not intended to be a windfall for either party.

Ms. Kassel stated we agree with that.

Mr. Eckert stated a bill passed through the legislature dealing with noticing of public meetings. I do not know if you have discussed this at meetings previously.

Ms. Montagna stated no.

Mr. Eckert stated the legislature, the local governments, and the newspapers have always had a fight in terms of advertising. The newspapers want to keep everything published in print advertisement, local governments want to go online, and the legislature is in between. Each year, incrementally we are able to get the legislature to do a little more.

Last session, they passed a bill that said if a county or a city creates a website, then other local governments within that jurisdiction can post their meeting advertisements on that website if it is cheaper than using the newspaper. You have to run an advertisement in the newspaper saying you are going to be posting electronically, but that is one advertisement. We will monitor that. We have a lot of communities and CDDs in the County. Hopefully the County will get on top of that. Once they implement that, presuming they do, that should save your advertising costs significantly.

Ms. Kramer stated that is wonderful news. Legal advertising is a significant expense.

Mr. Eckert stated it goes into effect January 1, 2023, but it only matters if they have a website.

Mr. Leet stated nothing against the Osceola News Gazette, where we advertise, but the County's website will be more accessible.

### **C. Field Manager Report**

#### **i. Field Report**

The field report is included in the agenda package and available for review on the website or in the District office during normal business hours.

Mr. Perez stated regarding the color scheme for resurfacing the basketball court, other color options are available. We talked with some of the basketball players, and they mentioned blue and green. This is what was shared with AAA Court Surfaces, along with the contract for execution. I have not received that back yet. As soon as I do, we will get it fully executed.

Ms. Kramer asked do any of the Supervisors have any changes or objections? We reached out to the basketball community in Harmony, and they prefer a dark green or a dark blue. When this was put before them, they liked this rendering.

Mr. Leet stated I agree; it looks like a nice balance.

Ms. Kassel stated yes, it is dark, which is what they were looking for.

Ms. Kramer stated the reflective white is horrible to try to play basketball on.

Mr. Perez stated it will still have white striping to identify the boundaries. Once the contract is signed, I will let them know the Board approved the colors, and we can move forward. We gave them until December 15 once the contract is executed, so four months I think is reasonable. I have never resurfaced a basketball court, but I presume that is plenty of time. If they come back with any changed language, I will make sure it is communicated accordingly. Related to the field report, Mr. Morrell did a nice job on the report, including

a plethora of field-related items and Servello-related items. Unfortunately, we received Mr. Brad Vinson's resignation, so we no longer have a certified pest operator ("CPO") for pond spraying or mitigation spraying. He has since moved on to the landscaping world. We are actively looking for a replacement. We are working closely with Mr. Bill Bokunic for the Harmony Life magazine. I just sent him a revised job description for the two position we are looking to fill. They should be posted on the community forum. He mentioned the magazine comes off the press mid- to late-September, which will include those ads. He did not mention a charge.

Ms. Kramer stated I understand he is not going to charge us.

Ms. Montagna stated which is very nice.

Mr. Perez stated we are grateful for that. We are continuing to look. The good news is, we are in the middle of the aquatic weed control work going on, and they are doing a phenomenal job. So we have enough time to find someone or options to bring to the Board.

Ms. Kramer stated the bigger concern on that is, having Aquatic Weed Management doing the work right now is great because this would be a real problem if they were not. But we still have a cogongrass issue. We are having more and more patches of it showing up in our landscaping and open field areas that we mow. As soon as it becomes noticeable, we need to get it treated. We will need a quick backup unless Aquatic Weed Management will do something in the interim. We do need that coverage if it is going to be any period of time because that gets out of control.

Mr. Perez stated yes. Unfortunately, no one on staff right now has that license. We will need to discuss that and figure something out. We will figure it out. I have held the license in the past, but unfortunately I do not have one anymore because I was on the golf course side of things. If I have to retake the test, that is fine. The good thing is, it is nothing special, just saying you are applying chemicals to cogongrass. No one on staff can do that yet. We can also talk with Servello about spraying Roundup in those areas if we mark them all.

Ms. Kramer stated we just need to stay on top of it. On the field report, issue #9 stated the pergola needs to be painted, but that structure has severe rot.

Mr. Perez stated yes.

Ms. Kramer stated that definitely needs to be fixed. This item is on page 209 of the agenda package.

Mr. Perez stated Mr. Morrell is working with Mr. Chris Woods to get that corrected.

Ms. Kramer stated that is a critical health and safety issue if it gets any worse. They fixed the utility gate in the dog park.

Ms. Kassel stated the gate at the small dog park off Bracken Fern Drive and Primrose Willow Drive needs to be looked at.

Mr. Morrell stated I will look at it tomorrow.

Ms. Kassel stated the solar lights are not working, either.

Mr. Morrell stated they were working last week, but I will check them.

Ms. Kassel stated the ones in the front are fine.

Ms. Kramer stated regarding issue #38, I noticed from our billings that the irrigation has been down since July 16.

Mr. Morrell stated yes.

Ms. Kramer stated that is great for our water bill but lousy for our grass.

Mr. Perez stated I spoke with Mr. Betancourt about that. He informed me tonight that the valves on Clay Brick Road and Cat Brier Trail are on District property, so he is able to manually water and turn on the zones by hand. That is what he has been doing. I asked for a proposal for a water truck or installing spigots where we can attach a hose. I have not received them yet, but I told him they would be a good idea to provide. In the interim, they can also put nodes to battery-operated hockey pucks on those valves to run them. I told him I need that proposal. It is not good to tell me now when we are past that point. We are looking for a little more proactivity from them.

Ms. Kramer stated issue #45 is for the east entrance, which we discussed. They said they submitted proposals for work they said needed to be done, but I looked and most of those proposals never made it to the Board. Mr. Betancourt is no longer present at the meeting, but pass this on to Mr. Feliciano, who promised us renderings.

Mr. Perez stated I requested those, as well, but I have not received them.

Ms. Kramer stated they are for landscape issues at the swim club and Ashley Park pool. We really need to see them so we can get moving on some of these replacements. Regarding trimming of palms, I encourage the Supervisors to go to the swim club and look at how the palms were trimmed. They did not take the loose boots off. I understand removing the boots is not in the contract, but where they are hanging on by a thread and are a safety issue, I would imagine being our landscape contractor, they would take care of those.

Mr. Perez stated yes, we can discuss that with Servello. Normally for any palm trimming, regardless how loose they are, if it is not discussed, then it is not included.

Ms. Kramer stated let us make sure in the new one that it is discussed. I do not want our palms stripped all the way up. In the past, some of them have been. Where the boots are falling off, either because the ladder is hitting them or whatever reason when they are trimming the palms, something needs to be done about that.

Mr. Perez stated you mentioned the “new one.” Do you mean the new contract?

Ms. Kramer stated yes.

Mr. Perez stated that contract has already been agreed upon, as has the price. Do you want me to go back to them and ask for an addendum?

Ms. Kramer stated no. If we need to include that and they are willing to come up with a price, then yes.

Mr. Perez stated so it will be an addendum.

Ms. Montagna stated yes.

Mr. Perez stated regarding pressure washing the sidewalks, we ran a cost analysis. I went through Mr. Hamstra’s maps of District-owned sidewalks, versus non-District-owned sidewalks, and I put together total linear footage and total mileage so people can see it either way. On average, it shows the number of days it would take an employee or District staff to wash all District-owned sidewalks. We have three options. When you look at the map, all District-owned sidewalks means in some of the rights-of-way that we are giving back to residents, those sidewalks are still District owned. That is included in option #1. It would take them pretty much a full year to get through them all, one person and that is all they do 24/7 for 22.58 miles of sidewalks. They vary in width, too: 4 feet, 5 feet, 6 feet, 8 feet, 10 feet. All that changes the process, as well. Option #2 would be to pressure wash only District-owned sidewalks that abut District landscaped areas and outer roads, which means interior roads that you are discussing giving back to the home owners would fall to the home owner to maintain in terms of pressure washing.

Ms. Kassel stated the interior street home owners take care of their own already.

Mr. Perez stated correct, interior roads would go back to the home owners to maintain.

Ms. Kassel stated it is already with the home owners.

Ms. Montagna that is the question, which is what I talked with you about. Currently, it is not in the HOA documents for residents to do that. A while back, a Board member stated

it should go to the home owners, or the District should take it away from the home owners, but no motion was ever made. That is what we are trying to determine if the Board wants to go with this.

Ms. Kramer stated three or four years ago, I did the research for trips and falls.

Ms. Kassel stated a number of years ago when the developer was on the Board, the developer did not want to be responsible for paying the costs for sidewalk maintenance in terms of cleaning. It was said the responsible for cleaning belonged to home owner. More recently, because we have had some slips and falls, and some sidewalks are black with fungus, we took it upon ourselves to clean all the sidewalks. I am interpreting what is in the agenda package to ask if we are going to clean all the sidewalks or some of the sidewalks. I think we do all the sidewalks. It is a liability issue for the District. The District owns the sidewalks. Some people will maintain their sidewalks in terms of washing, and some will not. For those residents who do not, the District owns the sidewalk. If someone slips and falls, it will come back on us. We have established the precedent, and we are buying the equipment.

Mr. Perez stated we have the equipment. This just breaks down the work. If we do all of them, it will take one dedicated employee more than a year, since we do not have 294 working days in a year. This is just putting that into perspective for the Board to understand. We have no problems breaking it into quadrants and working through, but we wanted to make sure we got direction from the Board.

Ms. Kassel stated I am just presenting my opinion. Others may have a different option.

Mr. Perez stated yes.

Ms. Kramer stated this is where I look to our legal counsel.

Mr. Leet asked would Mr. Eckert agree with our interpretation of the exposure?

Mr. Eckert stated I have done extensive research on sidewalks and a district's responsibility. Some HOA documents will put the burden on the home owner, but that does not matter when someone falls, because they are going to sue the home owner if they find out that is in the HOA documents, and they are going to sue the District because we are the property owner. Florida has case law that says local governments cannot delegate their responsibility for sidewalks on their property. So it is this Board's responsibility to deal with sidewalks ultimately.

Ms. Kassel stated that is another cost.

Ms. Kramer stated yes. I think we should formalize this since it was never formalized previously, with a vote on which of the three options we want to approve.

Ms. Kassel made a MOTION to approve option #1 for the District going forward on an ongoing basis to be responsible to pressure wash all District-owned sidewalks within the District, one time annually.  
Mr. Short seconded the motion.

Ms. Phillips asked does it need to be once a year? Is every other year enough?

Mr. Perez stated it will vary depending on the street and sun exposure. Mr. Woods was pressure washing in the Estates in one of the pocket parks three months ago. It holds water, it has very little air flow, and he has washed that area at least twice this year. The walking trail around Buck Lake, the big exposed wide sidewalk, probably does not need it as often.

Ms. Kassel stated it has good drainage and lots of sunlight. But we have a lot of sidewalks with trees everywhere.

Mr. Leet asked should we word this “as needed” instead of a rigid one time annually?

Ms. Kramer stated yes.

Mr. Perez stated that would probably make more sense.

Ms. Kassel amended the MOTION to approve option #1 for the District going forward on an ongoing basis to be responsible to pressure wash all District-owned sidewalks within the District, one time annually or as needed.  
Mr. Short seconded the motion.

Ms. Phillips stated if we say annually, someone whose sidewalk is gray will call and complain.

Mr. Short stated that makes more sense than to say we will power wash every sidewalk annually.

Ms. Kramer stated some people are power washing their own sidewalks.

Mr. Short stated I did and paid for it just a little bit ago.

A resident stated “as needed” might be ten times a year.

Ms. Kramer stated yes.

Ms. Kassel stated if it is needed.

Ms. Kramer stated we may need to do some ten times a year. My question is if the motion is okay with “or,” to say “annually or as needed.”

Mr. Eckert stated I think staff can figure that out. If you get a report of a slippery condition, you will address it.

Ms. Kassel stated we are asking if the wording “annually or as needed” will cover us.

Mr. Eckert stated yes, it does.

Mr. Perez stated past field management did no pressure washing of the entire community. Know that going forward.

Ms. Kramer stated yes, they did.

Mr. Perez stated they did not get everything.

Ms. Montagna stated we are essentially starting from scratch.

Mr. Perez stated on top of that, we have all the fences, which we are also working on.

Mr. Short asked this is for all sidewalks?

Ms. Kramer stated yes.

Ms. Kassel stated sidewalks owned by the District.

Mr. Perez stated inside the Enclave and South Lake.

Ms. Kramer stated for all the communities behind gates, those sidewalks are owned by the HOA. Middlebrook Place, Feather Grass Court, Cordgrass Place, and the lower part of Dark Sky Drive across from the school are all owned by the County. The rest are ours.

Upon VOICE VOTE, with all in favor, unanimous approval was given to option #1 for the District going forward on an ongoing basis to be responsible to pressure wash all District-owned sidewalks within the District, one time annually or as needed.

Mr. Perez stated regarding an update on the Umax, I emailed them the beginning of the month because he said August. I received a response that Yamaha has not provided a firm ship date yet.

Ms. Kassel stated August would be wonderful. I placed an order for a John Deere gator in February, and it is supposed to arrive in August.

Ms. Kramer asked are we making it with the vehicles we have?

Mr. Perez stated right now we are. Instead of the staff being five full-time employees, it is four right now.

Ms. Kramer stated you have staggered schedules.

Mr. Perez stated yes.

Ms. Montagna stated we have an Inframark truck, as well.

**ii. Proposals**

Mr. Perez stated a few weeks ago, we received a report over the weekend that on the foot bridges, kids—probably teenagers—were jumping off the bridges into the little canals.

Ms. Kramer stated those are stormwater ponds.

Mr. Perez stated yes. When we went out to inspect and investigate the call, they were gone by the time we got there. We thought to do something proactive by getting signs saying, “no swimming” or “caution alligators” as was mentioned earlier.

Ms. Kassel stated I think the alligator sign would be great.

Ms. Kramer stated yes, maybe alligators and snakes.

Mr. Perez stated some signs say, “dangerous wildlife” and have a picture of an alligator and a snake. I think that is what Disney uses, if I am not mistaken. It just says, “dangerous wildlife.”

Ms. Montagna asked do we need to have one or the other?

Mr. Eckert stated neither one do you need to have in Florida. It is helpful and educational. Pictures help, and I have seen that, too.

Ms. Kramer stated it might help them remember.

A Resident stated we had a signage issue regarding fishing and no fishing, and we took them down. This is Florida. It is part of the ambiance.

Ms. Kramer stated that is my concern. Just a reminder that we have pretty stringent sign restrictions, which are evidenced in our documents. We have to meet certain criteria when we install signs. We need to be very careful in how many we put up, but the small signs on either side should be fine. When you are getting the signs for other areas, we can add these.

Mr. Perez stated that was going to be my question for counsel. A resident commented earlier, I believe tract G, when we were discussing alligators and installing signs. If we put them in one area, do we have to put them in all areas?

Mr. Eckert stated no. If you have seen alligators in one area and you want to put signs in that area, that is fine. Florida law has no requirement to warn of wildlife that is natural. However, you can take those extra steps if you want.

Mr. Perez stated maybe we just look at the area that was discussed earlier, and then around the foot bridges.

Ms. Kramer stated yes, the low-profile signs, like we already have.

Mr. Perez stated Fast Signs has been very reliable and very cost effective. We will send proofs for approval prior to purchasing, and we will include Mr. Eckert, as well.

Mr. Leet asked will they be small enough that they can be installed on the existing bridge structure already? Or are we adding new posts?

Mr. Perez stated we could find a plaque to put on the handrail of the post.

Ms. Kramer stated the other ones are put on a low-profile 4x4 post in the ground. It comes up maybe mid-shin. My concern about putting too much on the actual structure of the foot bridges is, the more holes we drill in the wood, the more wicking of water will get in and the more we will have problems with rot. That is my recommendation.

Mr. Leet stated I am hesitant to mess with people's view.

Ms. Kramer stated they are very low profile; they will not affect anyone's view.

Ms. Montagna stated I will discuss this under my report, but I want to ask about Polaris.

Mr. Perez stated it has been rectified.

Ms. Montagna stated it has not been deemed anything yet because we are still working on it.

Mr. Perez stated Mr. Brent Maynard was on vacation two weeks ago, the same time I was out for a couple days. He was going to circle back with Kissimmee Motor Sports.

Ms. Kramer asked he is from Polaris governmental?

Mr. Perez stated yes, we found out that Polaris was apparently commercial governmental and should have been serviced originally at Briggs. This Polaris was bought in 2019, serviced in-house, and then moved to Kissimmee Motor Sports for the initial service. The information I received from Polaris was, the dealer—Kissimmee Motor Sports—should have said they do not service these. They did not, and they took it in for service. In multiple emails and phone calls regarding the warranty repair on the clutch that took place last year, that is something they are working on and looking into.

Ms. Kramer stated we are hoping to get that rebated.

Mr. Perez stated yes, we are hoping to get that rebated and get it back. In terms of the engine, the update I received from Mr. Maynard was, he stated Kissimmee Motor Sports said oil was coming from the muffler, but nowhere on our service reports is that stated, nor was it discussed with Mr. Morrell when he picked it up. It is in for service. I look at it the same as when you take your car in for an oil change. If they find the timing belt is cracking, they will tell you the timing belt is cracking. If they saw oil coming out of the muffler, why

did they not say it had oil coming out of the muffler and suggest we investigate what is going on, but none of that was done. I will follow up with Mr. Maynard at Polaris, because it was middle of last week when I emailed him. He should be getting back, as well. He said he will circle back with Elio, the Kissimmee Motor Sports service manager. He has to tread lightly because oversees the military side of Polaris. He is actually dabbling with this concern and complaint into the commercial side that is not his area, but he is working closely with that gentleman, who will not respond to me.

Ms. Kramer stated I do not know that we would want him to respond to you. If Mr. Maynard cannot do anything, Mr. Perez needs to go up the chain from Elio to get them to tell us.

Mr. Perez asked Kissimmee Motor Sports?

Ms. Kramer stated not the local dealer, but the Polaris company itself.

Mr. Perez stated Elio is local at Kissimmee Motor Sports, and Mr. Maynard is with Polaris. I will get back with Mr. Maynard to see if he has any updates for me.

Ms. Kramer stated that might still be a vehicle we can put back into service.

Mr. Perez stated that is correct. Late last week, we received the insurance check for the Viking in the amount of \$11,000. We have not received the insurance check for the Kawasaki yet, but it is on the way, in an amount just over \$3,000.

Ms. Montana stated we have the potential to get \$1,000 more for our deductible once it all plays out.

Ms. Kramer stated the \$11,000 should cover the Umax that we approved.

Ms. Montagna stated I do not have the price for that.

Ms. Kramer stated it was \$10,000 or \$11,000.

Mr. Perez stated I think it was closer to \$16,000. I will double check; it may be \$11,000.

Ms. Kramer stated that will allow us to swap out that vehicle. The repair work has been done on the swim club bathhouse?

Mr. Perez stated yes. Mark Davis Construction complete the repair work. We received their final invoice. Mr. Morrell has reviewed it, and I do not see any issues.

Ms. Kramer asked is insurance paying them directly?

Mr. Perez stated no, we are going to pay them, and then collect from our insurance, who will reimburse us. Then we are going to go back to the driver's insurance to collect the deductible.

Ms. Montagna stated when all is said and done, the District will have paid Mark Davis Construction, the District will receive that money back, so it will be a wash and no cost to the District. To get the job done and done right, the District will pay Mark Davis Construction.

Mr. Perez stated I have one last minor update on the ventilation fans in the swim club. I have shared emails with everyone. The swim club has ventilation fans. The back story is, they were shut off a long time ago, but I have no idea why. Of the five or six vendors we have had come out, two said they will give a proposal, and the others said it is so old the whole thing needs to be replaced. We have not asked for that proposal yet. We did receive a rough estimate today ranging from \$6,000 to \$8,000 to get this ventilation system up and running. I shared some pictures that showed the vent fan has rusted and is pretty corroded from chlorine.

Ms. Kramer stated evidently, they have not been working for maybe ten years. A resident complained that the bathhouses were extremely hot. I put a monitor in there, and the women's bathhouse in the afternoon on a sunny day was up to 110°. In the interim, we have been propping doors open for air circulation. We may want to look at some Bahama shutters for that side of the building. I do not know why that past Board member refused to have it fixed and then told our staff the fans were working. The ventilation fans are in process, but it might be a pricey repair.

**SEVENTH ORDER OF BUSINESS**

**District Manager**

**A. District Manager's Report**

Ms. Montagna stated a lot of the things on my list have been addressed by Mr. Perez or Mr. Eckert. We are doing some housekeeping and full audits of many things. We wanted to get through the budget cycle. In September, you will start seeing some housekeeping things we want to get cleaned up. Some will pertain to rules, and some will pertain to different things. I am glad Mr. Perez gave his update on the Polaris. I received an email from Mr. Steve Berube. He asked me to have a conversation with the Board. He wants to buy all the failed equipment that is down currently. He listed prices to be delivered to him in Saint Cloud. As the Board is aware, we cannot offer it to one person. We have to offer it to everyone. The District also has a policy to have it declared surplus material. The Polaris is not part of that at this time, but other pieces of equipment are not fixable and can be identified as surplus, according to the policy. If he bids on it, that is a different story.

Ms. Kramer stated our policy lays it out and a portion says it should be offered to other public entities.

Mr. Eckert stated I would like to see that policy.

Ms. Montagna stated I need to send it to you because I am a little unclear. I have never seen one written like this.

Ms. Kramer stated the State has a policy for disposal of assets.

Mr. Eckert stated the District has two options under the State policy, and I did not recognize the one that was just presented.

Ms. Montagna stated I will send the policy to Mr. Eckert for his review and any revisions that need to be made before we go forward in declaring anything as surplus.

Ms. Kramer stated we had a good meeting with Inframark to discuss an annual review of where they are doing well and where they need some improvement. I think we will see a big team effort.

Ms. Montagna stated yes, it was a very good meeting on both sides that were presented. Some things we want to rectify, and some things will be coming before the Board. You will see that rolling out starting in September and moving forward.

#### **B. Kutak Fee Agreement**

Mr. Eckert stated I wanted to come up with a couple options for the Board to consider. When we submitted our proposal, it was a straight hourly rate. I wanted to look at any options that makes sense from a flat-fee perspective. I think we need to talk about how you will use me, in terms of, do I need to be at every meeting. I need to attend every meeting, but I think you might get more value on the meetings that do not have a lot for me to do, for me to attend via Zoom. Some of that budget you can then use for other projects. It even works out better for you if I talk to each Board member for 30 minutes the week before the meeting to brief them. You will come out ahead on something like that. I tried to come up with a flat fee that will cover the months in which we attend meetings in person.

Ms. Kassel stated I see in your proposal it is \$3,500, but I thought last month, you said it would be \$2,200.

Mr. Eckert stated I did, for meeting attendance and the meeting preparation. This also includes preparation of contracts and resolutions, as well as phone conferences and email interactions with Board members. When you asked me before, that cost was just for us to come and attend the meeting, which I said would be between \$2,000 and \$2,200.

Ms. Kassel asked what does this proposal represent?

Mr. Eckert stated this is in addition to the estimate I quoted. The \$3,500 would be for attending meetings and preparing for the meetings. It also includes preparing resolutions you need. The proposal says routine resolutions, but the ones that will count will be for special assessments when you refinance bonds, and things like that. Preparation of contracts was not included in the \$2,000 to \$2,200 estimate.

Ms. Kassel stated I am trying to get clarity without too much back-and-forth since we are over our two-hour meeting time. The \$3,500 includes an in-person meeting, and all the other work that is not included in litigation.

Mr. Eckert stated as long as it is not litigation or a special project. If you tell me you want me to figure out every easement in the community, that will not be included in the \$3,500. But if you have a question on the current landscape contract language, that is not a special research project and would fall within the \$3,500.

Ms. Kassel asked what if you do not attend meeting in person?

Mr. Eckert stated if I attend by phone or Zoom, I would suggest you not do any kind of flat fee but do hourly for that time. I think you will find that you will come out ahead. What I am proposing matters, but what really matters is in three to five months, I will show you how much time I spent and the related flat fee for these months, and you can see exactly how much time that was. You can then compare it to the hourly fees to see if the flat fee we are establishing today makes sense for both parties. I think it has to be fair to both parties. I think this cost comparison will be more important than the amount of the flat fee we establish today. Some of my districts have flat fees, but most of them do not. They got away from the flat fee and use me better and more efficiently. I am happy to look at any kind of flat fee. I can also come up with flat fee that is more consistent with what we talked about, which was \$2,000 to \$2,200, but that only included meeting attendance. I do not think that works as well for you, but I am willing to do that if the Board wants.

Ms. Kramer stated the previous attorney was on a flat fee of \$4,000. We can use that amount well and pick up the phone to call anytime, but the conversation was direct and to the issue. It also included emails.

Mr. Eckert stated I suggest I attend the next meeting by Zoom, try it out, and see how it works. I would say for two-thirds of your meetings in a year, Zoom attendance will be fine. If I need to present something to the Board that will have a lot of back-and-forth comments, then I suggest I attend in person.

Mr. Kramer stated the only thing that concerns me about a flat fee is the ten-minute window. I do not know how strict that is if we call you with a quick question.

Mr. Eckert stated I bill by tenths of the hour.

Ms. Kassel stated that is six minutes.

Mr. Eckert stated I can change it to 12 minutes if that helps. I think it is good for us to be efficient when we have conversations. Most of the time, it will be asking what a contract says or asking if we have a contract. Questions regarding terms of contracts or requesting a copy of a contract should go to the manager first, and then to me second if for some reason you have a question, for example, regarding an email I sent on that contract. Most conversations I have with my board members are less than 10 minutes. Some board members call me three times a week, but the calls are less than ten minutes. I am fine with either approach. It does not matter to me because we are going to discuss this in three or four months and see how it is working or not working.

Ms. Kassel stated the proposal includes option B. If we decide not to go with that option, do we delete that paragraph? How do we work that in terms of approving the agreement.

Ms. Kramer stated he provided two fee agreements

Mr. Eckert stated correct. We provided two fee agreements. One is straight hourly, and one has the flat fee option for months when I attend in person. You can approve either one. The agreement says that at any time, either party can say the flat fee is not working, and you want to go to hourly. Or if it is not working at all and you are not comfortable with hourly, then you will want to find a new attorney, and that is okay, too. We will help transition to make sure we did not drop any projects.

Ms. Kramer stated in reviewing the agreements and understanding them, I recommend we go with the flat fee for in-person meetings. It gives us the availability to get resolutions and contracts and so forth done. Then we can assess in three or four months.

Ms. Phillips stated I agree.

Mr. Leet stated I lean toward that, especially at the beginning of this transition. Things might be a bit of a mess, and he may have more questions. It will be best to assess it later.

Ms. Kassel stated to clarify, that means he will be attending every meeting in person.

Mr. Eckert stated no. I would reach out to the Chair before every meeting. My suggestion is that I attend by Zoom unless you feel there is a compelling need for me to be

here. On those months, the billing be hourly, not a flat fee. Only when I am here in person will it be a flat fee, because it is a significant amount of travel time. One month, it might be hourly, and the next month it may be a flat fee, depending if I attend in person. I thought that was fairer. Most of the other flat-fee contracts I have done, it is regardless if I am in person or in my office. I found over time that I do not feel that is appropriate.

Ms. Kassel stated that was not clear to me. The first proposal is, anytime you attend a meeting in person, it is a flat fee. Anytime you do not attend a meeting in person, it is hourly.

Mr. Eckert stated that is correct.

Mr. Leet made a MOTION to approve option 1 fee agreement from Kutak Rock, charging \$3,500 per month for counsel to attend meetings in person, and charging hourly for months when counsel does not attend meetings in person.  
Mr. Short seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given to option 1 fee agreement from Kutak Rock, charging \$3,500 per month for counsel to attend meetings in person, and charging hourly for months when counsel does not attend meetings in person.

Mr. Eckert stated I am excited to work with you. I will be working with the manager on quite a few policies. I will be showing what I suggest moving forward. You will see several of those in the next few months, but they are routine policies and will be covered in the flat fee.

## **EIGHTH ORDER OF BUSINESS**

### **Old Business**

#### **A. Informational Signs**

Ms. Kramer stated this is not critical and can be moved to the next agenda.

Ms. Kassel stated I have a request regarding this. I presume this came from field services.

Ms. Kramer stated this came up several months ago.

Ms. Kassel stated yes, I know but I presume the photographs and suggestions came from field services.

Ms. Kramer stated no, I put it together.

Ms. Kassel stated some of these have possible recommendations on what to do with them, and others do not.

Harmony CDD  
August 15, 2022, meeting

1403 Ms. Kramer stated I prepared this, and the Board can come up with whatever we think  
1404 would be good information on those signs. The one thing that is lacking is a map to show  
1405 the location of each one. You can see if you are coming in the west entrance, the first sign  
1406 is the first one in the package. Should that state in large letters "Welcome to Harmony"?  
1407 Should one give you a message about Harmony? If members of the audience have any  
1408 input on these signs, let us know. The old informational, big signs used to look beautiful,  
1409 and they are peeling off now and have been abandoned by the developer. So we are going  
1410 to put them to good use. Take some time between now and the next meeting to look at  
1411 them, maybe drive around, and come up with suggestions. The recommendations are  
1412 thoughts I had. The options are wide open on what the Board wants to do. I would like field  
1413 services to give us an idea of prices for changing the signs. Then we will know if we can  
1414 afford it or not.

1415  
1416 Ms. Kassel made a MOTION to table discussion of  
1417 information signs to the next meeting.  
1418 Ms. Phillips seconded the motion.

1419  
1420 Upon VOICE VOTE, with all in favor, unanimous approval  
1421 was given to table discussion of information signs to the next  
1422 meeting.

1423  
1424 **NINTH ORDER OF BUSINESS** **Supervisors' Requests**  
1425 Ms. Kramer stated for the benefit of our new members, this agenda item is for when  
1426 you want to bring something forward to be on the next agenda for us to discuss. If it is  
1427 something imperative or with a quick timeline, we can discuss it now. Typically if it needs  
1428 a vote, it needs to be posted on the agenda so the public is aware we will be considering it.

1429  
1430 **TENTH ORDER OF BUSINESS** **Adjournment**

1431  
1432 On MOTION by Ms. Kassel, seconded by Mr. Leet, with all  
1433 in favor, the meeting was adjourned at 8:15 p.m.

1434  
1435  
1436   
1437 Secretary/Assistant Secretary

1438   
Chair/Vice Chair