

**HARMONY
COMMUNITY DEVELOPMENT DISTRICT**

**SPECIAL MEETING
JANUARY 11, 2018**

AGENDA PACKAGE

Harmony Community Development District

Steve Berube, Chairman
Ray Walls, Vice Chairman
William Bokunic, Assistant Secretary
Kerul Kassel, Assistant Secretary
David Farnsworth, Assistant Secretary

Bob Koncar, District Manager
Timothy Qualls, District Counsel
Steve Boyd, District Engineer
Gerhard van der Snel, Field Manager

January 4, 2018

Board of Supervisors
Harmony Community Development District

Dear Board Members:

A special meeting of the Board of Supervisors of the Harmony Community Development District will be held **Thursday, January 11, 2018 at 6:00 p.m.** at the Harmony Golf Preserve Clubhouse located at 7251 Five Oaks Drive, Harmony, Florida. Following is the advance agenda for the meeting:

1. **Roll Call**
2. **Audience Comments**
3. **Landscaping Services**
 - A. **Termination Letter from Servello & Sons**
 - B. **Authorization for RFP for Landscaping Services**
4. **Adjournment**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please contact me.

Sincerely,

Bob Koncar

Bob Koncar
District Manager

Third Order of Business

3A.



"Always Providing Solutions"

December 27, 2017

Harmony CDD District Board

Steve Berube, Chairman; Ray Walls, Vice Chairman; Bill Bokunic, Assistant Secretary; Kerul Kassel, Assistant Secretary; David Farnsworth, Assistant Secretary

CC: Gary Moyer, District Manager & Gerhard van der Snel, Field Operations Manager

HARMONY CDD

313 Campus Street
Celebration, Florida 34747

Location:

7251 Five Oaks Drive,
Harmony, FL

Notice of Termination

Dear District Board,

This notice of termination letter serves as written notice of our intent to terminate our Landscape & Grounds Maintenance Agreement with Harmony CDD in Harmony, Fl.

The agreement will terminate March 2, 2018.

Sincerely,

James Whitaker

Chief Executive Officer - Servello

P. 386-753-1100 M. 407-724-3440 F. 386-753-1106

E. jwhitaker@servellosoninc.com

CC: Timothy R Qualls; Young Qualls, P.A. 216 South Monroe Street, Tallahassee, Florida 32301

YOUNG QUALLS, P.A.
ATTORNEYS AND COUNSELORS AT LAW

216 South Monroe Street
Tallahassee, Florida 32301

Reply To:
Post Office Box 1833
Tallahassee, FL 32302-1833

Telephone: (850) 222-7206
Facsimile: (850) 765-4451

January 3, 2018

James Whitaker, CEO
Servello & Son, Inc.
261 Springview Commerce Drive
Debary, Florida 32713

RE: Termination of Contract with Harmony CDD

Mr. Whitaker:

As general counsel to the Harmony Community Development District, we are in receipt of your letter dated December 27, 2017, noticing our client of Servello's intention to terminate the contract with our client effective March 2, 2018.

Please be aware that the binding contract, effective as of July 10, 2017, between the Harmony Community Development District and Servello authorizes early termination on sixty (60) days' notice by the District but not by Servello.

The relevant provision, Section VII, provides:

1. The performance of services may be terminated in whole or in part by the District Manager in accordance with this provision and may be revised by the Board.
2. Termination of services hereunder shall be effected by the delivery to the Contractor a "Notice of Termination" specifying the extent to which performance of services under the contract is terminated. Such Notice of Termination must be sent by the District to the Contractor not fewer than sixty (60) days before the date upon which such termination becomes effective.

Given that there is no authority in the contract for Servello to terminate, we would encourage you to consider attending the next regularly scheduled meeting of the Harmony CDD to attempt to come to terms on an amicable resolution that serves the interests of both parties.

James Whitaker, CEO
Servello & Son, Inc.
January 3, 2018
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Terminating on such short notice, without contractual authority to do so, does not allow our client to go through its processes required by law to get a new contract in place.

Please let us hear from you before our client undertakes the process to schedule a special board meeting to discuss the matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim R. Qualls".

Timothy R. Qualls, Esq.
Young Qualls, P.A.

cc: District Manager
Board of Supervisors