

MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, May 27, 2010, at 9:00 A.M. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Robert D. Evans	Chairman
Nancy Snyder	Vice Chairman
Steve Berube	Supervisor
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Tim Qualls	Attorney: Young vanAssenderp, P.A.
Steve Boyd	Engineer: Woolpert
Thomas Belieff	Dockmaster
Brenda Burgess (<i>by phone</i>)	Moyer Management Group
Mike Couch	Luke Brothers
Greg Golgowski	Harmony Development Company
Danny Gough	Bio-Tech Consulting
Todd Haskett	Harmony Development Company
Pete Lucadano	Luke Brothers
Brock Nicholas	Harmony Development Company
Jason Shafer	Luke Brothers
Shad Tome	Harmony Development Company
Residents and members of the public	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Evans called the meeting to order at 9:00 A.M.

Mr. Evans called the roll and stated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the April 29, 2010 Meeting

Mr. Evans reviewed the minutes of the April 29, 2010 regular meeting, and asked for any additions, correction, or deletions.

Mr. Berube stated on Page 2 in the last paragraph, the fourth line should read "Lakeshore Park pond areas." On Page 5 in the last paragraph, the fifth line should read "The labor went downhill quickly."

Mr. Qualls stated on Page 24 there was discussion about Supervisors having a credit card. What I said was captured, but not all of what said. Even though there is no prohibition in Chapter 190, Florida Statutes, we advise against a Supervisor having a District credit card unless there are clear rules for how that process works. I want to make it clear for the record that we advise against a Supervisor having a credit card.

Mr. Berube stated we currently have a Home Depot credit card in the name of the District and I am not sure that we have any rules that Mr. Qualls mentioned regarding this credit card. It is typically stored in the Welcome Center or in the possession of Mr. Belieff. That is not necessarily a problem and I do not know if there has been a problem with the use of the credit card in the past.

Mr. Qualls stated my concern is not that the District uses a credit card to pay for things. My concern is that as a public officer and therefore, having a fiduciary duty of the public's trust. The appearance of some benefit of being on the Board is what I am concerned about with an individual Supervisor having a credit card. It is like a City may give staff or members of the Board credit cards, but there should be clear rules of what the Board member does and how that process works. You can require that the credit card be used only for District items and not for the personal gain of the Supervisor.

On MOTION by Mr. LeMenager seconded by Ms. Snyder with all in favor, approval was given to the minutes of the April 29, 2010 regular meeting, as amended.

THIRD ORDER OF BUSINESS

Subcontractor Reports

A. Landscaping – Luke Brothers

Mr. Shafer reviewed the Monthly Landscaping Report, which was included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Shafer stated I think we made great strides this month, with help from Mr. Couch. We cleaned up many of the areas where we were deficient. The mulching is fairly completed with the exception of the beds along U.S. 192, which they are working on today and tomorrow. It should be fully complete by Monday or Tuesday.

Mr. Evans stated at the conclusion of the meeting last month, we had a lot of discussion relative to deficiencies of maintenance that had transpired up to that point. At the end of that meeting, we asked the basic question of whether you have the financial

resources to bring the project back up to where it needs to be and whether Luke Brothers was willing to commit those resources. I would like to find out if this has happened.

Mr. Shafer stated yes, I believe so. We hired additional staff and I think we have enough people on staff. We had extra personnel come out all month to help us detail and clean up areas where we were deficient. I think that has been completed. Our Pest Control Department was fairly deficient and we are caught up. We finished the fertilizing and weed control for the entire project. Everything looks much better.

Mr. Evans asked do you feel that the landscaping is back to the level it needs to be or is it in the process of getting back where it needs to be? If you believe this is the process, what percentage do you think you have reached?

Mr. Shafer stated it is about 95% complete. All of the interior beds have been completed.

Mr. Evans stated it is my understanding that Mr. Berube has been spending some time with your staff to try to get to a common goal.

Mr. Berube stated they have made great strides. They had additional people here and I can see them working. My meeting with Mr. Lucadano went well. They pulled a large amount of dead plant material and weeds out of the beds. I am still slightly concerned about staffing counts. We had a dispute last month over how many people were actually working here. I have been here nearly every day this month, and before my meeting with Mr. Lucadano, the daily counts were 7, 16, 9, 6, 11, 2, 2, 2, 14, with 3 people working in Harmony on those days. The day after my meeting with Mr. Lucadano, it went to 15, 11, 14, 11, 14, so we are nearly back to the staffing counts. It only happened after we had our meeting.

Mr. Evans asked have you seen the progress they are representing? They say that we are getting back to where we need to be and it was a corrective effort on their part. We brought the issues to their attention and they acknowledged the problem internally. Externally, we have a challenge and we are trying to meet that challenge. Do you think they are on the right path to get there?

Mr. Berube stated in general, yes. There are still a number of deficiencies, many of which I think they will be able to recover. If it continues at the level of intensity that I am seeing now, I am sure it will recover. Mr. Shafer is working hard keeping track of his entire staff and that is good. I think they have some systemic deficiencies with some of

the ways they do things and that is a matter of suddenly ramping up and having a lot of new staff people to supervise. They had a Pest Control Technician who was imported from Tampa who proceeded to spray fertilizer all over the roads, probably two miles worth. While we were riding around with Mr. Lucadano, the Pest Control Technician was spreading fertilizer in the streets and I think they addressed that. My comments are more or less positive. There are still some minor troubles.

Mr. Evans stated the end result is that they have made a great deal of progress. We identified a challenge and they brought in the resources to correct the problem. We are in an upward trend of addressing them. Is it the intention and desire within the capability of Luke Brothers to continue this level of staffing to get us where we need to be?

Mr. Shafer stated absolutely.

Mr. Evans stated I think that is what we are trying to achieve. We are trying to work together towards a common goal. We understand a lot of the employment issues and staffing issues that every company faces. Hopefully we are getting to where we need to be. Mr. Berube, do you think this is attainable in the next 30 days?

Mr. Berube stated yes, I am cautiously optimistic. Mr. Shafer and I have had numerous conversations. I stay out of the mechanics of it because I try to let Mr. Haskett be the director in this process. Some of the things have been immediate needs and Mr. Haskett has been ahead of me in most of those cases. The one right now is that we have a water problem and lack of water around much of the new sod.

Mr. Shafer stated it got dry fairly fast and it is getting hotter. In all those cases, I work with Mr. Haskett and Mr. Gologowski on a daily basis.

Mr. Berube stated I drive around here a lot and Mr. Shafer is here all the time and he is fairly visible as well as all his people. There has been a dramatic change in the visibility of people doing the work and him as a Supervisor. If this continues, I am somewhat confident that they will get it under control. In 30 days from now, we will have a much better looking project. There are still a few minor details that need to be trimmed up, but overall the movement toward the better has been impressive.

Ms. Snyder asked how often do you check the sprinkler heads for broken heads?

Mr. Shafer stated monthly.

Ms. Snyder stated there is one between the property next to mine and the house after that, which is 7021 and 7019 Five Oaks Drive. I just noticed it the other day.

Mr. Shafer stated that may have been rectified because he has been out here all week.

Mr. Berube stated my other concern is, for a number of months, we have not been receiving what we have been paying for and we have been approving a monthly invoice for work that is not being completed. We have another month's invoice to consider for payment with an adjustment that the Board can discuss further when we consider the invoices. I was going to ask Mr. Lucadano what he thinks is fair. We already have a suggestion from Mr. Haskett. We will keep watching them this month and will stay in contact, but there has been a dramatic improvement.

Mr. Shafer stated we will keep it up.

Mr. Evans stated we are happy to hear that.

Mr. Shafer stated the bed enhancements will be completed more than likely by the end of May.

Ms. Kassel stated I met with Mr. Shafer last week because he wanted to be sure he had the most updated version of the landscaping proposal, which was good because he did not have the most current version. I agree that it is an impressive effort and I look forward to seeing their continued work.

B. Aquatic Plant Maintenance – Bio-Tech Consulting

Mr. Gough reviewed the Monthly Aquatic Maintenance Report, which was included in the agenda package and available in the District Office for public review during normal business hours.

Ms. Kassel asked if there is not much rain this spring and summer, what is the effect on those new plants going to be and is there anything you can do about it?

Mr. Gough stated as soon as it rains, the ponds fill up rather quickly. If we have a dry summer, it will be too dry for the ones at the top of the littoral zone to survive, but there is pond water they can get from that edge that seeps through. If it gets too dry and the ponds recede too far down, the plants will not make it. We have had an exceptionally wet winter and I am hoping the summer will be as well. The ones that are established, even in times of drought, will be fine.

Ms. Kassel asked is there anything we can do if we have a dry summer?

Mr. Gough stated short of having a water truck out there watering them, they have to fend for themselves. We do not water plants like this and it might even be better to wait until the drought is over and then replant them, which would be the most cost effective way to do that.

Ms. Kassel asked what percentage of the plants are in that higher area?

Mr. Gough stated I have not gone around and seen them yet, but it will probably be from the high-water mark down. It is not like the buffer areas, which is dry. It is the highest level that the water can reach before the outfall takes over. They are all in the right place, but it is a matter if the water can sustain it or not. I cannot estimate how many plants there are, but 100% of plants are in an area where the water will fluctuate. If we plant them too deep, the plants will not grow. If we plant them too high out of that fluctuation area, they will not grow either. Each pond is a little different, but all plants are planted in that zone.

Mr. Berube stated regarding the weeds that grow and the muck that comes up from the bottom, it is my understanding that you are treating them with chemicals for the most part. Someone mentioned to me that you spray the noxious plants; they die and sink to the bottom into the mud and potentially come back as seed and re-grows itself. Is that an accurate presumption? Is treating with chemicals the best plan or should we be physically removing some of this material?

Mr. Gough stated physical removal does occur in canals where you can get in and scoop it out. With small ponds like this, we are limited to raking. The physical removal gets a lot of the plants and most of what you see, but you cannot remove 100%. So you still have that re-growth. I tried that on Pond 19 when I had some extra time and I was trying to make it look good quicker. It did; I achieved instant results. But once things started warming up again, I could see that it was all coming back pretty quickly, and I would need to have a crew out here raking constantly to remove the submerged weeds. I think that is why chemicals are preferred because they are cost effective and they have good results. They are not perfect but new chemicals are being developed all the time. I attend continuing education meetings to keep my license current, and I am constantly hearing about new products that are moving forward for approval to make things better.

Mr. Berube stated we started the planting program. Over the next couple of months, take the next group of ponds that should be enhanced with plantings and then perhaps wait with the rest. I am guessing that over the summer is not a good time to be doing these plantings.

Mr. Gough stated that is correct, it is better to plant them early before the rains start. When it gets too hot, we should not be installing plants.

Mr. Berube asked when should be the next time we do any plantings?

Mr. Gough stated you might want to consider doing it toward the end of the year when the temperature cools. They will be dormant through the winter anyway, and by next spring, they should be growing well.

Mr. Berube asked should we do this in the last quarter of the year?

Mr. Gough stated yes.

Mr. Berube stated please include that in your notes for other ponds with a proposal similar to what we just approved, specifically for ponds 25 and 26. As we briefly discussed last month, I told Mr. George Schiro that I would look at that very carefully.

C. Dockmaster/Field Manager – Buck Lake Boat Use Report

Mr. Belieff reviewed the Monthly Boat Report, which was included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Belieff stated I want to thank Mr. Berube for his help on the small pontoon boat.

Mr. Berube stated we ended up rebuilding the motor on the small pontoon boat. It would have been back in service many weeks ago, but Advanced Marine had to order parts for me twice, so it was out of service while we were waiting for parts. The total cost to rebuild that motor was about \$800 so it should be as good as new. A new motor would have cost \$3,000. I think it looks as good as a new one.

Ms. Kassel stated thank you for saving us money.

Mr. Berube stated we will still have costs related to the boats, but repairs like this will make a big difference.

FOURTH ORDER OF BUSINESS

Presentation of the Fiscal Year 2011 Budget

A. Fiscal Year 2011 Budget

Mr. Moyer reviewed the proposed budget for fiscal year 2011, which was included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Moyer stated we are proposing to have a public hearing on August 26, 2010, at 6:00 P.M., at which time the public may comment on the budget. What management has presented today is the first step in that process. It mirrors, in many respects, the current budget we are operating under, with certain adjustments made for contracts we currently have outstanding. The bottom line of all that is that management is not proposing any additional assessments. We can operate with the same assessments we current levy within

the community. We will include a spreadsheet of what those assessments will be for each product type and neighborhood based upon this budget. It is anticipated to decrease several thousand dollars, so I am comfortable telling the Board that the assessment will be equal to or somewhat less than what it was last year.

Mr. Evans stated this is our first draft of the budget, and we are not adopting it today.

Mr. Moyer stated that is correct. The Statute has two operative words: “approve” and “adopt.” I am asking the Board to approve this proposed budget for the purpose of having a document that the public can review, but you will not adopt this budget until August 26.

Mr. Evans stated that gives us time to review it and have a workshop. We have a fairly comprehensive budget, and I know there have been discussions about other types of enhancements and programs. The workshop is the time for us to have those discussions and make any adjustments to the budget prior to its adoption.

Mr. LeMenager stated I would like to discuss this further in a workshop. It tends to work that this becomes a blueprint for what we are actually going to do. Some things were accomplished this year because we included them in the budget. It also gives us a chance to let the community know that various proposals are made from time to time and our response frequently is to include it in the budget. This is the community’s opportunity to propose projects to be included in the budget.

Mr. Evans stated one of the things the Board has the ability to do is to look at certain line items. If you recognize substantial savings in one category, that may provide a surplus in our carry-forward balance that we can use for other projects or maintenance obligations.

Ms. Kassel stated we have a projected positive balance of \$165,000 in revenues over expenses for the current fiscal year. That is rolling into the next fiscal year’s budget so we do not have to increase our assessments.

Mr. Moyer stated we are not taking credit for that money at all. That balance is dropping through to a category called fund balance.

Ms. Kassel stated that fund balance includes reserves.

Mr. Moyer stated that is correct.

Ms. Kassel asked how much is that amount?

Mr. Moyer stated we allocate \$40,000 per year to reserves and currently we have first-quarter operating capital of \$173,000. The balance of \$131,000 is the \$40,000 that

we set aside each year and we call it a self-insurance fund. What is totally available in undesignated fund balance is \$267,000. The total available reserves for the Board is \$573,000.

Ms. Kassel stated \$173,000 for the first-quarter operating reserve is something we cannot use because we need that cushion for when invoices are received at the beginning of the fiscal year.

Mr. Moyer stated that is correct, that money is used between the end of September through December.

Mr. LeMenager stated this analysis is three or four years old. I ask about this every year.

Mr. Moyer stated that is correct. Because the developer is billed monthly, we are not totally dependent upon non-ad valorem assessment revenue received from the Tax Collector. We receive income on a monthly basis from the developer.

Ms. Kassel stated I think we want to re-evaluate that operating reserve. We now have a reserve of \$131,000. Are we adding \$40,000 to that for the next fiscal year?

Mr. Moyer stated yes.

Ms. Kassel stated then we will have \$171,000. I want to see some type of schedule of what we are likely to need to use that money for, what refurbishments or replacements might be coming up in the next five years and what kind of life expectancy they have and what they cost. Then we will know whether we are collecting enough or too much. Why collect too much since we are earning nothing on that money? Why take that money from the residents if we are not going to need it? I am interested in a schedule showing what we need the reserves for.

Mr. Moyer stated that is possible, but that is generally accomplished by hiring a firm to do a Reserve Study. They will actually identify all of our capital assets and assign a useful life or replacement schedule. I wonder if Mr. Boyd has that type of information available or if staff has this information, but that is where we need to start with the assets of the District and assign a useful life to those assets.

Mr. Berube stated I have been through one of those before and they are fairly expensive.

Ms. Kassel stated I am not talking about something that needs to be formal and cost a lot of money.

Mr. Berube stated I understand what you are saying about not wanting to assess too much. My first thought is, what will happen with other local governments and the County. I think we need to be on the side of collecting enough money, rather than getting ourselves into a position where it gets tight and then a year from now, we have to do what the County is doing and slashing everything. I think it is far better that we are funded well than slashing the budget to the bone.

Ms. Kassel stated I agree, but there is a difference between funding it well and over funding it to the detriment of the residents. I would like to have a rough estimate of what we might need and how much it will cost.

Mr. LeMenager stated I think this is a good idea in terms of planning for the future. I do not think we have ever done that and we have no long-term plan.

Ms. Kassel stated it may not end up being too much; it may end up being too little. It would be good to have a better idea of what that will be. Between the developer and Mr. Boyd, we might be able to come up with a rough idea of what we might need to plan for.

Mr. LeMenager stated from a pragmatic standpoint, I will make the same comment I have made for the last two years. The developer is still paying for the bulk of the assessments for the CDD and as long as they are willing to continue funding it at this level, we should tell them thank you very much.

Mr. Berube stated I agree. We also need to remember that every year we struggle with raising or reducing assessments. At this point, we have been well funded and we do not have to worry about the money if something comes up like the pool heater that went out and cost \$17,000 to replace. If a hurricane comes through here next week, I am confident that the financing is in place with insurance and help from the developer.

Ms. Snyder stated originally that is what it was for, if a hurricane came through and there was a tremendous disaster. We would not need insurance to cover it.

Mr. Evans stated there are some things that insurance does not cover. The whole basis was to get a lower insurance premium and put aside some money for initial self-help remedies. Landscaping is not covered under insurance, so it is a balance of how much we keep in reserve for a catastrophic event and how much we keep in reserve for long-term maintenance obligations, whether it is roadways or amenities.

Ms. Kassel stated that is exactly the question I am asking.

Mr. Evans stated I think you make a good point that if we detail the line items for future potential expenditures, the same way we do on our projected expenditures like electric bills and landscaping, those are well known and we have a good handle on those. I understand what you are asking for and that is to apply the same level of scrutiny for our Operating and Reserve Budgets. Whether we are high or low, at least it will identify those categories that we are trying to address and assign a valid number to it.

Mr. Berube stated we can anticipate that for the future.

Ms. Snyder asked are there common things we can include, which should have information easily obtainable?

Mr. Moyer stated yes. In some of my other Districts, we asked the Auditors to look at the reserves, based upon their experience with other governments. I think this addresses Ms. Kassel's concern, at least in the short term. The rule of thumb is generally you have six months of reserves for your Operating Budget. In our case, the Operating Budget is approximately \$1.5 million, which means they recommend a reserve of \$750,000. We are under that amount, so I am comfortable telling our residents the reserves we carry are not excessive based upon their recommendation. If you ask other Auditors or other governments, you would get a similar answer.

Mr. Berube asked was it Grau that gave you that recommendation?

Mr. Moyer stated no, it was Hoyman Dobson out of Melbourne.

Ms. Snyder asked is there some way this money can be invested?

Mr. Moyer stated it is invested. Unfortunately, you are earning between 0.25% and 1%, which is not a lot of money.

Ms. Kassel stated it would be good to have a general idea of what the items are and what we might need to spend on them.

Mr. Moyer stated the big item that immediately comes to mind, based on Celebration which is a similar community, is alley replacement: milling and overlaying alleys. That is something we will have to schedule. We can provide that information since we have good data on that. Of course, you have infrastructure such as the swimming pools, which need to be maintained. Anything left over, as Mr. Evans indicated, if there is a hurricane, could be used for landscaping not covered by insurance. Is it not that we do not want to cover it; there is no one who will underwrite landscaping.

Ms. Kassel asked do we want Mr. Moyer to work with Mr. Boyd and staff to come up with a list of what we have to replace and what useful life it has so we can determine what we might need to spend?

Mr. Evans stated I think it would be good to have a spreadsheet of the line items to prompt a discussion.

Mr. Boyd stated we can work on that. Mr. Moyer is correct; your biggest operation and maintenance expense moving forward will be alley refurbishment at some point. We have a fair idea of sidewalk maintenance costs because we have already been through a cycle with that. The roads have been dedicated to Osceola County; so fortunately, you do not need to worry about maintaining the roads. I recommend setting aside reserves for sidewalks, alleys, and the stormwater system.

Mr. Berube asked would it be wise to include all CDD-owned items that we maintain?

Mr. Moyer stated although I agree with Mr. Boyd, some of the capital items, like concrete water control structures, have a useful life of 50 years. A lot of what we are discussing will be addressed by Boards every year as part of your Operating Budget.

Mr. LeMenager stated what we are talking about is trying to avoid one year suddenly having to come up with a special assessment for a large expense. We want to be sure we are planning for big-ticket items. I do not think there are very many beyond what you just identified. We are a community based on alleys and not having garages facing the streets and there is a significant cost to that. We need to be sure we think about how we pay for that.

Mr. Boyd stated we can develop a list and some of those items we can assign figures to. Some of them we may not be able to, for example the dock or the pool. Those are major items that we do not know when they may need a significant repair.

Mr. Berube stated you can provide an educated guess and estimate. We are not going to spend this money but it is anticipated for disasters.

Ms. Kassel stated it is not just for disasters. We need to be planning for when its useful life is over and it needs to be replaced.

Mr. Berube stated if something fails or the dock falls into the water and we have to come up with money to replace it, we would need to levy a special assessment. That is a disaster and we do not want to go through that process.

Mr. Evans stated those are all good suggestions.

Ms. Kassel stated we increased the pool budget by \$20,000. This year we spent \$16,000 on the coil and I know that is not likely to fail again soon. I wonder why we are increasing that line item by \$20,000.

Mr. Moyer stated it is reflective of what we anticipate spending this year. We can review that with staff.

Mr. Berube stated it is probably not a bad idea to leave it in there because we will need to replace the tiles. I am pretty sure it will be significantly more expensive than we anticipate. I think that was a good addition to this line item.

Mr. Moyer stated a budget is not an authorization to spend. This is what we reasonably expect to represent the work program of the District. As we go forward, there will be things that we did not foresee that will come up, just like it did this year. I am sure it will happen next year. To the degree those monies are not spent, that falls through to the fund balance.

Mr. LeMenager asked is it still our intention to have a workshop?

Mr. Evans stated yes.

B. Consideration of Resolution 2010-02 Approving the Proposed Budget for Fiscal Year 2011 and Setting a Public Hearing

Mr. Moyer read Resolution 2010-02 by title into the record.

On MOTION by Ms. Snyder seconded by Mr. LeMenager with all in favor, approval was given to 2010-02 approving the proposed budget for fiscal year 2011 and setting a public hearing for August 26, 2010 at 6:00 P.M.

Mr. LeMenager stated I would like to have a workshop specifically to discuss the budget. Do we want to do this before next month's meeting or schedule a different day to review these numbers?

Mr. Evans stated we can have it before the regular meeting.

Mr. Moyer stated you can schedule it for 5:00 P.M. and have the regular meeting at 6:00 p.m.

Ms. Kassel stated that will that conflict with the HOA meeting.

Ms. Snyder asked can we have the workshop at 6:00 P.M. and the regular meeting at 7:00 P.M.?

Mr. Berube stated we already advertised our meeting schedule.

Mr. Moyer stated we will need to advertise the workshop anyway. We can leave the meeting as scheduled at 6:00 P.M. and advertise the workshop for the first hour of that meeting or we can do it as part of the meeting. The Board will not be taking any action on the budget until August.

Mr. Evans stated hopefully we can get the worksheets in a couple weeks so we can begin reviewing them in advance of the workshop.

FIFTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

Mr. Moyer reviewed the financial statements, which were included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Moyer stated we are 92% collected on our non-ad valorem assessments, and we are under budget on all major categories of expenditures.

B. Invoice Approval #121 and Check Run Summary

Mr. Moyer reviewed the invoices and check summary, which were included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Haskett stated the invoice for \$85 for Jan Pro should be deleted. This is funded by the Development Company.

Mr. Berube stated it might be appropriate, since Mr. Lucadano was not present at the beginning of the meeting, to give us his thoughts.

Mr. Lucadano stated Mr. Shafer is distributing a report to chronicle the events that took place over the last few weeks. I want to thank Mr. Berube. He put a lot of time, effort, personal attention and heart into working with us to address areas of concern. He was extremely honest with us. He cares about his community and he has a lot of passion for it. Through his help and assistance, we were able to realize a lot of targets. I also want to thank Mr. Haskett. He invests a tremendous amount of time into the community and he is always there for us. Mr. Haskett is the one who tells us areas to focus on and we talk with him every day. His teamwork has been invaluable. We want to let you know that talk is cheap and we want to let you know we are committed to the task. We have excellent people involved in this project, with Mr. Shafer being here full time and Mr. Couch being here to assist as Branch Manager. Any failures that have happened have not been associated with these gentlemen. I have to claim responsibility and they did not

have the resources they needed to meet the expectations. That is changing and it will continue to change. We are committed to this project and doing whatever it takes for them to have the resources. I will take a very active role in the program going forward. I am immediately accessible to all of you and I appreciate the opportunity to let me and my company work on your property. It means a lot to me and I thank you for giving us this time to get the program where it needs to be. It is not perfect and we still have a lot to do, but we are implementing many positive changes to our systems and will continue to make it better. As we work around these challenging weather situations, irrigation restrictions and challenges related to the hot, dry weather, we will do our best to make it into the rainy season together.

Mr. Berube stated overall we give you kudos. We noticed the changes. We are still out of compliance with the contract on a number of significant areas that we do not need to go over now. In general, there has been a positive change since our last meeting. It was an immediate, next-day change. Up to that point, nothing had changed. I think you will agree that we have not been getting what we have been paying for some period of time.

Mr. Lucadano stated we should be giving you more than you are paying for in a landscape program. We tried to illustrate that. We planted some better Lantana at no charge. We tried to overcompensate on sod replacement at no charge. We will continue to make that kind of an effort as our commitment and to show that we value your business.

Mr. Berube stated it is difficult to approve invoices when we know that these things are going on. Last month we reduced your invoice fairly substantially. There is another requested reduction for our consideration today. As you said, talk is cheap and this comes down to contractual obligations. The contract is services for money. We have been paying you money, but we have not been receiving the services. It is changing and going forward we will not need to make this request for an invoice reduction again. I think it is justified to do it this month.

Mr. Lucadano stated I think they were justified for April, but not for this month. We put the work into the community. We had the people here and we have made the efforts to correct the deficiencies. The Board said that has been recognized. I would ask that you allow me to continue to deliver the results that you expect. It is my job to make sure you do not have questions going forward and I am responsible for that going before the Board. It was not our intention and it is not the goal. Mr. Berube spent two hours and

reviewed the property with me. It is our goal not to just look at problems and fix them with short-term solutions, but to identify what was wrong and develop sustainable results. That is exactly what we are dealing with and we are getting the project up to specification and we will continue doing that. If you reduce the May invoice, it sends a double message and keeps me from being able to do the things that should be done.

Mr. LeMenager asked did Mr. Haskett discuss the recommended reductions with Luke Brothers?

Mr. Haskett stated I provided a copy to Mr. Shafer and I asked them to come forward with their recommendations.

Mr. LeMenager stated it is about \$2,000.

Ms. Kassel stated there are two line items; one reduction is for 10% and the other is a 15% reduction. It is minor in terms of the reductions and it is based on Mr. Haskett's extensive supervision and monitoring of the progress. There are a couple areas that are still incomplete or not addressed. That is why there are line reductions.

Mr. Berube stated the total reduction is about \$2,100 on the total monthly invoice.

Ms. Kassel stated included are some weekly reports, which Mr. Haskett provided, showing his notes on the recommended reductions.

Mr. Berube stated this is significantly less than the invoice reduced last month and it is more for our own appeasement. There are still deficiencies, but this minor reduction would satisfy this Board.

Mr. LeMenager stated the reduction is about 5% of the total invoice. In answer to a direct question earlier, Mr. Shafer indicated that they were operating at about 95%, and this reduction reflects 95% of the invoice total.

Mr. Berube stated we are asking for a minor reduction from you to cover our concerns. It is significantly less than last month and hopefully we do not need to do this next month because it is not easy. I think you would agree that we should reduce it by something. The only time when the number of people on-site increased was the day after you and I met. Prior to that, the month was short handed because I counted them every day. They suggested that my counts were wrong, but I guarantee you that my counts were correct. Last month they were supposed to have a crew of 14 and one day there were only 3. In the end Mr. Shafer admitted that day there were 3. The Board can go ahead and approve this reduction. You can agree to it based on a 5% reduction. We do not want to

be difficult, but if you agree to that reduction, I think this Board will be in favor of approving it with this reduction.

Mr. LeMenager stated I am in favor of it.

Mr. Lucadano stated it is not my position to tell you what I agree with. You are the client. It is your property and you have given me the opportunity to work here. If you tell me from your heart that you honestly feel that is fair, then I accept that. This is a partnership. I do not like it, because not only do we want to be paid, but we need to be paid. I cannot tell my crew members that we are going to reduce their pay by 5%. That being said, there are issues on the table this Board feels strongly about and I respect that. We can do that, which lets me work hard so this does not have to be an issue at the next meeting. Not to make the staffing counts an issue, but I disagree with some of the head counts. I think there was an issue of counting vehicles instead of counting personnel because they carpool.

Mr. Berube stated since you and I had our meeting, the head counts are much higher based on my same standards. They have increased dramatically, in some cases, 500% on some days. The head counts are good now, starting the day after our meeting.

Mr. Lucadano stated that is fair and we implemented some changes after that meeting.

Mr. Berube stated I do not have any more issues with the head counts now, like I did the first half of the month. There are more people here and we presume that will continue.

On MOTION by Ms. Kassel seconded by Ms. Snyder with all in favor, the Luke Brothers monthly invoice was reduced to \$39,016.21 and the Jan Pro invoice for \$85 was eliminated.

C. Report on the Number of Registered Voters – 571

Mr. Moyer stated this is an informational item. Chapter 190, Florida Statutes, which is our enabling Legislation establishing this District, requires a report from the Supervisor of Elections each year on the number of registered voters. That is applicable when the District reaches six years and 250 registered voters, because we will start a conversion process where Supervisors are elected, instead of by landownership, on a qualified elector, registered voter/resident basis. We have met those thresholds and some of you are serving on this Board because we had a general election a couple years ago. There is nothing that we have to do. Even though we have met those thresholds and we go to the

registered voter protocol, the Statute still says we have to provide this information every year at a public meeting. It is merely for your information.

Mr. LeMenager asked is this an increase?

Mr. Moyer stated I will have to look that up and let you know.

Ms. Kassel stated for the benefit of the audience, there are 571 registered voters.

D. Public Comments/Complaints

Mr. Moyer reviewed the complaint log, which was included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Moyer stated I received an email on May 19 from a resident who expressed some concern about the amount of fishing taking place in our ponds.

Mr. Berube stated we need some “No Fishing” signs.

Ms. Kassel stated kids passed by us to go fishing and my husband told them on occasion to leave and go to the dock. Earlier this week I saw them back at Long Pond. Is there anything we can do about that, other than calling the Sheriff when we see them? I spoke about this with the Sheriff in the community the other day and he said we should call them anytime because that is why they are here.

Mr. Berube asked just because we post a sign that says “No Fishing”, does that carry any weight? It is an open body of water. Can we enforce this?

Mr. LeMenager asked do we need to reference a Florida Statute on the sign to enforce it?

Mr. Qualls stated it certainly makes sense although I do not know if it is a legal requirement.

Mr. Moyer stated I will share my experience in this area. There is only one agency that can enforce no fishing, which is the Florida Wildlife Commission (FWC). The way we will enforce this is through no trespassing if they are standing on our property. To be 100% legal, we cannot tell someone they cannot fish. If their property goes out to a pond, as an example and they are not on our property but fish out of that pond from their property, FWC is the only one who can tell them they cannot fish in that pond.

Mr. Evans stated I do not think we have that issue because all of the surrounding ponds belong to the CDD.

Mr. Moyer stated then it becomes a trespass issue.

Mr. Berube asked will that be enforced by the Sheriff?

Mr. Moyer stated yes. In that case, we will have to post “No Trespassing” signs and reference the Statute, which dictates how big the letters have to be. We will need to provide the Sheriff with a letter containing eight representations that he is allowed to enforce the no trespassing. This is somewhat complex.

Mr. LeMenager asked why do we prohibit fishing in the ponds? What is the thought process behind it?

Mr. Golgowski stated it is a safety issue in terms of the pond banks. Although they look like gradual drop offs, they deceptively and suddenly drop off as you go into the water. The other aspect is there are alligators in those ponds. I do not know if the Board wants to designate one pond as a fishing pond and manage it in a different way.

Mr. Evans stated your description of the ponds is accurate; if someone steps into the pond too far, they will fall and it is hard to get up. Now we are creating a type of nuisance.

Mr. Berube asked should we order “No Fishing” signs?

Ms. Kassel stated we can still call the Sheriff. They will come out and talk to the kids and ask them to leave.

Mr. LeMenager stated I agree it is a safety issue. Some of them fish with waders on and if they step out too far, all of a sudden they are under water.

Ms. Kassel stated we have had kids surf boarding with a winch and a power motor.

Mr. Berube stated on a similar and related note, our Field Manager spoke to me about some people in the swimming pool areas with open containers of alcohol, specifically glass containers. There have been a number of repeat incidents with one or two offenders. He asked my opinion as to what to do. I said I was not sure but that I would raise the issue at this meeting. The question becomes, when Mr. Belieff comes across a patron at our swim club where it has posted that there are no alcoholic beverages permitted and they defy him as to getting rid of those beverages, what should he do? Should he call the Sheriff?

Ms. Kassel stated it would not hurt. I do not know if we have any other options.

Mr. Berube stated it is another public relations issue, but at some point, public relations has to step aside for safety considerations.

Ms. Kassel stated signs deter people who are reasonable and law abiding. People who are not reasonable need some other incentives and motivations. We do not have to do anything except to call the Sheriff.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Qualls stated I want to address three things to the Board. First, I received several inquiries regarding the Florida Sunshine Law. I think it is a good idea, perhaps twice a year, to review that because there are serious consequences for a violation of the Sunshine Law for you as Supervisors. It is not complex but it is somewhat confusing to understand sometimes. Florida has some of the broadest open meeting requirements in the entire country. The bottom line is that Supervisors cannot have a meeting behind closed doors. Where it gets a little tricky because of the way the law has been interpreted, is what constitutes "a meeting." It is when two or more Supervisors meet to discuss District business. It can include not only getting together at some location behind closed doors, but it can be construed as a meeting if there is electronic or telephonic communication taking place. It has even been construed if a liaison is used. If one Supervisor goes to a family member of another Supervisor and says to tell that other Supervisor that they are going to vote a certain way at the next meeting and to let me know what they say. All those things have been construed as violations of the Sunshine Law. In the memorandum I provided to the Board, the Supreme Court said this law is going to be construed broadly so as to stop all evasive measures of any Board, Council or other public body meeting behind closed doors. That is why we always advise you not to send each other emails. Is that a violation? No, not at all. You can send emails about any number of topics and send factual emails back and forth, but that would not have anything to do with the decision-making process. The point is, we always advise on the side of caution and it is just a better decision not to send emails to each other. Instant messaging and text messaging are popular among kids these days and I do not know if the Board does those things. That is electronic communication, which can be construed as a meeting. Do not do it. What about getting on a website where two people can get on a website at the same time or someone posting a comment that is read later by another Supervisor? That also could be construed as a meeting and therefore, we advise against all such measures.

Mr. LeMenager stated you just said not to post something that might be read by another person. I do not believe this constitutes a meeting.

Mr. Qualls stated if an email that you send to someone is read later, it can be construed as a meeting. It is the same as posting something on a website.

Mr. LeMenager stated I disagree with that statement. I appreciate that you are our Attorney, but the bottom line is, I can send an email on a CDD topic to any other Board member as long as I made it clear that they should not respond to me. That goes on all the time. I can show you examples of that from the School Board of Osceola County. There was a big issue about a charity and it was great seeing all of the emails between the members, but every single one said in bold letters not to respond to this email because it can be construed as breaking the Florida Sunshine Law. Posting something that one of my colleagues might read, I am not in agreement.

Mr. Qualls stated that is fine. I simply give advice. I am telling you what the courts have opined. They have opined that sending an email to another Board member can constitute a meeting. I do not care what any other Board does. My job is to give this Board our best interpretation of the law. I do not mean to preach, but the issue came up and I provided the Board with a memorandum. We are always going to advise that you err on the side of caution. This is not something I am making up. Throughout this memorandum, I provided cases and Statutes for references. The law is fairly broad. Because the consequences include not only civil liability, but also criminal liability, we err on the side of caution. As my grandfather used to tell me, if you have to ask, then it is probably wrong and this fits that example.

Mr. LeMenager stated I appreciate your comment. As I look at Page 3 of the memorandum, Item E5, talks about emails: one-way email communication between Board members when it does not result in the exchange of Board members' comment for responses on subjects requiring Board action does not constitute a meeting. It seems as though you are writing one thing and perhaps saying another slightly differently. I appreciate you saying we should err on the side of caution.

Mr. Berube stated the key to what he said is that it "could" constitute a meeting. When you read everything in the memorandum, there are a lot of what ifs and could's. It is a slippery slope and that is the problem. You are right in questioning just sending an email only.

Ms. Snyder stated it also says they are public records and must be maintained by the records custodian for public inspection.

Mr. Qualls stated you would be responsible for turning over those records. It is not complicated. Board members can get together and talk about anything except District business. You can send emails to each other with jokes and purely factual information. Those will not be a Sunshine Law violation. We are trying to advise you against even the appearance of a Sunshine Law violation. That is the only way I know to make sure if someone accuses a Supervisor of a Sunshine Law violation, you cannot come back and ask me why I did not tell you and make it clear what our advice is.

Ms. Kassel asked is it correct to say that the spirit of the Sunshine Law, the purpose behind it, is to prevent Board members from influencing other Board members outside of a public meeting and having a conversation that can influence decisions not made in the public forum?

Mr. Qualls stated yes. The public is, by virtue of our laws, a part of the decision-making process.

Ms. Kassel stated that is actually the guideline by which, using your memorandum, is going to possibly influence an opinion about a CDD issue on the part of someone else.

Mr. Evans stated I want to comment on Section E5, which says "A one-way email between Board members does not result in the exchange of Board members' comments or responses". If you are not voicing your opinion on a subject matter relative to the CDD, that is not a problem. It is only when you take a position and explain how you feel about a particular subject. Then you are communicating and it can be construed as your intent to influence another member. I understand your comment so I do not question it and in some ways, I agree with you.

Mr. Qualls stated it is not uncommon for you to share factual things and what you observed. I just advise you to send your emails to the District Manager and let him review it and forward it to us. It is for your own protection and it is the only advice I know to give you to ensure that no one can accuse any of you on this Board of being in violation of Florida's broad Sunshine Law. I also want to talk about the flow of meetings. We represent many special Districts. I think this is a great example of a District where the public is involved and the public gets a chance to express its opinion. That is healthy and that is wonderful. On the other side, the only way these meetings will work overall is if

there is order in the meeting. There is a Supreme Court case saying to deny the Presiding Officer the authority to regulate irrelevant debate and disruptive behavior at a public meeting will cause such meetings to drag on forever and deny others the opportunity to voice their opinions. The court concluded that the Mayor's actions in attempting to confine the speaker to the agenda item at a City Commission meeting and having the speaker removed when the speaker appeared to become disruptive constituted a reasonable time, place and manner in regulation and did not violate any First Amendment rights. It is fine line. I did not hear everything that happened at the end of the last meeting, but I thought I would bring up this issue. It is a careful balance. Yes, the public has a right to be here and it is extremely important. What I have always observed is this Board takes public comments seriously, but there is also give and take that the meetings need to be orderly or they just go on forever.

My last item is, Mr. Ken vanAssenderp sent an email to Mr. Moyer that had several items regarding certain changes to the way items are described. There is one in particular he asked me to discuss today regarding the notes to the financial statements dated April 30, 2010. There is a miscellaneous collection cost and an invoice was received from the Osceola County Board of County Commissioners. We are advising staff not to pay that invoice because the Board of County Commissioners have no contractual relationship with this Board when it comes to preparation of the roll for non-ad valorem assessment collections. This Board has a contract with the Tax Collector and perhaps there is also a relationship with the Property Appraiser. We are not saying this bill should not ultimately be paid, but because there is no open contractual relationship, there is no reason for them to send you a bill. It is possible that what should happen is the Board of County Commissioners should be sending the bill to the Property Appraiser, who then should send the bill to the Harmony CDD. We wanted to point that out. I did not see an actual invoice for it, but it is referenced in the notes to the financial statements.

Mr. Moyer stated Osceola County has a unique system where they have an Assessment Department that puts these rolls together on our behalf and turns that over to the Property Appraiser. In fact, it does go through the County before it goes to the Property Appraiser.

Mr. Qualls stated there is no contractual relationship between this Board and the County. If that is something the County is doing for the Property Appraiser, this invoice

should rightly be coming from the Property Appraiser. The amount of the invoice is \$779.

Mr. Berube stated it says "Reimbursement of Administrative Costs". That is like us billing the community for the cost of having this meeting.

Mr. Qualls stated the law does not provide if the Tax Collector is using the Uniform Method for collecting the non-ad valorem assessments. This Board has a contract with the Tax Collector that when we provide them with the roll, we would like them to collect it. The Tax Collector may charge necessary administrative costs for doing that. Similarly, the Property Appraiser has a role in putting the rolls together. This is the first time that I have ever seen that the Board of County Commissioners is doing anything that it can bill for and it is certainly nothing that is contemplated by the law.

Mr. Moyer stated we did pay that invoice and when it comes to getting our assessments on the tax roll, this is good value for our District. We can write them a letter and work it through the County to see if we can make any sense out of it.

Mr. Qualls stated I am sure Mr. vanAssenderp has already done that. He spoke with Ms. Patsy Heffner and others at the County and the County needs to send that invoice to the Property Appraiser, who then sends it to the CDD. It may seem technical and irrelevant, but to Mr. vanAssenderp and the firm, it is not. The law does not contemplate that and there is no contractual relationship between the CDD Board and the Board of County Commissioners. This District is a separate local government altogether and it has nothing to do with the Osceola County Board of County Commissioners.

Ms. Kassel stated with regard to your comment on how we conduct the meetings, I know the County Commission has a timer that they use for public comments. I wonder if this is something we should institute. Mr. Berube brought a timer, but I do not know if it is for that purpose. On a related note, before we make decisions on things, I remember when I was not on the Board being frustrated that I could not make any comments about things the Board was about to act on. We discussed the possibility of having the audience fill out note or index cards to submit to the Board to review before we made decisions so we could have the public's questions, comments and concerns before us, before we actually made a decision. Is that something you think would be a good idea for our process?

Mr. Qualls stated yes. I try not to give you my opinion since it is not what you pay me for, but the Attorney General has advised that Boards may adopt rules and policies for the conduct of these meetings, including timing things and how comments cards will work. The reason you would adopt rules is because it will be uniform and that is the way you would operate every meeting. You eliminate the risk of one member of the public saying they are being treated differently than another member of the public. That is something that would be advisable for this Board to contemplate.

Ms. Kassel asked what do the other Board members think about a timer and having index cards for the public's concerns and comments?

Ms. Snyder stated I like the idea of having index cards. Regarding a timer, we want people to be constructive in giving us good advice and input and at one time, it was being abused.

Mr. LeMenager stated I am not sure what you mean by using note cards.

Ms. Kassel stated when we are discussing an item we are going to approve, prior to making a motion and approving it, we can have audience members submit index or note cards to us with their comments or questions or concerns about the issue we are discussing.

Mr. LeMenager stated to an extent that goes along with the comment I made a couple meetings ago, which resulted in much larger agendas. In terms of getting instant feedback on agenda items during a meeting, I believe we have something like that. People can also make comments on the CDD website. We have, upon occasion, put items on the agenda that people have submitted through the website.

Ms. Kassel stated the agenda is not posted before the meetings. There are Sometimes things come up at the meetings that are not specifically addressed on the agenda that we might vote on. When people devote their time to come to a meeting and they want to make a comment on something we are about to make a decision on that no one had all the information in order to think about prior to the meeting, I would like for them to be able to do so, and I would like our decisions to reflect listening to those concerns.

Mr. Berube stated some public bodies do that now. You have to submit your questions in advance to keep order. There are times that these meetings get unruly and we do not need that anymore. We had that example last month. It is easy to get out of

control. I like the idea of index cards for short questions, maybe with 10 or 20 words on it to be submitted in an orderly manner.

Ms. Kassel stated as we are discussing an issue, before we make a motion and vote on it, we can have the audience submit their comments to Mr. Moyer and he can read them into the record.

Mr. LeMenager stated I was going to suggest if an action item is not listed on the agenda that we change our rules to require a unanimous vote for something that suddenly comes up at a meeting. If it is not in the agenda package, then we should not be voting on it or it should have a special set of rules to actually consider it. I appreciate the fact that this agenda package has grown in size.

Mr. Berube asked does that happen often?

Ms. Kassel stated it has happened for a lot of things.

Mr. LeMenager stated it has recently improved and we are much better prepared.

Ms. Kassel stated we are better prepared, but the audience coming to our meeting is not very knowledgeable about some issues. We get the information, but they often do not and they are listening to us discuss these items. They do not know what our opinions are because this is the time for them to hear our opinions. If they can have the opportunity to respond to our discussion as we are discussing it and before we vote on it, then we are allowing them the opportunity to ask questions and think about things that perhaps we had not considered. Having them submit questions before the meeting starts obviates that idea because people do not know what we are going to discuss and they do not know our opinions. Having the opportunity to comment before we make decisions allows us the access and the participation I would want if I was not a Board member and I did want when I was not a Board member.

Mr. Evans stated Mr. Moyer manages a number of other Districts. Do other Districts handle this differently?

Mr. Moyer stated no, the vast majority have the same type of agenda that you have, where we entertain audience comments at a given part of the agenda. It is the Board's decision and it is not up to me to disagree with what the Board wants to do. If you permit public comment on every agenda item, your meetings could last three or four hours. That is fine as long as you understand there is a cost to a meeting of that length of time. You are paying some consultants on an hourly basis. If you go in that direction, in reality, you

end up with 20 Board members. It is not a matter of someone just standing up, giving their opinion and then sitting down. That never happens. For example, a resident may say they think the Board is going in the wrong direction and thinks you should paint the clubhouse green. That starts the discussion of what is wrong with blue. The bottom line is many people want to participate in that decision-making process and depending on how many Board members you have, will make the meetings fairly long.

Ms. Kassel stated that is the point of having an index card. We can then read them aloud and choose to discuss it or put it aside. At least we have listened and that is my point. It is not people getting up and going on endlessly. Mr. Moyer should collect the index cards, present them to us and they are read aloud. If we want to entertain discussion on them, we can. If we do not want to, then we put it aside. At least we have listened.

Mr. Berube stated I think you are correct. Public input is good, but there need to be some controls. We may proceed where we end up with rules of unintended consequences.

Ms. Kassel stated we can change things then.

Mr. Berube stated I suggest trying this for three months. I guess the cards will have to be stored.

Mr. Moyer stated yes.

Mr. Berube stated if we store the index cards according to your specifications, and whatever the storage requirements are, we can put a stack of index cards in the room for people to submit at a meeting.

Ms. Snyder stated we can try it.

Mr. Berube asked do we want to put a limit on the number of words?

Mr. Evans stated whatever they can fit on the card.

Mr. LeMenager stated we should get small cards.

Ms. Kassel stated they can write on the lined side, the front of the index card.

B. Engineer

i. Pavement Repair in Neighborhood A-1

Mr. Boyd stated we distributed two items to you by email after you received the agenda package. I apologize for not including them in the agenda package as I was not able to them to Ms. Burgess in time to include them. These are follow-up items that you requested at the last meeting. The first is the pavement repair at the radius of the alley in Neighborhood A-1 due to garbage trucks missing the pavement. I received a bid from Mr. Randy Palmer at Florida Site and Seed who has done quite some work out here and has

proven himself to provide good work, in the amount of \$2,900 and from Jr. Davis Construction Company in the amount of \$7,685. It is a minor piece of work. Mr. Palmer is a one-man type of operation and he has priced this appropriately, so we have no reservations about his bid.

Mr. Berube stated as I read this, I understand it will all be asphalted. They will remove the existing materials that are broken, remove some soil and the asphalt right up to the existing sod line to give them a wider area.

Mr. Boyd stated that is correct. Where it is dirt now will all be pavement. It will be a consistent look and it will work fine. We are going to soft cut back the existing asphalt about one foot so that it will have a clean edge for the new asphalt.

Mr. Berube stated in time, this will give us a good idea whether or not this works better than putting in the concrete berm. I am interested in the change of work program.

Mr. Boyd stated we thought this would be a more economical solution and would look better. It will not look like a patchwork of miscellaneous concrete in different places.

On MOTION by Mr. LeMenager seconded by Ms. Snyder with all in favor, the proposal from Florida Site and Seed in the amount of \$2,900 for alley pavement repair was approved, as discussed.

ii. Sidewalk Analysis

Mr. Boyd stated last month the Board indicated that it was time to do another sidewalk inventory to review the sidewalk and update the report prepared in 2008 for the sidewalk conditions. We presented a proposal for \$3,400, which includes \$1,900 in field work and \$1,500 for updating the report that the repairs will be based on. The proposal indicates both items are \$1,900 each, which does not add to \$3,400. There is a mistake in the line items and the actual total is \$3,400. We will be updating the report that says which sidewalks need repairs and what those repairs need to be.

Ms. Snyder asked what did we pay the last time?

Mr. Boyd stated I do not recall, but it was a substantial amount since we prepared the report for the first time. We also prepared the report on the basis of what should be prepared and what should be deferred for later repairs.

Mr. Berube stated so you will be providing a report showing us what sidewalks are in need of repair.

Mr. Boyd stated that is correct.

Mr. Berube stated the next step will be finding a contractor.

Mr. Boyd stated that is correct. More than likely, it will be Severn Trent.

On MOTION by Mr. Berube seconded by Mr. LeMenager with all in favor, the proposal from Woolpert in the amount of \$3,400 to prepare a sidewalk analysis was approved, as discussed.

C. Developer

Mr. Nicholas stated we have overseen thousands of acres of sports turf and I want to remind everyone that landscaping material is a living thing. It gets sick, it gets cold, it needs food and water, so there will always be ebbs and flows to the aesthetics. We notice how it looks when we drive around the community, but that is only one piece of how healthy things are. I want to give you that advice. I listened to the discussions in this meeting and I have seen what has been going on over the past few days. Having the same conditions provides different resources. That is going to happen and I would hate for us to get sideways again six months from now and assume they are not doing their job. Keep in mind that landscaping is a living thing. Relative to that last meeting, there was a discussion about the golf course supervising and managing a couple areas. The discussion was mostly about the baseball field the developer is providing at the Harmony Community School and how it is being managed and maintained at no expense to the residents. We also discussed helping on the existing multi-purpose field at Lakeshore Park. That will be an ongoing effort. Following that meeting, we deployed crews down there and did a good cut on this facility. They knocked down the height and applied some fertilizer and got things reset. Shortly after that, the Luke Brothers crew approached the golf team and expressed their thanks and said they appreciated the help of their mercenary efforts to get things caught up. Luke Brothers acquired the proper equipment, which should be sufficient for maintaining the turf. We volunteered to do that work, so our staff helped out with inspecting and making some adjustment to their equipment to make sure it was turned the right way. Luke Brothers is maintaining the property as part of their scope of services. I wanted to report that to you since it was previously on the record that we were going to proceed with the management and that is no longer the case. The credit for doing the maintenance on the existing Lakeshore Park sports field is back with the landscaping contractor. We had a Relay for Life event in early May, which some

of you attended. There are many events throughout the year that the Development Company sponsors in order to satisfy so many different groups of people, the existing resident base, families, churches and schools, as well as providing an appeal for future activities in the community. Relay for Life is one event that we feel is a worthwhile cause. We generated some positive momentum the first two years and we raised another \$25,000 earlier this month for the American Cancer Society. I will ask the principals at the two schools as well as the HOA Board and others in the community to take more of a leadership position as to how that event is organized. We have development employees involved in that community because they have ties to cancer and they want to participate. But this is the one community event that is an organic, community-owned event. With the Board's permission, I will forward your contact information to our contact person who helped organize this for the American Cancer Society. She may contact you to see if there are any committees you might be interested in chairing. The commitment is perhaps an hour or two each week leading up to the event. I think it is important for the rest of the community to see that visibility beyond just developer representation. As elected officials, I would like to forward that information to see if there is an opportunity for you to join the team or serve on a committee.

Mr. Haskett stated we discussed a solution at Lakeshore Park and are looking at installing some signage in the common area as well as at the basketball court. Kids come here from outside of the community which is not a huge issue, but they are not aware of any rules. We would like to take excerpts from our rules and regulations and create an 18-inch by 24-inch sign. We think it is important for them to know certain things, like key access and trash and things of that nature. If situations occur, a resident can point the individuals to the sign and it can be less confrontational.

Mr. LeMenager stated the only thing that I saw that I thought was totally inappropriate was there were a couple people playing golf on our sports field.

Mr. Haskett stated I am receiving proposals for replacing the pool tiles and for repairing the columns. Some of the proposals for the columns are \$50,000 and I do not think that is the way to go. When we get to the budget workshop, I will have all of those proposals, as well as any other items that we may need to repair next year.

Ms. Snyder stated we repaired these columns before and soon after their repair, they get rusted again. Is there a way to put plastic on them? I am not sure \$50,000 is what we want to spend. I had it done at my house and it was not that much more.

Mr. Haskett stated the costs are associated with taking the outer layer off and putting a new one on. I have the prices on a linear-foot basis and I need to find out where the moisture areas are.

Ms. Snyder stated I think this time they should be fixed so that we do not have to do it again.

Mr. Haskett stated I agree. Earlier, Mr. Shafer was speaking about irrigation and related matters. I want to note that there have been a couple issues where irrigation valves have been completely turned off. If anyone sees someone tampering with the irrigation controllers that should not be, please let me know or anyone on the landscape crew. It did create some issues in Town Square at the small parking lot.

Mr. Berube stated I understand the weather station is broken. Has it been repaired yet?

Mr. Haskett stated it should be repaired and operating by the end of the week. It is being closely monitored by Mr. Golgowski as well as the monitoring company.

Mr. Berube asked are we running irrigation manually because of that?

Mr. Haskett stated yes, on occasion, especially in areas where annuals have been installed or turf has been replaced. We can control that through the MAXICOM system.

Mr. Golgowski stated the value of the weather station is having accurate weather data entered into the system, which controls the irrigation downtown. Without that data, it goes to a default. The station is a part of the system, but without it, the defaults are still there and every day it thinks the weather is the same. We are moving the weather station to a more secure area in the golf maintenance area.

Mr. Berube stated I presume you noticed that much of the grass is fairly dry. I am concerned about the investment Luke Brothers made with the installation of 5,000 square feet of sod that looks quite dry in a number of areas.

Mr. Golgowski stated whenever we make adjustments to install annuals or replace sod; if anything changes, we can centrally control and assign additional watering times. The other restriction we have is the utility limiting us to two days a week. That is a significant restriction for a community that has a sophisticated system.

SEVENTH ORDER OF BUSINESS **Supervisor Requests**

Mr. Berube stated we discussed key card readers at previous meetings. I have never had as hard a time trying to spend \$20,000, \$30,000 or \$40,000 in my life as I have trying to get security card readers. So far we have three companies involved: Stanley, ADT and Niscayah, which is the one that Ms. Burgess suggested. Niscayah does not have a proposal ready yet. Stanley is still waiting for locations from suppliers. ADT submitted such a high bid amount that they are not even worth considering. They want to dig up landscaping and put in electrical and cat-5 wiring. Hopefully next month, I will have more updated proposals.

Ms. Kassel stated I have been noticing at the multi-purpose field at Lakeshore Park that people have been moving the bleachers underneath the trees because it has been very hot. I wonder if it might be an idea for us to plant a tree on either side of the concrete pad where the bleachers are, so as to prevent people from moving it and make things more comfortable by keeping it cooler.

Mr. LeMenager stated they have been having some football tournaments out there and have been rearranging the bleachers to one side of the field and one set on the other side. The first time they did it, I was quite surprised because I thought they were fastened down.

Mr. Haskett stated we can look into that. We can also see about putting some shade trees there. I am not sure if we can get a tree in there that is big enough to provide shade, but we will look at it.

Mr. LeMenager asked was it the intention that the bleachers be fastened to the concrete?

Mr. Haskett stated yes.

Mr. Berube stated a year ago I brought up an item that I hear about at home constantly, which is to have a swing set. We tabled it at one time and since we are approaching our budget season and it appears we have enough money this year, I would like to propose this again to see if we can obtain some proposals. I am not one for spending money just because we have it, but we did have a survey last year and most people said they would like to have a swing set.

Mr. Evans stated we can add that to our list of other wish list items and discuss it at the workshop next month. In the meantime, we will try to get some proposals.

Mr. LeMenager stated that is the purpose of the workshop, which is to discuss these issues. It is helpful if people propose them prior to the meeting so we are not surprised by the ideas. The skate park was a request from last year.

Ms. Kassel stated the community garden was also a previous request.

EIGHTH ORDER OF BUSINESS

Audience Comments

Ms. Kassel asked do we need to use the timer?

Mr. Berube stated I brought it, but I think the audience heard what we had to say before and hopefully we do not need to use it. Perhaps we can keep order.

A resident stated I would like to make a request for two more kayaks. There are two at the lake already, but we would like two more one-person kayaks like the ones we have because they are very sturdy. I would also like to thank the developer for the luau. It was very nice.

Mr. Berube asked is there a problem with the availability of the kayaks?

The resident stated most people, once they try a kayak, do not want to use a canoe anymore. This way two people can go out and each can have their own kayak instead of both being in a canoe.

A resident stated I want to speak about the park at Buttonbush and Brackenfern. I noticed that the park has been neglected for a while. Since the last meeting and the discussion with the landscape contractor, I placed a stick in the ground four inches and marked it where there was a broken irrigation head. Someone showed up and pulled some weeds out of the beds and put a flag for the location of the sprinkler head, but that was not until yesterday. They finally came to mow the grass and do the edging, but they still need to address the weeds and grass.

Mr. Berube stated Mr. Couch is making notes so I presume special attention will be made to this park.

Mr. Couch stated we were there yesterday but it still needs some work.

Ms. Kassel asked have you been reporting the problems in the park to the CDD when they are happening?

The resident stated no.

Ms. Kassel stated that needs to happen. If you see something, we need to know about it so that we can get the proper people to address it.

The Resident stated I was told to report it to the Welcome Center.

Ms. Kassel stated that may be part of the problem. There is a phone number you can call, you can go to the website, or you can send an email. There are three ways that are the best way to report it so that it gets to the proper people and gets taken care of quickly.

Mr. Berube stated we cross paths outside quite often, so if you see something like that, please feel free to tell me. Anytime you see a problem, just stop me and tell me.

The resident stated the Attorney made a comment about participation from the audience and I would also like to see that. I suggest that meetings be held every other month in the evening.

Mr. Berube stated they are.

Mr. LeMenager stated we have been doing that all year. The next one is in the evening.

Mr. Berube stated when it is an even-numbered month, the meeting is at 6:00 P.M. and when it is an odd-numbered month, it is at 9:00 A.M.

Mr. George Schiro stated I noticed that the recording of the last meeting was poor. Is there any way to can get a recording device that is more professional where members of the audience can speak and be properly recorded? Mr. Evans has a low voice when he talks, so it is sometimes hard to hear him. Is it possible to can get higher quality recording equipment?

Mr. Moyer stated if the District wishes to purchase higher quality recording equipment, we will be glad to do that.

Mr. Schiro stated that would be great. Is there any possibility of getting the recordings posted on the website so anyone who cannot attend can hear them? It is my understanding that Mr. Moyer records the meeting and provides it to Severn Trent to transcribe into a public record. Is it possible for the CDD to keep a record of the recording for easy access?

Mr. Moyer stated we will get proposals to bring to the Board if they want to spend the money for a high quality recorder. The current recorder is fine for the purpose that you are paying my firm for providing this service. I think you get the best minutes of any government in the State of Florida. Staff does a great job of transcribing off of that recorder. I do not need additional equipment for my role in serving this Board. If this Board desires something more because you have one individual requesting it, then that is something the Board needs to address.

Mr. Qualls stated there is no legal requirement to record the meetings. I agree with Mr. Moyer that these are fabulous minutes. There is no requirement that the minutes have to be verbatim. They just have to reflect any motions or action items. They are good minutes.

Ms. Kassel stated these minutes are verbatim. For the record, this month's minutes are 39 pages. In my opinion, I would need to hear from a lot more people than just one to change our process.

Mr. Schiro stated I want to stress that the cost of having a copy of these recorded meetings easily available is absolutely minimal.

Ms. Kassel asked does the Manager keep digital files of the recordings?

Mr. Moyer stated yes.

Ms. Kassel stated they are available if anyone wants them.

Mr. Moyer stated Mr. Schiro called our office for a copy of a meeting recording and we provided it to him, so they are available.

Mr. Schiro stated it cost me \$6 and it should not cost me anything. Regarding the Attorney, did anyone ask about the potential for removing disruptive individuals? We need to talk about that.

Mr. LeMenager stated the agenda says this is part of the meeting is for audience comments. It does not say question and answer. If you have comments, please make them.

Mr. Schiro stated it has been the policy of this Board for years to entertain questions from the audience. Did something change?

Mr. Berube stated we are taking audience comments and we just said we are going to stick to the agenda. We are not trying to be rude. The meeting needs to continue.

Mr. LeMenager stated I have been making a point for the last several months. We do not need to have new items discussed at the meeting. If you have questions, you are welcome to send them to Mr. Moyer and they will be added to the agenda.

Mr. Schiro stated I am just commenting on things that were said at this meeting.

Mr. LeMenager stated that is great; make your comments.

Mr. Schiro stated my comment is in the form of a question. Are you now saying that audience members cannot ask questions?

Ms. Kassel stated I disagree. I think audience members should be allowed to ask questions, but that is my personal opinion as a resident and as a Board member. I will add as a caveat that audience comments and questions need to be productive and for some positive goal and not combative, insulting, confrontational and not try to get people to answer questions that the audience member already knows the answer to.

Mr. Qualls stated I just provided that information as part of my report. No one asked me to provide that advice.

Mr. Schiro stated the Attorney said the phrase “Behind closed doors” multiple times, which is an important part of the Sunshine Law. Your memorandum says that the Sunshine Law was enacted to prevent closed door politics and to maintain the public’s role in the decision-making process. How can a publicly accessible website open to everyone be considered behind closed doors?

Mr. Qualls stated it is not behind closed doors, but discussions on a website are not advertised. . No deliberations or discussions can take place at a non-noticed meeting.

Mr. Schiro stated I understand that is your opinion, but I received a different opinion from the School Board. I was told that private emails are not a violation of the Sunshine Law. What is the timing of grass trimming around the Birchwood pond? How often does it happen?

Mr. Berube stated the contract calls for cutting 42 times a year and it varies depending on the months. There is a predefined schedule.

Mr. Schiro asked for this time of year, is it weekly?

Mr. Berube stated no, it will be more than a week at this time of year, sometimes less than a week, depending on the time of year.

Mr. Schiro stated I can see it is not being cut according to the schedule.

Mr. Berube stated I am watching what Luke Brothers is doing very carefully. I am around all the time. They have not been doing what they were supposed to be doing for the last four or five months, but they are very rapidly catching up and are very close to being back to 100% on schedule. They are not there yet, but we need to give them some more time.

Mr. Schiro stated for future reference, if I want to see the grass being cut at least every two weeks during the summer and the rainy season, may I call you to request this?

Mr. Berube stated you can if you want, but I prefer that you request this through the website and report it to the District.

Mr. Schiro stated no problem. Will all of the CDD grass around Birchwood pond be cut? This had never been the case in the past. I mentioned it at the last meeting and I never heard a decision about that.

Mr. Berube asked is this the pond behind your house?

Mr. Schiro stated yes.

Mr. Berube stated I recall at the last meeting the Board requesting that Mr. Shafer look at your particular area. Did someone talk with you about that?

Mr. Schiro stated it is rather unclear. I spoke with Mr. Shafer a few times but I have not received anything definitive.

Mr. Haskett stated that is not true. Mr. Golgowski, Mr. Shafer and I met with Mr. Schiro and he knows the answer to that question was if it is CDD property around that pond, it will be cut.

Ms. Kassel stated if it is not, then it will not be cut.

Mr. Schiro stated I was referring to a separate conversation I had with Mr. Shafer. You are correct that you drove to the back of my house. I apologize as I had forgotten about that. My point is that all of the grass has now been cut and I appreciate that. How many plants were added to Pond 24 in Birchwood?

Mr. Berube stated the schedule shows 407 on four-foot centers.

Mr. Schiro asked were the plants actually planted by you or were you contacted when the planting was completed?

Mr. Gough stated no.

Mr. Schiro asked can you verify that the plants that were ordered were actually planted?

Mr. Berube stated I can address that question because I have a concern about that, too. I have a schedule for 407 plants and we are going to have an independent count.

Mr. Schiro stated it did not look like that many plants were planted.

Mr. Berube stated we will make sure they are all planted.

Mr. Schiro stated algae is on the rise in Pond 24. What is the spray treatment schedule for Pond 24 in Birchwood?

Mr. Gough stated it is sprayed as needed.

Mr. Schiro asked when will it be sprayed next?

Mr. Gough stated we can do that today.

Mr. Schiro stated there are three CDD areas near the bottom of Buttonbush Loop, adjacent to the wetlands. In the past, these areas were mulched. Will this continue?

Ms. Kassel stated these are questions you should be forwarding to the Management Company to address.

Mr. LeMenager stated the basic response to your questions is, we do not know. Send your questions to the Management Company.

Ms. Kassel stated Mr. Moyer will forward them to the appropriate people so you can get the answer.

Mr. Berube asked do you mean Catbrier and the area overgrown with cattails on Buttonbush Loop?

Mr. Schiro stated it is at the bottom.

Mr. Berube stated we did some tree removal in that location.

Mr. Schiro stated that is one of those three areas.

Mr. Berube asked are you saying they have not been mulched?

Mr. Schiro stated the one closest to Buttonbush Loop has been, but the other two areas farther in the back I do not believe have been.

Mr. Berube stated I will take a look.

Mr. Schiro stated I spoke with Mr. Shafer about getting that area mulched.

Mr. Berube stated we need to cut them a little slack. They have a long schedule of things to accomplish and everyone is yelling at them to get things done. I will take a look at that one.

Mr. Schiro stated trees were kept properly trimmed in the past by REW. Will the treatments continue by Luke Brothers? Will that be their responsibility?

Mr. Berube stated tree trimming and shoots up to ten feet are their responsibility and that will be enforced.

Mr. Schiro asked what about the overall shape of the tree?

Mr. Berube stated everything up to ten feet is done by Luke Brothers and anything above that is done by A Cut Above.

Mr. Schiro asked is there a schedule? When will they be doing that work?

Mr. Berube stated typically it is done in January or during the first quarter of the calendar year.

Mr. Schiro stated I would like to point out that I had a conversation with Mr. LeMenager and asked him how the CDD would be following up and verifying that the number of personnel that Luke Brothers had onsite at any given time to meet their contractual obligations. This was on record six months to a year ago. As I recall at the time, Mr. LeMenager was not sure how this was being done. Can you offer anything more on this point?

Mr. LeMenager stated no.

Mr. Schiro asked can Mr. Lucadano provide his contact email address?

Mr. Lucadano stated I am a little upset that my staff has taken his time to be the contact and he has taken his time to facilitate this resident. I just heard that an effort that he used to contact and satisfy this resident was twisted. I will be instructing my site staff that they are not to have telephone conversations with you anymore. We are going to go through the appropriate liaisons. No, I cannot make my email address public.

Mr. Qualls stated I would advise that any emails are a matter of public record and if you do not want that to receive any, do not give out your email address.

Mr. Evans stated under your contractual obligations with the District, there is a designated contact individual who is stated in that agreement as the liaison, which is Mr. Haskett. All communications should be directed through Mr. Haskett. If you have a comment relative to landscaping, we ask that you submit it by email to the District so we follow the proper channels.

Mr. Schiro stated I would be happy to talk with him after the meeting.

Mr. Berube stated just to clarify, they do not have a contractor obligation for satisfying the residents. They have an obligation to keep this place looking neat, clean, trimmed and so forth. As I indicated to them, I do not care if they can get that accomplished with one guy or 100. But if it takes 100 people, then they need to have 100 people here. Their staffing has increased dramatically because I count them every day, as you heard earlier.

Mr. Schiro stated that is good to know. I was under the impression that they were under that obligation.

Mr. Berube stated they are not. We might consider that in the next contract.

Mr. Schiro stated during the last CDD meeting, Mr. LeMenager pointed out that the developer placed signs on CDD property without CDD approval. He said he would look into this. What were the results of his investigation?

Mr. Berube stated it was part of the master signage approval.

Mr. Schiro stated during the previous meeting, Mr. Berube pointed out that the developer painted part of CDD property. While the paint job might be satisfactory, what assurance do we have that the developer will not continue to make changes on CDD property without CDD approval?

Mr. Berube asked what is the downside?

Ms. Kassel stated if you consider that the developer is paying most of the dollars in the CDD budget for everything we spend, it is not right when that happen, but we catch it and address it. I do not think this is a systemic or serious issue.

Mr. Schiro stated I agree that it is not systemic or serious, but it is an issue. I think it is the responsibility of the CDD to make it clear to the developer that it is not proper for them to do anything without first getting CDD approval.

Mr. Berube stated I completely disagree. In a legal concept, you are probably right. In this case, there have to be a certain amount of handshake policies where the CDD has a friendly handshake agreement with the developer. They painted all of those columns, put up all the balusters down by the lake and put up a nice new sign that says "Harmony Buck Lake". This is all positive. Whether it is on CDD land or not, we have to cooperate. You suggested that we draw lines between what the developer does, what the CDD does and what the hourly staff does, but then you have everyone spitting into the wind over who is in charge. The overall effect is that it is better. The sign at the lake did not cost the residents a dime and it looks nice. The balusters did not cost the residents a dime, but they look nice.

Ms. Kassel stated in addition, the developer provides many services to the CDD at no charge that we would have to pay literally tens of thousands of dollars annually.

Mr. Berube stated for example, Mr. Haskett is in charge of the landscaping contract and other field items and we ask him to provide proposals for everything. That does not cost the CDD a dime because the developer pays him and he does a good job.

Mr. LeMenager stated between these meetings, Mr. Moyer represents the CDD. We hired his company and we pay his company. Mr. Moyer represents the CDD except for

two or three hours each month. That is why you hire a Manager. To the extent the CDD needs to give approval, that approval constitutes Mr. Moyer between these meetings.

Mr. Schiro stated I do not deny Mr. Haskett and the developer spend time for the benefit of the CDD. There is no question about that. I just want to make sure in the future if something happens, we know about it.

Mr. Berube stated that is probably the first time it ever happened and when it did, it was a positive thing and it complimented everything else we are doing.

Mr. Schiro stated I am not talking about park and pool signs. I am talking about real estate sales signs. That was the issue at the last meeting. I think you would all agree that real estate sales signs should have to be approved.

Mr. Berube stated if they want to put up a real estate sign, that is fine as it brings in more people to buy houses and pay the CDD fees.

Mr. Schiro asked what if someone else wants to put up a sign to sell real estate?

Mr. Berube stated let them purchase some land.

Mr. Schiro stated I was glad to see that the CDD website was finally fixed. Who did this work?

Ms. Kassel stated Ms. Burgess did.

Mr. Schiro asked how much did it cost?

Mr. Moyer stated nothing.

Mr. Schiro stated thank you very much. The website looks much better than it did before.

Ms. Kassel stated please thank Ms. Burgess.

Mr. Schiro stated I am able to finally read everything and I assume others have tested it with their web browsers and Apple computers. Can we get a continuing commitment from Mr. Moyer to have meeting minutes posted online seven days, after each meeting?

Mr. Moyer stated not after the meeting. If you are talking about the approval of the last meeting minutes, then yes.

Mr. Schiro stated this commitment was made before.

Mr. Evans stated I know at the last meeting and at previous meetings there has been a lot of discussion about Mr. Schiro with respect to his Google group.

Mr. Schiro stated it is an online news group that is available to everyone.

Mr. Evans stated there has been a lot of discussion as to whether Board members should participate in dialog on this Google group. Do you own and manage this Google group?

Mr. Schiro stated it is not a blog; it is a news group. I do not own it but I manage it.

Mr. Evans asked did you create it?

Mr. Schiro stated yes.

Mr. Evans stated you created this news group to solicit comments, dialogs and suggestions. Does anyone pay you to do that?

Mr. Schiro stated no.

Mr. Evans asked do you do this on your own free will?

Mr. Schiro stated yes.

Mr. Evans stated it is my understanding that you want CDD Board members to have dialog or exchange ideas or participate in this.

Mr. Schiro stated not necessarily. We can create a new news group called the Harmony CDD and have the Board members participate. It is free and open to everyone. There are no restrictions other than there to be no spam.

Mr. Evans stated we have a website that provides a lot of information and is the official CDD website. Under this mechanism that you manage, what are the standards?

Mr. Schiro stated anyone can post whatever they like as long as it is not spam, there is no advertising and as long as it pertains to topics related to Harmony. The topics should be relevant to the community. They should not be personal attacks.

Mr. Evans asked if someone submits spam or something inappropriate, do you delete them?

Mr. Schiro stated yes. I get a lot of spam from China, so I delete that.

Mr. Evans asked if you receive a comment that you do not necessarily agree with, do you delete it?

Mr. Schiro stated no, I have never done that. I only delete spam. You make a good point. I suggest creating a news group called Harmony CDD where one of the Board members or someone else can manage it. Currently, I am the only Manager of this news group. I would like to be the Manager only so that I can be sure that everything is getting through. That way everything is completely open and there is no question that things are not being sent. I have never censored anyone. Even though there are people who have

disagreed with me vehemently on this news group, I have never deleted a single one of their comments.

Mr. Evans stated I am just trying to understand because there has been a lot of debate and a lot of questions. You have this group where you do not accept spam, you do not accept advertising, and you do not eliminate any other entries. What are your standards of ethics? If you go to a newspaper and the sports section, there are a lot of comments that are deleted because they just do not think it is applicable and the newspaper has a certain standard of ethics. What are your standards of ethics?

Mr. Schiro stated I make sure everything I submit is verified and backed up by documentation.

Mr. Evans stated so it sounds like your standards are like any other journalist would use where the facts have to be verified either with written documents or first-hand information and not hearsay.

Mr. Schiro stated that is absolutely correct.

Mr. Evans stated from that standpoint, anything that you would be posting would be verifiable and documented.

Mr. Schiro stated that is correct.

Mr. Evans asked when anyone else posts something; do you attempt to verify the information? If someone makes a statement, as the Manager, do you try to validate or verify statements they have made with a response?

Mr. Schiro stated sometimes. If I know that something posted is inaccurate, I will post a response and I will indicate why it is incorrect.

Mr. Evans stated so this is like a back-and-forth conversation.

Mr. Schiro stated not always, but sometimes that happens.

Mr. Evans asked are the ethical standards posted anywhere? Are they defined?

Mr. Schiro stated yes, there is a little blurb at the beginning of the news group that defines what the standards are. The welcome message that has been posted since 2006 also describes those standards.

Mr. Evans asked what does someone have to do in order to view this news group or to log on?

Mr. Schiro stated just visit the website address.

Mr. Evans asked do you have to register or identify yourself?

Mr. Schiro stated no. If you want to post a comment, you have to register. Registration is not required for reading the entries.

Mr. Evans stated if someone wanted to post something, then you can identify every single person who posts something.

Mr. Schiro stated yes.

Mr. Evans asked what is the overall objective?

Mr. Schiro stated to get information out for the benefit of existing and future residents.

Mr. Evans asked does the Harmony CDD website not already do that?

Mr. Moyer stated we do not host a chat room on the website. We just provide information.

Mr. Schiro stated chat room is not the proper terminology. There is a big difference between a chat room and a news group.

Mr. Evans stated tell me the difference.

Mr. Schiro stated a chat room occurs in real time where people are sitting at their computers talking back and forth. A news group does not happen in real time; it happens in deferred time, which means that I can post a message today and you can read it at your leisure tomorrow or next week and then respond to it at that time.

Mr. Evans asked does anyone in Osceola County government participate in this type of a news group?

Mr. Schiro stated I do not know.

Mr. Evans asked does the School Board participate in one of these?

Mr. Schiro stated if they do, I am not aware of it. I understand your point and I think this will be precedent setting. I think this would be so forward thinking and it would be great to start something like this. I do not think most of these other entities are so forward thinking to do this.

Mr. Evans asked on the other side, do you think maybe none of the other municipalities or governments are doing it because they have been advised by their counsel that it might be an infringement or may be stepping over that line?

Mr. Schiro stated I do not agree and many others do not agree with the advice given by the CDD Attorney. These other governments have no doubt been given similar advice. Some day, a group like this CDD will start talking to each other online and everyone will

say that it seems to be working fine and it is a great idea. Would it be nice if Harmony was the first to do that?

Mr. Evans stated I am trying to understand this better. The salient points that come out of this is that no one is aware of any other governmental body that does this, but you are advising us to go against the advice of District Counsel, whose firm wrote most of the laws that govern CDDs and has a tremendous understanding of the legal ramifications of Sunshine Law violations. They represent many Districts and other governmental bodies, and it is your insistence or recommendation or urging that we ignore our legal advice to participate. Is that your position? That is what I am hearing.

Mr. Schiro stated I do not appreciate that characterization. It seems to me you could have said that right up front.

Mr. Evans stated I wanted to understand the fundamentals of what the product is and how people participate in it. I have gotten bits of this off and on for years. In all fairness to Mr. Schiro, by having this dialogue and by understanding the fundamental principals of your news group, we have heard from legal counsel today that he has advised us not to do it. Yet you push the point and requested the Supervisors to participate in this. Are you an Attorney?

Mr. Schiro stated no.

Mr. Evans stated yet you are suggesting that we ignore legal counsel's advice that may jeopardize the Supervisors, both criminally and civilly, to create those infractions. That is my concern. You are telling us to ignore our Attorney and potentially break the law to participate in this news group that is your personal creation.

Mr. Schiro stated it seems to me that you are not characterizing this correctly.

Mr. Evans stated then please correct me.

Mr. Schiro stated the words that you are using will frighten people. I do not think people should be frightened about talking openly and honestly about the issues. It is your opinion and the opinion of the CDD Attorney that CDD members should not participate in this kind of activity. It is my opinion that they should. It is also the opinion of Mr. Jay Wheeler at the School Board, who I highly respect. He said that you should, in his opinion, be participating.

Mr. Berube stated I read his story and that is not what he said.

Mr. Schiro stated I am referring to a phone conversation that we had.

Mr. Berube stated he also published a letter in the newspaper about that.

Mr. Schiro stated he told me that he is very surprised at the resistance of the CDD Board to participate in this. We are not talking about closing the doors, keeping secrets or hiding information. We are talking simply about talking openly, just like we are doing right now.

Ms. Kassel stated this is a publicly noticed meeting. That is why we can talk openly. A news group is not a publicly noticed meeting.

Mr. Berube stated regarding your conversation with Mr. Wheeler, does he participate in your news group?

Mr. Schiro stated no, he does not participate.

Mr. Berube asked does he participate in any news group that you are aware of?

Mr. Schiro stated no.

Mr. Berube stated that is the point.

Mr. David Leeman stated with the Board's indulgence, my question is for Mr. Moyer. Are any of your other clients adopting items such as Mr. Schiro is describing?

Mr. Moyer stated no.

Mr. Leeman asked not a single one?

Mr. Moyer stated no, not a single one.

Mr. Leeman asked how many clients do you have?

Mr. Moyer stated 21.

Mr. Leeman asked why do you think, in your opinion, they do not do that?

Mr. Moyer stated they have been given similar advice that Mr. Qualls just gave this Board.

Mr. Leeman stated I want to say to the Board that it is very easy to sit in the audience and say you should do something and that there is no risk, when I am the person who is not going to go to jail or be civilly liable. I wholeheartedly concur with your attitude to not be a test case and end up in court somewhere. I wholeheartedly concur in taking your legal advice from legal counsel rather than from individuals.

A resident stated it is a simple matter and I have had a great deal of experience with the Sunshine Law. As your Counsel said, there is a line you can cross over. This can be easily eliminated. I have attended 10 or 12 seminars on the Sunshine Law put on by the State Attorney. It is just a matter of calling the State Attorney to find out when they have

the next one because I think it will be a big shock to a lot of people, including legal counsel. I do not think anyone understands it 100%, but there is so much information that they provide at these seminars and it will be from the State Attorney. The State of Florida has handbooks that describe this information and I have several to share.

Mr. Evans stated Mr. Qualls brought a book with him to the meeting.

Mr. Qualls stated there is a good website address on here. It is probably the Attorney General's website.

The resident stated in response to Ms. Kassel, in my paraphrase, the purpose is to keep two members, one of them from trying to twist the arm of someone else to get them to go along with them.

Ms. Kassel stated influencing.

The resident stated that is part of it. There is a lot of information. I have always had a question of whether a corporation such as Starwood could have members on the Board. Sometimes in their daily dealings, issues will come up before the Board. I have been in meetings with thousands of people, but we could not participate on that Board until we got signed off officially by the State Attorney. I disagree with Mr. Schiro on this particular issue. Mr. Moyer said that other governments do not do this. All you need is to have one lawsuit initiated by one resident who knows what he is talking about. I spoke to some of the best Attorneys in the State of Florida and they do not fully understand the Sunshine Law. One judge can change the direction of one decision. I think someone from the CDD could call the State Attorney. It is an education process. We used to have lunch as Chairman of the Planning Commission because the Commission and staff were fighting on an issue. I was called into the County Manager's office and got chewed out because I mentioned one item at lunch in front of four people. There was not another Board member there. It affects everyone. It is free information from the State Attorney. Regarding fishing, even though we have a nice park, I thought it was stupid that we cannot fish here. No one is going to walk 20 feet into the pond. Every kid in this neighborhood knows there are some big bass in those ponds. I do not know how you can control it other than having a walkway with a mini pier. We have a lot of kids her. Where are they supposed to fish? When this community first opened, most of the residents were kids. Whoever planned this community messed up big time.

Mr. Evans stated I do not know that we can control the demographics of the community.

The resident stated kids cannot even be in the street because some of the adults complain. My son sometimes makes noise in the house, while my daughter is trying to study. She went to the back of her truck and sat on the tailgate to study. Someone must have called because within 10 minutes, a Sheriff's Deputy pulled up and asked what she was doing and if he could search the car. It was harassment. Let us see if we can do something for the kids because they want to fish in the ponds.

Ms. Kassel stated they can fish in the lakes. That is permitted.

Mr. Schiro stated I want to thank Mr. Evans for letting me speak. It is the first time in four years that I felt you cared about what I had to say or any of us and I appreciate that. Regarding the CDD participating in online forums, in my view, it is absolutely fine. It would be nice if Harmony would be at the forefront of something like this. But if it is not going to happen, *c'est la vie*. Regarding meeting notices, I do not see why a news group cannot be created just for the CDD where it is noticed on the CDD website or the Harmony news group website to go to this new CDD news group for real-time information. In my opinion, that would be the equivalent of an official meeting notice. I do not see why you cannot at least seriously think about this. One person who is running for the Board, Mr. Ray Walls, has already stated online that he is willing to participate in this forum to talk about CDD matters and answer CDD questions. Although Mr. Wheeler does not participate in a news group, he does send email blasts to hundreds of people every week. The point is that he keeps the lines of communication open continuously with the people he works for. A news group is exactly the same thing. All I am asking for is completely open communication.

Mr. Tome stated I want to thank Mr. LeMenager; his comment about the sign was correct. We originally installed it as a directional sign because people were missing it. We added an arrow to make it clearer that it is a directional sign.

NINTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 11:50 a.m.

Gary L. Moyer, Secretary

Robert D. Evans, Chairman