

## **RESOLUTION 2015-07**

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARMONY COMMUNITY DEVELOPMENT DISTRICT ADOPTING THE FINAL AMENDED RULES OF PROCEDURE AND FEE SCHEDULE FOR RECREATIONAL FACILITIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Harmony Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Osceola County, Florida; and

**WHEREAS**, Chapter 190, Florida Statutes, authorizes the District to adopt rules and orders pursuant to the provisions of Chapter 120 prescribing the powers, duties and functions of the officers of the District; the conduct of the business of the District; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the District. The Board may also adopt administrative rules with respect to any of the projects of the District and define the area to be included therein. The Board may also adopt Resolutions which may be necessary for the conduct of District business; and

**WHEREAS**, pursuant to Section 190.035, Florida Statutes, the District is authorized to prescribe, fix, establish and collect rates, fees, rentals or other charges, and to revise the same from time to time, for the facilities and services furnished by the District within the limits of the District, including, but not limited to, recreational facilities, water management and control facilities and water and sewer systems; to recover the costs of making connection with any District facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals or other charges that are delinquent; and

**WHEREAS**, the proposed Fee Schedule is just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number of average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as has been determined by the Board on an equitable basis; and

**WHEREAS**, the proposed Fee Schedule was fixed after a Public Hearing at which all the users of the proposed facilities or services or owners, tenants or occupants served or to be served thereby and all other interested persons had the opportunity to be heard concerning the proposed Fee Schedule; and

**WHEREAS**, notice of such Public Hearing setting forth the proposed Fee Schedule was published in a newspaper in the county of general circulation in the District at least once and at least 1 day prior to such Public Hearing; and

**WHEREAS**, the District has previously adopted rules, and established a Fee Schedule for recreational facilities and services; and

**WHEREAS**, the District desires to amend the rules and adopt revisions as otherwise attached; and

**WHEREAS**, The District continues to find that the imposition of fees for the utilization of the District recreation facilities and services is necessary and reasonable in order to provide for the expenses associated with the operation and maintenance of the recreational facilities and services; and

**WHEREAS**, the rules, attached hereto as Exhibit “A” and incorporated herein by reference, are for immediate use and application, having been adopted after having held a public hearing before the Board of Supervisors on July 30, 2015.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HARMONY COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The above recitals are true and correct and incorporated herein by reference.

**SECTION 2.** The Fee Schedule for use of District recreational facilities as previously adopted and as may be revised by the attached Exhibit “B” is hereby reinforced and adopted pursuant to this Resolution. This Fee Schedule shall stay in full force and effect until such time as the Board of Supervisors may amend this Fee Schedule in accordance with Chapter 190, Florida Statutes.

**SECTION 3.** The rules, as amended and attached hereto as Exhibit “A”, are hereby adopted pursuant to this Resolution. These rules shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapters 120 and 190, Florida Statutes.

**SECTION 4.** District staff has provided notice to the general public in accordance with Chapters 190 and 120, Florida Statutes, and scheduled a Public Hearing before the Board of Supervisors.

**SECTION 5.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 6.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 30<sup>th</sup> day of July, 2015.

ATTEST:

**HARMONY COMMUNITY  
DEVELOPMENT DISTRICT**

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Gary L. Moyer  
Secretary

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Steven Berube  
Chairman