MINUTES OF MEETING
HARMONY WEST
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Harmony West Community Development District held a Public Hearing and Regular Meeting on November 21, 2024 at 10:30 a.m., at Johnston's Surveying, Inc., 900 Cross Prairie Parkway, Kissimmee, Florida 34744.

Present were:

Shelley Kaercher	Chair
Roger Van Auker	Assistant Secretary
Kolton Benson	Assistant Secretary
Kathleen Myers	Assistant Secretary

Also present:

Daniel Rom	District Manager
Kristen Thomas	Wrathell, Hunt and Associates, LLC
Jere Earlywine (via telephone)	District Counsel
Mark Hills	Field Operations Manager

FIRST ORDER OF BUSINESS — **Call to Order/Roll Call**

Mr. Rom called the meeting to order at 10:34 a.m. He noted that the Oaths of Office were administered to Ms. Kathleen Myers and Mr. Kolton Benson before the start of this meeting; Ms. Myers ran unopposed in the General Election and Mr. Benson was elected at the Landowners' Election Meeting.

Supervisors Kaercher, Myers, Benson and Van Auker were present. Supervisor Tyree was not present.

SECOND ORDER OF BUSINESS — **Public Comments**

No members of the public spoke.

THIRD ORDER OF BUSINESS — **Administration of Oath of Office to Elected Supervisors (Kathleen Myers - Seat 3, Kolton Benson - Seat 4) (the following will be provided in a separate package)**

Mr. Rom reiterated that the Oaths of Office were administered before the start of the meeting. He provided and explained the following:

A. Updates and Reminders: Ethics Training for Special District Supervisors and Form 1

B. Membership, Obligations and Responsibilities

C. Guide to Sunshine Amendment and Cost of Ethics for Public Officers and Employees

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

FOURTH ORDER OF BUSINESS **Consideration of Resolution 2025-01, Declaring a Vacancy in Seat 5 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing for Severability and an Effective Date**

Mr. Rom presented Resolution 2025-01.

On MOTION by Ms. Kaercher and seconded by Ms. Myers, with all in favor, Resolution 2025-01, Declaring a Vacancy in Seat 5 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing for Severability and an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS **Consider Appointment of Qualified Elector to Fill Vacant Seat 5; Term Expires November 2028**

- **Administration of Oath of Office to Appointed Supervisor**

This item was deferred.

Mr. Van Auker will remain in Seat 5 until a qualified elector is appointed by the Board.

SIXTH ORDER OF BUSINESS **Consideration of Resolution 2025-02, Electing and Removing Officers of the District and Providing for an Effective Date**

Mr. Rom presented Resolution 2025-02. Ms. Kaercher nominated the following:

Shelley Kaercher	Chair
Chris Tyree	Vice Chair
Kolton Benson	Assistant Secretary
Kathleen Myers	Assistant Secretary
Roger Van Auker	Assistant Secretary

No other nominations were made. This Resolution removes the following:

Robyn Bronson	Assistant Secretary

The following prior appointments by the Board remain unaffected by this Resolution:

Craig Wrathell	Secretary
Daniel Rom	Assistant Secretary
Kristen Thomas	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION by Mr. Van Auker and seconded by Ms. Kaercher, with all in favor, Resolution 2025-02, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS **Public Hearing on Lake and Trespass Rule**

A. Affidavits of Publication

- **Notice of Rule Development**
- **Notice of Rulemaking**

B. Consideration of Resolution 2025-03, Adopting a Rule Regarding Lake Use and Trespass Enforcement; Authorizing the Issuance of a Letter Regarding the Same; Providing General Authorization; Authorizing Signage; Providing a Severability Clause; and Providing an Effective Date

Mr. Rom stated the Board previously discussed the need to establish these Rules due to the growth of the CDD and, while the CDD encourages outdoor activity, the main purpose of the ponds is for stormwater infrastructure. The Rules provide trespass authority, allow Staff to send a Trespass Notice to the Sheriff and provides for fines up to $1,000 per violation.

Mr. Earlywine stated the Lake and Trespass Rule was changed to state that shoreline fishing is catch and release. The Authorization Letter will be updated to reflect that information.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the Public Hearing was opened.

No members of the public or affected property owners spoke.

On MOTION by Ms. Kaercher and seconded by Ms. Myers, with all in favor, the Public Hearing was closed.

Mr. Rom presented Resolution 2025-03 and read the title. He stated that corrections to be made include correcting the District Manager's name on the Exhibit, adding a map as Exhibit 2 and the previously discussed change regarding shoreline fishing.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-03, Adopting a Rule Regarding Lake Use and Trespass Enforcement, as amended and in substantial form; Authorizing the Issuance of a Letter Regarding the Same; Providing General Authorization; Authorizing Signage; Providing a Severability Clause; and Providing an Effective Date, with revisions as discussed, was adopted.

EIGHTH ORDER OF BUSINESS **Consideration of Irrigation Ownership**

A. Forestar (USA) Real Estate Group Inc. Bills of Sale and Limited Assignment [Irrigation Improvements]

B. Forestar (USA) Real Estate Group Inc. Non-Exclusive Perpetual Utility Easement (Irrigation)

Mr. Earlywine stated, as the irrigation system should be owned by the CDD, this Bill of Sale conveys the irrigation system to the CDD and the Easement Agreement grants a Utility Easement where the irrigation lines are located.

Ms. Kaercher asked if DHI was deleted. Mr. Earlywine replied affirmatively. Ms. Kaercher stated that, in two places, the HOA name had an erroneous apostrophe; one was changed and one was not. She asked if that can be adjusted. Mr. Rom replied affirmatively.

Mr. Rom stated that, when considering the Fiscal Year 2026 budget, the irrigation will be evaluated and a new budgetary line item will be added if necessary.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the Forestar (USA) Real Estate Group Inc. Bills of Sale and Limited Assignment related to Irrigation Improvements and the Forestar (USA) Real Estate Group Inc. Non-Exclusive Perpetual Utility Easement related to Irrigation, in substantial form, were approved.

NINTH ORDER OF BUSINESS **Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2023, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Mr. Rom presented the Audited Financial Report for the Fiscal Year Ended September 30, 2023 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

A. Consideration of Resolution 2025-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2023

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2023, was adopted.

TENTH ORDER OF BUSINESS **Consideration of Resolution 2025-05, Amending the General Fund Portion of the Budget for Fiscal Year 2024; and Providing for an Effective Date**

Mr. Rom presented Resolution 2025-05. This is necessary due to total expenditures exceeding the budget by $103,000. A very healthy reserve exists in Fund Balance to absorb the overage. The variance is primarily related to Field Operations, including approximately $129,000 for landscaping additional phases that came online, $20,000 for irrigation maintenance, fences and gates, new fountains, and water and irrigation.

Ms. Kaercher asked if the landscaping and irrigation overages were due to Field Operations coming online earlier than anticipated. Mr. Rom replied affirmatively and noted that proposed budgets are presented in April and adopted approximately two months later.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-05, Amending the General Fund Portion of the Budget for Fiscal Year 2024; and Providing for an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS **Ratification Items**

A. Poulos & Bennett, LLC Amendment 22 to Agreement for Preparation of Assessment 3 Supplemental Engineer's Report

Mr. Rom presented Poulos & Bennett, LLC Amendment 22 to the Agreement for Preparation of Assessment 3 Supplemental Engineer's Report. This work was necessary for the Delegated Award Resolution in preparation for bond issuance.

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the Poulos & Bennett, LLC Amendment 22 to Agreement for Preparation of Assessment 3 Supplemental Engineer's Report, was ratified.

B. Deficit Funding Agreement

As the executed Deficit Funding Agreement was not received, this item was deferred.

TWELFTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of September 30, 2024**

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the Unaudited Financial Statements as of September 30, 2024, were accepted.

THIRTEENTH ORDER OF BUSINESS **Approval of September 19, 2024 Regular Meeting Minutes**

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the September 19, 2024 Regular Meeting Minutes, as presented, were approved.

- **Consideration of Resolution 2025-06, Canvassing and Certifying the Results of the Landowners' Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date**

  This item was an addition to the agenda.

Mr. Rom presented Resolution 2025-06. The following results of the Landowners' Election will be inserted into Sections 1 and 2:

Seat 4	Kolton Benson	600 votes	4-Year Term

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2025-06, Canvassing and Certifying the Results of the Landowners' Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: Kutak Rock LLP

Mr. Earlywine estimated that the next bonds will be issued in January 2025.

B. District Engineer: Poulos & Bennett, LLC

There was no report.

C. Field Operations Manager: Association Solutions of Central Florida, Inc.

Mr. Hills reported the following:

➢ The fence on Hooded Crane will be installed on December 18 and 19, 2024.

➢ The landscaping looks very good, apart from two areas of yellowing grass. Mr. Borland, of United Land, advised that additional treatments were done; an update is expected today.

D. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: December 19, 2024 at 10:30 AM**
  - **QUORUM CHECK**

The next meeting will be held on December 19, 2024, unless canceled. The purpose of that meeting will be to address various Reports and Resolutions related to the bond issuance.

FIFTEENTH ORDER OF BUSINESS **Board Members' Comments/Requests**

Discussion ensued regarding whether the fence is necessary now that the Trespass Rules will be implemented. Mr. Earlywine stated the fence will assist with enforcing the Trespass Rules.

SIXTEENTH ORDER OF BUSINESS **Public Comment**

No members of the public spoke.

SEVENTEENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, the meeting adjourned at 11:11 a.m.

Secretary/Assistant Secretary

Chair/Vice Chair