

**MINUTES OF MEETING  
HARBOR VILLAGE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Harbor Village Community Development District held Multiple Public Hearings and a Regular Meeting on September 13, 2022 at 12:30 P.M., at the Comfort Inn and Suites, 812 Kings Highway, Port Charlotte, Florida 33980.

**Present at the meeting were:**

Paul Martin	Vice Chair
Jim Manners	Assistant Secretary
Candice Smith	Assistant Secretary

**Also present were:**

Kristen Suit	District Manager
Jere Earlywine (via telephone)	District Counsel
Matt Morris	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Suit called the meeting to order at 1:43 p.m. Supervisors Martin, Manners and Smith were present, in person. Supervisors Meath and Harvey were not present. For quorum purposes, the Oath of Office was administered to Ms. Smith at the onset of the meeting.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Supervisors Jim Harvey and Candice Smith  
*(the following will also be provided in a separate package)***

Administration of the Oath of Office to Ms. Smith was addressed during the First Order of Business. The Oath of Office would be administered to Supervisors Harvey at a future meeting. Having served on numerous CDD Boards, Ms. Smith is familiar with following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**

**C. Financial Disclosure Forms**

- I. Form 1: Statement of Financial Interests**
- II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
- III. Form 1F: Final Statement of Financial Interests**

**D. Form 8B: Memorandum of Voting Conflict**

**FOURTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2020/2021 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-14, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Suit presented Resolution 2022-14 and the proposed Fiscal Year 2021 budget, which is a Landowner-funded budget.

**On MOTION by Mr. Manners and seconded by Mr. Martin, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Public Hearing was closed.**

**On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, Resolution 2022-14, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Funding Agreement**

Ms. Suit presented the Funding Agreement.

Discussion ensued regarding what Developer should be listed in the Agreement and including an assignment provision.

Approval of the Fiscal Year 2021 Agreement, in substantial form, subject to confirmation of the correct entity name and inclusion of an assignment provision, was suggested.

**On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, the Funding Agreement for Fiscal 2021, in substantial form, was approved.**

**SIXTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2021/2022 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-15, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date**

**On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, the Public Hearing was opened.**

Ms. Suit presented Resolution 2022-15 and the proposed Fiscal Year 2022 budget, which is a Landowner-funded budget.

No members of the public spoke.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Public Hearing was closed.**

Discussion ensued regarding whether the Budget Funding Agreements and Resolution sets forth that the actual expenses will be funded as expenses are incurred.

Ms. Smith wanted assurance that the Landowner will only be required to pay the actual expenses and not the full budget amount. Mr. Earlywine stated they will only be required to

pay the actual expenses; full funding of a budget only occurs when assessments are imposed; the Budget Funding Agreements are always on an “as-needed” basis, based on actual expenses.

Ms. Smith asked for the verbiage in the Funding Agreements, Resolutions and wherever else necessary to specify those terms.

Adoption of Resolution 2022-15 by motion was overlooked. Ratification of adoption of Resolution 2022-15 will be included on the next agenda.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Funding Agreement**

This item was discussed during the Sixth Order of Business. The Agreement will be approved in substantial form to accommodate the changes previously discussed for the Funding Agreements.

**On MOTION by Ms. Smith and seconded by Mr. Manners, with all in favor, the Funding Agreement for Fiscal Year 2022, in substantial form, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2022/2023 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-16, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Suit presented Resolution 2022-16 and reviewed the proposed Fiscal Year 2023 budget, which is a Landowner-funded budget.

**On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Ms. Smith and seconded by Mr. Martin, with all in favor, the Public Hearing was closed.**

**On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, Resolution 2022-16, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**NINTH ORDER OF BUSINESS**

**Consideration of Funding Agreement**

Ms. Suit presented the Funding Agreement. The Agreement will be approved in substantial form to accommodate the changes previously discussed for the three Funding Agreements.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Funding Agreement for Fiscal Year 2023, in substantial form, was approved.**

**TENTH ORDER OF BUSINESS**

**Consideration of Bond Validation Engineer's Report**

Mr. Morris presented the Bond Validation Engineer's Report. He reported the following:

- Minor details related to legal descriptions and other matters are being worked on with District Counsel.
- The Opinion of Probable Costs Table sets forth the anticipated Capital Improvement Plan (CIP) costs at slightly over \$52 million.

Regarding whether the CIP includes any costs related to the commercial property, Mr. Morris stated that it does not; the commercial property is noted as in development in their parcels and will be privately funded.

Regarding why the commercial property is within the CDD when it is not receiving any funding, Mr. Manners thought the intent is for it to receive funded. Mr. Earlywine recalled that, when the CDD was established, it was unclear whether the commercial owner wanted to be part of the assessments and he believed that Mr. Harvey wanted to be able to assess them for Operations and Maintenance (O&M).

Discussion ensued regarding whether the apartment parcel is included within the CDD boundaries and the ability to assess the commercial property.

Mr. Earlywine stated that separate assessment areas are created for debt purposes so, if the commercial parcel wants bonds, it can; the commercial property will be subject to O&M assessments if it is within the CDD boundaries.

Discussion ensued regarding possibly amending the boundaries.

Mr. Earlywine stated that, for validation purposes, it would be helpful for the Engineer's Report to include the benefit to the apartments and commercial property; therefore, he recommended approval, in substantial form, and update the Report, as necessary.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Bond Validation Engineer's Report, in substantial form, subject to review of the commercial property and apartment allocations, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date**

**A. Proof/Affidavit of Publication**

The proof/affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-17, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Harbor Village Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Public Hearing was closed.**

Ms. Suit presented Resolution 2022-17.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Resolution 2022-17, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Harbor Village Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes**

**A. Affidavits of Publication**

The affidavits of publication were included for informational purposes.

**B. Consideration of Resolution 2022-18, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date**

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Public Hearing was closed.**

Ms. Suit presented Resolution 2022-17.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Resolution 2022-18, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**THIRTEENTH ORDER OF BUSINESS**

**Update: Stormwater Needs Analysis**

Ms. Suit presented the letter submitted to the County regarding the Stormwater Management Needs Analysis Report requirement advising that the CDD does not yet have any stormwater facilities.

**FOURTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of July 31, 2022**

Ms. Suit presented the Unaudited Financial Statements as of July 31, 2022.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Unaudited Financial Statements as of July 31, 2022, was accepted.**

**FIFTEENTH ORDER OF BUSINESS**

**Approval of June 14, 2022 Regular Meeting Minutes**

Ms. Suit presented the June 14, 2022 Regular Meeting Minutes.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the June 14, 2022 Regular Meeting Minutes, as presented, were approved.**

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *KE Law Group, PLLC***

Mr. Earlywine stated that the bond validation is scheduled for next week.

**B. District Engineer (Interim): *Morris Engineering***

There was no report.

**C. District Manager: *Wrathell, Hunt and Associates, LLC***



- **NEXT MEETING DATE: October 11, 2022 at 12:30 P.M. (*Centennial Park Recreation Center, Located at 1120 Centennial Boulevard, Port Charlotte, Florida 33953*)**

The next meeting will be on October 11, 2022, unless cancelled.

**SEVENTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**EIGHTEENTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the meeting adjourned at 2:16 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
~~Chair/Vice Chair~~