

**MINUTES OF MEETING
EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Emerald Lakes Community Development District held a Regular Meeting on January 20, 2023 at 1:00 p.m., at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935.

Present were:

Chris Kasten	Vice Chair
David Kramer	Assistant Secretary
Mel Scott	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC (WHA)
Michal Szymonowicz (via telephone)	WHA
Michael Eckert	District Counsel
Jake Wise	District Engineer
Paul Paluzzi	ZONS Development
Brenda Yates	Yates and Company
Lorraine deMontigny	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 4:07 p.m. He noted that, while the meeting was originally advertised for 1:00 p.m., the start of the meeting was delayed until 4:00 p.m. A sign was posted outside at the meeting location and members of the public were present.

▪ **Administration of Oath of Office to Newly Elected Supervisors [SEATS 1, 2 & 4]**

This item, previously the Third Order of Business, was presented out of order.

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Kasten and Mr. Scott. As experienced Board Members, Mr. Kasten and Mr. Scott are already familiar with the items in the Supervisors' packets.

Mr. Eckert stated, out of an abundance of caution, the Supervisors can submit a new Form 1 but they will also receive a new Form 1 from the Supervisor of Elections in June.

Supervisors Kramer, Scott and Kasten were present in person. Supervisor Rodriguez-Walling and Supervisor-Elect Gottlieb were not present.

The Oath of Office would be administered to Mr. Gottlieb at another time.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [SEATS 1, 2 & 4] (the following to be provided in a separate package)

This item was addressed during the First Order of Business.

- 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

Consideration of Resolution 2023-03, 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

Mr. Wrathell presented Resolution 2023-03. He recapped the Landowners’ Election results as follows:

Seat 1	Richard Gottlieb	1,508 votes	4-Year Term
Seat 2	Chris Kasten	1,508 votes	4-Year Term
Seat 4	Mel Scott	1,507 votes	2-Year Term

On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, Resolution 2023-03, 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.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Wrathell presented Resolution 2023-04. Mr. Kasten nominated the following slate:

Chair	Richard Gottlieb
Vice Chair	A. Christopher Kasten
Secretary	Craig Wrathell
Assistant Secretary	David Kramer
Assistant Secretary	Mel Scott
Assistant Secretary	Alfredo Rodriguez-Walling
Assistant Secretary	Cindy Cerbone

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Kasten and seconded by Mr. Scott, with all in favor, Resolution 2023-04, Designating Certain Officers of the District, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Update: Memorandum Regarding Retention Requirements for Transitory Messages and Electronic Records

A. Consideration of Resolution 2023-05, Adopting Certain Amendments to the District’s Record Retention Policy; Addressing Conflicts and Severability; and Providing for Severability and an Effective Date

Mr. Eckert presented Resolution 2023-05. He discussed the CDD’s Policy, which includes retaining all physical documents and backup; transitory immaterial messages, such as voicemail meeting reminders and messages unrelated to bonds can be disposed of.

Mr. Wrathell and Mr. Eckert discussed CDD record retention and backup processes.

On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, Resolution 2023-05, Adopting Certain Amendments to the District’s Record Retention Policy; Addressing Conflicts and Severability; and Providing for Severability and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Presentation of Revised Master Engineer’s Report for Public Infrastructure Improvements

Mr. Wrathell recalled that the Engineer’s Report and Master Methodology were initially prepared in 2021. With the passage of time, the Master Engineer’s Report has been revised to include updated costs, necessitating the updating of the Master Special Assessment Methodology Report.

Discussion ensued regarding the versions of the reports in the agenda package.

Mr. Szymonowicz stated the Revised Master Engineer’s Report dated January 18, 2023 was utilized in preparing the Methodology; the revised Report was emailed to Staff.

Mr. Wrathell reviewed the updated Engineer’s Report and noted that the version of the Methodology in the agenda includes the updated numbers.

Mr. Eckert stated the Reports can be amended and should be approved in preliminary form. The Resolution will be amended accordingly.

EIGHTH ORDER OF BUSINESS

Presentation of Preliminary Amended Master Special Assessment Methodology Report

Mr. Wrathell presented the Preliminary Amended Master Special Assessment Methodology Report dated January 19, 2023. He reviewed the pertinent information found in each section and discussed the Development Program, CIP, Financing Program, Assessment Methodology, lienability tests, True-up Mechanism and the Appendix Tables. He noted the following:

- The CDD is approximately 1,561 acres and is anticipated to include 3,760 residential units, 2,287,500 square feet of commercial space and 865 hotel units.

- The Developer of the project is anticipated to be Emerald Investment Holdings, LLC.
- The CDD’s previous bond validation of \$130,000,000 will permit a maximum par amount of bonds of \$164,335,000.
- The anticipated Development Program overall project costs were estimated at \$119,150,300.45.
- The financing program anticipated one or more series of 30-year bonds.

Mr. Wrathell asked Mr. Wise if the Revised Engineer’s Report dated January 18, 2023 corresponds with the \$72,339,890.09 in master costs and \$46,810,410.36 for subdivision costs for a total of \$119,150,300.45.

Mr. Wise replied affirmatively.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2023-06,
Declaring Amended Special Assessments**

Mr. Wrathell presented Resolution 2023-06.

The following changes were made to Resolution 2023-06:

Page 2, Paragraph 3: Change “\$125,105,065.26” to “\$119,150,300.45”

Page 2, Paragraph 4: Change “172,480,000” to “\$164,335,000”

Page 1, 5th WHEREAS Clause, and Page 4 and where necessary: Change “November 18, 2022” to “January 18, 2023”

Mr. Wrathell presented Resolution 2023-06 and read the title from the Resolution in the agenda.

On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, Resolution 2023-06, as amended, Declaring Amended Special Assessments; Indicating the Location, Nature and Estimated Cost of Certain Infrastructure Improvements Whose Cost is to be Defrayed by the Amended Special Assessments as Set Forth in an Amended Engineer’s Report; Providing the Portion of the Estimated Cost of the Improvements to be Defrayed by the Amended Special Assessments; Providing the Manner in Which Such Amended Special Assessments Shall be Made; Providing when such Amended Special Assessments Shall be Paid; Designating Lands Upon Which the Amended Special Assessments Shall be Levied; Providing for an Assessment Plat; Adopting a Preliminary Assessment Roll; Providing for Publication of This Resolution, was adopted.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2023-07,
Designating a Date, Time, and Location of a
Public Hearing**

Mr. Wrathell proposed rescheduling the February 17, 2023 meeting to February 24, 2023 to accommodate advertising and sending the Mailed Notices to property owners.

Mr. Eckert stated the Mailed Notices must be updated to reflect the corrected numbers, as previously discussed.

On MOTION by Mr. Scott and seconded by Mr. Kasten, with all in favor, Resolution 2023-07, Setting a Public Hearing to be Held on February 24, 2023, at 1:00 p.m. at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935, For the Purpose of Hearing Public Comment on Imposing Special Assessments on Lands Within the Emerald Lakes Community Development District in Accordance With Chapters 170, 190 and 197, Florida Statutes, was adopted.

ELEVENTH ORDER OF BUSINESS

**Update: Memorandum Regarding Proper
Use of Surplus Property Resolutions**

Mr. Eckert presented the Memorandum Regarding Proper Use of Surplus Property Resolutions. While the CDD currently has no surplus property, the required forms and Resolutions have been revised. The memorandum was accepted.

TWELFTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of November 30, 2022**

Mr. Wrathell presented the Unaudited Financial Statements as of November 30, 2022.

On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the Unaudited Financial Statements as of November 30, 2022, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of Minutes

Mr. Wrathell presented the following Meeting Minutes.

- A. **October 21, 2022 Public Hearing and Regular Meeting**
- B. **November 18, 2022 Landowners’ Meeting**

On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the October 21, 2022 Public Hearing and Regular Meeting and the November 18, 2022 Landowners’ Meeting Minutes, as presented, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

- A. **District Counsel: *Kutak Rock LLP***

There was no report.

- B. **District Engineer: *Construction Engineering Group***

There was no report.

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

- **NEXT MEETING DATE: February 24, 2023 at 1:00 P.M.**
 - **QUORUM CHECK**

The next meeting will be held on February 24, 2023.

FIFTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

SIXTEENTH ORDER OF BUSINESS

Public Comments

Mr. Paluzzi thanked the Board and Staff for their efforts.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Scott and seconded by Mr. Kasten, with all in favor, the meeting adjourned at 5:18 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair