

EMERALD LAKES

COMMUNITY DEVELOPMENT DISTRICT

April 21, 2023

BOARD OF SUPERVISORS

REGULAR

MEETING AGENDA

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

Emerald Lakes Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 334313
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

April 14, 2023

<p><u>ATTENDEES:</u> Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.</p>

Board of Supervisors
Emerald Lakes Community Development District

Dear Board Members:

The Board of Supervisors of the Emerald Lakes Community Development District will hold a Regular Meeting on April 21, 2023 at 1:00 p.m. at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Administration of Oath of Office to Supervisor, Richard Gottlieb [SEAT 1] *(the following to be provided in a separate package)*
 - 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
4. Consideration of Resolution 2023-09, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date
5. Acceptance of Unaudited Financial Statements as of February 28, 2023
6. Approval of February 24, 2023 Public Hearing Regular Meeting Minutes
7. Staff Reports

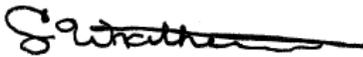
- A. District Counsel: *Kutak Rock LLP*
- B. District Engineer: *Construction Engineering Group*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: May 19, 2023 at 1:00 PM
 - QUORUM CHECK

SEAT 1	RICHARD GOTTLIEB	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	CHRIS KASTEN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	DAVID KRAMER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	MEL SCOTT	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	ALFREDO RODRIGUEZ-WALLING	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

- 8. Board Members' Comments/Requests
- 9. Public Comments
- 10. Adjournment

Should you have any questions or concerns, please do not hesitate to contact me directly at (561) 719-8675 or Cindy Cerbone at (561) 346-5294.

Sincerely,



Craig Wrathell
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE
CALL-IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 801 901 3513

EMERALD LAKES

COMMUNITY DEVELOPMENT DISTRICT

4

RESOLUTION 2023-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2023/2024 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has heretofore prepared and submitted to the Board of Supervisors (“**Board**”) of the Emerald Lakes Community Development District (“**District**”) prior to June 15, 2023, a proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2023 and ending September 30, 2024 (“**Fiscal Year 2023/2024**”); and

WHEREAS, the Board has considered the Proposed Budget and desires to set the required public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT:

1. PROPOSED BUDGET APPROVED. The Proposed Budget prepared by the District Manager for Fiscal Year 2023/2024 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

2. SETTING A PUBLIC HEARING. A public hearing on said approved Proposed Budget is hereby declared and set for the following date, hour and location:

DATE: _____

HOUR: _____

LOCATION: 2651 W. Eau Gallie Boulevard, Suite A
Melbourne, Florida 32935

3. TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL PURPOSE GOVERNMENT. The District Manager is hereby directed to submit a copy of the Proposed Budget to City of Palm Bay and Brevard County at least 60 days prior to the hearing set above.

4. POSTING OF PROPOSED BUDGET. In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved Proposed Budget on the District’s website at least two days before the budget hearing date as set forth in Section 2, and shall remain on the website for at least 45 days.

5. PUBLICATION OF NOTICE. Notice of this public hearing shall be published in the manner prescribed in Florida law.

6. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

7. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 21ST DAY OF APRIL, 2023.

ATTEST:

**EMERALD LAKES COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2023/2024 Budget

Exhibit A: Fiscal Year 2023/2024 Budget

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2024**

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
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**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGETS
FISCAL YEAR 2024**

	Fiscal Year 2023				Proposed Budget FY 2024
	Adopted Budget FY 2023	Actual through 2/28/2023	Projected Through 9/30/2023	Total Actual & Projected	
REVENUES					
Landowner contributions	\$ 138,702	\$ 18,293	\$ 134,358	\$ 152,651	\$ 142,128
Total revenues	<u>138,702</u>	<u>18,293</u>	<u>134,358</u>	<u>152,651</u>	<u>142,128</u>
EXPENDITURES					
Professional & administration					
Supervisors	8,000	1,200	6,800	8,000	8,000
FICA	612	92	520	612	612
District engineer	5,000	12,629	5,000	17,629	5,000
District counsel	35,000	4,643	30,357	35,000	35,000
District management ¹	48,000	8,333	39,667	48,000	48,000
Printing & binding	500	208	292	500	500
Legal advertising	2,000	4,112	1,500	5,612	2,000
Postage	500	-	500	500	500
Accounting & assessment rolls ²					
Series 1 Bond DSF	12,500	-	12,500	12,500	12,500
Dissemination agent ²					
Series 1 bond	3,500	-	3,500	3,500	3,500
Trustee ²					
Series 1 bond	10,500	-	10,500	10,500	10,500
Arbitrage rebate calculation ²					
Series 1 bond	750	-	750	750	750
Audit	4,000	-	4,000	4,000	6,500
Insurance - GL, POL	5,500	5,842	-	5,842	6,426
Miscellaneous- bank charges	750	230	520	750	750
Website					
Hosting & development	705	705	-	705	705
ADA compliance	210	210	-	210	210
Annual district filing fee	175	175	-	175	175
Office supplies	500	-	500	500	500
Total expenditures	<u>138,702</u>	<u>38,379</u>	<u>116,906</u>	<u>155,285</u>	<u>142,128</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	(20,086)	17,452	(2,634)	-
Fund balances - beginning	-	2,634	(17,452)	2,634	-
Fund Balances - ending	<u>\$ -</u>	<u>\$(17,452)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

¹During the 'dormancy' period WHA will charge an annual management fee of \$20,000. This fee will revert to \$48,000 when the District goes 'active'.

²These items will become applicable when bonds are issued. DSF accounting will be \$7,500 if first series of bonds are below \$25 million.

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Supervisors	\$ 8,000
Statutorily set at \$200 per Supervisor for each meeting of the Board of Supervisors not to exceed \$4,800 for each fiscal year.	
FICA	612
As per federal law, this expenditure is currently 7.65% of gross wages.	
District engineer	5,000
The District engineer will provide engineering, consulting and construction services to the District while crafting solutions with sustainability for the long-term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
District counsel	35,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
District management ¹	48,000
Wrathell, Hunt and Associates, LLC specializes in managing special districts in the State of Florida by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all governmental requirements of the District, develops financing programs, administers the issuance of tax exempt bond financings and operates and maintains the assets of the District.	
Printing & binding	500
Letterhead, envelopes, copies, agenda packages.	
Legal advertising	2,000
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc. After bonds are issued, many of the required public hearings will be completed.	
Postage	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Accounting & assessment rolls ²	
Wrathell, Hunt and Associates, LLC , will perform the District's debt service fund accounting function and administer the District's lien book & the assessment collection process.	
Series 1 Bond DSF	12,500
Dissemination agent ²	
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities & Exchange Act of 1934.	
Series 1 bond	3,500
Trustee ²	
Annual fees paid for services provided as trustee, paying agent and registrar.	
Series 1 bond	10,500
Arbitrage rebate calculation ²	750
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Audit	6,500
The District is required to undertake an independent examination of its books, records and accounting procedures each year. This audit is conducted pursuant to Florida State Law and the Rules of the Auditor General.	

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES (continued)

Insurance - GL, POL	6,426
The District carries general liability and public officials liability insurance. The limit of liability is set at \$1,000,000 for general liability and \$1,000,000 for public officials liability.	
Miscellaneous- bank charges	750
Bank chargess, automated AP routing and other miscellaneous expenses incurred during the year.	
Website	
Hosting & development	705
ADA compliance	210
Annual district filing fee	175
Annual fee paid to the Florida Department of Economic Opporunity.	
Office supplies	500
Total expenditures	<u>\$ 142,128</u>

¹During the 'dormancy' period WHA will charge an annual management fee of \$20,000. This fee will revert to \$48,000 when the District goes 'active'.

²These items will become applicable when bonds are issued.

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED
FINANCIAL
STATEMENTS

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
FEBRUARY 28, 2023**

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
FEBRUARY 28, 2023**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 8,343	\$ -	\$ -	\$ 8,343
Due from Landowner	20,152	-	-	20,152
Total assets	<u>\$ 28,495</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 28,495</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 18,405	\$ -	\$ -	\$ 18,405
Due to Landowner	-	65,092	9,003	74,095
Accrued wages payable	600	-	-	600
Accrued taxes payable	138	-	-	138
Landowner advance	6,652	-	-	6,652
Total liabilities	<u>25,795</u>	<u>65,092</u>	<u>9,003</u>	<u>99,890</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred receipts	20,152	-	-	20,152
Total deferred inflows of resources	<u>20,152</u>	<u>-</u>	<u>-</u>	<u>20,152</u>
Fund balances:				
Restricted for:				
Debt service	-	(65,092)	-	(65,092)
Capital projects	-	-	(9,003)	(9,003)
Unassigned	(17,452)	-	-	(17,452)
Total fund balances	<u>(17,452)</u>	<u>(65,092)</u>	<u>(9,003)</u>	<u>(91,547)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 28,495</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 28,495</u>

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED FEBRUARY 28, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Landowner contribution	\$ 2,474	\$ 18,293	\$ 138,702	13%
Total revenues	<u>2,474</u>	<u>18,293</u>	<u>138,702</u>	13%
EXPENDITURES				
Professional & administrative				
Supervisors	600	1,200	8,000	15%
FICA	46	92	612	15%
District engineer	11,716	12,629	5,000	253%
District counsel	3,272	4,643	35,000	13%
District management ¹	1,667	8,333	48,000	17%
Printing & binding	42	208	500	42%
Legal advertising	2,763	4,112	2,000	206%
Postage	-	-	500	0%
Accounting & assessment rolls ²				
Series 1 Bond DSF	-	-	12,500	0%
Dissemination agent ²				
Series 1 bond	-	-	3,500	0%
B bond impact fee processing				
Series 1 bond	-	-	10,500	0%
Arbitrage rebate calculation ²				
Series 1 bond	-	-	750	0%
Audit	-	-	4,000	0%
Insurance - GL, POL	-	5,842	5,500	106%
Miscellaneous- bank charges	46	230	750	31%
Website				
Hosting & development	-	705	705	100%
ADA compliance	-	210	210	100%
Annual district filing fee	-	175	175	100%
Office supplies	-	-	500	0%
Total expenditures	<u>20,152</u>	<u>38,379</u>	<u>138,702</u>	28%
Excess/(deficiency) of revenues over/(under) expenditures	(17,678)	(20,086)	-	
Fund balances - beginning	226	2,634	-	
Fund balances - ending	<u>\$ (17,452)</u>	<u>\$ (17,452)</u>	<u>\$ -</u>	

¹During the 'dormancy' period WHA will charge an annual management fee of \$20,000. This fee will revert to \$48,000 when the District goes 'active'.

²These items will become applicable when bonds are issued.

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND
FOR THE PERIOD ENDED FEBRUARY 28, 2023**

	Current Month	Year To Date
REVENUES	\$ -	\$ -
Total revenues	-	-
EXPENDITURES	-	-
Total debt service	-	-
Excess/(deficiency) of revenues over/(under) expenditures	-	-
Fund balances - beginning	(65,092)	(65,092)
Fund balances - ending	\$ (65,092)	\$ (65,092)

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND
FOR THE PERIOD ENDED FEBRUARY 28, 2023**

	<u>Current Month</u>	<u>Year To Date</u>
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 EXPENDITURES	 <u>-</u>	 <u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -	 - -
 Fund balances - beginning	 (9,003)	 (9,003)
Fund balances - ending	<u>\$ (9,003)</u>	<u>\$ (9,003)</u>

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT
MINUTES OF MEETING
EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Emerald Lakes Community Development District held a Public Hearing and Regular Meeting on February 24, 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
Alfredo Rodriguez-Walling (via phone)	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC (WHA)
Michael Eckert	District Counsel
Jake Wise (via phone)	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 1:03 p.m. Supervisors Kramer, Scott and Kasten were present. Supervisor Rodriguez-Walling attended via telephone. Supervisor-Elect Gottlieb 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 Supervisor, Richard Gottlieb [Seat 1] (*the following to be provided in a separate package*)

This item was deferred.

- 43 A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 44 B. Membership, Obligations and Responsibilities
 45 C. Financial Disclosure Forms
 46 I. Form 1: Statement of Financial Interests
 47 II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 48 III. Form 1F: Final Statement of Financial Interests
 49 D. Form 8B: Memorandum of Voting Conflict

50

51 **FOURTH ORDER OF BUSINESS**

52 **Public Hearing to Consider the Adoption of**
 53 **an Assessment Roll and the Imposition of**
 54 **Special Assessments Relating to the**
 55 **Financing and Securing of Certain Public**
 56 **Improvements**

57 Mr. Wrathell recalled that an updated Engineer's Report reflecting cost adjustments and
 58 an amended Assessment Methodology were presented at the last meeting.

- 59 • *Hear testimony from the affected property owners as to the propriety and advisability*
 60 *of making the improvements and funding them with special assessments on the*
 61 *property.*
 62 • *Thereafter, the governing authority shall meet as an equalizing board to hear any and*
 63 *all complaints as to the special assessments on a basis of justice and right.*

64 These items occurred below.

65 **A. Affidavit/Proof of Publication**66 **B. Mailed Notice to Property Owner(s)**

67 These items were included for informational purposes.

68 Mr. Wrathell stated the letter mailed to property owners summarizes much of the
 69 information included in the attached Engineer's Report and Assessment Report. The total cost
 70 of the improvements is \$119,150,300.45.

71 Mr. Wrathell presented the Amended Master Special Assessment Methodology Report
 72 and the accompanying Tables, which were presented in detail at the last meeting.

73

74 **On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the**
 75 **Public Hearing was opened.**

76

77

78 Mr. Eckert stated the purpose of this public hearing is to consider public comment on
79 the CDD's intent to levy a revised master assessment lien on the assessable lands within the
80 CDD. At the conclusion of this process, you will be asked to adopt Resolution 2023-08,
81 equalizing, approving, confirming and levying special assessments. The following items are
82 attached to Resolution 2023-08:

- 83 1. Engineer's Report Infrastructure Improvements dated November 2, 2018
- 84 2. Revised Master Engineer's Report for Public Infrastructure Improvements dated
85 February 24, 2023
- 86 3. Master Special Assessment Methodology Report dated November 2, 2018
- 87 4. Amended Master Special Assessment Methodology Report dated February 24, 2023

88 The District previously adopted these Reports when the Board adopted Resolutions
89 2019-28 and 2023-06 declaring the CDD's intent to levy revised special assessments on
90 benefitted property.

91 This is the second step in the process of financing the District's infrastructure
92 improvements. Step 1 was when the Board declared its intent to levy the special assessments
93 during its January 20, 2023 meeting. Step 2 is the actual imposition of the assessment taking
94 place today, after the Board sits as an equalizing Board to consider and confirm the
95 reasonableness of assessments as proposed in the Amended Master Special Assessment
96 Methodology Report. And Step 3 and beyond will be where we actually issue the bonds. When
97 the District is ready to issue Bonds, the Board will adopt supplemental Assessment Reports
98 which will be sized down to the actual price of each issuance, consistent with the terms of the
99 Amended Master Assessment Methodology.

100 Mr. Eckert asked the following questions of the Assessment Methodology Consultant:

101 **Mr. Eckert:** Your firm prepared the Assessment Methodology?

102 **Mr. Wrathell:** Yes.

103 **Mr. Eckert:** In your professional opinion, do the lands subject to the special assessments
104 receive special benefits from the District's Capital Improvement Plan?

105 **Mr. Wrathell:** Yes.

106 **Mr. Eckert:** In your professional opinion, would you generally describe the direct special
107 benefits to the assessed property to include at least the following?

108 i. Increased access to and from the benefitted properties via the master
109 infrastructures and the neighborhood infrastructures;

110 ii. Low-cost tax-exempt financing available to the District which results in an overall
111 lower capital infrastructure costs and a decreased debt assessment lien on the benefitted
112 properties;

113 iii. Eventual resident ownership, operation and control of the capital infrastructure
114 improvements which results in increased use and enjoyment of the benefitted properties;

115 iv. Assurance of continual operation of the capital infrastructure improvements and
116 facilities which protects property values within the community;

117 v. Reduced need for personal recreational facilities and equipment which results in
118 increased use and enjoyment of the benefitted properties;

119 vi. The ability to refinance the debt assessments in the future resulting in potential
120 additional savings to residents which reduces the overall capital/debt lien imposed on the
121 benefitted properties; and

122 vii. Developer's payment of the District debt and O&M assessments on its lands,
123 which reduces the need to assess benefitted properties to fund those amounts.

124 **Mr. Wrathell:** Yes.

125 **Mr. Eckert:** Is it your opinion that the special benefits that the lands will receive as set
126 forth in the final assessment roll, will be equal to or in excess of the special assessments
127 thereon when allocated as set forth in the methodology?

128 **Mr. Wrathell:** Yes.

129 **Mr. Eckert:** In your professional opinion, are the special assessments reasonably
130 apportioned among the lands within the District and subject to the special assessments?

131 **Mr. Wrathell:** Yes.

132 **Mr. Eckert:** In your professional opinion, is it reasonable, proper and just to assess the
133 costs of the infrastructure improvements against the lands within the District in accordance
134 with your methodology, which results in the special assessments set forth on the final
135 assessment roll?

136 **Mr. Wrathell:** Yes.

137 **Mr. Eckert:** Is it your opinion that it is in the best interests of the District that the special
138 assessments be paid and collected in accordance with the methodology and the District's
139 assessment resolutions?

140 **Mr. Wrathell:** Yes.

141 Mr. Eckert asked the following questions of the District Engineer:

142 **Mr. Eckert:** Based on your professional experience, are the cost estimates in your
143 Engineer’s Report reasonable and proper?

144 **Mr. Wise:** Yes.

145 **Mr. Eckert:** Are you aware of any reason to believe the Project cannot be carried out by
146 the District?

147 **Mr. Wise:** No.

- 148 • ***Hear testimony from the affected property owners as to the propriety and advisability***
149 ***of making the improvements and funding them with special assessments on the***
150 ***property.***

151 Mr. Eckert asked for any public comments from any members of the public wishing to
152 provide comments or ask questions regarding the assessments.

153 No members of the public spoke.

154

155 **On MOTION by Mr. Scott and seconded by Mr. Kasten, with all in favor, the**
156 **Public Hearing was closed.**

157

158

- 159 • ***Thereafter, the governing authority shall meet as an equalizing board to hear any and***
160 ***all complaints as to the special assessments on a basis of justice and right.***

161 The Board, sitting as the Equalizing Board, made no changes.

- 162 **C. Consideration of Resolution 2023-08, Authorizing District Projects For Construction**
163 **and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming,**
164 **and Levying Amended Special Assessments on Property Specially Benefited By Such**
165 **Infrastructure Improvements to Pay the Cost Thereof; Providing for the Payment and**
166 **the Collection of Such Amended Special Assessments by the Methods Provided for by**
167 **Chapters 170, 190 And 197, Florida Statutes; Confirming the District's Intention to**
168 **Issue Bonds Secured by the Amended Special Assessments; Making Provisions for**
169 **Transfers of Real Property to Homeowners Associations, Property Owners**
170 **Associations and/or Governmental Entities; Providing for the Recording of an**
171 **Assessment Notice; Providing for Severability, Conflicts and an Effective Date**

172 Mr. Eckert presented Resolution 2023-08 and read the title, noting the following:

173 ➤ Section 1 sets forth the Board’s authority to adopt the resolution.

- 174 ➤ Section 2 makes certain findings based on the steps taken to date as well as the
- 175 evidence presented at today’s hearing.
- 176 ➤ Section 3 authorizes the District’s project for the construction and acquisition of
- 177 infrastructure improvements as set forth in the Engineer’s Report.
- 178 ➤ Section 4 sets forth the estimated cost of the project.
- 179 ➤ Section 5 equalizes, approves, confirms and levies the special assessments.
- 180 ➤ Section 6 addresses the finalization of the special assessments once the project has
- 181 been completed.
- 182 ➤ Section 7 provides for the payment and collection of the special assessments.
- 183 ➤ Section 8 provides for the application of True-Up Payments in certain circumstances.
- 184 ➤ Section 9 provides that certain property owned by HOAs, POAs and governments are
- 185 exempt from the special assessments.
- 186 ➤ Section 10 provides for the recording of an assessment notice in the public records of
- 187 Brevard County.
- 188 ➤ Sections 11, 12, 13 and 14 are self-explanatory and administrative in nature.

189

On MOTION by Mr. Kramer and seconded by Mr. Kasten, with all in favor, Resolution 2023-08, Authorizing District Projects For Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Amended Special Assessments on Property Specially Benefited By Such Infrastructure Improvements to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Amended Special Assessments by the Methods Provided for by Chapters 170, 190 And 197, Florida Statutes; Confirming the District's Intention to Issue Bonds Secured by the Amended Special Assessments; Making Provisions for Transfers of Real Property to Homeowners Associations, Property Owners Associations and/or Governmental Entities; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date, was adopted.

202

203

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2023

205

206

Mr. Wrathell presented the Unaudited Financial Statements as of January 31, 2023.

207

208

On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the Unaudited Financial Statements as of January 31, 2023, were accepted.

209

210

211

212

213 **SIXTH ORDER OF BUSINESS**

Approval of January 20, 2023 Regular Meeting Minutes

214

215

216 Mr. Wrathell presented the January 20, 2023 Regular Meeting Minutes.

217

218 **On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the**
219 **January 20, 2023 Regular Meeting Minutes, as presented, were approved.**

220

221

222 **SEVENTH ORDER OF BUSINESS**

Staff Reports

223

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

225 Mr. Eckert stated it might be necessary to schedule a Special Meeting. Mr. Rodriguez-

226 Walling stated it will be in three to four months.

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

228 There was no report.

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

- 230 • **NEXT MEETING DATE: March 17, 2023 at 1:00 PM**
- 231 ○ **QUORUM CHECK**

232 Mr. Wrathell stated the meeting scheduled for March 17, 2023 will likely be canceled.

233

234 **EIGHTH ORDER OF BUSINESS**

Board Members' Comments/Requests

235

236 There were no Board Members' comments or requests.

237

238 **NINTH ORDER OF BUSINESS**

Public Comments

239

240 There were no public comments.

241

242 **TENTH ORDER OF BUSINESS**

Adjournment

243

244

245 **On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the**
246 **meeting adjourned at 1:32 p.m.**

247

248

249

250

251

252 _____
Secretary/Assistant Secretary

Chair/Vice Chair

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS

EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE

LOCATION

2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 21, 2022	Regular Meeting	1:00 PM
November 18, 2022	Landowners' Meeting	1:00 PM
November 18, 2022 CANCELED	Regular Meeting	1:00 PM
December 16, 2022 CANCELED	Regular Meeting	1:00 PM
January 20, 2023	Regular Meeting	4:00 PM
February 17, 2023 <i>rescheduled to February 24, 2023</i>	Regular Meeting	1:00 PM
February 24, 2023	Public Hearing & Regular Meeting	1:00 PM
March 17, 2023 CANCELED NO QUORUM	Regular Meeting	1:00 PM
April 21, 2023	Regular Meeting	1:00 PM
May 19, 2023	Regular Meeting	1:00 PM
June 16, 2023	Regular Meeting	1:00 PM
July 21, 2023	Regular Meeting	1:00 PM
August 18, 2023	Public Hearing & Regular Meeting	1:00 PM
September 15, 2023	Regular Meeting	1:00 PM