

**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.

- 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 to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements**

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

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

These items occurred below.

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

These items were included for informational purposes.

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

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

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

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

1. Engineer’s Report Infrastructure Improvements dated November 2, 2018
2. Revised Master Engineer’s Report for Public Infrastructure Improvements dated February 24, 2023
3. Master Special Assessment Methodology Report dated November 2, 2018
4. Amended Master Special Assessment Methodology Report dated February 24, 2023

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

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

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

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

**Mr. Wrathell:** Yes.

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

**Mr. Wrathell:** Yes.

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

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

- ii. Low-cost tax-exempt financing available to the District which results in an overall lower capital infrastructure costs and a decreased debt assessment lien on the benefitted properties;
- iii. Eventual resident ownership, operation and control of the capital infrastructure improvements which results in increased use and enjoyment of the benefitted properties;
- iv. Assurance of continual operation of the capital infrastructure improvements and facilities which protects property values within the community;
- v. Reduced need for personal recreational facilities and equipment which results in increased use and enjoyment of the benefitted properties;
- vi. The ability to refinance the debt assessments in the future resulting in potential additional savings to residents which reduces the overall capital/debt lien imposed on the benefitted properties; and
- vii. Developer's payment of the District debt and O&M assessments on its lands, which reduces the need to assess benefitted properties to fund those amounts.

**Mr. Wrathell:** Yes.

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

**Mr. Wrathell:** Yes.

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

**Mr. Wrathell:** Yes.

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

**Mr. Wrathell:** Yes.

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

**Mr. Wrathell:** Yes.

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

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

**Mr. Wise:** Yes.

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

**Mr. Wise:** No.

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

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

No members of the public spoke.

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

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

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

- C. Consideration of 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**

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

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

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

**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.**

**FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of January 31, 2023**

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

**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.**

SIXTH ORDER OF BUSINESS

Approval of January 20, 2023 Regular Meeting Minutes

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

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

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

Mr. Eckert stated it might be necessary to schedule a Special Meeting. Mr. Rodriguez-Walling stated it will be in three to four months.

B. District Engineer: *Construction Engineering Group*

There was no report.

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

- NEXT MEETING DATE: March 17, 2023 at 1:00 PM
  - QUORUM CHECK

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

EIGHTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

NINTH ORDER OF BUSINESS

Public Comments

There were no public comments.

TENTH ORDER OF BUSINESS

Adjournment

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



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Secretary/Assistant Secretary



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Chair/Vice Chair