

EMERALD LAKES

COMMUNITY DEVELOPMENT DISTRICT

May 20, 2022

BOARD OF SUPERVISORS

REGULAR MEETING

AGENDA

Emerald Lakes Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

May 13, 2022

Board of Supervisors
Emerald Lakes Community Development District

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

Dear Board Members:

The Board of Supervisors of the Emerald Lakes Community Development District will hold a Regular Meeting on May 20, 2022 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. Consideration of Resolution 2022-04, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date
4. Consideration of Resolution 2022-05, Designating a Date, Time and Location for a Landowners' Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date
5. Consideration of Resolution 2022-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date
6. Update: Guide to the Amendment 12 Lobby Ban Implementation for Special District Board Members
7. Acceptance of Unaudited Financial Statements as of March 31, 2022
8. Approval of February 18, 2022 Regular Meeting Minutes
9. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - Best Practices for Responding to Public Records Requests

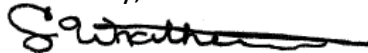
- B. District Engineer: *Construction Engineering Group*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
- I. 0 Registered Voters in District as of April 15, 2022
- II. NEXT MEETING DATE: June 17, 2022 at 1:00 P.M.
 - o QUORUM CHECK

Richard Gottlieb	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Chris Kasten	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
David Kramer	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Mel Scott	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
Alfredo Rodriguez-Walling	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO

- 10. Board Members' Comments/Requests
- 11. Adjournment

I look forward to seeing all of you at the upcoming meeting. In the meantime, 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: 413 553 5047

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

3

RESOLUTION 2022-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2022/2023 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, 2022, a proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”); 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 2022/2023 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: August 19, 2022

HOUR: 1:00 P.M.

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 20TH DAY OF MAY, 2022.

ATTEST:

**EMERALD LAKES COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2022/2023 Budget

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2023**

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
TABLE OF CONTENTS**

Description	Page Number(s)
General Fund Budget	1
Definitions of General Fund Expenditures	2 - 3

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGETS
FISCAL YEAR 2023**

	Fiscal Year 2022				Proposed Budget FY 2023
	Adopted Budget FY 2022	Actual through 2/28/2022	Projected Through 9/30/2022	Total Actual and Projected	
REVENUES					
Landowner contributions	\$ 138,702	\$ 21,945	\$ 119,487	\$ 141,432	\$ 138,702
Total revenues	<u>138,702</u>	<u>21,945</u>	<u>119,487</u>	<u>141,432</u>	<u>138,702</u>
EXPENDITURES					
Professional & administration					
Supervisors	8,000	1,000	7,000	8,000	8,000
FICA	612	77	535	612	612
District engineer	5,000	-	5,000	5,000	5,000
District counsel	35,000	1,747	33,253	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	406	1,594	2,000	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	3,500	500	4,000	4,000
Insurance - GL, POL	5,500	5,435	-	5,435	5,500
Miscellaneous- bank charges	750	246	504	750	750
Website					
Hosting & development	705	704	-	704	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>22,041</u>	<u>116,595</u>	<u>138,636</u>	<u>138,702</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	(96)	2,892	2,796	-
Fund balances - beginning	-	(2,796)	(2,892)	(2,796)	-
Fund Balances - ending	<u>\$ -</u>	<u>\$ (2,892)</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	4,000
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	5,500
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>\$ 138,702</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

4

RESOLUTION 2022-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT DESIGNATING A DATE, TIME AND LOCATION FOR LANDOWNERS’ MEETING AND ELECTION; PROVIDING FOR PUBLICATION, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Emerald Lakes Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within City of Palm Bay, Florida; and

WHEREAS, the District’s Board of Supervisors (the “Board”) is statutorily authorized to exercise the powers granted to the District; and

WHEREAS, the effective date of City of Palm Bay Ordinance No. 2018-17 creating the District (the “Ordinance”) is June 21, 2018; and

WHEREAS, the District is statutorily required to hold a meeting of the landowners of the District for the purpose of electing Board of Supervisors for the District on a date in November established by the Board, 2022, which shall be noticed pursuant to Section 190.006(2)(a), Florida Statutes.

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

SECTION 1. The Board is currently made up of the following individuals.

<u>Seat Number</u>	<u>Supervisor</u>	<u>Term Expiration Date</u>
1	Richard Gottlieb	November 2022
2	A. Christopher Kasten	November 2022
3	David Kramer	November 2024
4	Mel Scott	November 2022
5	Alfredo Rodriguez-Walling	November 2024

This year, Seats 1, 2, and 4, currently held by Richard Gottlieb, A. Christopher Kasten, and Mel Scott, respectively, are subject to election by landowners in November 2022. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The candidate receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

SECTION 2. In accordance with section 190.006(2), *Florida Statutes*, the meeting of the landowners to elect three (3) supervisors of the District, shall be held on the 18th day of November 2021, at 1:00 p.m., at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935.

SECTION 3. The District's Secretary is hereby directed to publish notice of this landowners meeting and election in accordance with the requirements of Section 190.006(2)(a), *Florida Statutes*.

SECTION 4. Pursuant to Section 190.006(2)(b), *Florida Statutes*, the landowners' meeting and election is hereby announced by the Board at its May 20, 2022 meeting. A sample notice of landowners' meeting and election, proxy, ballot form and instructions were presented in at such meeting and are attached hereto as **Exhibit A**. Such documents are available for review and copying during normal business hours at the at the office of the District Manager, Wrathell, Hunt & Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by emailing wrathellc@whhassociates.com or calling (561) 571-0010.

SECTION 5. 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.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 20th day of May, 2022.

ATTEST:

**EMERALD LAKES COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A

NOTICE OF LANDOWNERS' MEETING AND ELECTION AND MEETING OF THE BOARD OF SUPERVISORS OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given to the public and all landowners within Emerald Lakes Community Development District (the "District"), comprising parcels of land containing approximately 1,561 acres, generally located north of Micco Road, south of Grant Road, east of Babcock Street, west of Highway 1 and bisected by Interstate 95, in the City of Palm Bay, Brevard County, Florida, advising that a meeting of landowners will be held for the purpose of electing three (3) persons to the District Board of Supervisors. Immediately following the landowners' meeting, there will be convened a meeting of the Board of Supervisors for the purpose of considering certain matters of the Board to include election of certain District officers, and other such business which may properly come before the Board.

DATE: November 18, 2022
TIME: 1:00 P.M.
PLACE: 2651 W. Eau Gallie Boulevard, Suite A
Melbourne, Florida 32935

Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by emailing wraithellc@whhassociates.com or calling (561) 571-0010. At said meeting, each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. At the landowners' meeting, the landowners shall select a person to serve as the meeting chair and who shall conduct the meeting.

The landowners' meeting and the Board of Supervisors meeting are open to the public and will be conducted in accordance with the provisions of Florida law. One or both of the meetings may be continued to a date, time, and place to be specified on the record at such meeting. A copy of the agenda for these meetings may be obtained from 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431. There may be an occasion where one or more supervisors will participate by telephone.

Any person requiring special accommodations to participate in these meetings is asked to contact the District Manager's Office at (877) 276-0889, at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 955-8770 for aid in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any

matter considered at the meeting is advised that such person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Craig Wrathell
District Manager

Run Date(s): _____ & _____

PUBLISH: ONCE A WEEK FOR 2 CONSECUTIVE WEEKS, THE LAST DAY OF PUBLICATION TO BE NOT FEWER THAN 14 DAYS OR MORE THAN 28 DAYS BEFORE THE DATE OF ELECTION, IN A NEWSPAPER WHICH IS IN GENERAL CIRCULATION IN THE AREA OF THE DISTRICT

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF
EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **Friday, November 18, 2022**

TIME: **1:00 P.M.**

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

Pursuant to Chapter 190, Florida Statutes, and after a Community Development District ("**District**") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors ("**Board**") every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), Florida Statutes.

A landowner may vote in person at the landowners' meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

This year, three (3) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The candidate receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

LANDOWNER PROXY

**EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT
CITY OF PALM BAY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER 18, 2022**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints _____ ("**Proxy Holder**") for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Emerald Lakes Community Development District to be held at 1:00 p.m., on November 18, 2022 at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935, and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner that the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing that may be considered at said meeting including, but not limited to, the election of members of the Board of Supervisors. Said Proxy Holder may vote in accordance with his or her discretion on all matters not known or determined at the time of solicitation of this proxy, which may legally be considered at said meeting.

Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy is to continue in full force and effect from the date hereof until the conclusion of the landowners' meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the landowners' meeting prior to the proxy holder's exercising the voting rights conferred herein.

Printed Name of Legal Owner

Signature of Legal Owner

Date

<u>Parcel Description</u>	<u>Acreage</u>	<u>Authorized Votes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

Total Number of Authorized Votes: _____

NOTES: Pursuant to Section 190.006(2)(b), Florida Statutes (2019), a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. Moreover, two (2) or more persons who own real property in common that is one acre or less are together entitled to only one vote for that real property.

If the fee simple landowner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto (e.g., bylaws, corporate resolution, etc.).

OFFICIAL BALLOT

**EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT
CITY OF PALM BAY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER 18, 2022**

For Election (3 Supervisors): The two (2) candidates receiving the highest number of votes will each receive a four (4)-year term, and the one (1) candidate receiving the next highest number of votes will receive a two (2)-year term, with the term of office for the successful candidates commencing upon election.

The undersigned certifies that he/she/it is the fee simple owner of land, or the proxy holder for the fee simple owner of land, located within the Emerald Lakes Community Development District and described as follows:

<u>Description</u>	<u>Acreage</u>
_____	_____
_____	_____
_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel.] [If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

or

Attach Proxy.

I, _____, as Landowner, or as the proxy holder of _____ (Landowner) pursuant to the Landowner's Proxy attached hereto, do cast my votes as follows:

SEAT	NAME OF CANDIDATE	NUMBER OF VOTES
1.	_____	_____
2.	_____	_____
4.	_____	_____

Date: _____

Signed: _____

Printed Name: _____

EMERALD LAKES

COMMUNITY DEVELOPMENT DISTRICT

5

RESOLUTION 2022-06

A RESOLUTION OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR FISCAL YEAR 2022/2023 AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Emerald Lakes Community Development District (“District”) is a local unit of special-purpose government created by, and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Palm Bay, Brevard County, Florida; and

WHEREAS, the Board of Supervisors of the District (“Board”) is statutorily authorized to exercise the powers granted to the District; and

WHEREAS, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, *Florida Statutes*; and

WHEREAS, the Board is statutorily required to file annually, with the local governing authority and the Florida Department of Economic Opportunity, a schedule of its regular meetings.

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

SECTION 1. ADOPTING REGULAR MEETING SCHEDULE. Regular meetings of the District’s Board shall be held during Fiscal Year 2022/2023 as provided on the schedule attached hereto as **Exhibit A**.

SECTION 2. FILING REQUIREMENT. In accordance with Section 189.015(1), *Florida Statutes*, the District’s Secretary is hereby directed to file a schedule of the District’s regular meetings annually with Brevard County and the Florida Department of Economic Opportunity.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 20th day of May, 2022.

Attest:

**EMERALD LAKES COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

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 & Regular Meeting	1:00 PM
December 16, 2022	Regular Meeting	1:00 PM
January 20, 2023	Regular Meeting	1:00 PM
February 17, 2023	Regular Meeting	1:00 PM
March 17, 2023	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

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

6

A USER-FRIENDLY GUIDE TO THE AMENDMENT 12 LOBBY BAN IMPLEMENTATION FOR SPECIAL DISTRICT BOARD MEMBERS

The Florida Legislature recently adopted amendments to Chapter 112, Florida Statutes, to implement the provisions of Constitutional Amendment 12, known colloquially as the “lobby ban” legislation. This legislation is scheduled to become effective on December 31, 2022. Amendment 12 imposes certain restrictions on some elected public officials engaged in lobbying other elected officials and agencies. If you serve on the board of a community development district (CDD) or a stewardship or improvement district, this handy guide will help you determine whether your service as a board member causes you to run afoul of the new restrictions in the event that you need to contact federal, state, county or municipal officials about a matter of concern to you personally or to your district. In all cases you should consult with your district counsel on any questions you may have, just to be safe.

It is important to note that the new law includes penalties for violations, including fines.

1. WHAT DOES AMENDMENT 12 SAY ABOUT LOBBYING?

In relevant part, it says that a “*public officer shall not lobby for compensation....during his or her term of office.*” It further says that a “*public officer shall not lobby for compensation...for a period of 6 years after vacation of public position..*” For our purposes, a “public officer” is “*an elected special district officer in a special district with ad valorem taxing authority.* (all emphasis added) See Art. II, Sec. 8, Florida Constitution

2. AM I A “PUBLIC OFFICER” WITHIN THE MEANING OF AMENDMENT 12?

CDD board members elected by landowners on a 1 acre, 1 vote basis are not subject to the lobbying ban under Amendment 12. If this describes how you were elected you are NOT a “public officer” within the meaning of the statute and are NOT subject to this ban and may contact your federal, state, county or municipal officials just as you could prior to the adoption of this legislation. If you were appointed to fill a vacancy in a seat that is to be filled on a one acre, one vote basis, you also are NOT a “public officer” within the meaning of the statute. See s. 112.3121, Florida Statutes; CS/CS/HB 7001.

If you are a board member of a stewardship or improvement district and are elected on a 1 acre, 1 vote basis, please consult with your district counsel as to the applicability of this exemption to you since the specific terms of your district’s special act are important.

Community development district, stewardship district and improvement district board members elected by qualified electors ARE “public officers” within the meaning of the legislation and ARE subject to the provisions of the lobbying ban, so read on for important additional information.

3. IF I AM A PUBLIC OFFICER, IS THE ACTIVITY I WANT TO UNDERTAKE CONSIDERED “LOBBYING FOR COMPENSATION”?

Lobbying means to influence or attempt to influence an action or decision through oral, written or electronic communication but such actions or decisions do NOT include, among other things,

“administrative action”. Administrative action is (i) any process or decision governed by Chapter 120, Florida Statutes; (ii) any action or decision on a license, permit, waiver of regulation, development order or permit, or development agreement; (iii) certain quasi-judicial local government land use proceedings; (iv) any action subject to judicial review by a writ of certiorari or general law; or (v) any other administrative procedure or procedure governed by existing law, ordinance, rule, or regulation, except on an issue of procurement.

Okay, so am I lobbying? If you are attempting to influence an action or decision that does not fall within one of these exceptions then you ARE probably lobbying and need to read on to see how the legislation impacts your ability to do so. Of course, if you are engaged on an issue of procurement, which means a proposal to purchase or acquire an interest in property, or services by a governmental entity, then you ARE lobbying and have met the first part of the test.

4. OKAY SO I AM LOBBYING. DOES THAT MEAN I CANNOT CONTACT MY FEDERAL, STATE, COUNTY OR MUNICIPAL OFFICIALS?

Not necessarily. It is important to understand whether your circumstances fall within the definition of “lobby for compensation” to determine whether the legislation would impact your lobbying activity. “Lobby for compensation” is defined to mean that you are principally employed for governmental affairs or employed by or contracted for the purpose of lobbying.

Lobbying for compensation does **NOT** include (among several exceptions not all listed below):

- (i) a public officer carrying out the duties of their public office. For example, this would likely include a CDD board member lobbying on behalf of the CDD at the request of the board.
- (ii) a public or private employee acting within the normal course of their duties UNLESS they are principally employed for governmental affairs.
- (iii) advice or services to a governmental body pursuant to a contract with that governmental body.

So IF you are a public officer, and IF you are lobbying, you are only prohibited from doing so as a result of your special district board service IF you are lobbying for compensation.

Please know that this summary is intended to provide a user- friendly broad overview and answer questions about basic situations. However, there are some other exceptions and nuances to the new legislation, as well as details about the 6-year, post-district service lobbying restrictions. You should consult with your district counsel as needed to make sure you are staying on the right side of the legislative amendments.¹

Finally, as of 2/24/22, the legislation has passed both chambers of the legislature. It has not yet been sent to the Governor for his signature or veto. We anticipate that when it is on his desk, he will sign it.

¹ Note that federal, state or local lobbyist registration requirements are different from these definitions. Always review and analyze these requirements before contacting any agency or official.

EMERALD LAKES

COMMUNITY DEVELOPMENT DISTRICT

7

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
MARCH 31, 2022**

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
MARCH 31, 2022**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 10,072	\$ -	\$ -	\$ 10,072
Due from Landowner	5,931	-	1,620	7,551
Total assets	<u>\$ 16,003</u>	<u>\$ -</u>	<u>\$ 1,620</u>	<u>\$ 17,623</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 6,684	\$ -	\$ 1,620	\$ 8,304
Due to Landowner	-	65,092	5,218	70,310
Accrued wages payable	1,000	-	-	1,000
Accrued taxes payable	77	-	-	77
Landowner advance	6,652	-	-	6,652
Total liabilities	<u>14,413</u>	<u>65,092</u>	<u>6,838</u>	<u>86,343</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred receipts	5,931	-	-	5,931
Total deferred inflows of resources	<u>5,931</u>	<u>-</u>	<u>-</u>	<u>5,931</u>
Fund balances:				
Restricted for:				
Debt service	-	(65,092)	-	(65,092)
Capital projects	-	-	(5,218)	(5,218)
Unassigned	(4,341)	-	-	(4,341)
Total fund balances	<u>(4,341)</u>	<u>(65,092)</u>	<u>(5,218)</u>	<u>(74,651)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 16,003</u>	<u>\$ -</u>	<u>\$ 1,620</u>	<u>\$ 17,623</u>

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED MARCH 31, 2022**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Landowner contribution	\$ 4,775	\$ 26,443	\$ 138,702	19%
Total revenues	<u>4,775</u>	<u>26,443</u>	<u>138,702</u>	19%
EXPENDITURES				
Professional & administrative				
Supervisors	-	1,000	8,000	13%
FICA	-	77	612	13%
District management ¹	1,667	10,000	48,000	21%
Legal	3,475	5,222	35,000	15%
Engineering	-	-	5,000	0%
Accounting & assessment rolls ²				
Series 1 Bond DSF	-	-	12,500	0%
Dissemination agent ²				
Series 1 bond	-	-	3,500	0%
Trustee ²				
Series 1 bond	-	-	10,500	0%
Arbitrage rebate calculation ²				
Series 1 bond	-	-	750	0%
Audit	500	4,000	4,000	100%
Postage	17	17	500	3%
Printing & binding	42	250	500	50%
Legal advertising	171	577	2,000	29%
Annual special district fee	-	175	175	100%
Insurance - GL, POL	-	5,435	5,500	99%
Contingencies/bank charges	76	321	750	43%
Office supplies	-	-	500	0%
Website				
Hosting & development	-	704	705	100%
ADA compliance	-	210	210	100%
Total professional & administrative	<u>5,948</u>	<u>27,988</u>	<u>138,702</u>	20%
Excess/(deficiency) of revenues over/(under) expenditures	(1,173)	(1,545)	-	
Fund balances - beginning	(3,168)	(2,796)	-	
Fund balances - ending	<u>\$ (4,341)</u>	<u>\$ (4,341)</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 MARCH 31, 2022**

	<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 debt service	<u>-</u>	<u>-</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -	 - -
 Fund balances - beginning	 <u>(65,092)</u>	 <u>(65,092)</u>
Fund balances - ending	<u><u>\$ (65,092)</u></u>	<u><u>\$ (65,092)</u></u>

**EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND
FOR THE PERIOD ENDED MARCH 31, 2022**

	Current Month	Year To Date
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 EXPENDITURES		
Legal fees	<u>1,619</u>	<u>2,744</u>
Total expenditures	<u>1,619</u>	<u>2,744</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 (1,619)	 (2,744)
 Fund balances - beginning	 <u>(3,599)</u>	 <u>(2,474)</u>
Fund balances - ending	<u>\$ (5,218)</u>	<u>\$ (5,218)</u>

EMERALD LAKES

COMMUNITY DEVELOPMENT DISTRICT

8

DRAFT

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

The Board of Supervisors of the Emerald Lakes Community Development District held a Regular Meeting on February 18, 2022 at 1:00 p.m., at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935.

Present were:

Richard Gottlieb (via telephone)	Chair
Chris Kasten (via telephone)	Vice Chair
David Kramer	Assistant Secretary
Mel Scott	Assistant Secretary
Alfredo Rodriguez-Walling	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Michael Eckert	District Counsel
Paul Paluzzi	Zons Development
Brenda Yates	Yates & Company, LLC
Lorraine deMontigny	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 1:02 p.m. Supervisors Kramer, Scott and Rodriguez-Walling were present in person. Supervisors Gottlieb and Kasten were attending via telephone.

SECOND ORDER OF BUSINESS

Public Comments

Ms. Lorraine deMontigny thought that the February 11, 2022 date on the agenda letter was incorrect. Mr. Wrathell explained that the February 11, 2022 date is the date that the agenda letter for today's meeting was prepared.

39 **THIRD ORDER OF BUSINESS** **Consider Authorization to Publish**
40 **Construction RFP**
41

42 Mr. Paul Paluzzi, of Zons Development, asked the Board for input on the Request for
43 Proposals (RFP) for the Phase 2 Civil Site Work Evaluation Criteria Sheet, so that the Board can
44 score the submittals effectively. The following items were discussed:

45 ➤ Category 3, Experience: Reasons for and against giving higher ratings to contractors
46 experienced in working on similar sized projects and also within the City or County.

47 Mr. Wrathell advised the Board not to get too granular in the requirements so they have
48 more flexibility to interpret and evaluate the unique qualifications of each respondent. The
49 verbiage will be revised to include applicable governing jurisdictions, agencies and the state and
50 local government.

51 Mr. Scott asked about requiring references. Mr. Eckert stated that references are
52 included in the overall RFP package; the only thing being considered today is approval of the
53 RFP and Evaluation Criteria Sheet and authorizing Staff to advertise.

54 ➤ Purchase Orders will be issued by the CDD to take advantage of its tax-exempt status.
55 The RFP requires contractors to list material and labor costs separately.

56 ➤ Separate RFPs for other projects will be issued in the future.

57 Category 6, Price: Modifying language to include "In the event that a bid is submitted in
58 a price that is not feasible, the Board has the authority to deduct points for that submission."

59 **Mr. Kasten left and immediately rejoined the meeting, via telephone.**

60 Mr. Eckert would make the following changes to the Evaluation Criteria:

61 ➤ Category 3, Experience: Insert "within five years and within applicable local governing
62 water management jurisdictions".

63 ➤ Category 6, Price: Insert new sentence: "In the event that a bid is submitted in a price
64 that is not feasible, the Board has the authority to deduct points for that submission."

65 ➤ Category 7, Schedule, Sub-categories: Change both to "10" and insert "In the event that
66 the Schedule is unrealistic, the Board has the authority to deduct points for that submission."

67

68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

On MOTION by Mr. Rodriguez-Walling and seconded by Mr. Kramer, with all in favor, the Evaluation Criteria, as amended, and Request for Proposals, and authorizing Staff to advertise once the District Engineer has prepared all necessary documents, was approved.

FOURTH ORDER OF BUSINESS

Consideration of Emerald Investment Holdings, LLC, Construction Funding Agreement

Mr. Wrathell presented the Construction Funding Agreement, prepared by Mr. Eckert. He noted that, once the RFP process is finalized and the Site Contractor is engaged, funding requests for these costs will be submitted to the Developer and then reimbursed from the bond proceeds, once bonds are issued. Mr. Eckert recommended approval in substantial form, as the Developer is still reviewing the form of the Agreement. Having a funding source in place for those costs would make Staff more comfortable doing the work to prepare the RFP.

On MOTION by Mr. Scott and seconded by Mr. Rodriguez-Walling, with all in favor, the Construction Funding Agreement between Emerald Lakes Community Development District and Emerald Investment Holdings, LLC, in substantial form, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Subordination Agreement

Mr. Eckert presented the Subordination Agreement, which give the St. Johns River Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP) assurances that the land designated as the conservation easement is not developable or subject to debt or operations and maintenance (O&M) assessments. He did not believe this would be used; however, he recommended approval and authorizing Staff to enter into the Agreement, if needed. He stated that he would present some documents later in the meeting that may solve this problem in an easier fashion.

138 online only, the CDD would be required to publish a weekly notice in the printed newspaper
139 advising that it was utilizing the internet-only form of publishing.

140 **B. Wastewater and Stormwater Needs Analysis**

141 Mr. Eckert stated that the CDD must prepare and submit the State formatted 20-Year
142 Stormwater Needs Analysis Report, once the stormwater system is constructed. The CDD does
143 not need to prepare one for the wastewater system because it will be conveyed to another
144 local entity.

145 **C. Prompt Payment Policies**

146 Mr. Eckert stated that, due to the recent legislative changes, the CDD must update its
147 Prompt Payment Policies and Procedures. The late payment fee increased from 1% to 2%.

- 148 • **Consideration of Resolution 2022-01, Adopting Prompt Payment Policies and**
149 **Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability**
150 **Clause; and Providing an Effective Date**

151 Mr. Wrathell presented Resolution 2022-01.

152

153 **On MOTION by Mr. Scott and seconded by Mr. Rodriguez-Walling, with all in**
154 **favor, Resolution 2022-01, Adopting Prompt Payment Policies and Procedures**
155 **Pursuant to Chapter 218, Florida Statutes, as described by Mr. Eckert;**
156 **Providing a Severability Clause; and Providing an Effective Date, was adopted.**

157

158

159 **D. Public Record Exemptions**

160 Persons exempt from public records disclosure are now required to notify the local
161 government of that status.

162

163 **NINTH ORDER OF BUSINESS**

Update: Financing

164

- 165 • **Status of Final Utility and Transmission Agreements**

166 Mr. Paluzzi provided the following update:

- 167 ➤ The Developer is waiting to receive the final step in the City's utility of record. The City is
168 waiting on information from the other Developer, which is related to the appraised value of the
169 land that is being contributed for the site to construct the water tanks.

170 ➤ The City needs this information to finalize the value of the contributions and finalize the
171 value of the impact fee credits the CDD will get for oversizing the tanks at the City’s direction.

172 ➤ The documents were expected to be ready for execution within the next couple of
173 weeks for the final permit that will allow the District to put the conservation easement on all
174 the acreage that the CDD wants to donate. The final permit was being addressed today.

175 ➤ The final Utility Grant was expected within the next 30 days.

176

177 **TENTH ORDER OF BUSINESS**

**Discussion: 404 Wetland Impact Permit
and Phase 1 ERP Permit**

178

179

180 Mr. Paluzzi stated the Phase 1 ERP Permit was issued. The 404 Wetland Impact Permit
181 will be finalized once the Resolutions being presented during the Eleventh and Twelfth Orders
182 of Business are adopted; the Resolutions indicate that the CDD will not be able to impose liens
183 on the conservation easement acreage that the Developer is contributing to the CDD.

184

185 **ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-02,
Supplementing Resolution 2019-28 to
Provide for the Release of the Master
Assessment Lien on Property
Demonstrated to be Nondevelopable;
Providing for the Recording of Releases of
Assessment Liens on Demonstrated
Nondevelopable Property; Providing for
Severability, Conflicts and an Effective
Date**

186

187

188

189

190

191

192

193

194

195

196 Mr. Eckert presented Resolution 2022-02. This Resolution allows the Board to declare,
197 by separate Resolution, that a particular piece of property is not developable, such as the
198 conservation easement, and that it will not be assessed. He explained that this Resolution could
199 also be used in the future to dedicate a fire station site. This process is necessary in order to get
200 the conservation easement recorded so the project can proceed.

201

202

203
204
205
206
207
208

On MOTION by Mr. Rodriguez-Walling and seconded by Mr. Kramer, with all in favor, Resolution 2022-02, Supplementing Resolution 2019-28 to Provide for the Release of the Master Assessment Lien on Property Demonstrated to be Nondevelopable; Providing for the Recording of Releases of Assessment Liens on Demonstrated Nondevelopable Property; Providing for Severability, Conflicts and an Effective Date, was adopted.

209
210

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Designating 281.998 Acres of Property as Nondevelopable; Releasing the Master Assessment Lien on Such 281.998 Acres of Property; Directing the Recording of a Release of Assessment Lien; Directing That No Operations and Maintenance Assessments Shall Be Levied on Such 281.998 Acres of Property; Providing for Severability, Conflicts and an Effective Date

211
212
213
214
215
216
217
218
219
220
221
222

Mr. Eckert presented Resolution 2022-03. This Resolution designates 281.998 acres of land as nondevelopable; those are the acres that are subject to the conservation easement that was not executed, pending completion of this process today.

Resolutions 2022-02 and 2022-03 would be shipped to the Chair for execution.

227

228
229
230
231
232
233
234

MOTION by Mr. Scott and seconded by Mr. Kramer, with all in favor, Resolution 2022-03, Designating 281.998 Acres of Property as Nondevelopable; Releasing the Master Assessment Lien on Such 281.998 Acres of Property; Directing the Recording of a Release of Assessment Lien; Directing That No Operations and Maintenance Assessments Shall Be Levied on Such 281.998 Acres of Property; Providing for Severability, Conflicts and an Effective Date, was adopted.

235
236

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

237
238
239
240
241

Mr. Wrathell presented the Unaudited Financial Statements as of December 31, 2021.

242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276

On MOTION by Mr. Scott and seconded by Mr. Rodriguez-Walling, with all in favor, the Unaudited Financial Statements as of December 31, 2021, were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of September 17, 2021 Public Hearings and Regular Meeting Minutes

Mr. Wrathell presented the September 17, 2021 Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Kramer and seconded by Mr. Rodriguez-Walling, with all in favor, the September 17, 2021 Public Hearings and Regular Meeting Minutes, as presented, were approved.

FIFTEENTH 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: March 18, 2022 at 1:00 P.M.**
- **QUORUM CHECK**

The next meeting will be held on March 18, 2022.

SIXTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

277
278
279
280
281
282
283
284

On MOTION by Mr. Kramer and seconded by Rodriguez-Walling, with all in favor, the meeting adjourned at 1:48 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

285
286
287
288
289
290
291

Secretary/Assistant Secretary

Chair/Vice Chair

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

9A

MEMORANDUM

TO: District Manager

FROM: Michael C. Eckert

DATE: March 29, 2022

RE: Best Practices for Responding to Public Records Requests

Over the past few months, we have seen an uptick in public records requests. While public records requests can be frustrating for all parties for a variety of reasons, it is important for a community development district to follow the law and to implement best practices. This will help the public receive the information they are seeking in a consistent and timely manner, while at the same time providing protection for the District should litigation over a public records request arise. Please keep in mind that the law regarding public records requests continues to evolve. In addition, this memorandum is not comprehensive and additional issues will invariably arise which will require further analysis. If at any time you have questions, please contact our office for guidance.

A few reminders on public records are in order.

1. A public records request does not have to be in writing.
2. A public records request does not have to be signed.
3. A public records request does not have to provide the name of the person requesting the records.
4. You cannot require the requestor to show identification.
5. You should not ask the requestor the purpose of the request, unless it is necessary to understand what records they are seeking.
6. You should not respond to a public records request by referring a person to a website in lieu of providing the requested record.
7. There is no obligation for you or the District to create a new record in response to a request.
8. There is no obligation for you or the District to answer questions in response to a request.
9. Public records requests occasionally seek records that should not be, or are not permitted to be, produced under Florida law. If you have any question regarding whether a document requested is “*exempt*” or “*exempt and confidential*” under Florida law, seek legal guidance from our office before production.

Based on current Florida law, below are some best practices that we encourage your office to implement and follow.

Initiation of Process

A public records request is received by a supervisor, a member of district staff, a district employee, or a contractor to the district.

Step One (all supervisors, staff, district employees and contractors)

Immediately send or communicate the request to the District Secretary or their designee for a coordinated and consistent response.

Step Two (District Secretary or their designee)

Acknowledge in writing that the request has been received. This step should be completed without delay.

Example: The District is in receipt of your public records request dated _____ . Your request will be processed in accordance with the District's Rules and Policies and Florida law.

Step Three (District Secretary or their designee)

Determine whether the request is seeking paper copies or electronic records.

Step Four (District Secretary or their designee)

Determine whether the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance. If the time to respond is in excess of 15 minutes, it is presumed to require extensive use of information technology resources or extensive clerical or supervisory assistance.

Step Five (District Secretary or their designee)

If the nature or volume of records requested does not require extensive use of information technology resources or extensive clerical or supervisory assistance, contact each District staff member or Board member who may have responsive records and assemble the requested records and move to step 6A.

If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, do not assemble the records at this time and move to step 6B.

Step 6A (District Secretary or their designee)

Review the assembled records to determine if there is any information that is included in the records that is exempt, or confidential and exempt, under Florida public records laws. If the records are clearly not exempt, or confidential and exempt, under Florida public records laws, provide the records to the requestor. If there is a question as to whether the records contain

information that is exempt, or confidential and exempt, under Florida public records laws, please forward the request and responsive records to District Counsel for review. After you hear back from District Counsel as to what records may be produced, produce the records. If any documents requested are not to be produced because they are exempt, or confidential and exempt, District Counsel will provide you with something in writing to deliver to the requestor which references the specific statutory basis for the withholding of the records. If paper records are requested, you should collect the copy charges from the requestor before providing the records. The amounts you can charge for copies and certified copies is set forth on Exhibit A hereto. Please ensure that you maintain a record of the date, time and manner in which you produced the records. *This is the final step when the request does not involve extensive use of information technology resources or extensive clerical or supervisory assistance.*

Step 6B (District Secretary or their designee)

When the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, you will need to estimate the special service fee that will be charged to process the request. You will also need to estimate the amount to be charged for paper copies, if requested. Understand that the special service charge is applicable to staff time spent responding to the request. Each staff member should be requested to provide their hourly rate for a special service fee (as calculated above) and an estimate of the time necessary for them to respond to the request. Board members should not charge for their time responding to public records requests. The special service charge must be based on the hourly wage (and benefits) of the person or persons responding to the request. In addition, the rate to be charged should be the rate for the person with the lowest hourly wage (and benefits) that is competent to respond to the request.

Example: If a recording secretary is paid \$40,000 a year and his or her benefits are valued at \$10,000 per year, works 50 weeks a year at 40 hours per week, that is a total of 2000 hours. \$50,000 total compensation and benefits divided by 2000 hours equals a special service charge of \$25 per hour.

Step 7 (District Secretary or their designee)

After you have spoken with all staff members who may have responsive records and determined the estimated special service fee, contact the requestor in writing to inform the requestor of the estimate and request payment before the response is compiled. This is a very important step in the process to complete with accuracy and consistency.

Example: Dear [Requestor]:

Below you will find the special service charge estimate for production of the records you have requested. A special service charge is necessary due to the fact that the nature and volume of the records requested will require extensive clerical and supervisory assistance to fully respond to the requests. [Responsive records could include notes, correspondence, emails,

meeting minutes, audio meeting recordings, agreements, drafts, reports, etc. over approximately the past _____ years.]

The estimate below assumes you want copies emailed to you and not paper copies. If you are requesting paper copies, there will be an additional duplication charge. Please clarify if you want paper copies.

Estimated Special Service Charge:

District Administrative

\$ _____ (estimated _____ hours @ \$ _____ per hour)

District Manager

\$ _____ (estimated _____ hours @ \$ _____ per hour)

District Engineer

\$ _____ (estimated _____ hours @ \$ _____ per hour)

Paralegal

\$ _____ (estimated _____ hours @ \$ _____ per hour)

Legal Counsel

\$ _____ (estimated _____ hours @ \$ _____ per hour)

Total Estimated Charge: \$ _____

A check for the estimated charge should be made payable to the _____ Community Development District and mailed to the following:

[INSERT DISTRICT MANAGER ADDRESS]

Upon receipt of your payment, we will begin the process of gathering the documents and reviewing applicable exemptions. If our estimate is higher than our actual expenses, we will refund the difference. If our actual costs are higher than our estimate, we will provide the additional charges to you and we will expect prompt payment.

Please confirm you want the documents sent by electronic mail to: _____.

[You have requested that your public records request be treated as continuing. Such is inconsistent with Florida law and the request will not

be treated by the District as continuing. See Florida Attorney General Informal Opinion to Worch, June 15, 1995.]

[In relation to the transcripts of shade sessions held on _____, _____, and _____ [DISTRICT MANAGER: INSERT SHADE SESSION MEETING DATES FOR THE LITIGATION], for separate and independent reasons, the records you requested are exempt and confidential under sections 286.011(8) and 119.07(1)(d) of the Florida Statutes. Such records remain exempt and confidential until the conclusion of the litigation or adversarial administrative proceedings, meaning a suit has been dismissed with prejudice or the statute of limitations has run. This position is based on Florida Attorney General Opinion 94-33. Therefore, these transcripts are not being produced.]

For questions, please contact _____ @ _____ (_____ - _____).

Step 8 (District Secretary or their designee)

Collect the special service charge estimate.

Step 9 (District Secretary or their designee)

Compile the requested records from all District staff and board members. Inform all staff members to keep track of their time spent responding to the request in tenth or quarter hour increments.

Step 10 (District Secretary or their designee)

Review the assembled records to determine if there is any information that is included in the records that is exempt, or confidential and exempt, under Florida public records laws. If the records are clearly not exempt, or confidential and exempt, under Florida public records laws, provide the records to the requestor. If there is a question as to whether the records contain information that is exempt, or confidential and exempt, under Florida public records laws, please forward the request and responsive records to District Counsel for review.

Step 11 (District Secretary or their designee)

After you hear back from District Counsel, compare the amount of the estimated special service charge to the amount of time actually expended responding to the request. If the estimated special service charge proves to be too high, provide a refund to the requestor. If the estimated special service charge proves to be too low, contact the requestor and seek the balance of the special service charge due. If the person refuses to pay, contact District Counsel for further instructions prior to producing the records.

KUTAKROCK

Step 12 (District Secretary or their designee)

Produce the records. Please ensure that you maintain a record of the date, time and manner in which you produced the records.

Exhibit A

Excerpt from Rule of Procedure 1.2(2) (Most recent Kutak Rock version)

- (2) Public Records. District public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules is appointed as the District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.
- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature or volume of the public records to be inspected or copied. The charge may include the labor

costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word “extensive” shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce the requested records. After the request has been fulfilled, additional payments or credits may be due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.

- (5) Records Retention. The Secretary of the District shall be responsible for retaining the District’s records in accordance with applicable Florida law.
- (6) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

901



Reply To:

Government Center North
400 South Street 1F
Post Office Box 1119
Titusville, FL 32781-1119
Telephone 321 264-6740
Fax 321 264-6741

Viera Government Center
2725 Judge Fran Jamieson Way
Building C, Level 1
Post Office Box 410819
Melbourne, FL 32941-0819
Telephone 321 633-2124
Fax 321 633-2130

**South Brevard
Service Complex**
1515 Sarno Road
Melbourne, FL 32935
Telephone 321 255-4455
Fax 321 255-4401

**Palm Bay
Service Complex**
450 Cogan Drive, SE
Palm Bay, FL 32909
Telephone 321 952-6328
Fax 321 952-6332

TDD
321-454-6608

VOTER FRAUD HOTLINE
1-877-868-3737

April 18, 2022

Daphne Gillyard, Director of Admin. Services
Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

RE: Cypress Bay West Community Development District
Deering Park Stewardship District
Emerald Lakes Community Development District
Viera Stewardship District

Dear Ms. Gillyard:

I am writing in response to your email request of April 9, 2022 requesting the number of registered voters within the afore-mentioned communities.

Please be advised our records indicate the number of registered voters as of April 15, 2022 are as follows:

Cypress Bay West Community Development District 0
Deering Park Stewardship District 0
Emerald Lakes Community Development District 0
Viera Stewardship District **4,933**

If you need any additional information, or have any questions, please feel free to contact me at 321/690-6833.

Kind regards,
Lori Scott
Lori Scott

LS/jem

EMERALD LAKES
COMMUNITY DEVELOPMENT DISTRICT

9C11

EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE

LOCATION

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

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 15, 2021 CANCELED	Regular Meeting	1:00 PM
November 19, 2021 CANCELED	Regular Meeting	1:00 PM
December 17, 2021 CANCELED	Regular Meeting	1:00 PM
January 21, 2022 CANCELED	Regular Meeting	1:00 PM
February 18, 2022	Regular Meeting	1:00 PM
March 18, 2022 CANCELED	Regular Meeting	1:00 PM
April 15, 2022 CANCELED	Regular Meeting	1:00 PM
May 20, 2022	Regular Meeting	1:00 PM
June 17, 2022	Regular Meeting	1:00 PM
July 15, 2022	Regular Meeting	1:00 PM
August 19, 2022	Public Hearing & Regular Meeting	1:00 PM
September 16, 2022	Regular Meeting	1:00 PM