

# **EMERALD LAKES**

## **COMMUNITY DEVELOPMENT DISTRICT**

**September 16, 2022**

**BOARD OF SUPERVISORS**

**PUBLIC HEARING AND**

**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**

September 9, 2022

Board of Supervisors  
Emerald Lakes Community Development District

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

The Board of Supervisors of the Emerald Lakes Community Development District will hold a Public Hearing and Regular Meeting on September 16, 2022 at 11:00 a.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. Public Hearing to Consider the Adoption of the Fiscal Year 2022/2023 Budget
  - A. Proof/Affidavit of Publication
  - B. Consideration of Resolution 2022-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date
4. Consideration of Fiscal Year 2022/2023 Funding Agreement
5. Presentation of Audited Financial Statements for Fiscal Year Ended September 30, 2021, Prepared by Carr, Riggs & Ingram, LLC
6. Consideration of Resolution 2022-08, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2021
7. Acceptance of Unaudited Financial Statements as of July 31, 2022
8. Approval of May 20, 2022 Regular Meeting Minutes
9. 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: October 21, 2022 at 1:00 P.M.

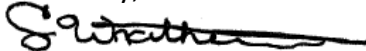
- QUORUM CHECK

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. Public Comments
12. 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,

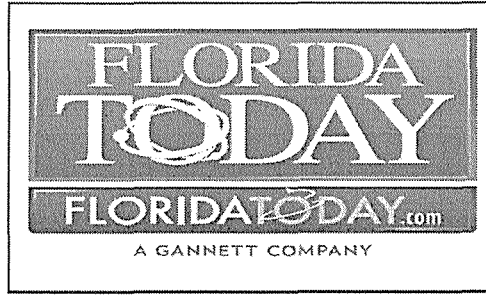


Craig Wrathell  
 District Manager

**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**

**3A**



EMERALD LAKES CDD  
2300 GLADES RD STE 410W

BOCA RATON, FL, 33431

AD#5385475 08/30, 09/06/2022  
EMERALD LAKES COMMUNITY  
DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2022/2023 BUDGET; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING.

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

**Notice Public Hearing**

as published in FLORIDA TODAY in the issue(s) dated: or by publication on the newspaper's website, if authorized, on

08/30/2022, 09/06/2022

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The Board of Supervisors ("Board") of the Emerald Lakes Community Development District ("District") will hold a public hearing on September 16, 2022 at 11:00 a.m., at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935, for the purpose of hearing comments and objections on the adoption of the proposed budget ("Proposed Budget") of the District for the fiscal year beginning October 1, 2022 and ending September 30, 2023 ("Fiscal Year 2022/2023"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budget may be obtained at the offices of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (877) 276-0869 ("District Manager's Office"), during normal business hours, or by visiting the District's website at [www.emeraldlakescdd.com](http://www.emeraldlakescdd.com).

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing and meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearing or meeting is advised that person will need a record of 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 such appeal is to be based.

Craig Wrathell  
District Manager

Sworn to and Subscribed before me this 6th of September 2022, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

S.15.23

My commission expires

Publication Cost: \$468.70

Ad No: 0005385475

Customer No: BRE-0000000522

This is not an invoice

# of Affidavits 1

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

**EMERALD LAKES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3B**

**RESOLUTION 2022-07**

**THE ANNUAL APPROPRIATION RESOLUTION OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the District Manager has, prior to the fifteenth (15<sup>th</sup>) day in June, 2022, submitted to the Board of Supervisors (“**Board**”) of the Emerald Lakes Community Development District (“**District**”) proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

**WHEREAS**, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, the District Manager posted the Proposed Budget on the District’s website at least two days before the public hearing; and

**WHEREAS**, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1<sup>st</sup> of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

**WHEREAS**, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

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

**SECTION 1. BUDGET**

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The Proposed Budget, attached hereto as **Exhibit “A,”** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes (“Adopted Budget”)*, and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District’s Local Records Office and identified as “The Budget for the Emerald Lakes Community Development District for the Fiscal Year Ending September 30, 2023.”
- d. The Adopted Budget shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

**SECTION 2. APPROPRIATIONS**

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2022/2023, the sum of \$138,702 to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	<u>\$138,702</u>
TOTAL ALL FUNDS	\$138,702

**SECTION 3. BUDGET AMENDMENTS**

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2022/2023 or within 60 days following the end of the Fiscal Year 2022/2023 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate



change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.

- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. Signature above are posted on the District’s website within 5 days after adoption and remain on the website for at least 2 years.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2022.**

ATTEST:

**EMERALD LAKES COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_

Its: \_\_\_\_\_

**Exhibit "A"**

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

**EMERALD LAKES  
COMMUNITY DEVELOPMENT DISTRICT  
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**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	
<b>REVENUES</b>					
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>
<b>EXPENDITURES</b>					
<b>Professional &amp; administration</b>					
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 <sup>1</sup>	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 <sup>2</sup>					
Series 1 Bond DSF	12,500	-	12,500	12,500	12,500
Dissemination agent <sup>2</sup>					
Series 1 bond	3,500	-	3,500	3,500	3,500
Trustee <sup>2</sup>					
Series 1 bond	10,500	-	10,500	10,500	10,500
Arbitrage rebate calculation <sup>2</sup>					
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>

<sup>1</sup>During 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'.

<sup>2</sup>These 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 <sup>1</sup>	48,000
<b>Wrathell, Hunt and Associates, LLC</b> 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 <sup>2</sup>	
<b>Wrathell, Hunt and Associates, LLC</b> , 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 <sup>2</sup>	
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 <sup>2</sup>	
Annual fees paid for services provided as trustee, paying agent and registrar.	
Series 1 bond	10,500
Arbitrage rebate calculation <sup>2</sup>	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>

<sup>1</sup>During 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'.

<sup>2</sup>These items will become applicable when bonds are issued.

# **EMERALD LAKES**

## **COMMUNITY DEVELOPMENT DISTRICT**

**4**



**EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2022/2023 FUNDING AGREEMENT**

This agreement (“**Agreement**”) is made and entered into this 16th day of September, 2022, by and between:

**Emerald Lakes Community Development District**, a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, and located in the City of Palm Bay, Florida (“**District**”), and

**Emerald Investment Holdings, LLC**, a Florida limited liability company and a landowner in the District (“**Developer**”) with an address of 605 South Fremont Avenue, Suite B, Tampa, Florida 33606.

**RECITALS**

**WHEREAS**, the District was established by an ordinance adopted by the City Council of the City of Palm Bay, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

**WHEREAS**, the District, pursuant to Chapter 190, *Florida Statutes*, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

**WHEREAS**, Developer presently owns and/or is developing the majority of all real property described in **Exhibit A**, attached hereto and incorporated herein (“**Property**”), within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

**WHEREAS**, the District is adopting its general fund budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023 Budget**”); and

**WHEREAS**, this Fiscal Year 2022/2023 Budget, which both parties recognize may be amended from time to time in the sole discretion of the District, is attached hereto and incorporated herein by reference as **Exhibit B**; and

**WHEREAS**, the District has the option of levying non-ad valorem assessments on all land, including the Property, that will benefit from the activities, operations and services set forth in the **Fiscal Year 2022/2023 Budget**, or utilizing such other revenue sources as may be available to it; and

**WHEREAS**, in lieu of levying assessments on the Property, the Developer is willing to provide such funds as are necessary to allow the District to proceed with its operations as described in **Exhibit B**; and

**WHEREAS**, the Developer agrees that the activities, operations and services provide a special and peculiar benefit equal to or in excess of the costs reflected on **Exhibit B** to the Property; and

**WHEREAS**, the Developer has agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the Property located within the District for the activities, operations and services set forth in **Exhibit B**; and

**WHEREAS**, Developer and District desire to secure such budget funding through the imposition of a continuing lien against the Property described in **Exhibit A** and otherwise as provided herein.

**NOW, THEREFORE**, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **FUNDING.** The Developer agrees to make available to the District the monies necessary for the operation of the District as called for in the budget attached hereto as **Exhibit B**, as may be amended from time to time in the District's sole discretion, within fifteen (15) days of written request by the District. Amendments to the Fiscal Year 2022/2023 Budget as shown on **Exhibit B** adopted by the District at a duly noticed meeting shall have the effect of amending this Agreement without further action of the parties. Funds provided hereunder shall be placed in the District's general checking account. These payments are made by the Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District.

2. **CONTINUING LIEN.** District shall have the right to file a continuing lien upon the Property described in **Exhibit A** for all payments due and owing under the terms of this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement this lien, and all sums advanced and paid by the District for taxes and payment on account of superior interests, liens and encumbrances in order to preserve and protect the District's lien. The lien shall be effective as of the date and time of the recording of a "Notice of Lien for Fiscal Year 2022/2023 Budget" in the public records of Brevard County, Florida ("**County**"), stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice of Lien for Fiscal Year 2022/2023 Budget on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also bring an action at law against the record title holder to the Property to pay the amount due under this Agreement, or may foreclose the lien against the Property in any manner authorized by law. The District may partially release any filed lien for portions of the Property subject to a plat if and when the Developer has demonstrated, in the District's sole discretion, such release will not materially impair the ability of the District to enforce the collection of funds hereunder. In the

event the Developer sells any of the Property described in **Exhibit A** after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a lien upon the remaining Property owned by the Developer.

**3. ALTERNATIVE COLLECTION METHODS.**

a. In the alternative or in addition to the collection method set forth in Paragraph 2 above, the District may enforce the collection of funds due under this Agreement by action against the Developer in the appropriate judicial forum in and for the County. The enforcement of the collection of funds in this manner shall be in the sole discretion of the District Manager on behalf of the District. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.

b. The District hereby finds that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property, which benefit is initially allocated on an equal developable acreage basis. The Developer agrees that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property equal to or in excess of the costs set forth in **Exhibit B**, on an equal developable acreage basis. Therefore, in the alternative or in addition to the other methods of collection set forth in this Agreement, the District, in its sole discretion, may choose to certify amounts due hereunder as a non-ad valorem assessment on all or any part of the Property for collection, either through the Uniform Method of Collection set forth in Chapter 197, *Florida Statutes*, or under any method of direct bill and collection authorized by Florida law. Such assessment, if imposed, may be certified on the next available tax roll of the County property appraiser.

**4. AGREEMENT; AMENDMENTS.** This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

**5. AUTHORIZATION.** The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

**6. ASSIGNMENT.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.

**7. DEFAULT.** A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right

of damages, injunctive relief and specific performance and specifically including the ability of the District to enforce any and all payment obligations under this Agreement in the manner described herein in Paragraphs 2 and 3 above.

8. **THIRD PARTY RIGHTS; TRANSFER OF PROPERTY.** This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns. In the event the Developer sells or otherwise disposes of its business or of all or substantially all of its assets relating to improvements, work product, or lands within the District, the Developer shall continue to be bound by the terms of this Agreement and additionally shall expressly require that the purchaser agree to be bound by the terms of this Agreement. The Developer shall give 90 days prior written notice to the District under this Agreement of any such sale or disposition.

9. **FLORIDA LAW GOVERNS.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

10. **ARM'S LENGTH TRANSACTION.** This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.

11. **EFFECTIVE DATE.** The Agreement shall be effective after execution by both parties hereto. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

**IN WITNESS WHEREOF**, the parties execute this Agreement the day and year first written above.

Attest:

**Emerald Lakes Community  
Development District**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Emerald Investment Holdings, LLC,**  
a Florida limited liability company

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

- EXHIBIT A:** Property Description
- EXHIBIT B:** Fiscal Year 2022/2023 Budget

**EXHIBIT A:** Property Description

**EXHIBIT B:** Fiscal Year 2022/2023 Budget

**EMERALD LAKES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**5**





**Emerald Lakes Community Development District**

**FINANCIAL STATEMENTS**

**September 30, 2021**



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Government-Wide Financial Statements	
Statement of Net Position .....	7
Statement of Activities .....	8
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## **INDEPENDENT AUDITORS' REPORT**

To the Board of Supervisors of  
Emerald Lakes Community Development District  
Brevard County, Florida

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Emerald Lakes Community Development District (hereinafter referred to as "District"), as of and for the year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditors' Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the District as of September 30, 2021, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

## **Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated February 14, 2022, on our consideration of the District's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

*Carr, Riggs & Ingram, L.L.C.*

CARR, RIGGS & INGRAM, LLC

Miramar Beach, Florida  
February 14, 2022

## **Management's Discussion And Analysis**

## **Emerald Lakes Community Development District Management's Discussion and Analysis**

Our discussion and analysis of the Emerald Lakes Community Development District's financial performance provides an overview of the District's financial activities for the fiscal year ended September 30, 2021. Please read it in conjunction with the District's financial statements, which begin on page 7.

### **FINANCIAL HIGHLIGHTS**

- At September 30, 2021, the liabilities and deferred inflows of resources exceed its assets by approximately \$66,000 (deficit).
- During the year ended September 30, 2021, the developer contributed approximately \$43,000 to fund the operations of the District.

### **USING THE ANNUAL REPORT**

This annual report consists of a series of financial statements. The Statement of Net Position and the Statement of Activities on pages 7 – 8 provide information about the activities of the District as a whole and present a longer-term view of the District's finances. Fund financial statements start on page 9. For governmental activities, these statements tell how these services were financed in the short-term as well as what remains for future spending. Fund financial statements also report the District's operations in more detail than the government-wide statements by providing information about the District's most significant funds.

#### ***Reporting the District as a Whole***

Our analysis of the District as a whole begins on page 4. One of the most important questions asked about the District's finances is, "Is the District as a whole better off or worse off as a result of the year's activities?" The Statement of Net Position and the Statement of Activities report information about the District as a whole and about its activities in a way that helps answer this question. These statements include all assets and liabilities using the accrual basis of accounting, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the District's net position and related changes during the current year. You can think of the Districts' net position – the difference between assets and liabilities – as one way to measure the District's financial health, or financial position. Over time, increases or decreases in the District's net position is one indicator of whether its financial health is improving or deteriorating. You will need to consider other nonfinancial factors; however, such as changes in the District's assessment base and the condition of the District's infrastructure, to assess the overall health of the District.

## Emerald Lakes Community Development District Management’s Discussion and Analysis

### **Reporting the District’s Most Significant Funds**

Our analysis of the District’s major funds begins on page 5. The fund financial statements begin on page 9 and provide detailed information about the most significant funds – not the District as a whole. Some funds are required to be established by State law and by bond covenants. All of the District’s funds are governmental fund-types.

- *Governmental funds* – All of the District’s basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year-end that are available for spending. The governmental fund statements provide a detailed short-term view of the District’s general government operations and the basic services it provides. Governmental fund information helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the District’s programs.

### THE DISTRICT AS A WHOLE

The following table reflects the condensed Statement of Net Position and is compared to the prior year.

<i>September 30,</i>	<b>2021</b>	<b>2020</b>	<b>Change</b>
<b>Assets</b>			
Current and other assets	\$ 23,419	\$ 19,798	\$ 3,621
<b>Total assets</b>	<b>\$ 23,419</b>	<b>\$ 19,798</b>	<b>\$ 3,621</b>
<b>Liabilities</b>			
Current liabilities	\$ 84,464	\$ 80,022	\$ 4,442
<b>Total liabilities</b>	<b>84,464</b>	<b>80,022</b>	<b>4,442</b>
<b>Deferred inflows of resources</b>			
Deferred revenue	5,435	5,251	184
<b>Total deferred inflows of resources</b>	<b>5,435</b>	<b>5,251</b>	<b>184</b>
<b>Net position</b>			
Unrestricted	(66,480)	(65,475)	(1,005)
<b>Total net position (deficit)</b>	<b>(66,480)</b>	<b>(65,475)</b>	<b>(1,005)</b>
<b>Total liabilities, deferred inflows of resources, and net position</b>	<b>\$ 23,419</b>	<b>\$ 19,798</b>	<b>\$ 3,621</b>

For more detailed information, see the accompanying Statement of Net Position.

## Emerald Lakes Community Development District Management's Discussion and Analysis

During the fiscal year ended September 30, 2021, total assets and liabilities increased by approximately \$4,000 over the prior fiscal year, while deferred inflows of resources did not change significantly. The increase in assets is primarily due to the timing of payments from the developer, while the increase in liabilities is primarily due to the timing of payments to vendors.

The following schedule compares the Statement of Activities for the current and previous fiscal year.

<i>For the year ended September 30,</i>	<b>2021</b>	<b>2020</b>	<b>Change</b>
<b>Revenue:</b>			
Program revenue:			
Grants and contributions	\$ 46,563	\$ 46,108	\$ 455
Total revenue	46,563	46,108	455
<b>Expenses:</b>			
General government	45,685	45,908	(223)
Cost of issuance	1,883	-	1,883
Total expenses	47,568	45,908	1,660
Change in net position	(1,005)	200	(1,205)
Net position (deficit), beginning of year	(65,475)	(65,675)	200
Net position (deficit), end of year	\$ (66,480)	\$ (65,475)	\$ (1,005)

For more detailed information, see the accompanying Statement of Activities.

Total revenue and expenses did not vary significantly from the prior fiscal year. The overall result was a \$1,005 decrease in net position for fiscal year 2021.

### THE DISTRICT'S FUNDS

#### **Governmental Funds**

As the District completed the year, its governmental funds (as presented in the balance sheet on page 9) reported a combined deficit fund balance of approximately \$70,000, which is a decrease from last year's deficit balance that totaled approximately \$66,000. Significant transactions are discussed below.

- During the year ended September 30, 2021, the developer contributed approximately \$43,000 to fund the operations of the District.

The overall decrease in fund balance for the year ended September 30, 2021 totaled \$4,131.



# **Emerald Lakes Community Development District Management's Discussion and Analysis**

## **GOVERNMENTAL FUNDS BUDGETARY HIGHLIGHTS**

An Operating budget was established by the governing board for the District pursuant to the requirements of Florida Statutes. The budget to actual comparison for the general fund, including the original budget and final adopted budget, is shown at page 19.

The District experienced an unfavorable variance in revenue as compared to the budget in the amount of \$94,765. Conversely, the District experienced a favorable variance in expenditures as compared to the budget in the amount of \$92,517. The variance in expenditures occurred primarily due to anticipated operating expenditures that were not incurred during the year. Revenue varied in a similar manner because the Developer currently funds the operations of the District.

## **FUTURE FINANCIAL FACTORS**

Emerald Lakes Community Development District is an independent special district that operates under the provisions of Chapter 190, Florida Statutes. The District operates under an elected Board of Supervisors, which establishes policy and sets assessment rates. For fiscal year 2022, the Developer has agreed to fund the operations of the District.

## **CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT**

This financial report is designed to provide a general overview of the District's finances. If you have questions about this report or need additional financial information, contact the Emerald Lakes Community Development District's management company, Wrathell, Hunt & Associates, LLC, at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

## **Basic Financial Statements**

**Emerald Lakes Community Development District  
Statement of Net Position**

<i>September 30,</i>	<b>2021</b>
	<b>Governmental Activities</b>
<b>Assets</b>	
Cash and cash equivalents	\$ 6,363
Due from developer	11,621
Prepaid expenses	5,435
Total assets	23,419
<b>Liabilities</b>	
Accounts payable	9,664
Due to developer	67,566
Developer advances	7,234
Total liabilities	84,464
<b>Deferred inflows of resources</b>	
Deferred revenue	5,435
Total deferred inflows of resources	5,435
<b>Net position</b>	
Unrestricted	(66,480)
Total net position (deficit)	\$ (66,480)

*The accompanying notes are an integral part of these financial statements.*

**Emerald Lakes Community Development District  
Statement of Activities**

*For the year ended September 30,*

**2021**

Functions/Programs	Expenses	<u>Program Revenue</u>		Net (Expense) Revenue and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	Governmental Activities
Primary government:				
Governmental activities:				
General government	\$ (45,685)	\$ -	\$ 46,563	\$ 878
Cost of issuance	(1,883)	-	-	(1,883)
Total governmental activities	\$ (47,568)	\$ -	\$ 46,563	(1,005)
				Change in net position (1,005)
				Net position (deficit) - beginning of year (65,475)
				Net position (deficit) - end of year \$ (66,480)

*The accompanying notes are an integral part of these financial statements.*

**Emerald Lakes Community Development District  
Balance Sheet – Governmental Funds**

September 30,

2021

	General	Debt Service	Non-major Fund	Total Governmental Funds
<b>Assets</b>				
Cash and cash equivalents	\$ 6,363	\$ -	\$ -	\$ 6,363
Due from developer	11,621	-	-	11,621
Prepaid expenditures	5,435	-	-	5,435
<b>Total assets</b>	<b>\$ 23,419</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 23,419</b>
<b>Liabilities, Deferred Inflows of Resources and Fund Balances</b>				
<b>Liabilities</b>				
Accounts payable	\$ 9,664	\$ -	\$ -	\$ 9,664
Due to developer	-	65,092	2,474	67,566
Developer advances	7,234	-	-	7,234
<b>Total liabilities</b>	<b>16,898</b>	<b>65,092</b>	<b>2,474</b>	<b>84,464</b>
<b>Deferred inflows of resources</b>				
Deferred revenue	9,316	-	-	9,316
<b>Total deferred inflows of resources</b>	<b>9,316</b>	<b>-</b>	<b>-</b>	<b>9,316</b>
<b>Fund balances</b>				
Nonspendable	5,435	-	-	5,435
Unassigned	(8,230)	(65,092)	(2,474)	(75,796)
<b>Total fund balances (deficit)</b>	<b>(2,795)</b>	<b>(65,092)</b>	<b>(2,474)</b>	<b>(70,361)</b>
<b>Total liabilities, deferred inflows of resources and fund balances</b>	<b>\$ 23,419</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 23,419</b>

*The accompanying notes are an integral part of these financial statements.*

**Emerald Lakes Community Development District  
Reconciliation of the Balance Sheet of Governmental Funds to the Statement of  
Net Position**

<i>September 30,</i>	<b>2021</b>
Total fund balances, governmental funds	\$ (70,361)
Revenue in the Statement of Activities that does not provide current financial resources are reported as deferred inflows at the fund level.	3,881
Total net position - governmental activities	\$ (66,480)

*The accompanying notes are an integral part of these financial statements.*

**Emerald Lakes Community Development District  
Statement of Revenue, Expenditures and Changes in Fund Balances –  
Governmental Funds**

*For the year ended September 30,*

**2021**

	<b>General</b>	<b>Debt Service</b>	<b>Non-major Fund</b>	<b>Total Governmental Funds</b>
<b>Revenue</b>				
Developer contributions	\$ 43,437	\$ -	\$ -	\$ 43,437
Total revenue	43,437	-	-	43,437
<b>Expenditures</b>				
Current:				
General government	45,685	-	-	45,685
Cost of issuance	-	-	1,883	1,883
Total expenditures	45,685	-	1,883	47,568
Excess (deficit) of revenue over expenditures	(2,248)	-	(1,883)	(4,131)
Fund balances (deficit), beginning of year	(547)	(65,092)	(591)	(66,230)
Fund balances (deficit), end of year	\$ (2,795)	\$ (65,092)	\$ (2,474)	\$ (70,361)

*The accompanying notes are an integral part of these financial statements.*

**Emerald Lakes Community Development District  
Reconciliation of the Statement of Revenue, Expenditures and Changes in Fund  
Balance – Governmental Funds to the Statement of Activities**

<i>For the year ended September 30,</i>	<b>2021</b>
Net change in fund balances - governmental funds	\$ (4,131)
Certain revenue that was deferred in the prior year fund level financial statements and recognized as revenue in the prior year government-wide financial statements, but was received and recognized as revenue in the current year fund level financial statements.	(755)
Certain revenue that does not represent current financial resources in the current year and is deferred in the fund level financial statements, but is recognized as revenue in the government-wide financial statements.	3,881
<b>Change in net position of governmental activities</b>	<b>\$ (1,005)</b>

*The accompanying notes are an integral part of these financial statements.*



## **Emerald Lakes Community Development District Notes to Financial Statements**

### **NOTE 1: NATURE OF ORGANIZATION**

The Emerald Lakes Community Development District (the “District”) was created on June 21, 2018 pursuant to the Uniform Community Development District Act of 1980, otherwise known as Chapter 190, Florida Statutes, by the City of Palm Bay, Florida, Ordinance No. 2018-7. The Act provides among other things, the power to manage basic services for community development, power to borrow money and issue bonds, and to levy and assess non-ad valorem assessments for the financing and delivery of capital infrastructure.

The District was established for the purposes of financing and managing the acquisition, construction, maintenance and operation of a portion of the infrastructure necessary for community development within the District.

The District is governed by a Board of Supervisors (“Board”), which is comprised of five members. The Supervisors are elected on an at large basis by the owners of the property within the District. At September 30, 2021, all of the Supervisors are affiliated with the developer of the community, Emerald Investments Holdings, LLC. The Board of Supervisors of the District exercise all powers granted to the District pursuant to Chapter 190, Florida Statutes.

The Board has the final responsibility for:

1. Assessing and levying assessments.
2. Approving budgets.
3. Exercising control over facilities and properties.
4. Controlling the use of funds generated by the District.
5. Approving the hiring and firing of key personnel.
6. Financing improvements.

In evaluating how to define the government, for financial reporting purposes, management has considered all potential component units. The decision to include or exclude a potential component unit in the reporting entity was made by applying the criteria set forth by Generally Accepted Accounting Principles (GAAP) as defined by the Governmental Accounting Standards Board (GASB). Based on the foregoing criteria, no potential component units were found.

### **NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The accounting policies of the District conform to GAAP as applicable to governments in accordance with those promulgated by GASB. The following is a summary of the more significant policies:

#### ***Government-wide and Fund Financial Statements***

The basic financial statements include both government-wide and fund financial statements.

## Emerald Lakes Community Development District Notes to Financial Statements

### **NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all the non-fiduciary activities of the primary government. Governmental activities, which normally are supported by assessments, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. The business-type activities are reported separately in government-wide financial statements; however, at September 30, 2021, the District did not have any significant business-type activities. Therefore, no business-type activities are reported. Assessments and other items not properly included as program revenues (i.e., charges to customers or applicants who purchase, use, or directly benefit from goods or services) are reported as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

#### ***Estimates***

The preparation of U.S. GAAP financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and changes therein, disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

#### ***Measurement Focus, Basis of Accounting and Basis of Presentation***

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows. Assessments are recognized as revenues in the year for which they are levied. Grants and other similar items are to be recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures are recorded only when payment is due.

Developer contributions and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenue of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the District.

## Emerald Lakes Community Development District Notes to Financial Statements

### NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The District reports the following major governmental funds:

General Fund – The General Fund is the primary operating fund of the District. It is used to account for all financial resources except those required to be accounted for in other funds.

Debt Service Fund – The Debt Service Fund is used to account for the accumulation of resources for the annual payment of principal and interest on long-term debt.

For the year ended September 30, 2021, the District does not report any proprietary funds.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed. When committed, assigned, or unassigned resources are available for use in the governmental fund financial statements, it is the government's policy to use committed resources first, followed by assigned resources, and then unassigned resources as needed.

#### ***Cash, Deposits and Investments***

The District maintains deposits with "Qualified Public Depositories" as defined in Chapter 280, Florida Statutes. All Qualified Public Depositories must place with the Treasurer of the State of Florida securities in accordance with collateral requirements determined by the State's Chief Financial Officer. In the event of default by a Qualified Public Depository, the State Treasurer will pay public depositors all losses. Losses in excess of insurance and collateral will be paid through assessments between all Qualified Public Depositories.

Under this method, all the District's deposits are fully insured or collateralized at the highest level of security as defined by GASB, Statement Number 40, *Deposits and Investment Disclosures (An Amendment of GASB, Statement Number 3)*.

The District is authorized to invest in financial instruments as established by Section 218.415, Florida Statutes. The authorized investments include among others negotiable direct or indirect obligations which are secured by the United States Government; the Local Government Surplus Trust Funds as created by Section 218.405, Florida Statutes; SEC registered money market funds with the highest credit quality rating from a nationally recognized rating agency; and interest-bearing time deposits or savings accounts in authorized financial institutions.

## Emerald Lakes Community Development District Notes to Financial Statements

### NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

#### ***Deferred Outflows/Inflows of Resources***

In addition to assets, the Statement of Net Position will sometime include a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The District does not have any of this type of item at September 30, 2021.

In addition to liabilities, the Statement of Net Position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The District only has one item that qualifies for reporting in this category: deferred revenue reported on the Statement of Net Position and Balance Sheet – Governmental Funds. Deferred revenue resulted from the District billing the Developer for fiscal year 2022 expenditures before September 30, 2021, and due to developer contributions for fiscal year 2021 expenditures received more than 60 days after year-end.

#### ***Fund Equity***

Net position in the government-wide financial statements represents the difference between assets and deferred outflows of resources and liabilities and deferred inflows of resources and is categorized as net investment in capital assets, restricted or unrestricted. Net investment in capital assets represents assets related to infrastructure and property, plant and equipment, net of any related debt. Restricted net position represents the assets restricted by the District's bond covenants.

Governmental fund equity is classified as fund balance. Fund balance is further classified as nonspendable, restricted, committed, assigned, or unassigned. Nonspendable fund balance cannot be spent because of its form. Restricted fund balance has limitations imposed by creditors, grantors, or contributors or by enabling legislation or constitutional provisions. Committed fund balance is a limitation imposed by the District board through approval of resolutions. Assigned fund balance is a limitation imposed by a designee of the District board. Unassigned fund balance in the General Fund is the net resources in excess of what can be properly classified in one of the above four categories. Negative unassigned fund balance in other governmental funds represents excess expenditures incurred over the amounts restricted, committed, or assigned to those purposes.

#### ***Budgets***

The District is required to establish a budgetary system and an approved annual budget. Annual budgets are legally adopted on a basis consistent with GAAP for the General Fund. Any revision to the budget must be approved by the District Board. The budgets are compared to actual expenditures. In instances where budget appropriations and estimated revenues have been revised during the year, budget data presented in the financial statements represent final authorization amounts.

## **Emerald Lakes Community Development District Notes to Financial Statements**

### **NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

The District follows these procedures in establishing the budgetary data reflected in the financial statements:

- A. Each year the District Manager submits to the District Board a proposed operating budget for the fiscal year commencing the following October 1.
- B. A public hearing is conducted to obtain comments.
- C. Prior to October 1, the budget is legally adopted by the District Board.
- D. All budget changes must be approved by the District Board.
- E. Budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America.

### **NOTE 3: RISK MANAGEMENT**

The District is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. The District maintains commercial insurance coverage to mitigate the risk of loss. Coverage may not extend to all situations. Management believes such coverage is sufficient to preclude any significant uninsured losses to the District. Settled claims have not exceeded this commercial coverage since inception.

### **NOTE 4: MANAGEMENT COMPANY**

The District has contracted with a management company to perform management advisory services, which include financial and accounting advisory services. Certain employees of the management company also serve as officers (Board appointed non-voting positions) of the District. Under the agreement, the District compensates the management company for management, accounting, financial reporting, and other administrative costs.

### **NOTE 5: RELATED PARTY TRANSACTIONS**

A significant portion of the District's activity is dependent upon the continued involvement of the developer, Emerald Investment Holdings, LLC, the loss of which could have a material adverse effect on the District's operations.

The developer has agreed to fund the operations of the District. For the year ended September 30, 2021, the developer contributed \$46,563 to the General Fund, of which \$3,881 was not received within 60 days of year-end and is included in deferred revenue on the accompanying Balance Sheet – Governmental Funds. The developer also contributed \$5,435 to fund fiscal year 2022 insurance premiums, which is included in deferred revenue on the accompanying Statement of Net Position and Balance Sheet – Governmental Funds. At September 30, 2021, the developer owed the District \$11,621, which is reported as due from developer on the accompanying Statement of Net Position and Balance Sheet – Governmental Funds.

## Emerald Lakes Community Development District Notes to Financial Statements

### **NOTE 5: RELATED PARTY TRANSACTIONS (Continued)**

Since the fiscal year ended September 30, 2019, the District has incurred approximately \$68,000 in bond issuance costs, as the District prepares to issue bonds for its planned infrastructure project. These expenditures were funded by the Developer, and will be reimbursed to the Developer upon issuance of the bonds from the bonds proceeds. As of September 30, 2021, bonds have not been issued; accordingly, a similar amount is reported as due to developer on the accompanying Statement of Net Position and Balance Sheet – Governmental Funds. The Developer has advanced \$7,234 to the District as of September 30, 2021, which is reported as developer advances on the accompanying Statement of Net Position and Balance Sheet – Governmental Funds.

**Required Supplemental Information  
(Other Than MD&A)**

**Emerald Lakes Community Development District  
Budget to Actual Comparison Schedule – General Fund**

*For the year ended September 30,*

	<b>2021</b>		
	<b>Original and Final Budget</b>	<b>Actual Amounts</b>	<b>Variance with Final Budget</b>
<b>Revenue</b>			
Developer contributions	\$ 138,202	\$ 43,437	\$ (94,765)
Total revenue	138,202	43,437	(94,765)
<b>Expenditures</b>			
General government	138,202	45,685	92,517
Total expenditures	138,202	45,685	92,517
Excess (deficit) of revenue over expenditures	\$ -	\$ (2,248)	\$ (2,248)



**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS  
PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

To the Board of Supervisors  
Emerald Lakes Community Development District  
Brevard County, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Emerald Lakes Community Development District (hereinafter referred to as the "District"), as of and for the year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated February 14, 2022.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Carr, Riggs & Ingram, L.L.C.*

CARR, RIGGS & INGRAM, LLC

Miramar Beach, Florida  
February 14, 2022



**Carr, Riggs & Ingram, LLC**  
Certified Public Accountants  
500 Grand Boulevard  
Suite 210  
Miramar Beach, Florida 32550

(850) 837-3141  
(850) 654-4619 (fax)  
CRLcpa.com

## **MANAGEMENT LETTER**

To the Board of Supervisors  
Emerald Lakes Community Development District  
Brevard County, Florida

### **Report on the Financial Statements**

We have audited the financial statements of Emerald Lakes Community Development District ("District") as of and for the fiscal year ended September 30, 2021, and have issued our report thereon dated February 14, 2022.

### **Auditors' Responsibility**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Auditor General.

### **Other Reporting Requirements**

We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards* and Independent Accountant's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in these reports, which are dated February 14, 2022, should be considered in conjunction with this management letter.

### **Prior Audit Findings**

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no recommendations made in the preceding annual audit report, as this is the District's first audit.

### **Official Title and Legal Authority**

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The information required is disclosed in the notes to the financial statements.

## **Financial Condition and Management**

Sections 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the District has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and to identify the specific condition(s) met. In connection with our audit, we determined that the District did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the District. It is management's responsibility to monitor the District's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

## **Specific Information**

As required by Section 218.39(3)(c), Florida Statutes, and Section 10.554(1)(i)6, Rules of the Auditor General, the Emerald Lakes Community Development District reported:

- a. The total number of district employees compensated in the last pay period of the district's fiscal year as 0.
- b. The total number of independent contractors to whom nonemployee compensation was paid in the last month of the district's fiscal year as 0.
- c. All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency as \$0.
- d. All compensation earned by or awarded to nonemployee independent contractors, whether paid or accrued, regardless of contingency as \$0.
- e. The District does not have any construction projects with a total cost of at least \$65,000 that are scheduled to begin on or after October 1 of the fiscal year being reported.
- f. The District did not amend its final adopted budget under Section 189.016(6), Florida Statutes.

## **Additional Matters**

Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not note any such findings.

**Purpose of this Letter**

Our management letter is intended solely for the information and use of Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the Board of Supervisors, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

*Carr, Riggs & Ingram, L.L.C.*

CARR, RIGGS & INGRAM, LLC

Miramar Beach, Florida  
February 14, 2022



Carr, Riggs & Ingram, LLC  
Certified Public Accountants  
500 Grand Boulevard  
Suite 210  
Miramar Beach, Florida 32550

(850) 837-3141  
(850) 654-4619 (fax)  
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## INDEPENDENT ACCOUNTANTS' REPORT

To the Board of Supervisors  
Emerald Lakes Community Development District  
Brevard County, Florida

We have examined Emerald Lakes Community Development District's compliance with the requirements of Section 218.415, Florida Statutes, *Local Government Investment Policies*, during the year ended September 30, 2021. Management of the District is responsible for the District's compliance with the specified requirements. Our responsibility is to express an opinion on the District's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the District complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the District complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Our examination does not provide a legal determination on the District's compliance with specified requirements.

In our opinion, the District complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2021.

This report is intended solely for the information and use of management and the State of Florida Auditor General and is not intended to be and should not be used by anyone other than these specified parties.

*Carr, Riggs & Ingram, L.L.C.*

CARR, RIGGS & INGRAM, LLC

Miramar Beach, Florida  
February 14, 2022

**EMERALD LAKES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**6**

**RESOLUTION 2022-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EMERALD LAKES COMMUNITY DEVELOPMENT DISTRICT HEREBY ACCEPTING THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2021**

**WHEREAS**, the District’s Auditor, Carr, Riggs & Ingram, LLC, has heretofore prepared and submitted to the Board, for accepting, the District’s Audited Financial Statements for Fiscal Year 2021;

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

1. The Audited Financial Statements for Fiscal Year 2021, heretofore submitted to the Board, is hereby accepted for Fiscal Year 2021, for the period ending September 30, 2021; and
2. A verified copy of said Audited Financial Statements for Fiscal Year 2021 shall be attached hereto as an exhibit to this Resolution, in the District’s “Official Record of Proceedings”.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of September, 2022.

**EMERALD LAKES COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors



**EMERALD LAKES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**UNAUDITED**  
**FINANCIAL**  
**STATEMENTS**

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

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

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
<b>ASSETS</b>				
Cash	\$ 10,359	\$ -	\$ -	\$ 10,359
Due from Landowner	1,804	-	3,785	5,589
Total assets	<u>\$ 12,163</u>	<u>\$ -</u>	<u>\$ 3,785</u>	<u>\$ 15,948</u>
<b>LIABILITIES AND FUND BALANCES</b>				
Liabilities:				
Accounts payable	\$ 1,737	\$ -	\$ -	\$ 1,737
Due to Landowner	-	65,092	12,788	77,880
Accrued wages payable	1,000	-	-	1,000
Accrued taxes payable	77	-	-	77
Landowner advance	6,652	-	-	6,652
Total liabilities	<u>9,466</u>	<u>65,092</u>	<u>12,788</u>	<u>87,346</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Deferred receipts	1,804	-	-	1,804
Total deferred inflows of resources	<u>1,804</u>	<u>-</u>	<u>-</u>	<u>1,804</u>
Fund balances:				
Restricted for:				
Debt service	-	(65,092)	-	(65,092)
Capital projects	-	-	(9,003)	(9,003)
Unassigned	893	-	-	893
Total fund balances	<u>893</u>	<u>(65,092)</u>	<u>(9,003)</u>	<u>(73,202)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 12,163</u>	<u>\$ -</u>	<u>\$ 3,785</u>	<u>\$ 15,948</u>

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

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Landowner contribution	\$ 4,190	\$ 42,290	\$ 138,702	30%
Total revenues	<u>4,190</u>	<u>42,290</u>	<u>138,702</u>	30%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Supervisors	-	1,000	8,000	13%
FICA	-	77	612	13%
District management <sup>1</sup>	1,667	16,667	48,000	35%
Legal	28	6,671	35,000	19%
Engineering	-	1,600	5,000	32%
Accounting & assessment rolls <sup>2</sup>				
Series 1 Bond DSF	-	-	12,500	0%
Dissemination agent <sup>2</sup>				
Series 1 bond	-	-	3,500	0%
Trustee <sup>2</sup>				
Series 1 bond	-	-	10,500	0%
Arbitrage rebate calculation <sup>2</sup>				
Series 1 bond	-	-	750	0%
Audit	-	4,000	4,000	100%
Postage	7	24	500	5%
Printing & binding	42	417	500	83%
Legal advertising	-	918	2,000	46%
Annual special district fee	-	175	175	100%
Insurance - GL, POL	-	5,435	5,500	99%
Contingencies/bank charges	46	503	750	67%
Office supplies	-	-	500	0%
Website				
Hosting & development	-	705	705	100%
ADA compliance	-	409	210	195%
Total professional & administrative	<u>1,790</u>	<u>38,601</u>	<u>138,702</u>	28%
Excess/(deficiency) of revenues over/(under) expenditures	2,400	3,689	-	
Fund balances - beginning	(1,507)	(2,796)	-	
Fund balances - ending	<u>\$ 893</u>	<u>\$ 893</u>	<u>\$ -</u>	

<sup>1</sup>During 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'.

<sup>2</sup>These 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 JULY 31, 2022**

	<u>Current Month</u>	<u>Year To Date</u>
<b>REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 <b>EXPENDITURES</b>	 <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 JULY 31, 2022**

	<u>Current Month</u>	<u>Year To Date</u>
<b>REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 <b>EXPENDITURES</b>		
Capital outlay	-	<u>6,529</u>
Total expenditures	<u>-</u>	<u>6,529</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 -	 (6,529)
 Fund balances - beginning	 (9,003)	 (2,474)
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**

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The Board of Supervisors of the Emerald Lakes Community Development District held a Regular Meeting on May 20, 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	Vice Chair
David Kramer	Assistant Secretary
Mel Scott	Assistant Secretary
Alfredo Rodriguez-Walling (via telephone)	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC (WHA)
Michelle Rigoni	District Counsel
Jake Wise	District Engineer
Brenda Yates	Yates & Company, LLC
Lorraine deMontigny	Public
Richard Anderson	Public

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 1:20 p.m. Supervisors Kramer, Scott and Kasten were present in person. Supervisors Gottlieb and Rodriguez-Walling were attending via telephone.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Resident Lorraine deMontigny stated she was in attendance observe and learn to be apprised of what is happening in the community.



38 Resident Richard Anderson stated he wants to keep abreast of what is going on in the  
 39 community and find out if there are any opportunities for himself, as a small-time investor. He  
 40 has lived in the community for four or five years and is currently working remotely as an  
 41 Engineer.

42

43 **THIRD ORDER OF BUSINESS**

**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**

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 52 Mr. Wrathell presented Resolution 2022-04. He reviewed the proposed Fiscal Year 2023  
 53 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal  
 54 Year 2022 budget, and explained the reasons for any changes.

55

**On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor,  
 Resolution 2022-04, Approving a Proposed Budget for Fiscal Year 2022/2023  
 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 19,  
 2022 at 1:00 p.m., at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida  
 32935; Addressing Transmittal, Posting and Publication Requirements;  
 Addressing Severability; and Providing an Effective Date, was adopted.**

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58 **FOURTH ORDER OF BUSINESS**

**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**

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 70 Mr. Wrathell presented Resolution 2022-05. Seats 1, 2 and 4, currently held by  
 71 Supervisors Gottlieb, Kasten and Scott, respectively, will be up for election at the Landowners'  
 72 Election.

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**On MOTION by Mr. Scott and seconded by Mr. Kasten, with all in favor, Resolution 2022-05, Designating a Date, Time and Location of November 18, 2022 at 1:00 p.m. at 2651 W. Eau Gallie Boulevard, Suite A, Melbourne, Florida 32935 for a Landowners’ Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**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**

Mr. Wrathell presented Resolution 2022-06.

**On MOTION by Mr. Scott and seconded by Mr. Kramer, with all in favor, 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, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Update: Guide to the Amendment 12 Lobby Ban Implementation for Special District Board Members**

Ms. Rigoni presented the Kutak Rock Guide to the Amendment 12 Lobby Ban Implementation for Special District Board Members and reported the following:

- During the 2021 Legislative Session, the Legislature adopted an amendment to Chapter 112, Florida Statutes, to implement the provisions of Constitutional Amendment 12, also known as the “lobby ban” legislation, which prohibits lobby by compensation.
- The relevant portion of the legislation stipulates that public officers shall not lobby for compensation during his or her term of the office.
- This lobby ban does not apply to the CDD Board because there is an exemption for CDD Board Members who are elected by their landowners on a one-acre, one-vote basis; those seats are not subject to the lobby ban under Amendment 12.

110 Mr. Scott commented that he was glad to hear that the Board is exempt from the lobby  
111 ban at this time.

112

113 **SEVENTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial**  
114 **Statements as of March 31, 2022**

115

116 Mr. Wrathell presented the Unaudited Financial Statements as of March 31, 2022.

117

118 **On MOTION by Mr. Scott and seconded by Mr. Kasten, with all in favor, the**  
119 **Unaudited Financial Statements as of March 31, 2022, were accepted.**

120

121

122 **EIGHTH ORDER OF BUSINESS** **Approval of February 18, 2022 Regular**  
123 **Meeting Minutes**

124

125 Mr. Wrathell presented the February 18, 2022 Regular Meeting Minutes.

126

127 **On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the**  
128 **February 18, 2022 Regular Meeting Minutes, as presented, were approved.**

129

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131 **NINTH ORDER OF BUSINESS** **Staff Reports**

132

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

- 134 • **Best Practices for Responding to Public Records Requests**

135 Ms. Rigoni presented the Kutak Rock Memorandum regarding Best Practices for  
136 Responding to Public Records Requests. The document contains user-friendly guidelines on best  
137 protocols for when Board Members receive public records requests. All public records requests  
138 should be forwarded to District Management’s office.

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

140 There was no report.

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

- 142 **I. 0 Registered Voters in District as of April 15, 2022**

- 143 **II. NEXT MEETING DATE: June 17, 2022 at 1:00 P.M.**

144 ○ **QUORUM CHECK**

145 The next meeting will be held on June 17, 2022, unless cancelled.

146

147 **TENTH ORDER OF BUSINESS****Board Members' Comments/Requests**

148

149 There were no Board Members' comments or requests.

150 ■ **Public Comments**151 **This item was an addition to the agenda.**

152 Mr. Anderson posed the following questions:

153 ➤ What is the proposed timeline for the start of construction?

154 ➤ During the development of that community, will construction be closed off to the public  
155 or will individuals be able to purchase lots and do their own construction, or is that all governed  
156 by the CDD?157 Mr. Wrathell replied that the Developer, in conjunction with the Board, will ultimately  
158 decide when construction will physically commence. The CDD does not control what the  
159 Developer is planning to do with individual property and lot sales. Lots are typically sold to  
160 national homebuilders. Speaking as the project manager for Emerald Lakes and for the  
161 Developer, Ms. Yates stated the permitting process is underway. All permits have been granted  
162 except for the Department of Environmental Protection (DEP) permit, which is anticipated to be  
163 granted within the next few weeks. Once the permit is received, construction would commence  
164 and is expected to take at least one year.165 Discussion ensued regarding neighboring CDDs, taxation, the current real estate market  
166 and investors purchasing all the residential homes and turning the area into a rental  
167 community.

168

169 **ELEVENTH ORDER OF BUSINESS****Adjournment**

170

171 There being nothing further to discuss, the meeting adjourned.

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173 **On MOTION by Mr. Kasten and seconded by Mr. Kramer, with all in favor, the**  
174 **meeting adjourned at 1:57 p.m.**

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\_\_\_\_\_  
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*

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>October 21, 2022</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>November 18, 2022</b>	<b>Landowners' Meeting &amp; Regular Meeting</b>	<b>1:00 PM</b>
<b>December 16, 2022</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>January 20, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>February 17, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>March 17, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>April 21, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>May 19, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>June 16, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>July 21, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>
<b>August 18, 2023</b>	<b>Public Hearing &amp; Regular Meeting</b>	<b>1:00 PM</b>
<b>September 15, 2023</b>	<b>Regular Meeting</b>	<b>1:00 PM</b>