

1 MINUTES OF MEETING
2 CROSS CREEK
3 COMMUNITY DEVELOPMENT DISTRICT
4

5 The Regular Meeting of the Board of Supervisors of the Cross Creek Community Development
6 District was held on Thursday, March 5, 2015 at 2:00 p.m. at 1651 Whitfield, Sarasota, Florida.

7 **FIRST ORDER OF BUSINESS - Call to Order**

8 Mr. St. Denis called the meeting to order.

9 Present and constituting a quorum were:

10 Connor Chambers	District Supervisor, Chairman
11 Peter Logan	District Supervisor, Vice Chairman
12 Charlie Tokarz	District Supervisor, Assistant Secretary
13 Margo Holeman	District Supervisor, Assistant Secretary

14 Also present were:

15 Bruce St. Denis	District Manager
16 Patricia Comings-Thibault	District Treasurer (via telephone)
17 Tracy Robin	District Counsel

18
19 **SECOND ORDER OF BUSINESS – Audience Comments on Agenda Items**

20 There being none, the next item followed.
21

22 **THIRD ORDER OF BUSINESS – Administrative Matters**

23 **A. Approval of Minutes of Meeting February 5, 2015.**

24 Mr. St. Denis presented the minutes for February 5, 2015 and asked for comments or questions.

25 On a MOTION by Mr. Logan, SECONDED by Mr. Tokarz, WITH ALL IN FAVOR, the Board approved
26 the minutes of the Board of Supervisors' meeting held on February 5, 2015 for the Cross Creek
27 Community Development District.

28
29 **B. Acceptance of December Bank Reconciliation and Check Registers**

30 Ms. Comings-Thibault presented the December Bank Reconciliation and Check Register and
31 asked for comments or questions.

32 On a MOTION by Mr. Logan, SECONDED by Mr. Tokarz, WITH ALL IN FAVOR, the Board accepted
33 the December Bank Reconciliation and Check Register for Cross Creek Community Development
34 District.

35
36 **FOURTH ORDER OF BUSINESS-Business Matters:**

37 **A. Resolution 2015-4 Removing Jean Rugg as Assistant Secretary**

38
39 On a MOTION by Mr. Logan, SECONDED by Mr. Chambers, WITH ALL IN FAVOR, the Board
40 adopted **Resolution 2015-4**, Removing Jean Rugg as Assistant Secretary for Cross Creek Community
41 Development District.

42
43 **B. Resolution 2015-5 Adding Carolyn Stewart as District Records Officer and**
44 **Janet Kato as Records Management Liaison Officer**

45
46 On a MOTION by Mr. Logan, SECONDED by Mr. Chambers, WITH ALL IN FAVOR, the Board
47 adopted **Resolution 2015-5**, Designating Carolyn Stewart as the District's Records Officer and Janet
48 Kato as the Records Management Liaison Officer for Cross Creek Community Development District.

1 **C. Status of 2012 and 2013 Audits**

2 Mr. Robin stated that the audits are on schedule to be completed, and has explained the District's
3 circumstances with the State Auditor.

4 **D. Report on District Counsel's Discussion with Trustee's Counsel**

5 **E. Discussion of Motion and Notice for Failure to Prosecute Under**
6 **F.R.C.P. 1.420 (e) and Show of Good Cause**

7 **F. Status and Board Direction Regarding Foreclosure**

8 Mr. Robin reported that he has had several communications with counsel for the Trustees. An
9 email from Mr. Aponte stated that the Trustee would like to keep the Foreclosure open, inquired as to its
10 status, and the statute of limitations. In addition, Mr. Robin received a Notice of Dismissal for Failure to
11 Prosecute from the Court. He advised that the District must show good cause why the case should
12 continue before the May 1, 2015 deadline, or the case will be dismissed. The complaint could be amended
13 to add the tax lienholders, giving record activity and an opportunity to fulfill good cause to move forward
14 with the Foreclosure. In the meantime, there may be direction given to the District from the Trustees.

15 Mr. Robin advised the Board to move forward with the Foreclosure as the longer the Board waits
16 the greater the risk that the Court will not see the District's response in a favorable light. He advised that,
17 in turn, if the Board fails to take necessary action to fulfill the obligations under the Bond Indenture, it
18 could be viewed as an intentional act to let the statute run the risk of the case being dismissed, making the
19 assessments unenforceable. The Board members could then be individually and personally liable for
20 participating in that decision.

21 Inaction by the District exposes the case to be viewed as a deliberate delay. Discussion ensued.

22 On a MOTION by Mr. Logan, SECONDED by Mr. Tokarz, WITH ALL IN FAVOR, the Board directed
23 District Counsel to provide the answers as requested by Trustee's Counsel, Mr. Aponte, and to further
24 await their direction, one way or another, before moving forward in the Foreclosure case for Cross Creek
25 Community Development District.

26
27 Mr. Robin requested a motion to clarify what the Board's direction should be to District Counsel
28 once the Trustees have indicated what action they would like to take.

29 Mr. Logan amended his motion and Mr. Tokarz seconded the amended motion.

30 On AMENDED MOTION by Mr. Logan, SECONDED by Mr. Tokarz, WITH ALL IN FAVOR, the
31 Board amended the previous motion to add that upon Mr. Robin receiving direction from the Trustees as
32 to how to proceed, that Chairman Chambers is authorized to confer with and direct District Counsel to
33 move forward with the pursuit of the Foreclosure for Cross Creek Community Development District.

34
35 Mr. Robin recommended continuing this meeting in case there is no response from Mr. Aponte in
36 time to meet the May 1, 2015 deadline of the Court.

37 After discussion, the Board will meet on its regularly scheduled date of April 2, 2015.

38 **FIFTH ORDER OF BUSINESS- Staff Reports**

39 **A. Manager**

40 There being none, the next item followed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

B. Attorney
There being none, the next item followed.

C. Engineer
There being none, the next item followed.

SIXTH ORDER OF BUSINESS – Audience Comments
There being none, the next item followed.

SEVENTH ORDER OF BUSINESS-Supervisors’ Requests
There being none, the next item followed.

EIGHTH ORDER OF BUSINESS – Adjournment

On a MOTION by Mr. Logan, SECONDED by Mr. Chambers, WITH ALL IN FAVOR, the Board adjourned the meeting for the Cross Creek Community Development District.

**Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that 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.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on 2/2/15.



Signature

DRICK ST. DENIS

Printed Name

Title: Secretary Assistant Secretary



Signature

CONNOR CHAMBERS

Printed Name

Title: Chairman Vice Chairman