

**MINUTES OF MEETING  
OSPREY OAKS  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Osprey Oaks Community Development District's Board of Supervisors was held on **Tuesday, February 9, 2016 at 10:00 a.m.**, at **2300 Glades Road, Suite 202E, Boca Raton, Florida 33431.**

**Present and constituting a quorum were:**

Jim Gielda	Chair
Adam Freedman	Vice Chair
Michael Smith ( <i>via telephone</i> )	Assistant Secretary
Gary Einfalt	Assistant Secretary
Kristi Freedman ( <i>via telephone</i> )	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manger
Cindy Cerbone	Wrathell, Hunt and Associates, LLC
Dennis Lyles	District Counsel
Jeff Schnars	District Engineer
John Markey	B.R. Osprey Acquisition, LLC

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 10:12 a.m., and noted, for the record, that Supervisors Jim Gielda, Adam Freedman and Gary Einfalt were present, in person. Supervisors Michael Smith and Kristi Freedman were attending via telephone.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Discussion: HOA Blocking Public Access to the CDD**

Mr. Freedman stated that the Osprey Oaks HOA has been restricting public access to infrastructure and property that the District paid for with public funds, including driving and pedestrian access.

Mr. Lyles confirmed that the roadways were CDD-constructed, funded and maintained; therefore, the roadways are public right-of-ways (ROWs). The gates were always understood to be “soft” gates, meaning that the public can gain both pedestrian and vehicular access to the CDD ROWs. The District has a passive park gazebo feature within its boundaries, which should remain accessible to the public, to meet the test that the District originally met for financing the improvements and infrastructure with tax-exempt bonds. Mr. Lyles suggested authorizing him to contact counsel for the HOA to determine the HOA’s position and point out the CDD law on this matter, acting quickly to rectify the situation sooner, rather than later. He believed that the best, most effective, expeditious and inexpensive way to address this would be by contacting the HOA’s counsel and explaining the matter, rather than filing a lawsuit. Eventually, it might be necessary for the District to obtain a court order declaring the District’s rights over the property that it paid for, along with an injunction against closure to the public. If legal action were required, District Counsel would structure it such that the District tried to resolve the matter but the HOA would not; therefore, the HOA should pay the District’s legal fees.

If the HOA does not respond within 24 hours, Mr. Freedman wanted to send a demand letter and, if there was no response within five days, he wanted District Counsel to prepare a draft complaint.

Mr. Lyles noted that the strategy was to give the HOA reasonable opportunity to voluntarily comply with the law; creating tight timelines argues against that strategy. Mr. Freedman agreed to Mr. Lyles contacting the HOA’s counsel and considering additional actions at the next meeting.

**On MOTION by Mr. Freedman and seconded by Mr. Einfalt, with all in favor, authorizing District Counsel to contact the HOA’s legal counsel, regarding preserving tax exempt status on bonds and public access, was approved.**

Mr. Wrathell presented the September 8, 2015 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Gielda and seconded by Mr. Einfalt, with all in favor, the September 8, 2015 Public Hearing and Regular Meeting Minutes, as presented, were approved.**

**FIFTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being no report, the next item followed.

**B. Engineer**

There being no report, the next item followed.

**C. Manager**

**i. Approval of Unaudited Financial Statements as of December 31, 2015**

Mr. Wrathell presented the Unaudited Financial Statements as of December 31, 2015. The "Balance Sheet", on Page 1, showed that cash was received and a portion was being transferred to the "Debt Service" fund. On Page 2, assessment revenue collections were at 85%, for the "General" fund, through December. Page 3 reflected the corresponding debt service collections for the "Debt Service" fund. The balance in the "Capital Projects" account, on Page 4, was \$27.

**On MOTION by Mr. Freedman and seconded by Mr. Gielda, with all in favor, the Unaudited Financial Statements as of December 31, 2015, were approved.**

**ii. NEXT MEETING DATE: February 23, 2016 at 10:00 A.M.**

Mr. Wrathell advised that the next meeting is scheduled for February 23, 2016 at 10:00 a.m.

**SEVENTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

There being no audience comments or Supervisors' requests, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.


**On MOTION by Mr. Einfalt and seconded by Mr. Freedman,  
with all in favor, the meeting adjourned at 10:28 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



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Secretary/Assistant Secretary



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Chair/Vice Chair