

**CROSS CREEK METROPOLITAN DISTRICT  
BOARD MEETING NOTES**

Thursday July 18, 2024, 12:00 pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held on July 18, 2024, at 12:00 pm. Board members met at Cross Creek Church, 1320 C & S Road, Fountain, CO 80817 and via teleconference.

Board members present: Kim Hittle, Teresa Cain

Others present: Elise Bergsten, District Manager; Tate Crosby, District General Counsel

The meeting was called to order at 12:11 pm.

**Approval of Agenda**

Directors were in consensus to add the following items to the agenda: Election of Officers and Ratification of Prior Board Actions.

**Public Comment** - none

**Election of Officers**

Directors discussed positions and agreed upon the following:

- Board President            Kim Hittle
- Treasurer                    Lamont Spear
- Secretary                    Teresa Cain

*A motion to elect officers as discussed was made by Kim Hittle, seconded by Teresa Cain, and approved unanimously.*

**Consent Agenda (see packet)**

- June 13, 2024 meeting minutes
- Proposed bill payments
- Financial Reports
  - Balance Sheet
  - Budget v. Actual

*A motion to approve the Consent Calendar was made by Teresa Cain, seconded by Kim Hittle, and approved unanimously.*

**District Management/Financial Matters**

- Reviewed demand letter provided by Law of the Rockies. It is a request for mediation.
- Met with Steve Smith regarding the water storage right for Hale Reservoir.
- Dave Breindel, Applegate, has completed 60% design, and has submitted it to Brian McCormick, State Engineer's Office. After his review, these plans will be submitted to Magellan (the pipeline company).
- Have been in communication with Churchich Recreation regarding the park amenities that were ordered last fall. The business came under new ownership in March and our account had been neglected. The order is now being worked on again.

### Legal Matters

- Service Plan Amendment – directors discussed the language of the proposed Amended and Restated Service Plan for CCMD. Proposed paragraph 5J, regarding Monies From Other Governmental Sources was discussed at length, and directors requested that it be removed prior to submission.

*A motion was made to approve the Amended and Restated Service Plan for CCMD, if after discussion by the legal team, section 5J can be removed. The motion was made by Teresa Cain, seconded by Kim Hittle, and approved unanimously.*

- The Resolution to approve prior board actions has been drafted and is currently being reviewed by senior counsel. The final version will be ready at the next meeting.

### Other Business

- Executive Session – Upon motion by Kim Hittle, seconded by Teresa Cain, and upon an affirmative vote of at least two-thirds of the quorum present, the Board entered into executive session at 1:05 p.m. to discuss positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators as it relates to the Letter Regarding Cross Creek Regional Park and Hale Reservoir pursuant to Section 24-6-402(4)(e)(1), C.R.S.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Board reconvened in regular session at 1:23 p.m.

*A motion to adjourn the meeting was made by Teresa Cain, seconded by Kim Hittle and approved unanimously. The meeting adjourned at 1:24 pm.*

Respectfully submitted by



Elise Bergsten