

# CROSS CREEK METROPOLITAN DISTRICT

## BOARD MEETING & BUDGET HEARING NOTES

Thursday November 21, 2024, 12:00 pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held on November 21, 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, Lamont Spear, Teresa Cain

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

The meeting was called to order at 12:07 pm.

### **Declaration of Quorum/Conflict of Interest Disclosures**

All directors were present, so there was a quorum. In accordance with Colorado state statute, legal counsel has filed conflict of interest disclosures prior to this meeting. No additional disclosures were made at this time.

### **Approval of Agenda**

*The agenda was amended to include an executive session. A motion to approve the agenda as amended was made by Teresa, seconded by Kim and approved unanimously.*

**Public Comment** – none present

### **Consent Agenda (see packet)**

- Approval of Minutes from the October 17<sup>th</sup>, 2024 Board Meeting
- October 29<sup>th</sup> meeting notes were pulled from the Consent Agenda
- Approval of Renewal of Property and Liability Schedule and Limits, Workers Compensation Coverage and SDA Membership for 2025.
  - Workers compensation was waived when payroll was originally set up for director compensation, so this portion is not applicable.
  - Renewal of Property and Liability Schedule and Limits will be approved subject to receipt of the invoices.
  - SDA Membership renewal will be paid at a future meeting.
- Proposed bill payments
- Financial Reports

*A motion to approve the Consent Agenda was made by Teresa, seconded by Lamont Spear, and approved unanimously.*

### **Executive Session**

Upon motion of Teresa Cain, seconded by Kim Hittle, and upon an affirmative vote, the Board convened in Executive Session at 12:16 pm, for the purpose of conferencing with an attorney for the purposes of continuing legal advice on specific legal questions as related to electoral authorization on ad valorem taxes.

As this is a privileged attorney-client communication, no record will be kept of this executive session.

Upon motion by Teresa Cain, second by Kim Hittle, and upon a unanimous affirmative vote, the Board meeting was reconvened at 12:32 pm. Tate Crosby expressed her opinion, as the district's general counsel, that the whole of the prior conversation constituted a privileged attorney-client communication and therefore no record was kept.

### **BUDGET HEARING**

Upon declaration by Board President Kim Hittle, the Public Hearing for the 2024 Budget Amendment was opened at 12:33 pm.

- No comments were received after the public posting of the budget, and no members of the public were present.

Board president Kim Hittle closed the Public Hearing for the 2024 Budget Amendment at 12:34 pm.

*A motion to approve the 2024 Budget Amendment and adopt a Resolution of Amendment was made by Kim Hittle, seconded by Lamont Spear, and approved unanimously.*

Upon declaration by Board President Kim Hittle, the Public Hearing for the 2025 Budget was opened at 12:35 pm.

- No comments were received after the public posting of the budget, and no members of the public were present.

Board president Kim Hittle closed the Public Hearing for the 2025 Proposed Budget at 12:36 pm.

A discussion regarding mill levy followed, in the event that the Amended and Restated Service Plan is not approved before the end of the year.

*After discussion, a motion to postpone approval of the 2025 budget and resolution was made by Teresa Cain, seconded by Kim Hittle, and approved unanimously.*

### **District Management/Financial Matters**

- The 2023 Audit draft is ready for review. Elise read the Internal Control letter to directors. The new auditor, Eric Miller, discovered some issues with the prior year's audit that were difficult to reconcile. The IC letter mostly described adjusting entries.

*A motion to ratify the submission of the audit to the Office of the State Auditor was made by Teresa Cain, seconded by Kim Hittle, and approved unanimously.*

- Working with Law of the Rockies, we did submit the Regional Park Cost Estimate and 2024 Invoice, with a cover letter, to the lawyers for Mesa Ridge Metropolitan District. I also submitted that information to Carrie Bartow, the accountant for MRMD. They have received everything that CCMD is legally required to submit to them, in a timely manner.
  - I recommend that we pursue the collection of these monies – separating the Operations and Maintenance monies owed from the Capital monies owed by MRMD to CCMD.
  - I think it's important to pursue this before MRMD's budget hearing. I will connect with Law of the Rockies to ask them to help pursue these operations funds.
- Scott Trainor with City of Fountain, has not responded yet to a request for a catch-up meeting.
- Flock Camera System will fit within the existing budget. It is a camera that is placed strategically at the entrance to a park. It is wireless. It specifically focuses on capturing license plates and make/model of cars. The footage that is created can be directly accessed by the Fountain Police Department, and a FPD officer told me about this system, recommending it to the district. Directors were supportive of moving forward with this.

- CCMD Annual Public Townhall Meeting has not yet been held. It will be scheduled to occur as a separate meeting that takes place prior to the Special Meeting to come in December.

**Legal Matters**

- Tate recommended setting the date for the Special Meeting. The Annual Townhall Meeting will be held December 3 at 3:30 pm, and the Special Meeting will be held on the same day at 3:45 pm.
- The below-listed items will be moved to the December 3<sup>rd</sup> meeting so that directors have an opportunity to review them.
  - Consider Adoption of 2025 Annual Administrative Resolution
  - Consider Approval of Amended and Restated Public Records Request Policy
  - Consider Adoption of Resolution Calling May 6, 2025 Election

The meeting was adjourned at 1:44 pm.

Respectfully submitted by

A handwritten signature in blue ink that reads "Elise M. Bergsten". The signature is written in a cursive, flowing style.

Elise Bergsten