

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

CROSS CREEK METROPOLITAN DISTRICT

Held: Tuesday, October 29, 2024, at 3:00 p.m. via
Teleconference.

Attendance

A special meeting of the Board of Directors of the Cross Creek Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors were in attendance:

Lamont Spear
Teresa Cain
Kim Hittle

Also present were Elise Bergsten, Balanced Management Services, Co., District Manager; Megan J. Murphy, Esq., and Tate E. Crosby, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; and Marcus J. Lock, Esq., and Jacob A. With, Esq., Law of the Rockies, District Special Counsel.

Call to Order

Director Spear noted that a quorum of the Board was present and called the meeting to order.

Declaration of Quorum/Director Qualification/Reaffirmation of Disclosures

Ms. Crosby reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Crosby inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Agenda

The Board reviewed the proposed agenda. Following discussion, upon motion duly made and seconded, the Board unanimously approved the agenda as presented.

Public Comment

None.

Executive Session - The Board intends to enter into executive session pursuant to §24-6-402(4)(b), C.R.S., to conference with an attorney for the District for the purpose of receiving legal advice on specific legal questions related to the Intergovernmental Agreements with Mesa Ridge Metropolitan District Nos. 1-5 and the City of Fountain

Upon motion of Director Spear, seconded by Director Hittle, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 3:15 P.M. for the purpose of conferencing with an attorney for the District to receive legal advice pursuant to §24-6-402(4)(b), C.R.S., questions related to the Intergovernmental Agreements with Mesa Ridge Metropolitan District Nos. 1-5 and the City of Fountain.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record was kept of the portion of the executive session that, in the opinion of the District’s attorney, constituted privileged attorney-client communication pursuant to § 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 3:58 P.M.

Other Business

None.

Adjourn

There being no further business to come before the Board and following discussion and upon motion duly made and seconded, the Board determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 16th day of January, 2025.

**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Cross Creek Metropolitan District, I attended the executive session meeting of Cross Creek Metropolitan District convened at 3:15 P.M. on October 29, 2024 for the sole for the purpose of receiving legal advice pursuant to §24-6-402(4)(b), C.R.S., conference with an attorney for the District for the purpose of receiving legal advice on specific legal questions related to the Intergovernmental Agreements with Mesa Ridge Metropolitan District Nos. 1-5 and the City of Fountain. I further attest it is my opinion that all or a portion of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Megan J. Murphy, Esq.

Tate E. Crosby, Esq.