



## CROSS CREEK PARK

### CROSS CREEK METROPOLITAN DISTRICT BOARD MEETING MINUTES

Thursday April 18, 12:00 pm

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

Board members present: Teresa Cain, Lamont Spear, Gerry Martinez

Board Members excused: Kim Hittle

Others present: Elise Bergsten, Brittany Fechko, Tate Crosby from White Bear Ankele Tanaka and Waldron (WBA)

The meeting was convened at 12:12 pm.

#### **Legal Report – Tate Crosby, White Bear Ankele Tanaka & Waldron (WBA)**

Directors met Tate Crosby, attorney for WBA, who presented several items for discussion and approval as the district transitions to the new law firm.

*A motion to approve the adoption of the Colorado Records Request Policy was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously.*

*A motion to approve the Colorado Special District Records Retention Schedule, which is laid out by the State of Colorado, was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously.*

*A motion to approve the Special Districts Disclosure Document, to be filed with the State of Colorado, was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously.*

*A motion to approve a Resolution Regarding Electronic Posting of Meeting Notices was made by Gerry Martinez, seconded by Teresa Cain, and approved unanimously.*

Discussion regarding director liability issues followed. Current coverage is sufficient, and no further board action is required. See WBA memorandum for more information when insurance comes up for renewal.

*A motion to approve a Resolution Providing for the Defense and Indemnification of Directors and Employees of the District was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously.*

*A motion to designate WBA employees Alyssa Rios and Megan Murphy as Member Representatives to represent the District in CSD Pool matters, was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously. (This replaces Elise as representative regarding insurance matters.*

#### **Executive Sessions**

Upon motion of Director Martinez, seconded by Director Cain, and upon an affirmative vote of at least two-thirds of the quorum present, the Board entered in executive session at 12:30 P.M. for the



purposes of obtaining legal advice as it related to the District's Service Plan pursuant to Section 24-6-402(4)(b), 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 12:39 P.M.

Upon motion of Director Cain, seconded by Director Spear, and upon an affirmative vote of at least two-thirds of the quorum present, the Board entered in executive session at 12:40 P.M. for the purposes of obtaining legal advice related to the Intergovernmental Agreements with Mesa Ridge Metropolitan District Nos. 1-2 and the City of Fountain pursuant to Section 24-6-402(4)(b), 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 1:08 P.M.

**Consent Calendar (see packet)**

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

**Financial Reports (see packet)**

**Manager Report - Elise Bergsten**

- Cross Creek's existing auditing company (Haynie & Company) has been fined for violations of standard auditing practices. Elise recommended finding a new firm to perform auditing services, and stressed the urgency to move quickly, as auditing season has already begun.

*A motion was made to preauthorize Elise Bergsten to engage a new auditing firm to perform the 2023 audit, up to \$16,000 for auditing services, was made by Gerry Martinez, seconded by Teresa Cain, and approved unanimously.*

- Brittany Fechko suggested that Cross Creek host a community festival this summer/fall instead of the farmer's market. Members were in consensus with this concept.

The Meeting was adjourned at 1:22 pm.



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Respectfully submitted by

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Brittany Fechko