

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT (THE “DISTRICT”) HELD JUNE 28, 2021

A special meeting of the Board of Directors of The Commons at East Creek Metropolitan District (the “District”) was convened on Monday, the 28th day of June, 2021 at 1:00 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board Meeting was held via Zoom. The meeting was open to the public via conference call.

Directors In Attendance Were:

Michele Trujillo
Matthew Larsen
Gary Fantasky

Also In Attendance Was:

Peggy Ripko; Special District Management Services. Inc. (“SDMS”)

Paula Williams, Esq.; McGeady Becher P.C.

Bill Flynn; Simmons & Wheeler, P.C.

Lisa Albers and Paul Yourick; Meritage Homes of Colorado, Inc.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Ms. Ripko confirmed a quorum. The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board to the Secretary of State. Ms. Ripko requested that the Directors consider whether they had any conflicts of interest to disclose with regard to any matters scheduled for discussion at this meeting, and noted for the record that there were no new disclosures made by the Directors present at the meeting. It was noted by Attorney Williams that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors by the Statutory deadline.

ADMINISTRATIVE MATTERS

Agenda: Ms. Ripko distributed for the Board’s review and approval a proposed Agenda for the District’s special meeting.

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Following discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

Approval of Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held by conference call without any individuals (neither District Representative nor the general public) attending in-person. The Board further noted that notice of this location was duly posted within the boundaries of the District and the District has not received any objections to the location or any requests that the meeting place be changed by taxpaying electors within the District's boundaries.

Designation of 24-hour Posting Location: Upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District at least 24 hours prior to each meeting west of the Western entrance of the District along Mississippi.

Resignation of Director: The resignation of Director Glenn Nier was acknowledged effective as of November 20, 2020.

Consideration of Board Appointment After Publication of Notice of Vacancy: It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was made on April 22, 2021 in the Aurora Sentinel and no Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

As such, following discussion and upon motion duly made by Director Fantasky, seconded by Director Trujillo to nominate Lisa Albers and Paul Yourick to fill the vacant Board terms and, upon vote, unanimously carried, the Board appointed Lisa Albers and Paul Yourick to fill the vacancies on the Board of Directors.

Appointment of Officers: The Board entered into discussion regarding the appointment of officers.

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Following discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Lisa Albers
Treasurer	Paul Yourick
Secretary	Peggy Ripko
Assistant Secretary	Matt Larsen
Assistant Secretary	Gary Fantasky
Assistant Secretary	Michelle Trujillo

PUBLIC COMMENT There were no public comments.

CONSENT AGENDA **Consent Agenda:** The Board considered the following actions:

- Consider approval of Minutes of the October 26, 2020 special meeting.
- Ratify appointment of District Accountant to prepare the 2022 Budget.
- Ratify use of Bill.com for payment of invoices.

Following review, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

FINANCIAL MATTERS

Claims: The Board considered ratifying the approval of the payment of claims for the period of November 1, 2020 through June 30, 2021, in the amount of \$21,746.17.

Following review and discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims for the period of November 1, 2020 through June 30, 2021, in the amount of \$21,746.17.

Financial Statements/Schedule of Cash Position: Mr. Flynn reviewed the unaudited financial statements of the District for the period ending March 31, 2021.

Following review and discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District for the period ending March 31, 2021, as presented.

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2020 Audit Preparation: The Board discussed the preparation of the 2020 Audit.

Following discussion, upon motion duly made by Director Fantasky, seconded by Director Trujillo and, upon vote, unanimously carried, the Board ratified the appointment of Wipfli LLP to prepare the 2020 Audit.

2020 Audit: Mr. Flynn reviewed the 2020 draft Audited Financial Statements with the Board.

Following review and discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the 2020 Audited Financial Statements, pending final review, and authorized execution of the Representations Letter.

2022 Budget Hearing: The Board considered setting the date for a public hearing to adopt the 2022 Budget for October 25, 2021, at 1:00 p.m., to be held at Meritage Homes of Colorado, 8400 East Crescent Parkway, Suite 200, Greenwood Village, Colorado 80111 or virtually pending COVID-19 restrictions.

Following review and discussion, upon motion duly made by Director Fantasky, seconded by Director Trujillo and, upon vote, unanimously carried, the Board set the date of the Public Hearing to adopt the 2022 Budget, for October 25, 2021 at 1:00 p.m. via Zoom.

LEGAL MATTERS

First Amendment to Resolution No. 2020-02-08 Regarding Colorado Open Records Act Requests: Attorney Williams discussed with the Board the First Amendment to Resolution 2020-02-08 regarding Colorado Open Records Act requests

Following discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board adopted the First Amendment to Resolution No. 2020-02-08 Regarding Colorado Open Records Act Requests.

Meritage Homes of Colorado, Inc. Deed: The Board discussed the deed from Meritage Homes of Colorado, Inc. to the District conveying certain Tracts in Commons at East Creek at Tower Landing Subdivision Filing No. 1.

Following review and discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the deed from Meritage Homes of Colorado, Inc., and accepted the conveyance of certain Tracts in Commons at East Creek at Tower Landing

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Subdivision Filing No. 1 to the District, subject to a final walk through and completion of any punch list items.

Meritage Homes of Colorado, Inc. Bill of Sale: Attorney Williams discussed with the Board, a Bill of Sale from Meritage Homes of Colorado, Inc. to the District for conveyance of certain public improvements.

Following review and discussion, upon motion duly made by Director Fantasky, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the Bill of Sale from Meritage Homes of Colorado, Inc. for conveyance of certain improvements to the District, subject to a final walk through and completion of any punch list items.

COMMUNITY MANAGEMENT

Ms. Ripko noted that SDMS is conducting inspections twice a month. There appears to be general compliance other than trash cans being left out.

CONSTRUCTION MATTERS

2021 Development / Construction Outlook: Director Fantasky gave an update. It was noted that most landscaping is installed. Home construction is anticipated to be complete by year end.


OTHER BUSINESS

There was no other business at this time.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Fantasky, seconded by Director Larsen, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By  Secretary for the Meeting