

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT (THE “DISTRICT”) HELD JUNE 29, 2022

A special meeting of the Board of Directors of The Commons at East Creek Metropolitan District (the “District”) was convened on Wednesday, the 29<sup>th</sup> day of June 2022 at 3:00 p.m. This District Board Meeting was held via Zoom. The meeting was open to the public via Zoom.

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**Directors In Attendance Were:**

Paul Yourick  
Matthew Larsen  
Gary Fantasky  
Adam Young

**Also In Attendance Was:**

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

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

Diane Wheeler; Simmons & Wheeler, P.C.

Chelsey Green; Meritage Homes of Colorado, Inc.

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**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 Directors Larsen, Yourick and Fantasky 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 Young 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 Young and, upon vote, unanimously carried, the Board determined 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 meeting and conference/video access was duly posted within the boundaries of the District and the Board had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

**Results of May 3, 2022 Regular Election:** Ms. Ripko discussed with the Board the results of the May 3, 2022 Regular Election for Directors ("Election"). It was noted that the Election was cancelled, as permitted by statute, as there were not more candidates than seats available, and that Directors Young, Trujillo and Yourick were deemed elected to three-year terms ending in May 2025.

**Resignation of Director:** The Board acknowledged the resignation of Michele Trujillo, effective as of May 27, 2022.

**Vacancy on the Board of Directors:** The Board discussed the vacancy on the Board and considered the appointment of Chelsey Green to the Board of Directors.

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 published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

Following discussion, upon motion duly made by Director Fantasky, seconded by Director Young and, upon vote, unanimously carried, the Board appointed Chelsey Green to the Board of Directors. The Oath of Office was administered.

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

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President	Adam Young
Treasurer	Chelsey Green
Secretary	Peggy Ripko
Assistant Secretary	Gary Fantasky
Assistant Secretary	Matthew Larsen
Assistant Secretary	Paul Yourick

**Minutes:** The Board reviewed the Minutes of the October 25, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Fantasky, seconded by Director Young and, upon vote, unanimously carried, the Board approved the Minutes of the October 25 2021 Special Meeting.

**District Website:** The Board discussed the status of the District website.

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**PUBLIC COMMENT** There were no public comments.

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### **FINANCIAL MATTERS**

**Claims:** The Board considered ratifying the approval of the payment of claims for the period beginning November 1, 2021 through June 22, 2022, in the amount of \$50,927.79.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Yourick and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims for the period beginning November 1, 2021 through June 22, 2022, in the amount of \$50,927.79.

**Financial Statements/Schedule of Cash Position:** Ms. Wheeler reviewed the unaudited financial statements of the District for the period ending March 31, 2022.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Fantasky and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District for the period ending March 31, 2022, as presented.

**2021 Audit:** Ms. Wheeler reviewed advised the Board that the District was not required to file an audit for fiscal year 2021. She reviewed the 2021 Audit Exemption Application with the Board.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Fantasky and, upon vote, unanimously carried, the Board ratified the approval and filing of the 2021 Audit Exemption Application.

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### **LEGAL MATTERS**

There were no legal matters to discuss at this time.

### **COMMUNITY MANAGEMENT**

Towing Services: The Board discussed the unauthorized parking in the fire land.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Fantasky and, upon vote, unanimously carried, the Board authorized the engagement of Wyatt Towing with respect to towing vehicles parking in the fire lane. Director Young requested SDMS notify individuals prior to the car is towed.

### **CONSTRUCTION MATTERS**

**Status of Development / Construction Outlook**: It was noted that the concrete replacement is done, and Director Fantasky is working with Metco Landscaping to replace landscaping. He will schedule a walkthrough with Director Young upon satisfactory replacement.


### **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, seconded and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By   
Secretary for the Meeting