

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT HELD OCTOBER 24, 2023

A special meeting of the Board of Directors of The Commons at East Creek Metropolitan District (the “**District**”) was convened on Wednesday, the 24th day of October, 2023 at 11:00 a.m. This District Board Meeting was held via Zoom. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Adam Young
Loralee Broer

Following discussion, upon motion duly made by Director Young, seconded by Director Broer, and, upon vote, unanimously carried, the absence of Director Brien Hollowell was excused.

Also In Attendance Was:

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

Tim O’Connor, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

**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 have any conflicts of interest to disclose with regard to any matters scheduled for discussion at this meeting, and noted for the record that the Directors are residents of the District.

**ADMINISTRATIVE
MATTERS**

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

Following discussion, upon motion duly made by Director Young and seconded by Director Broer and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

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.

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Following discussion, upon motion duly made by Director Young and seconded by Director Broer and, upon vote, unanimously carried, the Board determined this District Board meeting was held by Zoom. The Board further noted that notice of this meeting and conference/video access was duly posted on the District website.

Minutes: The Board reviewed the Minutes of the May 3, 2023 Special Meeting.

Following discussion, upon motion duly made by Director Young and seconded by Director Broer and, upon vote, unanimously carried, the Board approved the Minutes of the May 3, 2023 Special Meeting.

Vacancies on the Board: The Board noted that there are two vacancies currently on the Board. Ms. Ripko noted that Mr. Jim Steward, appointed at the May 3, 2023 meeting, decided not to serve and did not take his Oath of Director. She also noted that there were no candidates interested in serving at this time. Director Broer stated she would reach out to a neighbor who may be interested in serving.

Resolution No. 2023-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, Establish District Website, and Designating Location for Posting of 24-Hour Notices: Mrs. Ripko discussed with the Board business for 2023 and Resolution No. 2023-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, Establish District Website, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet at 1:00 p.m. on June 25, 2024 and October 22, 2024, via electronic means.

Following review, upon motion duly made by Director Young, seconded by Director Broer and, and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-01; Establishing Regular Meeting Dates, Time and Location, Establishing District Website, and Designating Location for Posting of 24-Hour Notices.

Insurance Matters: The Board discussed Insurance matters.

Cyber Security and Increased Crime Coverage: Attorney O'Connor discussed options for cyber security coverage and increased crime coverage.

Renewal of the District's insurance and Special District Association (SDA) membership for 2024: The Board discussed the renewal of the District's insurance and Special District Association (SDA) membership for 2024 and an increase in crime coverage.

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Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, and, upon vote, unanimously carried, the Board authorized the renewal of the District's insurance and Special District Association (SDA) membership for 2024 and an increase of \$100,000 for additional crime coverage.

§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2024: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2024. The Board directed staff to post the required Transparency Notice on the SDA website and District website.

PUBLIC COMMENT

There were no public comments.

FINANCIAL MATTERS

Claims: The Board considered approving the payment of claims for the period ending October 17, 2023 in the amount of \$16,788.50.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board ratified approval of the payment of claims as presented and approved claims for the period ending October 17, 2023 in the amount of \$16,788.50.

Unaudited Financial Statements: Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending June 30, 2023.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2023, as presented.

2023 Application for Exemption from Audit: The Board discussed the requirement for the 2023 Application for Exemption from Audit.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board appointed Simmons & Wheeler P.C. to prepare and file the Application for Exemption from Audit for 2023.

2023 Budget Amendment Hearing: The President opened the public hearing to consider a Resolution to Amend the 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No

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public comments were received, and the public hearing was closed.

Following discussion, the Board determined that an amendment to the 2023 Budget was not necessary.

2024 Budget Hearing: The President opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Ms. Wheeler reviewed the estimated year-end 2023 revenues and expenditures and the proposed 2024 estimated revenues and expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2023-10-02 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-10-03 to Set Mill Levies (for the General Fund at 30.000 mills, the Debt Service Fund at 58.765 mills, and ARI mill at 1.174 mills, for a total of 89.939 mills). Upon motion duly made by Director Young, seconded by Director Broer upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2023. Ms. Wheeler was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Arapahoe County not later than December 15, 2023. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024.

Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3: The Board reviewed Resolution No. 2023-10-04, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-04, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3, subject to final disposition of Proposition HH.

DLG-70 Mill Levy Certification Form: The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested

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parties.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer, and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

2025 Budget Preparation: The Board discussed the preparation of the 2025 Budget.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2025 Budget.

LEGAL MATTERS

Resolution Amending Policy on Colorado Open Records Act Requests: The Board discussed adoption of Resolution No. 2023-10-05, Amending Policy on Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-05 Amending Policy on Colorado Open Records Act Requests.

Proposal for General Counsel Services: The Board discussed the proposed change in General Counsel Services for cost-saving purposes. The Board reviewed the proposal from Erb Law, LLC for legal services.

Following discussion, upon motion duly made by Director Young, seconded by Director Broer and, upon vote, unanimously carried, the Board approved the proposal from Erb Law, LLC for legal services, and Attorney O'Connor stated that transition in services will occur January 1, 2024.

COMMUNITY MANAGEMENT

Report from Community Manager: The Board discussed the Report from the Community Manager.

District Roads, Restrictions and Potential Signage: The Board discussed the District roads, restrictions, and potential signage.

Proposal for Dead Tree Replacement: The Board reviewed the proposal from Cox Professional Landscape Services, LLC for dead tree replacement. Following discussion, the Board declined approval of the proposal due to cost and engaged SDMS for these services at a lower cost.

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Resolution Regarding Parking Rules and Regulations: The Board discussed the Resolution Regarding Parking Rules and Regulations. No action was taken at this time.

District Services for 2024: The Board discussed the district services for 2024 and considered approval of necessary service agreements for related services.

Service Agreement for Snow Removal Services between the District and Cox Professional Landscape Services, LLC: The Board discussed the Service Agreement for Snow Removal Services between the District and Cox Professional Landscape Services, LLC.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Broer, and, upon vote, unanimously carried, the Board ratified the approval of the Service Agreement for Snow Removal Services between the District and Cox Professional Landscape Services, LLC for 2023/2024 services.

Service Agreement for Bollard Installation Services between the District and Water Extraction Team, LLC, d/b/a Property Solutions Team: The Board discussed the Service Agreement for Bollard Installation Services between the District and Water Extraction Team, LLC, d/b/a Property Solutions Team.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Broer, and, upon vote, unanimously carried, the Board ratified the approval of the Service Agreement for Bollard Installation Services between the District and Water Extraction Team, LLC, d/b/a Property Solutions Team.

OTHER BUSINESS

Ms. Ripko advised the Board of the New Rate Structure from Special District Management Services, Inc.

ADJOURNMENT

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

Respectfully submitted,

By _____



Secretary for the Meeting

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