

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT (THE “DISTRICT”) HELD OCTOBER 25, 2021

A special meeting of the Board of Directors of The Commons at East Creek Metropolitan District (the “District”) was convened on Monday, the 25th day of October 25, 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:

Lisa Albers
Paul Yourick
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.

Diane Wheeler; Simmons & Wheeler, P.C.

Chelsey Green; Meritage Homes of Colorado, Inc.

Maggie Banner; Homeowner

**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.

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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 Albers, seconded by Director Fantasky 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 Albers, seconded by Director Fantasky 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 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.

Designation of 24-hour Posting Location: Upon motion duly made by Albers, seconded by Director Fantasky 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 at the following location: west of the Western entrance of the District along Mississippi.

Minutes: The Board reviewed the Minutes of the June 28, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board approved the Minutes of the June 28, 2021 Special Meeting.

District Website: The Board discussed the District website and obtaining proposals for website services.

Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote unanimously carried, the Board authorized Director Albers to obtain proposals and select provider for District website services.

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Termination of Eligible Governmental Entity Agreement with the Colorado Statewide Internet Portal Authority (“EGE”): Ms. Ripko noted that the EGE had not been finalized and therefore was not effective. No action required.

Resolution No. 2021-10-01; Resolution Establishing Regular 2022 Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices: Ms. Ripko discussed with the Board Resolution No. 2021-10-01; Resolution Establishing Regular 2022 Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet at 1:00 p.m. on June 14, 2021 and October 11, 2022 via virtual means.

Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote unanimously carried, the Board adopted Resolution No. 2021-10-01; Establishing Regular 2022 Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices.

§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2021: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022 and directed staff to post the Transparency Notice on the Special District Association Website and District Website once established.

PUBLIC COMMENT There were no public comments.

FINANCIAL MATTERS

Claims: The Board considered ratifying the approval of the payment of claims for the period of July 1, 2021 through October 23, 2021, in the amount of \$4,298.01.

Following review and discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims for the period of July 1, 2021 through October 23, 2021, in the amount of \$4,298.01.

Financial Statements/Schedule of Cash Position: Ms. Wheeler reviewed the unaudited financial statements of the District for the period ending September 30, 2021.

Following review and discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board

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accepted the unaudited financial statements of the District for the period ending September 30, 2021, as presented.

2021 Audit: The Board discussed the 2021 Audit services.

Following review and discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board approved the engagement of Wipfli LLP to perform the 2021 Audit.

2021 Budget Amendment Hearing: The President opened the public hearing to consider a Resolution to Amend the 2021 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 2021 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 public comments were received and the public hearing was closed.

Following review and discussion, Director Albers moved to adopt the Resolution to Amend 2021 Budget, Director Fantasky seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-02 to Amend the 2021 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

2022 Budget Hearing: The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 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 public comments were received and the public hearing was closed.

Ms. Wheeler reviewed the estimated 2021 expenditures and the proposed 2022 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2021-10-03; to Adopt 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-10-04; to Set Mill Levies (General Fund at 30.00 mills, Debt Service Fund at 55.664 mills, and ARI Mill Levy at 1.113 mills, for a total mill levy of 86.777 mills). Upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and

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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, 2021. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Arapahoe, not later than December 15, 2021. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. Copies of the adopted Resolutions are attached to these Minutes and incorporated herein by this reference.

Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan: The Board reviewed Resolution No. 2021-10-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

Following discussion, upon motion duly made by Director Yourick, seconded by Director Fantasky and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan. A copy of the adopted Resolution is attached to these minutes and incorporated herein by this reference.

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 parties.

Following discussion, upon motion duly made by Director Yourick seconded by Director Fantasky 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.

Preparation of the 2023 Budget: The Board discussed preparation of the 2023 Budget.

Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget and directed that the 2023 Budget be the same as the 2022 adopted Budget unless a Board Member provides input to otherwise adjust those assumptions.

LEGAL MATTERS

Resolution Calling Regular Election on May 3, 2022: The Board discussed the upcoming election and Resolution No. 2021-10-06 to Call the May 3, 2022 Regular Election.

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Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-06 to Call the May 3, 2022 Regular Election and appointed Peggy Ripko as the Designated Election Official and authorized her to perform all tasks required for the May 3, 2022 Regular Election of the Board of Directors for the conduct of a polling place/mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference

Rescind First Amendment of Operational Funding Agreement (“OFA”) Between the District and Meritage Homes of Colorado, Inc.: The Board deferred discussion on the OFA between the District and Meritage Homes of Colorado, Inc. No action was taken by the Board.

COMMUNITY MANAGEMENT

Proposal and Service Agreement for Snow Removal Services with Metco Landscape, Inc.: The Board reviewed a proposal for snow removal and discussed a Service Agreement for snow removal with Metco Landscape, Inc.

Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board approved the Service Agreement for Snow Removal Services with Metco Landscape, Inc.

Proposal and Service Agreement for Landscape Maintenance Services with Metco Landscape, Inc.: The Board reviewed a proposal for landscape maintenance services and discussed a Service Agreement for landscape maintenance services with Metco Landscape, Inc.

Following discussion, upon motion duly made by Director Albers, seconded by Director Fantasky and, upon vote, unanimously carried, the Board approved the Service Agreement for landscape maintenance services with Metco Landscape, Inc.

CONSTRUCTION MATTERS

Status of Development / Construction Outlook: It was noted that final landscape is being installed and the final walk will be next spring.

OTHER BUSINESS


There was no other business at this time.

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ADJOURNMENT

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

Respectfully submitted,

By  _____
Secretary for the Meeting