

## 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  
OCTOBER 26, 2020**

A special meeting of the Board of Directors of The Commons a East Creek Metropolitan District (the “District”) was convened on Monday, the 26<sup>th</sup> day of October, 2020 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 by conference call. The meeting was open to the public via conference call.

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**Directors In Attendance Were:**

Glenn Nier  
Michelle Trujillo  
Gary Fantasky  
Matthew Larsen

**Also In Attendance Were:**

Peggy Ripko and Matt Cohrs; Special District Management Services, Inc. (“SDMS”)

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

Diane Wheeler; Simmons & Wheeler, P.C.

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**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

The Board noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Williams requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Williams noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes.

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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.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Larsen, seconded by Director Nier 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.

Following discussion, upon motion duly made by Director Larsen, seconded by Director Nier 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.

**Resolution No. 2020-10-01; Establishing 2021 Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices:** The Board discussed Resolution No. 2020-10-01; Establishing 2021 Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices.

Following discussion, upon motion duly made by Director Nier, seconded by Director Bird and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-10-01; Establishing 2020 Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices. The Board scheduled regular meetings for the last Monday of June and October, 2021 at 2:00 p.m. at the offices of Meritage Homes of Colorado, 8400 East Crescent Parkway, Suite 200, Greenwood Village, Colorado.

**§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 2021 and directed the Transparency Notice be posted on the SDA Website.

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

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

## RECORD OF PROCEEDINGS

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- Consider approval of Minutes of the October 12, 2020 special meeting.
- Ratify approval of payment of claims for the period ending October 21, 2020.

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

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### **FINANCIAL MATTERS**

**2020 Application for Exemption from Audit:** The Board discussed the requirements for an audit. It was determined that the district will need to complete an audit for 2020.

Following discussion, upon motion duly made by Director Larsen, seconded by Director Neir and, upon vote, unanimously carried, the Board authorized the District Accountant to obtain proposals for the 2020 audit.

**2020 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2020 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 2020 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 discussion, the Board determined that a 2020 Budget Amendment was not needed.

**2021 Budget Hearing:** The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of 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.

Ms. Wheeler reviewed the estimated 2020 expenditures and the proposed 2021 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2020-10-02; to Adopt 2020 Budget and Appropriate Sums of Money and Resolution No.

## RECORD OF PROCEEDINGS

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2020-10-03; to Set Mill Levies (for the General Fund at 30.00 mills and the Debt Service Fund at 55.664 mills, ARI for 1.113 mills for a total mill levy of 86.777 mills). Upon motion duly made by Director Nier, seconded by Director Larsen and, 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, 2020. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Arapahoe, not later than December 15, 2020. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2021. Copies of the adopted Resolutions are 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 Nier seconded by Director Larsen 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.

**Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3:** The Board reviewed Resolution No. 2020-10-04, 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 Nier, seconded by Director Larsen and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-10-04, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3. A copy of the adopted Resolution is attached to these minutes and incorporated herein by this reference.

**Preparation of the 2022 Budget:** The Board discussed preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget and directed that the 2022 Budget be the same as the 2021 adopted Budget unless a Board Member provides input to otherwise adjust those assumptions.

## RECORD OF PROCEEDINGS

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### **LEGAL MATTERS**

**Resolution No. 2020-10-05; Regarding Continuing Disclosure Policies and Procedures**: The Board discussed Resolution No. 2020-10-05; Regarding Continuing Disclosure Policies and Procedures.

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-10-05; Regarding Continuing Disclosure Policies and Procedures.

**First Amendment to Operation Funding Agreement with Meritage Homes of Colorado, Inc. ("OFA")**: Attorney Williams discussed with the Board the First Amendment to the OFA.

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the First Amendment to the OFA., subject to the final shortfall determined by the updated budget.

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### **COMMUNITY MANAGEMENT**

Nothing to report.

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### **CONSTRUCTION MATTERS**

**2020 Development / Construction Outlook**: Director Nier gave an update. It was noted that the landscape is complete, and it is anticipated all homes will be sold by mid-2021.

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### **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 Nier, seconded by Director Larsen, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By  \_\_\_\_\_  
Secretary for the Meeting