

## 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 31, 2022

A special meeting of the Board of Directors of The Commons at East Creek Metropolitan District (the “District”) was convened on Monday, the 31st day of October 2022 at 10:00 a.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  
Chelsey Green  
Gary Fantasky  
Adam Young

Following discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the absence of Director Matthew Larsen was excused.

**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.

Travon Johnson, Resident

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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, Green and Fantasky 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 Young, seconded by Director Green, 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 Young, seconded by Director Green, 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.

**Minutes:** The Board reviewed the Minutes of the June 29, 2022 Special Meeting.

Following discussion, upon motion duly made by Director Green, seconded by Director Young and, upon vote, unanimously carried, the Board approved the Minutes of the June 29, 2022 Special Meeting.

**District Website:** The Board discussed the status of the District website. Ms. Ripko reported that the website will be populated and live in the next two (2) weeks.

**Resolution No. 2022-10-01; Resolution Establishing Regular 2023 Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Ms. Ripko discussed with the Board Resolution No. 2022-10-01; Resolution Establishing Regular 2023 Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet on the second Tuesday in June and October 2023, at 10:00 a.m. via virtual means.

Following discussion, upon motion duly made by Director Green, seconded by Director Young, and, upon vote unanimously carried, the Board adopted Resolution No. 2022-10-01; Establishing Regular 2023 Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices.

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**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2023:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023 and directed staff to post the Transparency Notice on the Special District Association Website and District Website once established.

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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 through October 5, 2022 in the amount of \$13,580.84.

Following review and discussion, upon motion duly made by Director Green, seconded by Director Young, and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims through October 5, 2022 in the amount of \$13,580.84.

**Financial Statements/Schedule of Cash Position:** Ms. Wheeler reviewed the unaudited financial statements of the District for the period ending September 30, 2022.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District for the period ending September 30, 2022, as presented.

**2022 Audit:** The Board discussed the 2022 Audit requirements. Ms. Wheeler noted that a 2022 Audit is not required.

Following review and discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board appointed Simmons & Wheeler, P.C. to prepare and file 2022 Audit Exemption Application.

**2022 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2022 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 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.

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Following review and discussion, Director Young moved to adopt the Resolution to Amend 2022 Budget, Director Green seconded the motion, and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-02 to Amend the 2022 Budget.

**2023 Budget Hearing:** The President opened the public hearing to consider the proposed 2023 Budget and discuss related issues.

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

Ms. Wheeler reviewed the estimated 2022 expenditures and the proposed 2023 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2022-10-03; to Adopt 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-10-04; to Set Mill Levies (General Fund at 30.000 mills, Debt Service Fund at 57.183 mills, and ARI Mill Levy at 1.143 mills, for a total mill levy of 88.326 mills). Upon motion duly made by Director Young, seconded by Director Green, 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, 2022. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Arapahoe, not later than December 15, 2022. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023.

**Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan:** The Board reviewed Resolution No. 2022-10-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

Following discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

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**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 Young, seconded by Director Green, 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 2024 Budget:** The Board discussed preparation of the 2024 Budget.

Following discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget and directed that the 2024 Budget be the same as the 2023 adopted Budget unless a Board Member provides input to otherwise adjust those assumptions.

**District Bank Accounts:** The Board discussed authorizing Director Young as a signer on the District's Bank Accounts.

Following discussion, upon motion duly made by Director Green, seconded by Director Young, and, upon vote, unanimously carried, the Board authorized Director Young as a signer on the District's Bank Accounts.

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### **LEGAL MATTERS**

**Conveyance of certain Tracts in Commons at East Creek at Tower Landing Subdivision, Filing No. 1, City of Aurora, County of Arapahoe, State of Colorado:** The Board discussed the Special Warranty 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, City of Aurora, County of Arapahoe, State of Colorado.

Following discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board authorized acceptance of the Special Warranty 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, City of Aurora, County of Arapahoe, State of Colorado.

**Bill of Sale:** The Board reviewed the Bill of Sale from Meritage Homes of Colorado, Inc. to the District for the Conveyance of certain public improvements.

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Following discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board authorized acceptance of the Bill of Sale from Meritage Homes of Colorado, Inc. to the District for the Conveyance of certain public improvements.

**Resolution Calling Regular Election on May 2, 2023:** The Board discussed Resolution No. 2022-10-06 Calling A Regular Election for Directors May 2, 2023.

Following discussion, upon motion duly made by Director Young, seconded by Director Green, and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-06 and appointed Peggy Ripko as the Designated Election Official and authorized her to perform all tasks required for the May 2, 2023 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.

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### **COMMUNITY MANAGEMENT**

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

Following review and discussion, upon motion duly made by Director Green, seconded by Director Young, and, upon vote, unanimously carried, the Board ratified approval of the Service Agreement for Landscape Maintenance Services between the District and Cox Professional Landscape Services, LLC.

**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 Green, and, upon vote, unanimously carried, the Board approved the Service Agreement for Snow Removal Services between the District and Cox Professional Landscape Services, LLC for 2022/2023 services.

**2023 District Services:** The Board discussed services needed for 2023 and noted that the term of the Service Agreement for Landscape Maintenance Services ends July 31, 2023. The Board directed Ms. Ripko to provide a proposal for the remainder of 2023 services at the next Board meeting.

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### **CONSTRUCTION MATTERS**

**Status of Development / Construction Outlook:** The Board discussed the status of development/construction outlook. It was noted that the backflow prevention device is locked to prevent theft.

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### **OTHER BUSINESS**

There was no other business at this time.

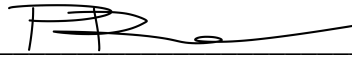
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### **ADJOURNMENT**

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

Respectfully submitted,

By



Secretary for the Meeting