

THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: 303-987-0835 • 800-741-3254
Fax: 303-987-2032

<https://eastcreekcommonsmd.colorado.gov/>

NOTICE OF A SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Adam Young	President	2025/May 2025
Loralee Broer	Treasurer	2025/May 2025
Brien Hollowell	Assistant Secretary	2027/May 2027
VACANT		2025/May 2025
VACANT		2027/May 2027

Peggy Ripko Secretary

DATE: October 24, 2023

TIME: 11:00 A.M.

PLACE: **ZOOM** - If you experience technical difficulties, email Peggy Ripko at pripko@sdmsi.com.

Join Zoom Meeting:

<https://us02web.zoom.us/j/86267550643?pwd=V3RnRGRtWkRyUjZZc1VMWTJFZjFHdz09>

Meeting ID: 862 6755 0643

Passcode: 987572

Dial In: 1-346-248-7799

I. ADMINISTRATIVE MATTERS

A. Confirm Quorum and Present Conflict Disclosures.

B. Approve Agenda, confirm location of the meeting and posting of meeting.

C. Discuss vacancies on the Board of Directors.

D. Review and approve Minutes of the May 3, 2023 special meeting (enclosure).

E. Discuss business to be conducted in 2024 and location (**virtual and/or physical**) of meetings (suggested dates are the second Tuesday in June and October). Review and consider approval of Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting 24-Hour Notices (enclosure).

F. Insurance Discussion

- i. Cyber Security and increased Crime Coverage.
 - ii. Establish Insurance Committee to make final determinations regarding insurance, if necessary.
 - iii. Authorize renewal of the District's insurance and Special District Association (SDA) membership for 2024.
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- G. Discuss requirements of §32-1-809, C.R.S. (Transparency Notice) and mode of eligible elector notification for 2024 (post to the SDA Website and District website).
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II. PUBLIC COMMENTS (Items Not on the Agenda. As a courtesy to others, public comments limited to three minutes per person. Please state and spell your name before speaking and wait for confirmation before proceeding in order to facilitate notes).

A. _____

III. FINANCIAL MATTERS

- A. Ratify approval of the claims through _____, 2023 in the amount of \$_____ (to be distributed).
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- B. Review and accept unaudited financial statements and cash position statements for the period September 30, 2023 (to be distributed).
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- C. Discuss 2023 Audit requirements and consider engagement of Schilling & Company, Inc. to perform 2023 Audit for an amount not to exceed \$_____ or appoint Simmons & Wheeler, P.C. to prepare and file 2023 Audit Exemption Application.
-

- D. Conduct Public Hearing to consider Amendment to 2023 Budget (if necessary) and consider adoption of Resolution to Amend the 2023 Budget and Appropriate Expenditures.
-

- E. Conduct Public Hearing on the proposed 2024 Budget and consider adoption of Resolutions to Adopt the 2024 Budget and Appropriate Sums of Money and Set Mill Levies for General Fund _____, Debt Service Fund _____, and Other Fund(s) _____ for a total mill levy of _____ (enclosure– Preliminary Assessed Valuation, draft 2024 Budget and Resolutions).
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- F. Review and consider adoption of Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan, if necessary.
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- G. Authorize 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.
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- H. Consider appointment of District Accountant to prepare the 2025 Budget and direct that the form of 2025 Budget shall be the same as the 2024 Budget.
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IV. LEGAL MATTERS

- A. Discuss and consider adoption of Resolution Amending Policy on Colorado Open Records Act Requests (enclosure).
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- B. Review proposal from Erb Law, LLC for District general counsel services and consider engagement for same (enclosure).
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V. COMMUNITY MANAGEMENT / OPERATIONS & MAINTENANCE

- A. Report from Community Manager.
-

- B. Discuss truck use of District roads, restrictions, and potential signage.
-

- C. Discuss and consider adoption of Resolution Regarding Parking Rules and Regulations (enclosure).
-

- D. Discuss District services for 2024 and consider approval of necessary service agreements for related services.
-

- i. Review and consider approval of Service Agreement for 2023-2024 Snow Removal Services between the District and Cox Professional Landscape Services LLC (enclosure).
-

- ii. Review and consider approval of the Service Agreement for Bollard Installation Services between the District and Water Extraction Team, LLC, d/b/a Property Solutions Team (to be distributed).
-

VI. OTHER BUSINESS

A. _____

VII. ADJOURNMENT ***THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2023.***

Informational Enclosure:

- Memo regarding New Rate Structure from Special District Management Services, Inc.

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT HELD MAY 3, 2023

A special meeting of the Board of Directors of The Commons at East Creek Metropolitan District (the “**District**”) was convened on Wednesday, the 3rd day of May 2023 at 2:00 p.m. This District Board Meeting was held via Zoom. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Adam Young

Also In Attendance Was:

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

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

Diane Wheeler; Simmons & Wheeler, P.C.

Loralee Broer, Jim Stewart and Brien Hollowell; District residents and Board Candidates

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 Director Young consider whether he had any conflicts of interest to disclose with regard to any matters scheduled for discussion at this meeting, and noted for the record that Director Young is a resident of the District and there were no disclosures made by Director Young.

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 and seconded by Director Young 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.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made and 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 2, 2023 Regular Election: Ms. Ripko discussed with the Board the results of the May 2, 2023 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. There are currently four (4) vacancies on the Board.

Resignation of Director: The Board acknowledged the resignation of Paul Yourick, effective as of January 27, 2023.

Vacancies on the Board of Directors: The Board discussed the four (4) vacancies on the Board. District residents and eligible electors of the District, Lorelee Broer, Jim Stewart and Brien Hollowell, expressed their interest in serving on the Board.

Following discussion, upon motion duly made and seconded by Director Young and, upon vote, unanimously carried, the Board appointed Lorelee Broer, Jim Stewart and Brien Hollowell to the Board of Directors. Ms. Ripko noted that Oaths of Directors would be administered after the meeting.

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

President	Adam Young
Treasurer	Lorelee Broer
Secretary	Peggy Ripko
Assistant Secretary	Jim Stewart
Assistant Secretary	Brien Hollowell

Minutes: The Board reviewed the Minutes of the October 31, 2022 Special Meeting.

Following discussion, upon motion duly made and seconded by Director Young and, upon vote, unanimously carried, the Board approved the Minutes of the October 31, 2022 Special Meeting.

PUBLIC COMMENT There were no public comments.

RECORD OF PROCEEDINGS

FINANCIAL MATTERS

2022 Audit Exemption Application: Ms. Wheeler reviewed the 2022 Audit Exemption Application with the Board.

Following discussion, upon motion duly made and seconded by Director Young and, upon vote, unanimously carried, the Board ratified approval of the 2022 Audit Exemption Application.

Claims: The Board considered ratifying the approval of the payment of claims through April 25, 2023 in the amount of \$79,678.86.

Following discussion, upon motion duly made and seconded by Director Young and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims through April 25, 2023 in the amount of \$79,678.86.

Financial Statements/Schedule of Cash Position: Ms. Wheeler reviewed the unaudited financial statements of the District for the period ending March 31, 2023.

Following discussion, upon motion duly made and seconded by Director Young and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District for the period ending March 31, 2023, as presented.

COMMUNITY MANAGEMENT

Report from Community Manager: There was nothing to discuss regarding the Community Manager Report.

District Roads, Restrictions and Potential Signage: The Board discussed semi-truck use of District roads and damage to the roads. Ms. Ripko confirmed that the District will order signs restricting semi-truck use of the District roads.

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 and reviewed proposals.

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

OTHER BUSINESS

Mr. Steward inquired into when the next landscaping walkthrough is going to take place. Ms. Ripko advised that Michelle at SDMS typically does a walkthrough twice a month. She will have Michelle reach out to the Board and introduce herself and schedule the next walkthrough.

RECORD OF PROCEEDINGS

ADJOURNMENT

Following discussion, upon motion duly made and seconded by Director Young and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2023-10-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND DESIGNATING LOCATION FOR POSTING OF 24-HOUR NOTICES

A. Pursuant to Section 32-1-903(1.5), C.R.S., special districts are required to designate a schedule for regular meetings, indicating the dates, time and location of said meetings.

B. Pursuant to Section 32-1-903(5), C.R.S., “location” means the physical, telephonic, electronic, or virtual place, or a combination of such means where a meeting can be attended. “Meeting” has the same meaning as set forth in Section 24-6-402(1)(b), C.R.S., and means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

C. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., special districts are required to designate annually at the board of directors of the district’s first regular meeting of each calendar year, the public place at which notice of the date, time and location of regular and special meetings (“**Notice of Meeting**”) will be physically posted at least 24 hours prior to each meeting (“**Designated Public Place**”). A special district is deemed to have given full and timely notice of a regular or special meeting if it posts its Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

D. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., special districts are relieved of the requirement to post the Notice of Meeting at the Designated Public Place, and are deemed to have given full and timely notice of a public meeting, if a special district posts the Notice of Meeting online at a public website of the special district (“**District Website**”) at least 24 hours prior to each regular and special meeting.

E. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., if a special district is unable to post a Notice of Meeting on the District Website at least 24 hours prior to the meeting due to exigent or emergency circumstances, then it must physically post the Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

F. Pursuant to Section 32-1-903(1.5), C.R.S., all meetings of the board that are held solely at physical locations must be held at physical locations that are within the boundaries of the district or that are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the physical location does not exceed twenty (20) miles from the district boundaries unless such provision is waived.

G. The provisions of Section 32-1-903(1.5), C.R.S., may be waived if: (1) the proposed change of the physical location of a meeting of the board appears on the agenda of a meeting; and (2) a resolution is adopted by the board stating the reason for which meetings of the board are to be held in a physical location other than under Section 32-1-903(1.5), C.R.S., and further stating the date, time and physical location of such meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Commons at East Creek Metropolitan District (the “**District**”), Arapahoe County, Colorado:

1. That the provisions of Section 32-1-903(1.5), C.R.S., be waived pursuant to the adoption of this Resolution.

2. That the Board of Directors (the “**District Board**”) has determined that conducting meetings at a physical location pursuant to Section 32-1-903(1.5), C.R.S., would be inconvenient and costly for the directors and consultants of the District in that they live and/or work outside of the twenty (20) mile radius requirement.

3. That regular meetings of the District Board for the year 2024 shall be held on June __ and October __ at 1:00 p.m. via Zoom.

4. That special meetings of the District Board shall be held as often as the needs of the District require, upon notice to each director.

5. That, until circumstances change, and a future resolution of the District Board so designates, the physical location and/or method or procedure for attending meetings of the District Board virtually (including the conference number or link) shall appear on the agenda(s) of said meetings.

6. That the residents and taxpaying electors of the District shall be given an opportunity to object to the meeting(s) physical location(s), and any such objections shall be considered by the District Board in setting future meetings.

7. That, the District has established a District Website, <https://eastcreekcommonsmd.colorado.gov/>, and the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to each meeting pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S.

8. That, if the District is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting due to exigent or emergency circumstances, the Notice of Meeting shall be posted within the boundaries of the District at least 24 hours prior to each meeting, pursuant to Section 24-6-402(2)(c)(I) and (III), C.R.S., at the following Designated Public Place:

(a) West of the western entrance along Mississippi.

9. Gary Fantasky, or his designee, is hereby appointed to post the above-referenced notices.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION ESTABLISHING REGULAR MEETING
DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND
DESIGNATING LOCATION FOR 24-HOUR NOTICES]**

RESOLUTION APPROVED AND ADOPTED on October 24, 2023.

**COMMONS AT EAST CREEK
METROPOLITAN DISTRICT**

By: _____
President

Attest:

Secretary



PK Kaiser, MBA, MS

Assessor

August 24, 2023

AUG 31 2023

OFFICE OF THE ASSESSOR

5334 S. Prince Street

Littleton, CO 80120-1136

Phone: 303-795-4600

TDD: Relay-711

Fax: 303-797-1295

www.arapahoegov.com/assessor

assessor@arapahoegov.com

AUTH 4244 COMMONS AT EAST CREEK
METRO DIST
SPECIAL DISTRICT MANAGEMENT
SERVICES
C/O PEGGY RIPKO
141 UNION BLVD SUITE 150
LAKEWOOD CO 80228

Code # 4244

CERTIFICATION OF VALUATION

The Arapahoe County Assessor reports a taxable assessed valuation for your taxing entity for 2023 of:

\$1,852,781

The breakdown of the taxable valuation of your property is enclosed.

As further required by CRS 39-5-128(1), you are hereby notified to officially certify your levy to the Board of County Commissioners no later than December 15.

CRS 39-1-111(5) requires that this office transmit a notification by December 10 of any changes to valuation made after the original certification.

PK Kaiser, MBA, MS
Arapahoe County Assessor

enc

CERTIFICATION OF VALUATION BY ARAPAHOE COUNTY ASSESSOR

New Tax Entity

☒ YES ☐ NO

Date: August 24, 2023

NAME OF TAX ENTITY:

COMMONS AT EAST CREEK METRO DIST

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATION ("5.5%" LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) AND 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2023:

1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	1. \$	1,333,809
2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡	2. \$	1,852,781
3. LESS TOTAL TIF AREA INCREMENTS, IF ANY:	3. \$	0
4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	4. \$	1,852,781
5. NEW CONSTRUCTION: *	5. \$	0
6. INCREASED PRODUCTION OF PRODUCING MINE: ≈	6. \$	0
7. ANNEXATIONS/INCLUSIONS:	7. \$	0
8. PREVIOUSLY EXEMPT FEDERAL PROPERTY: ≈	8. \$	0
9. NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.): Φ	9. \$	0
10. TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(A), C.R.S.). Includes all revenue collected on valuation not previously certified:	10. \$	0
11. TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	11. \$	0

‡ This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec 20(8)(b), Colo. Constitution

* New construction is defined as: Taxable real property structures and the personal property connected with the structure.

≈ Jurisdiction must submit to the Division of Local Government respective Certifications of Impact in order for the values to be treated as growth in the limit calculation; use Forms DLG 52 & 52A.

Φ Jurisdiction must apply to the Division of Local Government before the value can be treated as growth in the limit calculation; use Form DLG 52B.

USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH ART X, SEC.20, COLO. CONSTITUTION AND 39-5-121(2)(b), C.R.S., THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2023:

1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶	1. \$	26,627,856
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ADDITIONS TO TAXABLE REAL PROPERTY

2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	2. \$	0
3. ANNEXATIONS/INCLUSIONS:	3. \$	0
4. INCREASED MINING PRODUCTION: §	4. \$	0
5. PREVIOUSLY EXEMPT PROPERTY:	5. \$	0
6. OIL OR GAS PRODUCTION FROM A NEW WELL:	6. \$	0
7. TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: (If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.):	7. \$	0

DELETIONS FROM TAXABLE REAL PROPERTY

8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	8. \$	0
9. DISCONNECTIONS/EXCLUSIONS:	9. \$	0
10. PREVIOUSLY TAXABLE PROPERTY:	10. \$	0

¶ This includes the actual value of all taxable real property plus the actual value of religious, private school, and charitable real property.

* Construction is defined as newly constructed taxable real property structures.

§ Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS

1. TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY	1. \$	0
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IN ACCORDANCE WITH 39-5-128(1.5), C.R.S., THE ASSESSOR PROVIDES:

HB21-1312 VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): **	\$	9,046
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** The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119.5(3), C.R.S.

NOTE: ALL LEVIES MUST BE CERTIFIED TO THE COUNTY COMMISSIONERS NO LATER THAN DECEMBER 15.

The Commons at East Creek Metropolitan District
Proposed Budget
General Fund
For the Year ended December 31, 2024

	Actual <u>2022</u>	Adopted Budget <u>2023</u>	Actual <u>6/30/2023</u>	Estimate <u>2023</u>	Proposed Budget <u>2024</u>
Beginning fund balance	\$ 41,025	\$ 41,206	\$ 32,048	\$ 32,048	\$ 8,246
Revenues:					
Property taxes	31,026	40,014	40,828	40,828	55,583
Specific ownership taxes	2,240	3,202	1,313	3,202	4,448
Property taxes ARI	1,151	1,525	1,525	1,525	2,175
Specific ownership taxes ARI	83	122	50	122	174
Transfer fees	-	1,500	-	1,500	1,500
District fees	85,716	81,000	32,345	81,000	81,000
Interest income	1,412	-	934	1,000	-
Total revenues	<u>121,628</u>	<u>127,363</u>	<u>76,995</u>	<u>129,177</u>	<u>144,880</u>
Total funds available	<u>162,653</u>	<u>168,569</u>	<u>109,043</u>	<u>161,225</u>	<u>153,126</u>
Expenditures:					
Accounting and audit	13,901	9,500	5,313	10,000	9,500
Election expense	-	5,000	218	2,000	-
Insurance	3,287	3,500	3,219	3,219	3,500
Legal	13,480	15,000	6,493	15,000	15,000
Management	27,800	21,600	18,088	30,000	32,400
Miscellaneous	137	1,000	1,854	2,500	1,000
Detention ponds	-	-	610	1,000	-
Irrigation Repairs	4,491	3,000	4,055	9,000	3,000
Landscape Maintenance	18,971	22,000	10,463	22,000	22,000
Tree Care	1,500	2,000	-	2,000	2,000
Snow removal	16,627	22,000	10,750	22,000	22,000
Park and trails	-	990	-	-	990
Water	12,446	15,000	1,029	15,000	15,000
Electric	754	1,500	309	1,500	1,500
Pet stations	-	3,000	829	3,000	3,000
Trash	9,248	11,000	4,790	11,000	11,000
ARI Mill levy	1,217	1,624	1,553	1,624	2,316
Treasurer fees	470	600	613	613	834
Treasurer fees ARI	17	23	23	23	33
Website	-	-	922	1,500	-
Unfunded developer advance	6,259	-	-	-	-
Contingency/reserve	-	26,974	-	-	4,593
Emergency reserve (3%)	-	3,258	-	-	3,460
Total expenditures	<u>130,605</u>	<u>168,569</u>	<u>71,131</u>	<u>152,979</u>	<u>153,126</u>
Ending fund balance	<u>32,048</u>	<u>-</u>	<u>\$ 37,912</u>	<u>8,246</u>	<u>-</u>
Assessed valuation	\$ -	\$ 1,333,809		\$ -	\$ 1,852,781
District Mill levy		30.000			30.000
Aurora Regional Mill levy		1.143			1.174

The Commons at East Creek Metropolitan District
Proposed Budget
Capital Projects Fund
For the Year ended December 31, 2024

	Actual <u>2022</u>	Adopted Budget <u>2023</u>	Actual <u>6/30/2023</u>	Estimate <u>2023</u>	Proposed Budget <u>2024</u>
Beginning fund balance	\$ 4,820	\$ 20,212	\$ -	\$ -	\$ 20,212
Revenues:					
Unspent COI Funds	9,450	-	-	-	-
Total revenues	9,450	-	-	-	-
Total funds available	14,270	20,212	-	-	20,212
Expenditures:					
Capital outlay	-	20,212	-	-	20,212
Transfer to Debt Service	14,270	-	-	-	-
Total expenditures	14,270	20,212	-	-	20,212
Ending fund balance	\$ -	\$ -	\$ -	\$ -	\$ -

The Commons at East Creek Metropolitan District
Proposed Budget
Debt Service Fund
For the Year ended December 31, 2024

	Actual <u>2022</u>	Adopted Budget <u>2023</u>	Actual <u>6/30/2023</u>	Estimate <u>2023</u>	Proposed Budget <u>2024</u>
Beginning fund balance	\$ 169,224	\$ 150,460	\$ 192,567	\$ 192,567	\$ 200,047
Revenues:					
Property taxes	57,568	76,271	76,271	76,271	108,879
Specific ownership taxes	4,156	6,103	2,503	6,103	8,711
Transfer from capital projects	24,416	-	-	-	-
Interest income	<u>2,555</u>	<u>100</u>	<u>4,245</u>	<u>6,000</u>	<u>100</u>
Total revenues	<u>102,965</u>	<u>82,474</u>	<u>83,019</u>	<u>88,374</u>	<u>117,690</u>
Total funds available	<u>272,189</u>	<u>232,934</u>	<u>275,586</u>	<u>280,941</u>	<u>317,737</u>
Expenditures:					
Bond interest	74,750	74,750	37,375	74,750	74,750
Treasurer fees	872	1,144	1,145	1,144	1,633
Trustee / paying agent fees	<u>4,000</u>	<u>5,000</u>	<u>4,000</u>	<u>5,000</u>	<u>5,000</u>
Total expenditures	<u>79,622</u>	<u>80,894</u>	<u>42,520</u>	<u>80,894</u>	<u>81,383</u>
Ending fund balance	<u>\$ 192,567</u>	<u>\$ 152,040</u>	<u>\$ 233,066</u>	<u>\$ 200,047</u>	<u>\$ 236,354</u>
Assessed valuation		<u>\$ 1,333,809</u>			<u>\$ 1,852,781</u>
Mill Levy		<u>57.183</u>			<u>58.765</u>
Total Mill Levy		<u>88.326</u>			<u>89.939</u>

RESOLUTION NO. 2023 - 10 - 02
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT
TO ADOPT THE 2024 BUDGET AND APPROPRIATE SUMS OF MONEY

WHEREAS, the Board of Directors of The Commons at East Creek Metropolitan District ("District") has appointed the District Accountant to prepare and submit a proposed 2024 budget to the Board at the proper time; and

WHEREAS, the District Accountant has submitted a proposed budget to this Board on or before October 15, 2023, for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on October 24, 2023, and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

WHEREAS, the Board of Directors of the District has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any interfund transfers listed therein, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Commons at East Creek Metropolitan District:

1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of The Commons at East Creek Metropolitan District for the 2024 fiscal year.

2. That the budget, as hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.

3. That the sums set forth as the total expenditures of each fund in the budget attached hereto as **EXHIBIT A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

ADOPTED this 24th day of October, 2023.

Secretary

EXHIBIT A
(Budget)

I, Peggy Ripko, hereby certify that I am the duly appointed Secretary of The Commons at East Creek Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2024, duly adopted at a meeting of the Board of Directors of The Commons at East Creek Metropolitan District held on October 24, 2023.

By: _____

RESOLUTION NO. 2023 - 10 -
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT
TO SET MILL LEVIES

WHEREAS, the Board of Directors of The Commons at East Creek Metropolitan District (“District”) has adopted the 2024 annual budget in accordance with the Local Government Budget Law on October 14, 2023; and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2024 Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference; and

WHEREAS, the amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget; and

WHEREAS, the amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Commons at East Creek Metropolitan District:

1. That for the purposes of meeting all general fund expenses of the District during the 2024 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

2. That for the purposes of meeting all debt service fund expenses of the District during the 2024 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

3. That the District Accountant of the District is hereby authorized and directed to immediately certify to the County Commissioners of Arapahoe County, Colorado, the mill levies for the District as set forth in the District’s Certification of Tax Levies (attached hereto as **EXHIBIT A** and incorporated herein by reference), recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this 24th day of October, 2023.

Secretary

EXHIBIT A
(Certification of Tax Levies)

I, Peggy Ripko, hereby certify that I am the duly appointed Secretary of the Commons at East Creek Metropolitan District, and that the foregoing is a true and correct copy of the Certification of Mill Levies for the budget year 2024, duly adopted at a meeting of the Board of Directors of the Commons at East Creek Metropolitan District held on October 24, 2023.

Secretary

RESOLUTION NO. 2023-10-05

THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT AMENDING POLICY ON COLORADO OPEN RECORDS ACT REQUESTS

A. On February 10, 2020, The Commons at East Creek Metropolitan District (the “**District**”) adopted Resolution No. 2020-02-08 Regarding Colorado Open Records Act Requests, as amended, (the “**Resolution**”), in which the District adopted a policy related to Colorado Open Records Act Requests (the “**Policy**”).

B. In 2023, the Colorado General Assembly enacted Senate Bill 23-286, which provided for certain changes in the law related to Colorado Open Records Act Requests

C. The District desires to amend the Policy due to the legislative changes set forth in Senate Bill 23-286.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Commons at East Creek Metropolitan District, Arapahoe County, Colorado:

1. Defined Terms. Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Resolution.

2. Amendments to Policy. The Policy is hereby amended as follows:

(a) Amendment to Section 3 of the Resolution. Section 3 of the Resolution is hereby deleted in its entirety, and substituted in lieu thereof shall be the following:

“3. Within the period specified in Section 24-72-203(3)(a), C.R.S., as amended from time to time, the Official Custodian shall notify the record requester that a copy of the record is available, but will only be sent to the requester once the custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the Official Custodian, or where prohibited or limited by law. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Official Custodian shall provide the record(s) to the requester as soon as practicable, but no more than three (3) business days after receipt of, or making arrangements to receive, such payment.”

(b) Amendment to Section 5 of the Resolution. Section 5 of the Resolution is hereby deleted in its entirety, and substituted in lieu thereof shall be the following:

“5. The Official Custodian shall not charge a per-page fee for providing records in a digital or electronic format.”

(c) Amendment to Section 7 of the Resolution. Section 7 of the Resolution is hereby deleted in its entirety, and substituted in lieu thereof shall be the following:

“7. All requests for copies or inspection of public records of the District shall be submitted to the Official Custodian in writing. Such requests shall be delivered by the Official Custodian to the District’s legal counsel for review and legal advice regarding the lawful availability of records requested and related matters, including without limitation, whether to deny inspection or production of certain records or information for reasons set forth in Sections 24-72-204(2) and (3), C.R.S., as amended from time to time. The District may, from time to time, designate specific records for which written requests are not required and with respect to which review by legal counsel is not required; i.e., service plans, rules and regulations, minutes, etc. Such designations shall occur in the minutes of the meetings of the District.”

3. Except as expressly set forth herein, the Resolution continues to be effective without modification.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION NO. 2023-10-05]

RESOLUTION APPROVED AND ADOPTED ON October 24, 2023.

**THE COMMONS AT EAST CREEK
METROPOLITAN DISTRICT**

By: _____
President

Attest:

Secretary

July 7, 2023

Board of Directors
The Commons at East Creek Metropolitan District

Re: The Commons at East Creek Metropolitan District
Engagement for Legal Services – General Counsel

Dear Board of Directors:

Thank you for retaining Erb Law, LLC (the “**Firm**”) to provide legal services to The Commons at East Creek Metropolitan District (the “**District**”). This letter is to summarize and confirm the terms and conditions of the Firm’s representation of the District.

1. Scope of Representation and Personnel

Our engagement will be as general legal counsel to the District, as well as those additional legal services agreed to between the District and the Firm. As general counsel, we will serve as the primary legal advisor to the District, providing legal services needed for the daily operation of the District and oversight of the District’s legal compliance requirements.

Jeffrey Erb will be the attorney primarily responsible for your matters, with additional legal services provided by Glory Schmidt. In addition, paralegal services will be provided by Natalie Fleming.

2. Fees and Billing

The Firm provides legal services on an hourly basis, billed in six-minute increments. The current hourly rate for Mr. Erb is \$385 per hour. The current hourly rate for Ms. Schmidt is \$285 per hour. The current hourly rate for Ms. Fleming is \$170 per hour. All rates are subject to change January 1 of each year.

In addition to our time, we may incur costs on your behalf. Costs include photocopying expenses, delivery charges, filing and recording fees, Westlaw research charges and other expenses incurred when we advance materials or funds on your behalf. Costs are billed separately from legal fees and appear on your monthly invoice. Costs are to be paid on the same terms as legal fees. We do not surcharge or mark-up costs.

We will provide you with a detailed invoice for services and costs incurred. Invoices are mailed monthly and payment is due 45 days from the date of the invoice. Past due invoices may be subject to a monthly late charge of 1.5% of the unpaid balance.

3. Communication

The Firm primarily communicates with its clients using e-mail; the sending of documents and correspondence via the United States Post Office, UPS, FedEx, courier or other similar delivery service; and telephone. When sending e-mail, we endeavor to ensure that only the intended recipient(s) receives the e-mail. However, our e-mail communication is not encrypted. Communication via e-mail is not completely secure and e-mails may pass through servers controlled by third-parties and could be accessed by unauthorized third-parties.

Although a common form of social communication, the Firm does not generally communicate with clients about client matters via text message, iMessage, or other form of instant messaging. Communications made via text, iMessage or instant messaging may not be received, and risk not being attended to in a timely manner. Accordingly, communications with the Firm should be made via one of the other identified communication methods.

Generally, communications between the client and the Firm are confidential and subject to the attorney-client privilege. This privilege is for the benefit of the client and if confidential communications are shared with third-parties by the client, that privilege may be lost.

4. Document Retention

In the course of our representation, we will maintain a file of documents produced and received in the ordinary course of practice. Not all papers and electronic data are maintained in the ordinary course of practice. For example, multiple copies or drafts of the same document, or communications containing duplicative correspondence or concerning non-substantive communications may not be retained. We generally maintain our files in electronic format, and except for certain documents required to be maintained in hard copy, will convert paper copies to electronic format and dispose of the paper copy.

It is the general policy of the Firm to retain your files in paper or electronic format for at least ten (10) years from the date our representation is complete, either by completion or resolution of the matter for which we were engaged or termination of the attorney-client relationship. In certain circumstances, such as where there is pending or threatened litigation related to the matter which is known to the Firm, we may be required to maintain your files for a longer period. Following expiration of the ten-year retention period, your file may be destroyed without notice unless you have requested the original file to be delivered to you.

Notwithstanding the foregoing policy, if the Firm is designated as the public records custodian for the District pursuant to the Colorado Open Records Act, Part 2 of Article 72, Title 24 of the Colorado Revised Statutes or is otherwise in possession of “public records” of the District, the Firm will retain and destroy those files in accordance with any approved document retention and destruction policy of the District, the Colorado State Archives or similar regulatory body.

5. Conflicts of Interest

We have performed an internal review for potential conflicts of interest based on information provided to us. At this time, we do not have any conflicts of interest with any current or former clients that would preclude our representation of the District. Should a conflict of interest arise, we will advise you as soon as practicable, and if the conflict cannot be resolved or waived, the Firm may be required to withdraw from representation of the District.

6. Termination

Either of us is free to terminate this agreement at any time for any reason. However, it is important to both of us that any termination is in writing to allow for a clear allocation of responsibilities. Termination of legal services will not affect the District's responsibility for payment of legal services rendered and costs incurred before termination and incurred in connection with an orderly transition of legal services. Our efforts on your behalf may cease and we may withdraw from further representation at any time if an invoice is not timely paid.

Please countersign this letter in the space provided if you agree to these terms and return a copy to our office.

We look forward to working with you.

Sincerely,

ERB LAW, LLC

A handwritten signature in black ink, appearing to read "Jeffrey E. Erb", with a stylized flourish at the end.

Jeffrey E. Erb

I have reviewed this proposal and agree to the engagement of Erb Law, LLC pursuant to the terms of representation described in this letter.

**THE COMMONS AT EAST CREEK
METROPOLITAN DISTRICT**

Print Name: _____

Title: _____

Date: _____

2023 RATES**Attorneys****Per Hour**

Jeffrey E. Erb

\$385

Glory S. Schmidt

\$285

Paralegals**Per Hour**

Natalie M. Fleming

\$170

FIRM RESUME

Erb Law, LLC is focused on providing high quality, practical and personalized legal services to its clients. Erb Law, LLC was founded with the goal to create a law firm where each issue is addressed by an attorney dedicated to the overall, long-term success of the client.

The foundation of Erb Law, LLC is the representation of Colorado special districts, including metropolitan, water, sanitation, and water and sanitation districts. Our services include ensuring compliance with law and support of the district's operations including meeting preparation and procedure, elections, director qualifications and conflicts of interest, contracting for services, construction bidding and contracting, financing, real estate matters, park and recreation services, inclusion and exclusion of property, Colorado open records, and dissolution. In addition, depending on the services provided by each special district, additional services include advice regarding water and sewer fees and rates, capital improvement plans, grants and loans, and advice regarding covenant enforcement and design review.

We represent a wide variety of special district communities, ranging from metropolitan districts providing a suite of public services to small and large residential and mixed-used communities; mountain community water and sewer providers; and special districts supporting commercial shopping centers and developments. In addition, we have experience with special district communities with multiple special districts to address different services or development phasing, and community authorities created to assist with the coordination of services provided by the special districts.

Jeffrey E. Erb, Esq. is the founder of Erb Law, LLC. He earned his Juris Doctor degree from the University of Denver Sturm College of Law and his undergraduate degree in Business from the University of Colorado at Boulder. While at the University of Denver, Mr. Erb served as an editor for the Denver Journal of International Law and Policy and interned for the Hon. Russell Carparelli of the Colorado Court of Appeals. Following law school, Mr. Erb clerked for two years for the Hon. Diana Terry of the Colorado Court of Appeals. Following his clerkship, Mr. Erb began his practice at a large law firm practicing healthcare litigation, transitioning his practice to focus on special districts in 2010. Mr. Erb represents special districts and a select group of real estate developers, providing advice regarding the use and operation of special districts, including their organization, financing and infrastructure development, and ongoing operations. Mr. Erb also provides legal services for the resolution of disputes related to special districts and the transition of special districts from active development to resident ownership and operation. In addition, Mr. Erb has experience representing other types of improvement districts including general improvement districts.

Glory S. Schmidt, Esq. earned both her Juris Doctor degree and her undergraduate degree in Political Science from the University of Colorado at Boulder. While in law school, Ms. Schmidt was the President of the Business Law Society and gained experience in business law as a legal intern at Alterra Mountain Company. After law school, Ms. Schmidt began her legal career practicing civil litigation with a focus on domestic issues. Since 2023, Ms. Schmidt has focused her practice on the representation of special districts, including their organization, day-to-day operations, and annual compliance items.

Natalie M. Fleming is the paralegal and office manager at Erb Law, LLC. She is a graduate of the University of Northern Colorado with a degree in Political Science and received her paralegal certificate from the Center for Legal Studies via Metropolitan State University of Denver in 2020. Ms. Fleming is experienced in all aspects of special district law, with particular focus on special district compliance and administration, elections, and legal research.

RESOLUTION NO. 2023-__-.
RESOLUTION OF THE BOARD OF DIRECTORS OF
THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT
REGARDING PARKING RULES AND REGULATIONS

- A. The Commons at East Creek Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City of Aurora, Colorado (the “**City**”).
- B. The District operates pursuant to its Service Plan approved by the City on August 5, 2019, as the same may be amended and/or modified from time to time (the “**Service Plan**”).
- C. Pursuant to the Service Plan and Section 32-1-101, *et seq.*, C.R.S., the District has the power and authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment and financing of streets within the District’s Service Area (as defined in the Service Plan), among related street improvements powers.
- D. Pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”
- E. The District owns and maintains those roadways within the District’s Service Area (the “District Roadways”).
- F. Portions of the District Roadways are designated and posted as “No Parking” in the interest of public health, safety and welfare.
- G. Attendant to its duties and obligations for the District Roadways, the District wishes to adopt parking rules and regulations to put District residents and guests on notice of the parking restrictions on District Roadways.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COMMONS AT EAST CREEK METROPOLITAN DISTRICT (THE “**BOARD**”) OF THE CITY OF AURORA, COLORADO THAT:

1. The Board hereby determines that it is in the best interests of the District and members of the public using the District Roadways to exercise the authority granted under the Service Plan to adopt the Parking Rules and Regulations attached hereto as **Exhibit A** and incorporated herein by this reference.
2. The District reserves the right, from time to time, to further modify, amend or

replace these Parking Rules and Regulations in conformance with the City or other relevant regulations then in effect.

3.

4. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

RESOLUTION APPROVED AND ADOPTED on DATE.

**THE COMMONS AT EAST CREEK
METROPOLITAN DISTRICT**

By: _____
President

Attest:

Secretary

EXHIBIT A

PARKING RULES AND REGULATIONS

I. APPLICABILITY.

These Parking Rules and Regulations shall apply to all roadways and portions of roadways, including designated parking spaces, owned and maintained by the District as designated on **Exhibit 1** attached hereto and incorporated herein by this reference (the “**District Roadways**”).

II. DEFINITIONS

1. **Vehicles**. For purposes of these Parking Rules and Regulations, “Vehicle” shall mean every device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. Vehicle includes, without limitation, a motor vehicle, a motorcycle, a bicycle, electrical assisted bicycle, or EPAMD (Electric Personal Assisted Mobility Device), but does not include a wheelchair, off-highway vehicle, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.
2. **Valid Parking Spaces**. Valid Parking Spaces are those portions of the District Roadways designated as parking spaces by painted markings or posted signs as described in **Exhibit 1**.
3. **Fire Lanes**. Fire Lanes are those portions of the District Roadways upon which a Fire Lane Easement exists pursuant to the Commons at East Creek at Tower Landing Subdivision Filing No. 1 final plat and which is designated by posted signs or painted markings as described in **Exhibit 1**.
4. **No Parking Zones**. No Parking Zones are all areas of the District Roadways that are not otherwise designated as Fire Lanes or a Valid Parking Spaces and are designated by posted signs or painted markings. No Parking Zones are described in **Exhibit 1**.
5. **Recreational Vehicle**. A Recreational Vehicle means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. Recreational vehicle includes camping trailers, fifth wheel trailers, motor homes, travel trailers, multipurpose trailers, and truck campers.
6. **Inoperable/Damaged/Unsightly Vehicle**. An Inoperable/Damaged/Unsightly Vehicle means a Vehicle that has not been driving under its own propulsion for a period of twenty-four (24) consecutive hours or longer, does not have an operable propulsion system installed, has broken windows or windshields, or has missing wheels, tires, motor, or transmission, is leaking excessive fluids, or has flat tires.
7. **Commercial Truck**. A tractor-trailer or truck with a gross vehicle weight rating greater than 10,000 pounds.
8. **Abandoned Vehicle**. An Abandoned Vehicle means a Vehicle that has not been moved for a period of twenty-four (24) consecutive hours or longer.

III. PARKING VIOLATIONS

1. Generally. It shall be unlawful for any owner or operator of a Vehicle to park a Vehicle in any manner upon any District Roadways except for those expressly designated Valid Parking Spaces as more particularly described in **Exhibit 1** unless:

- a. necessary to avoid conflict with other traffic,
- b. when done in compliance with the directions of a police officer or traffic-control signal, sign or device; or
- c. momentarily for the purpose of actively and continuously loading or unloading passengers when such parking does not obstruct, impede or endanger any traffic.

2. Fire Lanes. must remain unobstructed to provide access to the Fire Department and other emergency vehicles. It shall be unlawful for any owner or operator of a Vehicle to park any Vehicle in any manner upon Fire Lanes.

3. No Parking Zone. It shall be unlawful for any owner or operator of a Vehicle to park any Vehicle in a designated No Parking Zone.

4. Handicap Space. It shall be unlawful for any owner or operator of a Vehicle to park any Vehicle in a Valid Parking Space that is designated as a handicap space upon the District Roadways without a valid disability placard or license plate.

5. Obstruction of Traffic. Obstructions to District Roadways pose impediments to the fire department and other emergency vehicles in addition to other drivers. It shall be unlawful for any owner or operator of a Vehicle to park for any amount of time any Vehicle upon the District Roadways in such manner or under such conditions as to:

- a) leave available less twenty (20) feet of width of the District Roadways for free movement of vehicular traffic;
- b) prevent another Vehicle from accessing a designated parking or the District Roadways; or
- c) otherwise interfere with the flow of vehicular traffic.

6. Parking in Excess of Twenty-Four (24) Hours/Abandoned Vehicle. It shall be unlawful for any owner or operator of a Vehicle to leave that Vehicle parked in a Valid Parking Space for a period in excess of twenty-four (24) continuous hours. A vehicle shall be considered in violation of this subsection if it has not been moved at least one hundred (100) feet during the continuous twenty-four (24) hour period of time.

7. Inoperable/Damaged/Unsightly Vehicle/Abandoned. It shall be unlawful for any owner or operator to leave an Inoperable, Damaged, or Unsightly Vehicle parked in a Valid Parking

Space in excess of twenty-four (24) hours. The twenty-four (24) hour time limit includes the cumulative time spent on any District Roadways.

8. Landscaping. It shall be unlawful for any person to park any Vehicle either partially or entirely upon any landscaped area owned and maintained by the District, including but not limited to rock beds and xeriscape areas.

9. Flat Tire. It shall be unlawful for any person to leave any Vehicle with a flat tire in a Valid Parking Space in excess of twenty-four (24) hours.

10. Vehicle Repair. It shall be unlawful for any person to park or operate a Vehicle in a Valid Parking Space for the principal purpose of greasing, oiling, lubricating, painting or repairing such vehicle, except for repair that is necessary for the limited purpose of removing the vehicle from the roadway or due to an emergency.

11. Recreational Vehicles. It shall be unlawful for any person to park any Recreational Vehicle or any accessories related to any Recreational Vehicle in a Valid Parking Space for longer than a cumulative total of twenty-four (24) hours.

12. Commercial Trucks. No Commercial Trucks shall be allowed on District Roadways.

IV. TOWING, FINES AND IMMOBILIZATION

1. Generally. The District reserves the right to have any Vehicles that are in violation of these Parking Rules and Regulations removed, towed or immobilized (including booting) at the owner's cost and expense. Further, the District reserves the right to assess fines and administrative fees for parking violations against the Vehicle owner.

2. Warning Citations. The District shall cause a warning citation to be issued for Vehicles parked in violation of these Parking Rules and Regulations, except for those violations in subsection IV.3 below which may be towed without a warning citation after reasonable notice. The District reserves the right to remove, tow or immobilize the Vehicle at the owner's cost and expense if any of these violations continue for more than twenty-four (24) hours following issuance of the citation.

3. Towing after Reasonable Notice. In addition to violations of these Rules and Regulations continuing for more than twenty-four (24) hours and in addition to Fines or Administrative Fees, the District may also authorize the towing and/or immobilization of Vehicles in violation Rules III.2 (Parking in a Fire Lane) and III.3 (Parking in a No Parking Zone) upon reasonable notice. Reasonable notice for violations of Rule III.2 and III.3 shall be deemed given through posted signs indicating parking may result in the immediate towing of the Vehicle.

4. Fines and Administrative Fees. The District may assess an administrative fee or fine for towing, which fee may either be collected as part of the general towing fee paid to the tow lot operator and remitted to the District or, alternatively, assessed directly to the Vehicle owner by the District.

EXHIBIT 1
DISTRICT ROADWAYS

DRAFT



Proposal For

Commons at East Creek

Peggy Ripko
141 Union Blvd., #150
Lakewood, CO 80228

pripko@sdmsi.com; coxoffice@coxprolandscape.com

Location

East Mississippi Ave
Aurora,

Commons at East Creek

Terms
Net 30

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT	CONTRACT TOTAL
General Labor General Landscape Labor- remove dead trees on tree lawn on Mississippi- tagged and marked	5	\$ 75.00	\$ 375.00	\$ 375.00
Dump Service Removal of items taken to the dump	1	\$ 500.00	\$ 500.00	\$ 500.00
Landscape Construction:Tree Planting:Honeylocust, Shademaster 2" Honey Locust 2"	1	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00
Landscape Construction:Tree Planting:Linden 2" Linden 2"	3	\$ 1,300.00	\$ 3,900.00	\$ 3,900.00
Tree Stake Maintenance Tree Stake/ties	8	\$ 40.00	\$ 320.00	\$ 320.00
Landscape Materials:Soils:Planters Mix Planters Mix	2.6	\$ 75.50	\$ 196.30	\$ 196.30
General Labor General Landscape Labor- Planting	5	\$ 75.00	\$ 375.00	\$ 375.00
Client Notes Remove and replace dead trees on tree lawn on E. Mississippi as requested by Michelle Gardner.				



Cox Professional Landscape Services LLC
14051 E Davies Ave Unit A
Centennial, CO 80112

Proposal #40636
Created: 07/26/2023
From: Marshall de Leon

All work will be completed in accordance with these plans unless subsequent changes are agreed upon in writing. Balances not paid by the due date are subject to late fees.

Signature

x

Date:

Please sign here to accept the terms and conditions

SUBTOTAL	\$ 6,966.30
TOTAL	\$ 6,966.30
DEPOSIT AMOUNT (50.0%)	\$ 3,483.15



Proposal For

Commons at East Creek

Peggy Ripko
141 Union Blvd., #150
Lakewood, CO 80228

pripko@sdmsi.com; coxoffice@coxprolandscape.com

Location

E. Mississippi & S. Yampa
Aurora,

Commons at East Creek

Terms
Net 30

ACCEPT	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT	CONTRACT TOTAL
<input checked="" type="checkbox"/>	General Labor Recommended General Landscape Labor	5	\$ 75.00	\$ 375.00	\$ 375.00
<input checked="" type="checkbox"/>	Landscape Construction: Fabric Recommended Landscape Fabric installed	2	\$ 0.85	\$ 1.70	\$ 1.70
<input checked="" type="checkbox"/>	Landscape Materials: Soils: Fill Firt Recommended Fill Dirt	1.5	\$ 78.00	\$ 117.00	\$ 117.00
<input checked="" type="checkbox"/>	Landscape Materials: Granite bolder: River Rock, Local 1 1/2" Recommended Local River Rock 1 1/2"	1.7	\$ 110.50	\$ 187.85	\$ 187.85

Client Notes

Repair to damage on tree lawn corner- truck damage. Repair with new fill and rock to bring back to grade.

Please use the checkbox to mark items as accepted.



Cox Professional Landscape Services LLC
14051 E Davies Ave Unit A
Centennial, CO 80112

Proposal #40637
Created: 07/26/2023
From: Marshall de Leon

All work will be completed in accordance with these plans unless subsequent changes are agreed upon in writing. Balances not paid by the due date are subject to late fees.

Signature

x

Date:

Please sign here to accept the terms and conditions



Cox Professional Landscape Services LLC
14051 E Davies Ave Unit A
Centennial, CO 80112

Proposal #40638
Created: 07/26/2023
From: Marshall de Leon

Proposal For

Commons at East Creek

Peggy Ripko
141 Union Blvd., #150
Lakewood, CO 80228

Location

Mississippi Ave
Aurora,

pripko@sdmsi.com; coxoffice@coxprolandscape.com

Commons at East Creek

Terms
Net 30

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT	CONTRACT TOTAL
Landscape Construction:Shrub Planting:Viburnum, Mohican #5 Mohican Viburnum #5 - S. Walden	3	\$ 78.50	\$ 235.50	\$ 235.50
Landscape Construction:Shrub Planting:Juniper, Blue Rug #5 Blue Rug Juniper #5 -Cnr. E. Kansas & S. Walden	4	\$ 77.95	\$ 311.80	\$ 311.80
Landscape Construction:Shrub Planting:Juniper, Buffalo #5 #5 Buffalo Juniper - Cnr. S. Walden (1159)	8	\$ 77.95	\$ 623.60	\$ 623.60
Landscape Construction:Shrub Planting:Juniper, Blue Rug #5 Blue Rug Juniper #5 - East Kansas (18292)	3	\$ 77.95	\$ 233.85	\$ 233.85
Landscape Construction:Shrub Planting:Juniper, Buffalo #5 #5 Buffalo Juniper - East Kansas (18312)	1	\$ 77.95	\$ 77.95	\$ 77.95
Landscape Construction:Perennial Planting:Mexican Feather Grass #5 /#5 Mexican Feather grass (Park- cnr. S. Yampa & E. Kansas)	13	\$ 81.35	\$ 1,057.55	\$ 1,057.55
Landscape Construction:Shrub Planting:Barberry, Red #5 #5 Red Barberry (Park- cnr. S. Yampa & E. Kansas)	2	\$ 67.50	\$ 135.00	\$ 135.00
Landscape Construction:Shrub Planting:Fountain Grass #1 #1 Fountain Grass (Park- cnr. S. Yampa & E. Kansas)	6	\$ 27.95	\$ 167.70	\$ 167.70



Landscape Construction:Shrub Planting:Burning Bush, Compact #5 #5 Compact Burning Bush - 18392 E. Kansas	1	\$ 57.95	\$ 57.95	\$ 57.95
Landscape Construction:Shrub Planting:Juniper, Buffalo #5 #5 Buffalo Juniper - 18392 E. Kansas	1	\$ 77.95	\$ 77.95	\$ 77.95
Landscape Construction:Shrub Planting:Snowberry, Western #5 Western Snowberry #5 - Cnr. Arizona & E. Kansas Pl. (18393)	2	\$ 62.50	\$ 125.00	\$ 125.00
Landscape Construction:Shrub Planting:Sumac, Gro-Low #5 Gro-Low Sumac #5 - Cnr. Arizona & E. Kansas Pl. (18393)	4	\$ 65.95	\$ 263.80	\$ 263.80
Landscape Construction:Shrub Planting:Little Bunny grass #1 Little Bunny grass #1 -East Arizona (18373)	2	\$ 27.95	\$ 55.90	\$ 55.90
Landscape Construction:Shrub Planting:Juniper, Buffalo #5 #5 Buffalo Juniper- E. Arizona (18292)	2	\$ 77.95	\$ 155.90	\$ 155.90
Landscape Construction:Shrub Planting:Burning Bush, Compact #5 #5 Compact Burning Bush - East Arizona (1163)	4	\$ 57.95	\$ 231.80	\$ 231.80
Landscape Construction:Shrub Planting:Juniper, Blue Rug #5 Blue Rug Juniper #5 installed	3	\$ 77.95	\$ 233.85	\$ 233.85
Landscape Materials:Soils:Planters Mix Planters Mix	6.5	\$ 75.50	\$ 490.75	\$ 490.75
General Labor General Landscape Labor	20	\$ 75.00	\$ 1,500.00	\$ 1,500.00

Client Notes

Plant/shrub audit of dead plants that require replacing at Commons at East Creek.



Cox Professional Landscape Services LLC
14051 E Davies Ave Unit A
Centennial, CO 80112

Proposal #40638
Created: 07/26/2023
From: Marshall de Leon

All work will be completed in accordance with these plans unless subsequent changes are agreed upon in writing. Balances not paid by the due date are subject to late fees.

Signature

x

Date:

Please sign here to accept the terms and conditions

SUBTOTAL	\$ 6,035.85
TOTAL	\$ 6,035.85
DEPOSIT AMOUNT (50.0%)	\$ 3,017.93



141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
303-987-0835 • Fax: 303-987-2032

MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski
Executive Vice-President

DATE: October 12, 2023

RE: Notice of 2024 Rate Increase

A rectangular box containing a handwritten signature in blue ink that reads "Christel Gemski".

In accordance with the Management Agreement ("Agreement") between the District and Special District Management Services, Inc. ("SDMS"), at the time of the annual renewal of the Agreement, the hourly rate described in Article III for management and all services shall increase by (6.0%) per hour.

We hope you will understand that it is necessary to increase our rates due to increasing gas and operating costs along with new laws and rules implemented by our legislature.