

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1 (THE “DISTRICT”) HELD JUNE 29, 2020

A special meeting of the Board of Directors of the East Creek Metropolitan District No. 1 (the “District”) was convened on Monday June 29, 2020 at 5:00 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 without any individuals (neither District Representative nor the general public) attending in-person. The meeting was open to the public via conference call.

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**Directors In Attendance Were:**

Glenn Nier  
Michele Trujillo  
Matthew Larsen

**Also In Attendance Were:**

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

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

Dawn Schilling; Schilling & Company, Inc.

Cameron Nelson; Resident

Greg Wright; Resident

Evelyn Buardt; Resident

Anna Espinoza; Resident

Marty Corley; Resident

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## RECORD OF PROCEEDINGS

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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.

### **ADMINISTRATIVE MATTERS**

**Agenda:** The Board reviewed the proposed Agenda for the District's special meeting.

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

**Results of May 5, 2020 Regular Election:** Ms. Ripko discussed with the Board the results of the May 5, 2020 Regular Election for Directors ("Election"). It was noted that the Election was cancelled, as permitted by statute and that Directors Bird and Larsen were deemed elected to three-year terms ending in 2023.

**Resignation of Directors:** The resignation of Directors Natalie Schutzius, effective February 26, 2020 and Michael Bird, effective May 8, 2020 were acknowledged by the Board of Directors.

**Consideration of Board Appointment:** It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was made on June 10, 2020 in the Aurora Sentinel. No Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

## RECORD OF PROCEEDINGS

---

Following discussion and upon motion duly made by Director Nier, seconded by Director Larsen to nominate District residents Cameron Nelson and Greg Wright to fill the vacancies and, upon vote, unanimously carried, the Board appointed Cameron Nelson and Greg Wright to fill the vacancies on the Board of Directors.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

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

President	Glenn Nier
Treasurer	Michele Trujillo
Secretary	Matthew Larsen
Assistant Secretary	Cameron Nelson
Assistant Secretary	Greg Wright

**Minutes:** The Board reviewed the minutes of the October 28, 2019 special meeting.

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the minutes of the October 28, 2019 special meeting.

### **PUBLIC COMMENTS**

Public Comments consisted of the following topics:

- Dead Plants.
- Landscaping.

Ms. Ripko answered questions regarding these matters and a special meeting will be scheduled.

### **FINANCIAL MATTERS**

**Claims:** The Board considered the ratification of approval of the payment of claims as follows:

<b>Fund</b>	<b>Period Ending Nov. 14, 2019</b>	<b>Period Ending Dec. 17, 2019</b>	<b>Period Ending Jan. 14, 2020</b>
General	\$ 8,487.28	\$ 10,455.79	\$ 5,310.89
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 8,487.28</b>	<b>\$ 10,455.79</b>	<b>\$ 5,310.89</b>

## RECORD OF PROCEEDINGS

---

Fund	Period Ending Feb. 11, 2020	Period Ending Mar. 17, 2020	Period Ending Apr. 14, 2020
General	\$ 8,314.36	\$ 9,920.08	\$ 7,556.54
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 8,314.36</b>	<b>\$ 9,920.08</b>	<b>\$ 7,556.54</b>

Fund	Period Ending May 14, 2020	Period Ending June 11, 2020
General	\$ 7,633.23	\$ 13,699.65
Debt Service	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 7,633.23</b>	<b>\$ 13,699.65</b>

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote unanimously carried, the Board ratified approval of the payment of claims, as presented.

**Financial Statements and Schedule of Cash Position:** Mr. Ruthven presented to the Board the unaudited financial statements dated May 31, 2020 and schedule of cash position statement ending May 31, 2020.

Following review and discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote unanimously carried, the Board accepted the unaudited financial statements dated May 31, 2020 and schedule of cash position statement ending May 31, 2020.

**Prepare 2019 Audit:** Ms. Schilling reviewed with the Board the engagement of Schilling & Company, Inc. for 2019 Audit services.

Following review, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote unanimously carried, the Board ratified approval of Schilling & Company Inc. for 2019 Audit services.

**2019 Audit:** Ms. Schilling presented the Board the 2019 Audited Financial Statements.

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote unanimously carried, the Board approved the 2019 Audited Financial Statements and authorized execution of the Representations Letter.

## RECORD OF PROCEEDINGS

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### LEGAL MATTERS

**McGeady Becher P.C. Records Retention Policy:** Attorney Williams presented to the Board the update to the McGeady Becher P.C. Document Retention Policy.

Following discussion, upon motion duly made by Director Nier, seconded by Director Larsen and, upon vote, unanimously carried, the Board approved the update and directed a copy of the approved updated McGeady Becher P.C. Document Retention Policy be attached to the minutes of this meeting. Accordingly, a copy of the updated McGeady Becher P.C. Document Retention Policy is attached hereto and incorporated herein by this reference.

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### COMMUNITY MANAGEMENT

**Timeline for Landscape Transition to the District:** The Board deferred discussion at this time.

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### CONSTRUCTION MATTERS

**2020 Development / Construction Outlook:** Director Nier gave an update. It was noted that they would finish landscaping once housing tracts are completed.

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### OTHER BUSINESS

There were no other business matters 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