

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 2 (THE "DISTRICT") HELD OCTOBER 22, 2018

A special meeting of the Board of Directors of the East Creek Metropolitan District No. 2 (the "District") was convened on Monday, October 22, 2018, at 2:30 p.m., at the offices of Meritage Homes of Colorado, 8400 E. Crescent Parkway, #200, Greenwood Village, Colorado 80112. The meeting was open to the public.

Directors In Attendance Were:

Timothy Buschar
Glenn Nier
Michael Bird
Matthew Larsen

Following discussion, upon motion duly made by Director Nier, seconded by Director Buschar and, upon vote, unanimously carried, the absence of Michelle Trujillo was excused.

Also In Attendance Were:

Lisa A. Johnson and Peggy Ripko; Special District Management Services, Inc.

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

**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. It was noted that disclosure statements had been filed for all Directors.

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ADMINISTRATIVE MATTERS

Agenda: Ms. Johnson distributed for the Board's review and approval a proposed Agenda for the Districts' special meeting.

Following discussion, upon motion duly made by Director Nier, seconded by Director Buschar and, upon vote unanimously carried, the Agenda was approved.

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 Districts' Board meeting. Following discussion, and upon motion duly made by Director Nier, seconded by Director Buschar and, upon vote, unanimously carried, the Board determined that because there was not a suitable or convenient location within its boundaries that the District is located to conduct this meeting, it was determined to conduct the meeting at the above-stated location. The Board further noted that notice of this location was duly posted and that they have not received any objections to the location or any requests that the meeting place be changed by taxpaying electors within its boundaries.

Minutes: The Board reviewed the Minutes of the June 25, 2018 organizational meeting.

Following discussion, upon motion duly made by Director Buschar, seconded by Director Bird and, upon vote, unanimously carried, the Minutes of the June 25, 2018 organizational meeting were approved.

Resolution No. 2018-10-01 Establishing Regular Meeting Dates, Time and Location, and Designating Locations for Posting of 72-Hour and 24-Hour Notices: The Board discussed Resolution No. 2018-10-01; Establishing Regular Meeting Dates, Times and Location, and Designating Locations for Posting of 72 Hour and 24-Hour Notices.

Following discussion, upon a motion duly made by Director Buschar, seconded by Director Bird and, upon vote, unanimously carried, the Board adopted Resolution No. 2018-10-01; Establishing Regular Meeting Dates, Times and Location, and Designating Locations for Posting of 72-Hour and 24-Hour Notices and determined to hold 2019 meetings on May 9, 2019 and October 24, 2019, at 2:30 p.m., at the offices of Meritage Homes of Colorado, 8400 E. Crescent Parkway, #200, Greenwood Village, Colorado 80112.

FINANCIAL MATTERS

2018 Application for Exemption from Audit: The Board discussed the requirements for an audit.

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Following discussion, upon motion duly made by Director Nier, seconded by Director Buschar and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and file the Application for Exemption from Audit for 2018.

Preparation of 2019 Budget: Following discussion, upon a motion duly made by Director Nier, seconded by Director Bird and, upon vote, unanimously carried, the Board ratified the appointment of the District's Accountant to prepare the District's 2019 Budget.

2018 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2018 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 2018 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. There were no comments from the public in attendance and the public hearing was closed.

It was noted that no amendment was needed for the 2018 Budget.

2019 Budget Hearing: The President opened the public hearing to consider the proposed 2019 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2019 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. Johnson reviewed the estimated 2018 expenditures and the proposed 2019 expenditures.

The Board continued the Budget hearing to November 15, 2018, at 3:00 p.m., at the regular meeting location.

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.

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Following discussion, upon motion duly made by Director Buschar, 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.

LEGAL MATTERS

Shared Public Improvements: The Board discussed the need for a potential agreement between the District and East Creek Metropolitan District No. 1 regarding shared public improvements. Meritage will locate drainage reports and analyze further.

COVENANT ENFORCEMENT / DESIGN REVIEW CONSTRUCTION MATTERS

None.

Development / Construction Outlook: It was reported that the project is in process on public infrastructure.

OTHER BUSINESS

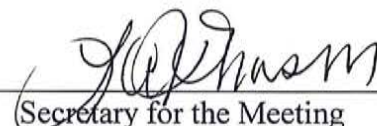
§32-1-809, C.R.S. reporting requirements, mode of eligible elector notification: Ms. Johnson discussed with the Board §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification in 2019.

Following discussion, the Board determined to post the required transparency notice on the Special District Association Website.

ADJOURNMENT

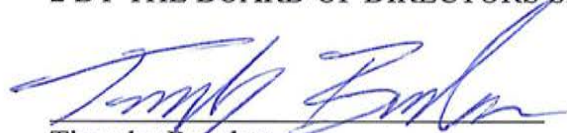
There being no further business to come before the Board at this time, upon motion duly made, seconded and, upon vote unanimously carried, the meeting was continued to November 15, 2018, at 3:00 p.m. at the regular meeting location.

Respectfully submitted,

By 
Secretary for the Meeting

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THESE MINUTES ARE APPROVED AS THE OFFICIAL OCTOBER 22, 2018
SPECIAL MINUTES OF THE EAST CREEK METROPOLITAN DISTRICT NO.
2 BY THE BOARD OF DIRECTORS SIGNING BELOW:



Timothy Buschar

Michelle Trujillo



Glenn Nier



Michael Bird



Matthew Larsen

RESOLUTION NO. 2018-10-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE EAST CREEK METROPOLITAN DISTRICT NO. 2
ESTABLISHING REGULAR MEETING DATES, TIME AND LOCATION, AND
DESIGNATING LOCATIONS FOR POSTING OF 72-HOUR AND 24-HOUR NOTICES**

A. Pursuant to Section 32-1-903, 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 24-6-402(2)(c), 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 place at which notice will be posted at least 24 hours prior to each meeting.

C. Pursuant to Section 32-1-903, C.R.S., special districts are required to post notices of regular and special meetings at three (3) public places within the district and at the office of the County Clerk and Recorder at least 72 hours prior to said meeting.

D. Pursuant to Section 32-1-903, C.R.S., all special and regular meetings of the board shall be held at locations which are within the boundaries of the district or which 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 meeting location does not exceed twenty (20) miles from the district boundaries unless such provision is waived.

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Creek Metropolitan District No. 2 of the County of Arapahoe, Colorado:

1. That the provisions of Section 32-1-903(1), 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 regular and special meetings pursuant to Section 32-1-903(1), C.R.S., would be inconvenient and costly for the Directors and consultants of the District in that they live and/or work outside the twenty (20) mile radius requirement.

3. That regular meetings of the District Board of the East Creek Metropolitan District No. 2 for the year 2019 shall be held on May 9 and October 24, 2019 at 2:30 p.m., at the offices of Meritage Homes of Colorado, Inc., 8400 E. Crescent Parkway, Suite 200, Greenwood Village, Colorado 80111 in Arapahoe County, Colorado.

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 location of all special and regular meetings of the District Board shall appear on the agenda(s) of said special and regular meetings.

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

7. Notice of Meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District at least 24 hours prior to each meeting at the following location:

(a) See attached Map

8. Notices of regular and special meetings required to be posted at three (3) public places within the District and at the office of the County Clerk and Recorder at least 72 hours prior to said meeting shall be made pursuant to Section 32-1-903, C.R.S., at the following locations:

(a) See attached Map

(b) See attached Map

(c) See attached Map


9. Special District Management Services, Inc., or his/her designee, is hereby appointed to post the above-referenced notices.

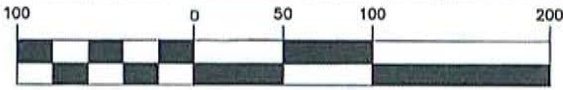
RESOLUTION APPROVED AND ADOPTED on OCTOBER 24, 2018.

**EAST CREEK METROPOLITAN
DISTRICT NO. 2**

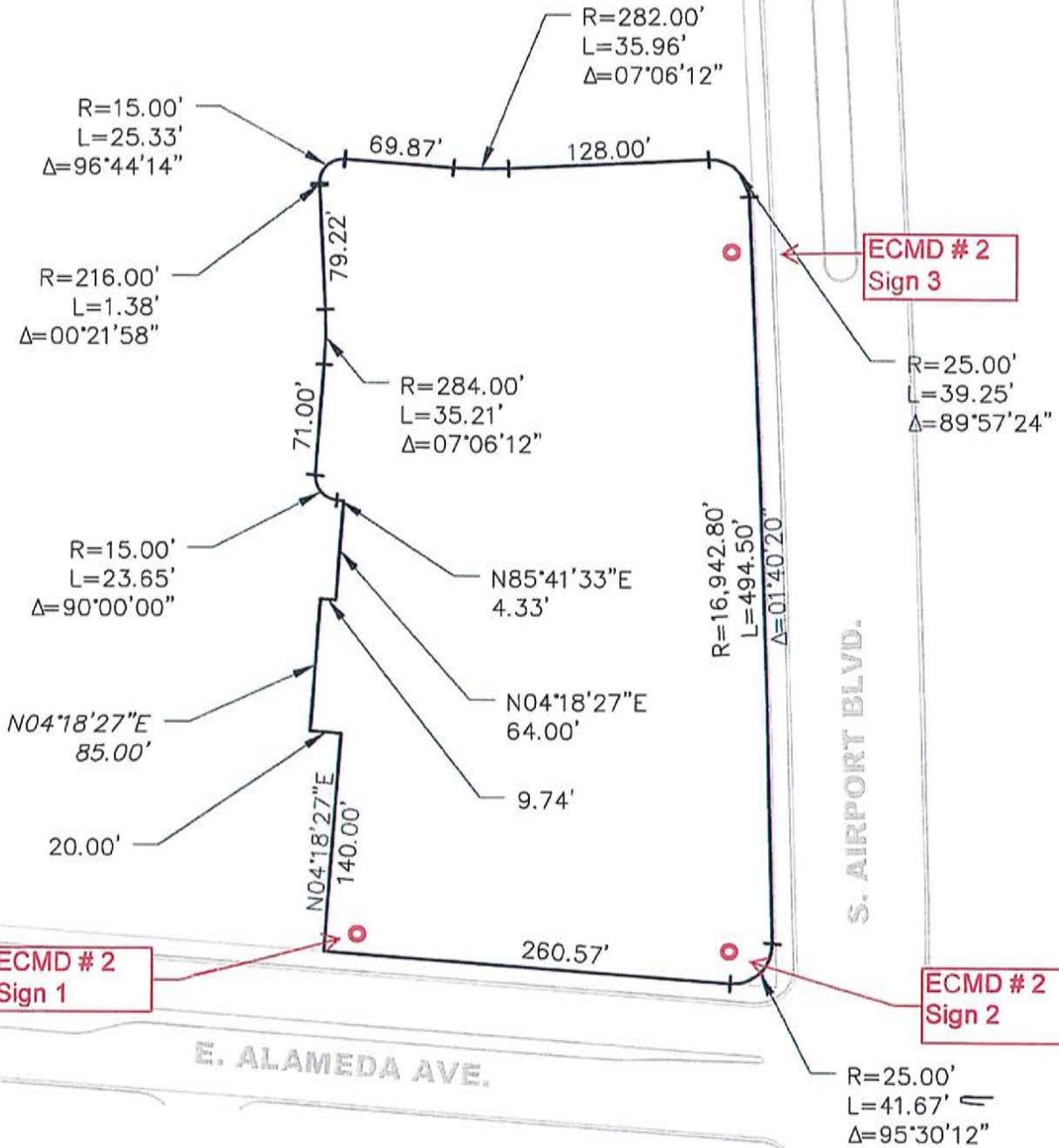
By: 
President

Attest:


Secretary



(IN FEET)
1 inch = 100 ft.



J:\25010\PLAN SETS\EAST-CREEK-RES-BOUNDARY EXHIBIT.DWG - 8/20/18 1:44 PM STEPHEN GHRMANN

Project Number:	129010
Date:	01-05-2018
Scale:	1" = 100'
Sheet Number:	02 of 02

EAST CREEK
DISTRICT #2 BOUNDARY EXHIBIT
 LOCATED IN THE NE $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 4 SOUTH,
 RANGE 66 WEST OF THE 6TH P.M. CITY OF AURORA, COUNTY
 OF ARAPAHOE, STATE OF COLORADO

