

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1 HELD OCTOBER 23, 2023

A Regular meeting of the Board of Directors of the East Creek Metropolitan District No. 1 (the “**District**”) was convened on Monday, October 23, 2023 at 5:00 p.m. This District Board Meeting was held via Zoom video/telephone conference. The meeting was open to the public via Zoom.

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### **Directors In Attendance Were:**

Greg Wright  
Martin Corley  
Cameron Nelson

### **Also In Attendance Were:**

Peggy Ripko and Jim Ruthven; Special District Management Services, Inc.

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

Sean Goodall and Stephen Doherty; Homeowners

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### **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

The Board noted a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No disclosures were made, and it was noted that all Directors are residents of the District.

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### **ADMINISTRATIVE MATTERS**

**Agenda:** The Board reviewed the proposed Agenda for the District’s regular meeting.

Following discussion, upon motion duly made by Director Nelson, seconded by Director Corley 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, the Board noted this meeting was

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held by Zoom. The Board further noted that notice of this meeting and the conference/video access was duly posted and it 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 September 26, 2023 special meeting.

Following discussion, upon motion duly made by Director Wright, seconded by Director Nelson and, upon vote, unanimously carried, the Board approved the minutes of the September 26, 2023 special meeting, as presented.

**Resolution No. 2023-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Ms. Ripko discussed with the Board business to be conducted in 2024 and Resolution No. 2023-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to schedule regular meetings in 2024 on March 18, 2024, June 24, 2024, and October 28, 2024, at 5:00 p.m. via zoom.

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

**Section 32-1-809, C.R.S., Reporting Requirements, Mode of Eligible Elector Notification for 2024:** The Board discussed Section 32-1-809, C.R.S., reporting requirements and mode of eligible elector notification for 2024. Ms. Ripko noted that her office will post the required notice on the SDA and District websites.

**Insurance Matters:** The Board discussed Insurance matters.

**Cyber Security and Increased Crime Coverage:** The Board discussed cyber security and increased crime coverage.

**Insurance Committee:** The Board discussed the establishment of the insurance committee.

Following discussion, the Board established an Insurance Committee to work with Mr. Ripko and T. Charles Wilson on necessary insurance coverage for the District and appointed Director Wright to the Insurance Committee.

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Renewal of the District's insurance and Special District Association (SDA) membership for 2024: The Board discussed the renewal of the District's insurance and SDA membership for 2024.

Following discussion, upon motion duly made by Director Nelson, seconded by Director Corley and, and, upon vote, unanimously carried, the Board authorized the renewal of the District's insurance and SDA membership for 2024

**PUBLIC COMMENT** There was no public comment.

### **FINANCIAL MATTERS**

**Payment of Claims:** The Board reviewed the payment of claims as follows:

<b>Fund</b>	Period Ending July 31, 2023	Period Ending Aug. 31, 2023	Period Ending Sept. 30, 2023	Period Ending Oct. 31, 2023
General	\$ 37,521.46	\$ 26,859.58	\$ 22,053.45	\$ 26,508.09
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 37,521.46</b>	<b>\$ 26,859.58</b>	<b>\$ 22,053.45</b>	<b>\$ 26,508.09</b>

Following discussion, upon motion duly made by Director Wright, seconded by Director Corley and, upon vote, unanimously carried, the Board approved the payment of claims, as presented.

**Unaudited Financial Statements and Cash Position:** There were no unaudited financials or cash position presented.

**2023 Audit:** The Board discussed the engagement of Schilling & Company, Inc. to perform the 2023 Audit for an amount not to exceed a 5% increase from 2022 audit services.

Following discussion, upon motion duly made by Director Wright, seconded by Director Nelson, and upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2023 Audit for an amount not to exceed a 5% increase from 2022 audit services.

**2023 Budget Amendment Hearing:** The President opened the public hearing to consider the Resolution to Amend the 2023 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 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.

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No public comments were received, and the public hearing was closed.

Following discussion, it was determined that an amendment to the 2023 Budget was not necessary at this time.

**2024 Budget Hearing:** The President opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 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 or at this public hearing. No public comments were received, and the President closed the public hearing.

Mr. Ruthven reviewed the estimated year-end 2023 revenues and expenditures and the proposed 2024 estimated revenues and expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2023-10-02 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-10-03 to Set Mill Levies (for the General Fund at 36.796 mills, the Debt Service Fund at 30.000 mills, and ARI mill at 1.300 mills, for a total of 68.096 mills). Upon motion duly made by Director Wright, seconded by Director Nelson 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. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Douglas County and the Division of Local Government not later than January 10, 2024. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024.

**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 Wright, seconded by Director Corley, 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.

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### **LEGAL MATTERS**

**Resolution Amending Policy on Colorado Open Records Act Requests:** The Board discussed adoption of Resolution No. 2023-10-04, Amending Policy on Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Nelson, seconded by Director Wright and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-04 Amending Policy on Colorado Open Records Act Requests.

**Consolidation with East Creek Metropolitan District No. 2:** Attorney Williams updated the Board regarding the proposed consolidation with East Creek Metropolitan District No. 2 and the November election concerning same and answered questions regarding election questions and the consolidation.

**Update Regarding Change in General Counsel Services:** Attorney Williams stated to the Board that transition to new counsel, Erb Law, LLC, will occur on or about January 1, 2024.

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### **OPERATIONS AND MAINTENANCE**

**District Services for 2024:** The Board discussed District services for 2024 and the approval of necessary service agreements for related services.

Director Wright noted there had been increased prairie dog activity within the community. Mr. Ripko confirmed she will look into proposals for mitigation.

Director Corley inquired into enforcement of short-term rental violations. Ms. Ripko informed the Board that enforcement violations can be handled through covenant enforcement counsel, Altitude Community Law. She stated she will compile information on the District's short-term rental policies and current violations and will send along to covenant enforcement counsel.

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### **OTHER BUSINESS**

The Board discussed the two (2) vacancies on the Board and considered the appointment of District resident Stephen Doherty to the Board of Directors.

Following discussion, upon motion duly made by Director Wright, seconded by Director Corley and, upon vote, unanimously carried, the Board appointed Stephen Doherty to the Board of Directors.

The Board discussed quarterly newsletter topics to be discussed at the Board Meeting.

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Ms. Ripko mentioned the memo regarding New Rate Structure from Special District Management Services, Inc. and the 2024 Notice of Legal Services and Fee Summary from Altitude Community Law.

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### **ADJOURNMENT**

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

Respectfully submitted,

By   
Secretary for the Meeting