

## 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 (THE “DISTRICT”) HELD OCTOBER 24, 2022

A regular meeting of the Board of Directors of the East Creek Metropolitan District No. 1 (the “District”) was convened on Monday, October 24, 2022 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; Special District Management Services, Inc. (“SDMS”)

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

Ryan Landsberg, Homeowner (for a portion of the meeting)

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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 Corley, seconded by Director Nelson and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

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**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 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 taxing electors within the District's boundaries.

**Minutes:** The Board reviewed the minutes of the June 23, 2022 and July 19, 2022 special meetings.

Following discussion, upon motion duly made by Director Nelson, seconded by Director Wright and, upon vote, unanimously carried, the Board approved the minutes of the June 23, 2022 and July 19, 2022 special meetings.

**Vacancies on the Board:** The Board discussed the vacancies on the Board and directed Ms. Ripko to send notice of the vacancies to the community to ask if any eligible electors of the District would be interested in joining the Board.

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

The Board discussed the business to be conducted in 2023 to meet the statutory compliance requirements. The Board determined to meet on March 27, 2022, June 26, 2022 and October 23, 2023 at 5:00 p.m. Via Zoom.

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

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2023:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023.

Following discussion, the Board directed staff to post the Transparency notice on the Special District Association Website and the District Website.

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**PUBLIC COMMENT** Mr. Landsberg inquired about the status of landscaping and community wide covenant enforcement issues. Ms. Ripko responded to Mr. Landsberg’s inquiries.

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### **FINANCIAL MATTERS**

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

<b>Fund</b>	Period Ending June 30, 2022	Period Ending July 31, 2022	Period Ending Aug. 31, 2022	Period Ending Sept. 30, 2022
General	\$ 9,175.68	\$ 25,000.82	\$ 24,569.59	\$ 38,219.12
Debt Service	\$	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims</b>	<b>\$ 9,175.68</b>	<b>\$ 25,000.82</b>	<b>\$ 24,569.59</b>	<b>\$ 38,219.12</b>

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

**Financial Statements and Schedule of Cash Position:** The Board reviewed the unaudited financial statements dated September 30, 2022 and schedule of cash position statement ending September 30, 2022.

Following review and discussion, upon motion duly made by Director Wright, seconded by Director Nelson and, upon vote unanimously carried, the Board accepted the unaudited financial statements dated September 30, 2022 and schedule of cash position statement ending September 30, 2022.

**Engagement of Schilling & Company, Inc. to perform the 2022 Audit:** The Board considered the Engagement of Schilling & Company, Inc. to perform the 2022 Audit.

Following review and 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. for Preparation of 2022 Audit, for an amount not to exceed a ten percent (10%) increase from 2021 services.

**Third Amended and Restated Resolution Regarding the Imposition of District Fees:** The Board discussed imposing a reduced fee for units that receive snow removal services but not landscaping services. Following discussion, the Board determined to not alter the fees and did not approve the Third Amended and Restated Resolution Regarding the Imposition of District Fees.

**2022 Budget Amendment Hearing:** The Board opened the public hearing to

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consider the Resolution to Amend the 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following review, upon motion duly made by Director Corley, seconded by Director Wright and, upon vote unanimously carried, the Board adopted Resolution No. 2022-10-02 to Amend the 2022 Budget.

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

It was noted that publication of Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

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

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

Following discussion, the Board considered the adoption of Resolution No. 2022-10-03; to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-10-04; to Set Mill Levies (for the General Fund at 11.132 mills and the Debt Service Fund at 55.664 mills and ARI mill at 1.145 mills for a total mill levy of 67.941 mills). Upon motion duly made by Director Corley, seconded by Director Wright and, upon vote, unanimously carried, the Resolutions were adopted and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2022. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Arapahoe County, not later than December 15, 2022. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023.

**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

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certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Corley, seconded by Director Wright 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.

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

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### **LEGAL MATTERS**

**Resolution Calling May 2, 2023 Election for Directors**: The Board discussed the May 2, 2023 Election for Directors.

Following discussion, upon motion duly made by Director Corley, seconded by Director Wright and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-06 Calling May 2, 2023 Election for Directors, appointing Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

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### **COMMUNITY MANAGEMENT**

**Service Agreement for Landscape Maintenance Services between the District and Consolidated Divisions, Inc.**: The Board deferred its discussion on the Service Agreement for Landscape Maintenance Services between the District and Consolidated Divisions, Inc.

**Service Agreement for Snow Removal Services between the District and Consolidated Divisions, Inc.**: The Board discussed the Service Agreement for Snow Removal Services between the District and Consolidated Divisions, Inc.

Following discussion, upon motion duly made by Director Corley, seconded by Director Wright and, upon vote, unanimously carried, the Board approved the Service Agreement for Snow Removal Services between the District and Consolidated Divisions, Inc.

**Park Usage**: Director Corley discussed the District’s park with the Board. Attorney Williams advised that although the park is not owned by the City of Aurora, it must remain open and accessible to the public. Ms. Ripko will draft

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signs regarding litter to post in the park for the Board's review.

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### **OTHER BUSINESS**


There was no other business to discuss 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, seconded and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By  \_\_\_\_\_  
Secretary for the Meeting