

EAST CREEK METROPOLITAN DISTRICT NO. 1

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: 303-987-0835 • 800-741-3254
Fax: 303-987-2032
<https://www.colorado.gov/eastcreekmd>

NOTICE OF A SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Michele Trujillo	Treasurer	2022/May 2022
Matthew Larsen	Secretary	2023/May 2023
Greg Wright	Assistant Secretary	2023/May 2022
Cameron Nelson	Assistant Secretary	2022/May 2022
VACANT		2022/May 2022

DATE: October 18, 2021

TIME: 4:00 P.M.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/88087249854?pwd=Zzl4K2U0M2dsVHBFN0FwK294U2RRZz09>

Meeting ID: 880 8724 9854

Passcode: 024174

Dial in: 1-253-215-8782

I. ADMINISTRATIVE MATTERS

A. Confirm Quorum and Present Conflict Disclosures.

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

C. Discuss vacancy on Board and consider appointment of District Eligible Elector (enclosures).

D. Consider appointment of Officers:

President _____

Treasurer _____

Secretary _____

Asst. Secretary _____

Asst. Secretary _____

Asst. Secretary _____

- E. Review and approve Minutes of the July 29, 2021 special meeting (enclosure).
-

- F. Discuss business to be conducted in 2022 and location (**virtual and/or physical**) meetings. Review and consider approval of Resolution No. 2021-10-01; Resolution Establishing 2022 Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notice (enclosure).
-

- G. Discuss §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022.
-

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. Review and ratify the approval of the payment of claims as follows (enclosures):

Fund	Period Ending July 31, 2021	Period Ending Aug. 6, 2021	Period Ending Sept. 30, 2021
General	\$ 7,104.71	\$ 7,262.47	\$ 19,066.22
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
Total Claims	\$ 7,104.71	\$ 7,262.47	\$ 19,066.22

- B. Review and accept unaudited financial statements for the period ending September 30, 2021 and schedule of cash position ending September 30, 2021 (enclosure).
-

- C. Consider engagement of Schilling & Company, Inc. to prepare the 2021 Audit for an amount not to exceed \$_____.
-

- D. Conduct Public Hearing to consider Amendment to 2021 Budget and consider adoption of Resolution to Amend the 2021 Budget and Appropriate Expenditures, if necessary.

- E. Conduct Public Hearing on the proposed 2022 Budget and consider adoption of Resolution to Adopt the 2022 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 _____ (enclosures – Preliminary Assessed Valuation, draft 2022 Budget, and Resolutions).

- F. Consider 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.

- G. Consider adoption of Resolution No. 2021-10-__; Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan (to be distributed).

IV. LEGAL MATTERS

- A. Discuss deed from Meritage Homes of Colorado, Inc. to the District conveying certain Tracts in East Creek Subdivision Filing No. 1 and acceptance of same (to be distributed).

- B. Review Bill of Sale from Meritage Homes of Colorado, Inc. to the District for conveyance of certain public improvements and acceptance of same (to be distributed).

- C. Review and consider adoption of Resolution Calling May 3, 2022 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. Self-Nomination Forms are due by February 25, 2022 (enclosure). Discuss the need for ballot issues and/or questions.

V. COMMUNITY MANAGERS REPORT / COVENANT MATTERS

A. Discuss the Rules and Regulations regarding rentals in the community (enclosure).

B. Landscape Maintenance.

1. Discuss funding for landscape maintenance.

2. Review proposals for Landscape Maintenance Services and consider approval of Service Agreement for said services (enclosures).

C. Discuss resident fencing.

D. Discuss and consider the engagement of Altitude Community Law P.C. for Covenant Enforcement Legal Services (enclosure).

VI. CONSTRUCTION MATTERS

A. Discuss status of development.

VII. OTHER BUSINESS

A. _____

VIII. ADJOURNMENT **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2021.**

Informational Enclosure:

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

To whom it may concern,

I am putting forth myself for consideration for the open seat on the East Creek Metropolitan District Board. I am a resident of East Creek and would very much like to be involved in the community to make it a great place to live.

As a retired Marine and widely traveled individual, I can bring management, communication, contracting, organizational and analytical skills to help this community grow. Also, I am currently employed as a Protection Specialist and offer a background in security and safety. I could offer suggestions and options to help keep our residents safe and secure and be able to work with the Aurora Police Department with an understanding of safety and police interaction.

I have also lived in and experienced diverse cultures in Asia, Africa and Europe which would aid in understanding needs and wants from our very diverse residents here in East Creek.

I welcome the opportunity serve my neighbors and residents of East Creek Metropolitan Districts.

Sincerely,

Bradley C. Lehman

471 S. Nucla Street

Aurora, CO 80017

From: [Aurora Home](#)
To: [Peggy Ripko](#)
Subject: Re: East Creek Board Interest
Date: Friday, August 27, 2021 4:16:15 PM

Hello Peggy

Please see below for my "Letter of Interest"

My name is Serge Borso and I am interested in filling the vacant position with the East Creek Metropolitan District Board of Directors as I live in the community and have a strong desire to ensure the lasting prosperity of the community and its residents. My intent, in joining the board, is to add value by bringing my own set of experiences and knowledge to augment the current team. My background is mostly technical (IT and Security related) and executive (management/leadership) whereas my personality is that of a dedicated, trustworthy team member. I enjoy rolling up my sleeves to tackle the hard problems and working with the community to achieve equitable, sustainable, forward-thinking changes when need be; just as I am dedicated to preserving what already works well and efficiently.

More information about myself and my qualifications can be found here: <https://www.linkedin.com/in/sergeborso>

On Tue, Aug 24, 2021 at 6:57 PM Peggy Ripko <pripko@sdmsi.com> wrote:

Good evening

You are receiving this as you have expressed interest in the open position of the Board of Directors for the East Creek Metropolitan District. The Board has requested that each candidate write a letter of interest to let the Board know why you are interested and what your qualifications are.

Please submit these to me by Friday, September 10th.

Peggy

Peggy Ripko

District Manager & Community Management Division Manager

Special District Management Services, Inc.

141 Union Boulevard, Suite 150

Lakewood, CO 80228-1898

pripko@sdmsi.com

Phone: 303-987-0835

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From: [Karen Steggs](#)
To: [Karen Steggs](#)
Subject: FW: East Creek Board Interest
Date: Thursday, October 07, 2021 4:28:08 PM

Begin forwarded message:

From: Marti Corley <MCorley@cbuildersinc.com>
Date: September 13, 2021 at 6:51:29 PM MDT
To: Peggy Ripko <pripko@sdmsi.com>
Subject: Re: East Creek Board Interest

The reasons I should be considered

For the open board position are as follows:

1. I am a resident of the EastCreek development and committed to upholding the rules, regulation, and safety of our community
2. I have 30+ years In the construction industry. The attributes gained are: The negotiation of contact and disputes. Establish and working within a budget. The management of employees and individuals on a daily basis
3. I take pride in our development and neighborhood.

Regards & Thanks

Marti Corley

Christofferson Comm.Builders

719-491-5889

On Aug 24, 2021, at 6:57 PM, Peggy Ripko <pripko@sdmsi.com> wrote:

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Please submit these to me by Friday, September 10th.

Peggy

Peggy Ripko

District Manager & Community Management Division Manager

Special District Management Services, Inc.

141 Union Boulevard, Suite 150

Lakewood, CO 80228-1898

pripko@sdmsi.com

Phone: 303-987-0835

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RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1 (THE “DISTRICT”) HELD JULY 29, 2021

A special meeting of the Board of Directors of the East Creek Metropolitan District No. 1 (the “District”) was convened on Thursday, July 29, 2021 at 6:00 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 via Zoom without any individuals (neither District Representative nor the general public) attending in-person. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Michelle Trujillo
Greg Wright
Cameron Nelson

Following discussion, upon motion duly made by Director Nelson, seconded by Director Trujillo and, upon vote, unanimously carried, the absence of Matthew Larsen was excused.

Also In Attendance Were:

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

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

Lisa Albers and Gary Fantasky; Meritage Homes

Marti Corley, William Bidinger, Maria V., Laura F., Joyce and Thomas Daniels, Lili Carrillo, Granadian, Barbara O’Donnell, Aveda and Sean, Serge, Papa Frito, Dwayne Davis, Ryan Landsberg, Serge, and Isabelle Buard; Residents

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

The Board noted that disclosures of potential conflict of interest statements for Directors Trujillo and Larsen 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

RECORD OF PROCEEDINGS

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 Nelson, seconded by Director Trujillo 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. Following discussion, upon motion duly made by Director Nelson, seconded by Director Wright 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 taxing electors within the District's boundaries.

2021 Development / Construction Outlook: The Board was provided an update regarding development.

It was noted that houses are all built out and preparing tracts for turnover to the District. Concrete repairs are completed as needed and in the process of finishing landscape improvements and preparing areas that need replacements. Metco Landscape LLC has been on site the last few days preparing the last tracts on the east side to install sod.

Vacancy on the Board of Directors: The Board discussed the current vacancy. It was noted that there are interested candidates. The Board directed Ms. Ripko to send an announcement to the residents regarding the vacancy and request Letters of Interest be submitted.

Appointment of Officers: The Board entered into discussion regarding the appointment of officers. No Action was taken.

RECORD OF PROCEEDINGS

Minutes: The Board reviewed the minutes of the June 21, 2021 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 June 21, 2021 special meeting.

Meeting Schedule: The Board discussed the meeting schedule going forward. The Board determined that Board Meetings going forward will be held via Zoom.

PUBLIC COMMENTS

Homeowners present asked questions regarding landscaping, rules for the park, and suggested recording the meetings.

FINANCIAL MATTERS

2020 Audit: The Board reviewed the 2020 Audited Financial Statements.

Following review and discussion, upon motion duly made by Director Nelson, seconded by Director Trujillo and, upon vote, unanimously carried, the Board approved the 2020 Audited Financial Statements and authorized execution of the Representations Letter.

LEGAL MATTERS

Deed from Meritage Homes of Colorado, Inc. to the District conveying certain Tracts in East Creek Subdivision Filing No. 1: The Board deferred discussion.

Bill of Sale from Meritage Homes of Colorado, Inc. to the District for Conveyance of Certain Public Improvements: The Board deferred discussion.

First Amendment to Resolution No. 2018-06-08; Resolution Regarding Colorado open Records Act Requests: Attorney Williams discussed with the Board the First Amendment to Resolution 2018-06-08 regarding Colorado Open Records Act requests.

Following discussion, upon motion duly made by Director Wright, seconded by Director Trujillo and, upon vote, unanimously carried, the Board adopted the First Amendment to Resolution No. 2018-06-08 Regarding Colorado Open Records Act Requests.

COMMUNITY MANAGEMENT

Rules and Regulations Regarding Rentals in the Community: The Board discussed the Rules and Regulations regarding rentals in the community. Ms. Ripko explained that the Covenants, Conditions and Restrictions (CCRs) expressly allow the rental of all or a portion of houses and accordingly, we cannot have rules and

RECORD OF PROCEEDINGS

regulations that are in conflict with the CCRs. Ms. Ripko explained the process for amending the CCRs. One resident mentioned that Aurora zoning does not allow for renting portions (specifically basements of a residence). Attorney Williams explained that the District does not have the power to enforce Aurora's zoning and if there is a zoning violation, Aurora needs to enforce. The Board directed the consultants to get an estimate of time and cost to amend the CCRs to prohibit partial rentals.

Landscape Maintenance:

Funding for Landscape Maintenance: The Board discussed Meritage's request to be reimbursed landscape maintenance costs. The Board directed Ms. Ripko to obtain the reimbursement amount from Meritage for discussion at the October meeting.

Proposal from Metco Landscape, LLC: The Board reviewed the proposal from Metco Landscape, LLC for landscape maintenance in front of the Townhomes and common areas.

Following discussion, upon motion duly made by Director Wright, seconded by Director Nelson and, upon vote, unanimously carried, the Board approved the proposal from Metco Landscape, LLC (Metco) and approved a service agreement for said services, with common area maintenance to commence only after the tracts have been turned over to the District.

The Board noted frustrations with Metco's services and requested Ms. Ripko obtain proposals from other landscapers for 2022 services.

Resident Fencing: The Board discussed the current design guidelines which require shorter/split rail fences along the open space. Residents expressed concern about not being able to install privacy fencing following security concerns. The Board expressed concern with the aesthetics of inconsistent fence heights. The Board directed Mr. Ripko to send a survey to the affected homeowners to assess interest in changing their fencing if allowed. Mr. Fantasky raised the issue that privacy fences may not be allowed by Aurora. Ms. Ripko will report to the Board at the October meeting.

Proposal from Animal and Pest Control Specialist, In. for Prairie Dog Removal: The Board reviewed a proposal from Animal and Pest Control Specialist, Inc. for Prairie Dog removal. The Board deferred action on this matter, as the impacted houses (about 3) are next to a creek and if the City of Aurora (City) does not do prairie dog mitigation on the creek and adjacent property owned by the City, that whatever prairie dog mitigation done by the District will be ineffective. There was

RECORD OF PROCEEDINGS

also concern about burdening the entire community with this cost when there are so few homes affected.

A resident addressed a concern about mosquitos as a result of standing water in the detention pond. Mr. Ripko will check into spraying for mosquitos.

OTHER BUSINESS

No other business was discussed.

ADJOURNMENT

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

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2021-10-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE EAST CREEK METROPOLITAN DISTRICT NO. 1
ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, 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 on 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 East Creek Metropolitan District No. 1 (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 2022 shall be held on _____ at _____, at _____ [indicate physical location and/or virtual location (telephonically, electronically, or by other means)].

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 the following District Website, <https://eastcreekmdl.colorado.gov>, and the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to meetings 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) On the corner of S. Airport Boulevard and E. Alameda Drive

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

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

RESOLUTION APPROVED AND ADOPTED on October 18, 2021.

**EAST CREEK METROPOLITAN
DISTRICT NO. 1**

By: _____
President

Attest:

Secretary

**East Creek Metropolitan District No.1
July-21**

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Special Dist Management Srvs	D2 06/2021	6/30/2021	6/30/2021	\$ 1.40	Miscellaneous	1685
Special Dist Management Srvs	D2 06/2021	6/30/2021	6/30/2021	\$ 574.00	Management	1680
Special Dist Management Srvs	D2 06/2021	6/30/2021	6/30/2021	\$ 70.00	Accounting	1612
Special Dist Management Srvs	D1 06/2021	6/30/2021	6/30/2021	\$ 90.13	Miscellaneous	1685
Special Dist Management Srvs	D1 06/2021	6/30/2021	6/30/2021	\$1,168.50	Covenant Control/Comm Mgmt	1710
Special Dist Management Srvs	D1 06/2021	6/30/2021	6/30/2021	\$1,979.00	Management	1680
Special Dist Management Srvs	D1 06/2021	6/30/2021	6/30/2021	\$ 966.00	Accounting	1612
Special Dist Management Srvs	D1 06/2021	6/30/2021	6/30/2021	\$ 182.00	Billing & Collection	1721
UNCC	221060481	6/30/2021	6/30/2021	\$ 7.92	Miscellaneous	1685
Waste Management of Denver	7122459-2514-4	7/1/2021	7/31/2021	\$2,054.40	Trash and Recycling	1736
Xpress Bill Pay	57913	7/1/2021	7/6/2021	\$ 11.36	Billing & Collection	1721
				\$7,104.71		

East Creek Metropolitan District No.1
July-21

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 7,104.71		\$ -	\$ 7,104.71
Total Disbursements from Checking Acct	\$ 7,104.71	\$0.00	\$0.00	\$ 7,104.71

**East Creek Metropolitan District No.1
August-21**

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
McGeady Becher P.C.	1346W 06/2021	6/30/2021	6/30/2021	\$2,398.50	Legal	1675
Special Dist Management Srvs	D1 07/2021	7/31/2021	7/31/2021	\$ 256.75	Miscellaneous	1685
Special Dist Management Srvs	D1 07/2021	7/31/2021	7/31/2021	\$1,140.00	Covenant Control/Comm Mgmt	1710
Special Dist Management Srvs	D1 07/2021	7/31/2021	7/31/2021	\$1,690.50	Management	1680
Special Dist Management Srvs	D1 07/2021	7/31/2021	7/31/2021	\$ 994.00	Accounting	1612
Special Dist Management Srvs	D1 07/2021	7/31/2021	7/31/2021	\$ 442.00	Billing & Collection	1721
Special Dist Management Srvs	D2 07/2021	7/31/2021	7/31/2021	\$ 7.00	Miscellaneous	1685
Special Dist Management Srvs	D2 07/2021	7/31/2021	7/31/2021	\$ 126.00	Management	1680
Special Dist Management Srvs	D2 07/2021	7/31/2021	7/31/2021	\$ 140.00	Accounting	1612
UNCC	221070500	7/31/2021	7/31/2021	\$ 6.60	Miscellaneous	1685
Waste Management of Denver	7167518-2514-3	8/2/2021	9/1/2021	\$ -	Trash and Recycling	1736
Xpress Bill Pay	58606	8/1/2021	8/6/2021	\$ 61.12	Billing & Collection	1721
				\$7,262.47		

East Creek Metropolitan District No.1
August-21

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 7,262.47		\$ -	\$ 7,262.47
Total Disbursements from Checking Acct	\$ 7,262.47	\$0.00	\$0.00	\$ 7,262.47

**East Creek Metropolitan District No.1
September-21**

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Aurora Water	179254 July 2021	7/21/2021	8/10/2021	\$ 8,185.34	Utilites	1750
Aurora Water	179352 July 2021	7/21/2021	8/10/2021	\$ 158.51	Utilites	1750
Aurora Water	179350 July 2021	7/21/2021	8/15/2021	\$ 2,821.10	Utilites	1750
McGeady Becher P.C.	1346W 07/2021	7/31/2021	7/31/2021	\$ 2,058.00	Legal	1675
Special Dist Management Srvs	D2 08/2021	8/31/2021	8/31/2021	\$ 3.20	Miscellaneous	1685
Special Dist Management Srvs	D2 08/2021	8/31/2021	8/31/2021	\$ 42.00	Management	1680
Special Dist Management Srvs	D2 08/2021	8/31/2021	8/31/2021	\$ 420.00	Accounting	1612
Special Dist Management Srvs	D1 08/2021	8/31/2021	8/31/2021	\$ 194.78	Miscellaneous	1685
Special Dist Management Srvs	D1 08/2021	8/31/2021	8/31/2021	\$ 959.50	Covenant Control/Comm Mgmt	1710
Special Dist Management Srvs	D1 08/2021	8/31/2021	8/31/2021	\$ 1,158.00	Management	1680
Special Dist Management Srvs	D1 08/2021	8/31/2021	8/31/2021	\$ 756.00	Accounting	1612
Special Dist Management Srvs	D1 08/2021	8/31/2021	8/31/2021	\$ 195.00	Billing & Collection	1721
UNCC	26346-221080500	8/31/2021	8/31/2021	\$ 7.92	Miscellaneous	1685
Waste Management of Denver	7238773-2514-9	9/1/2021	10/1/2021	\$ 1,724.35	Trash and Recycling	1736
Xcel Energy	744486639	8/17/2021	9/7/2021	\$ 368.65	Utilites	1750
Xpress Bill Pay	59310	9/1/2021	9/6/2021	\$ 13.87	Billing & Collection	1721

\$19,066.22

East Creek Metropolitan District No.1
September-21

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 19,066.22		\$ -	\$ 19,066.22
Total Disbursements from Checking Acct	\$ 19,066.22	\$0.00	\$0.00	\$ 19,066.22

EAST CREEK METROPOLITAN DISTRICT NO. 1
Schedule of Cash Position
September 30, 2021

	Rate	Operating	Debt Service	Capital Projects	Total
Checking:					
Cash in Bank-1st Bank		\$ 43,327.27	\$ 298,905.72	\$ (27.16)	\$ 342,205.83
Trustee:					
UMB Sr. Bond Fund 149658.1		-	16,100.66	-	16,100.66
UMB Reserve Fund 149658.2		-	320,159.58	-	320,159.58
UMB Sr. Proj Fd Rest 658.4		-	-	228,910.79	228,910.79
UMB Sub Proj Fd Rest 659.2		-	-	65,366.69	65,366.69
TOTAL FUNDS:		\$ 43,327.27	\$ 635,165.96	\$ 294,250.32	\$ 972,743.55

2021 Mill Levy Information

Certified General Fund Mill Levy	11.132
Certified Debt Service Fund Mill Levy	55.664
Certified ARI Mill Levy	1.113
Total Certified Mill Levy	67.909

Board of Directors

Michelle Trujillo	*
Greg Wright	
Matthew Larsen	*
Cameron Nelson	*
Peggy Ripko	

*authorized signer on checking account

EAST CREEK METROPOLITAN DISTRICT NO. 1

FINANCIAL STATEMENTS

September 30, 2021

EAST CREEK METROPOLITAN DISTRICT NO. 1
COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
September 30, 2021

	<u>GENERAL</u>	<u>DEBT SERVICE</u>	<u>CAPITAL PROJECTS</u>	<u>LONG-TERM DEBT</u>	<u>TOTAL</u>
Assets					
Cash in Bank-1st Bank	\$ 43,327	\$ 298,906	\$ (27)	\$ -	\$ 342,206
Xpress Deposit Account	16,017	-	-	-	16,017
Accounts Receivable	13,829	-	-	-	13,829
UMB Sr. Bond Fund 149658.1	-	16,101	-	-	16,101
UMB Reserve Fund 149658.2	-	320,160	-	-	320,160
UMB Sr. Proj Fd Rest 658.4	-	-	228,911	-	228,911
UMB Sub Proj Fd Rest 659.2	-	-	65,367	-	65,367
Total Current Assets	<u>73,173</u>	<u>635,166</u>	<u>294,250</u>	<u>-</u>	<u>1,002,590</u>
Other Debits					
Amount in Debt Service Fund	-	-	-	635,166	635,166
Amount to be Provided for Debt	-	-	-	4,417,880	4,417,880
Total Other Debits	<u>-</u>	<u>-</u>	<u>-</u>	<u>5,053,046</u>	<u>5,053,046</u>
Total Assets	<u>\$ 73,173</u>	<u>\$ 635,166</u>	<u>\$ 294,250</u>	<u>\$ 5,053,046</u>	<u>\$ 6,055,635</u>
Liabilities					
Accounts Payable	\$ 1,829	\$ -	\$ -	\$ -	\$ 1,829
Bonds Payable 2019A	-	-	-	4,010,000	4,010,000
Bonds Payable 2019B	-	-	-	584,000	584,000
Developer Advances - Capital	-	-	-	377,063	377,063
Accrued Interest - Dev Adv Cap	-	-	-	19,091	19,091
Developer Advance - Operations	-	-	-	52,273	52,273
Accrued Interest - Dev Adv Ops	-	-	-	10,619	10,619
Total Liabilities	<u>1,829</u>	<u>-</u>	<u>-</u>	<u>5,053,046</u>	<u>5,054,875</u>
Fund Balance					
Fund Balance	39,129	548,269	470,670	-	1,058,068
Current Year Earnings	32,216	86,897	(176,420)	-	(57,307)
Total Fund Balances	<u>71,344</u>	<u>635,166</u>	<u>294,250</u>	<u>-</u>	<u>1,000,761</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balance	<u>\$ 73,173</u>	<u>\$ 635,166</u>	<u>\$ 294,250</u>	<u>\$ 5,053,046</u>	<u>\$ 6,055,635</u>

EAST CREEK METROPOLITAN DISTRICT NO. 1
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
General Fund
For the 9 Months Ending
September 30, 2021

	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Property Tax Revenue	\$ 3,143	\$ 33,485	\$ 33,485	\$ 0	100.0%
Specific Ownership Taxes	582	1,537	2,009	(472)	76.5%
O & M Fees	27,567	79,256	85,210	(5,954)	93.0%
ARI Fees	372	3,502	3,348	154	104.6%
Working Capital	600	1,800	-	1,800	-
Interest Income	-	61	10	51	609%
Miscellaneous Income	300	1,595	500	1,095	319%
Total Revenues	<u>32,564</u>	<u>121,235</u>	<u>124,562</u>	<u>(3,327)</u>	<u>97.3%</u>
Expenditures					
Accounting	3,276	9,730	10,000	270	97.3%
Audit	4,800	4,800	5,000	200	96.0%
Insurance/SDA Dues	750	4,421	4,250	(171)	104.0%
Legal	1,909	8,238	15,000	6,762	54.9%
Management	4,472	13,617	15,000	1,384	90.8%
Miscellaneous	1,099	3,084	2,000	(1,084)	154.2%
Treasurer's Fees	47	502	502	(0)	100.1%
Covenant Control/Comm Mgmt	1,672	6,698	14,345	7,648	46.7%
Drainage	675	675	2,000	1,326	33.7%
Billing & Collection	942	2,529	8,000	5,471	31.6%
Landscaping	15,990	15,990	28,480	12,490	56.1%
Fencing	-	-	1,500	1,500	0.0%
Trash and Recycling	6,726	16,992	7,500	(9,492)	226.6%
Park	-	-	5,000	5,000	0.0%
Utilities	-	11,534	7,500	(4,034)	153.8%
Monuments	-	-	1,000	1,000	0.0%
Mailboxes	-	-	750	750	0.0%
Contingency	-	-	3,000	3,000	0.0%
Covenant Enforcement - Legal	-	-	2,500	2,500	0.0%
Total Expenditures	<u>42,358</u>	<u>98,809</u>	<u>133,327</u>	<u>34,518</u>	<u>74.1%</u>
Excess (Deficiency) of Revenues Over Expenditures	(9,794)	22,427	(8,765)	31,192	
Transfers and Other Sources (Uses)					
Emergency Reserve	-	-	(1,005)	1,005	
ARI Fees	(5)	(50)	(3,348)	3,298	
Transfer from District No. 2	9,465	9,839	3,030	6,809	
Total Transfers and Other Sources (Uses)	<u>9,461</u>	<u>9,789</u>	<u>(1,323)</u>	<u>11,112</u>	
Change in Fund Balance	(333)	32,216	(10,088)	42,304	
Beginning Fund Balance	71,678	39,129	34,489	4,640	
Ending Fund Balance	<u>\$ 71,344</u>	<u>\$ 71,344</u>	<u>\$ 24,401</u>	<u>\$ 46,943</u>	

EAST CREEK METROPOLITAN DISTRICT NO. 1
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
Debt Service Fund
For the 9 Months Ending
September 30, 2021

	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Property Tax Revenue	\$ 15,715	\$ 167,439	\$ 167,439	\$ (0)	100.0%
Specific Ownership Taxes	2,913	7,683	10,046	(2,363)	76.5%
Interest Income	54	175	2,500	(2,325)	7.0%
Total Revenues	<u>18,682</u>	<u>175,297</u>	<u>179,985</u>	<u>(4,688)</u>	<u>97.4%</u>
Expenditures					
Bond Interest	105,263	105,263	210,525	105,263	50.0%
Paying Agent Fees	7,022	7,044	7,500	456	93.9%
Treasurer's Fees	236	2,512	2,512	(0)	100.0%
Total Expenditures	<u>112,520</u>	<u>114,818</u>	<u>220,537</u>	<u>105,719</u>	<u>52.1%</u>
Excess (Deficiency) of Revenues Over Expenditures	(93,839)	60,479	(40,552)	101,031	
Other Financing Sources (Uses)					
Transfer From District No. 2	465	26,419	26,780	(361)	
Other Financing Sources (Uses)	<u>465</u>	<u>26,419</u>	<u>26,780</u>	<u>(361)</u>	
Change in Fund Balance	(93,373)	86,897	(13,772)	100,669	
Beginning Fund Balance	729,004	548,269	549,334	(1,065)	
Ending Fund Balance	<u>\$ 635,166</u>	<u>\$ 635,166</u>	<u>\$ 535,562</u>	<u>\$ 99,604</u>	

EAST CREEK METROPOLITAN DISTRICT NO. 1
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
Capital Projects Fund
For the 9 Months Ending
September 30, 2021

	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Interest Income	\$ 38	\$ 136	\$ -	\$ 136	-
Total Revenues	<u>38</u>	<u>136</u>	<u>-</u>	<u>136</u>	<u>-</u>
Expenditures					
Miscellaneous	14	36	-	(36)	-
Total Expenditures	<u>14</u>	<u>36</u>	<u>-</u>	<u>(36)</u>	<u>-</u>
Excess (Deficiency) of Revenues Over Expenditures	24	100	-	100	
Other Financing Sources (Uses)					
Developer Reimbursement	-	(176,520)	-	(176,520)	
Other Financing Sources (Uses)	<u>-</u>	<u>(176,520)</u>	<u>-</u>	<u>(176,520)</u>	
Change in Fund Balance	24	(176,420)	-	(176,420)	
Beginning Fund Balance	294,226	470,670	-	470,670	
Ending Fund Balance	<u>\$ 294,250</u>	<u>\$ 294,250</u>	<u>\$ -</u>	<u>\$ 294,250</u>	

CERTIFICATION OF VALUATION BY ARAPAHOE COUNTY ASSESSOR

New Tax Entity YES NO

Date: August 25, 2021

NAME OF TAX ENTITY: EAST CREEK METRO DISTRICT #1

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 2021:

1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	1.	\$	3,008,028
2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡	2.	\$	4,933,411
3. LESS TOTAL TIF AREA INCREMENTS, IF ANY:	3.	\$	0
4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	4.	\$	4,933,411
5. NEW CONSTRUCTION: *	5.	\$	1,693,427
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 2021:

1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶	1.	\$	66,475,315
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ADDITIONS TO TAXABLE REAL PROPERTY

2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	2.	\$	23,684,129
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): **		\$	0
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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.



PK Kaiser, MBA, MS

Assessor

OFFICE OF THE ASSESSOR
5334 S. Prince Street
Littleton, CO 80120-1136
Phone: 303-795-4600
TDD: Relay-711
Fax:303-797-1295
<http://www.arapahoegov.com/assessor>
assessor@arapahoegov.com

August 25, 2021

AUTH 4262 EAST CREEK METROPOLITAN
DISTRICT #1
SPECIAL DISTRICT MANAGEMENT
SERVICES INC
C/O PEGGY RIPKO
141 UNION BLVD SUITE 150
LAKEWOOD CO 80228

Code # 4262

CERTIFICATION OF VALUATION

The Arapahoe County Assessor reports a taxable assessed valuation for your taxing entity for 2021 of:

\$4,933,411

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

EAST CREEK METROPOLITAN DISTRICT # 1
Assessed Value, Property Tax and Mill Levy Information

	2020 Actual	2021 Adopted Budget	2022 Preliminary Budget
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Assessed Valuation	\$ 1,534,415	\$ 3,008,028	\$ 4,933,411
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Mill Levy

General Fund	11.132	11.132	11.132
Debt Service Fund	55.664	55.664	55.664
Temporary Mill Levy Reduction	0.000	0.000	0.000
Aurora Regional Improvement	1.113	1.113	1.113
Refunds and Abatements	0.000	0.000	0.000

Total Mill Levy	67.909	67.909	67.909
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Property Taxes

General Fund	\$ 17,081	\$ 33,485	\$ 54,919
Debt Service Fund	85,412	167,439	274,613
Temporary Mill Levy Reduction	-	-	-
Aurora Regional Improvement	1,708	3,348	5,491
Refunds and Abatements	-	-	-

Actual/Budgeted Property Taxes	\$ 104,201	\$ 204,272	\$ 335,023
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EAST CREEK METROPOLITAN DISTRICT #1

**GENERAL FUND
2022 Preliminary Budget
with 2020 Actual, 2021 Adopted Budget, and 2021 Estimated**

	2020 Actual	01/21-06/21 YTD Actual	2021 Adopted Budget	2021 Estimated	2022 Preliminary Budget
Beginning Fund Balance	\$ 25,019	\$ 39,129	\$ 34,489	\$ 39,129	\$ 64,823
REVENUE					
Property Tax Revenue	17,081	19,007	33,485	33,485	54,919
Specific Ownership Taxes	1,210	951	2,009	2,009	3,295
Operations & Maintenance Fee	65,418	52,976	85,210	105,840	105,840
ARI Fees	1,829	1,996	3,348	3,348	5,491
Working Capital Fee	32,700	1,500	-	1,500	-
Interest Income	4	-	10	-	-
Miscellaneous Income	2,000	550	500	550	-
Total Revenue	120,242	76,979	124,562	146,732	169,545
Total Funds Available	145,261	116,108	159,051	185,861	234,368
EXPENDITURES					
Accounting	14,644	6,384	10,000	14,000	14,000
Audit	6,252	4,800	5,000	4,800	5,250
Election	1,872	-	-	-	25,000
Insurance/SDA Dues	3,706	4,671	4,250	4,671	5,250
Legal	10,374	3,781	15,000	15,000	16,000
Management	20,042	8,047	15,000	17,000	17,000
Miscellaneous	5,816	2,152	2,000	3,000	2,000
Treasurer's Fees	282	285	502	502	824
Covenant Control / Community Management	16,096	3,430	14,345	7,500	15,250
Drainage	-	675	2,000	2,000	2,000
Billing & Collection	8,015	1,624	8,000	5,000	8,000
Landscaping	9,035	15,990	28,480	28,480	25,080
Snow Removal	-	-	-	-	10,000
Fencing	-	-	1,500	-	1,500
Trash & Recycling	14,434	13,213	7,500	28,000	28,900
Park	-	-	5,000	-	5,000
Utilities	-	-	7,500	-	7,500
Monuments	-	-	1,000	-	1,000
Mailboxes	-	-	750	-	750
Contingency	-	-	3,000	-	10,000
Covenant Enforcement - Legal	-	-	2,500	-	2,500
Total Expenditures	110,568	65,052	133,327	129,953	202,804
Transfers and Other Uses					
Emergency Reserve	-	-	1,005	-	1,648
ARI Fees	1,829	29	3,348	1,708	5,491
Transfer from District 2	6,265	9,668	3,030	8,915	11,388
Total Expenditures Requiring Appropriation	112,397	65,052	134,332	129,953	204,451
Ending Funds Available	\$ 39,129	\$ 60,696	\$ 24,401	\$ 64,823	\$ 41,304

EAST CREEK METROPOLITAN DISTRICT #1

**DEBT SERVICE FUND
2022 Preliminary Budget
with 2020 Actual, 2021 Adopted Budget, and 2021 Estimated**

	2020 Actual	01/21-06/21 YTD Actual	2021 Adopted Budget	2021 Estimated	2022 Preliminary Budget
Beginning Fund Balance	\$ 656,121	\$ 532,899	\$ 549,334	\$ 532,899	\$ 489,526
Revenue					
Property Taxes	85,412	95,041	167,439	167,439	274,613
Specific Ownership Taxes	6,053	4,754	10,046	9,500	16,477
Interest Income	4,607	147	2,500	225	2,500
Total Revenue	96,072	99,943	179,985	177,164	293,590
Total Funds Available	752,193	632,842	729,319	710,063	783,116
Expenditures					
Bond Interest	210,525	105,263	210,525	210,525	210,525
Bond Principal	-	-	-	-	15,000
Trustee Fees	7,488	7,044	7,500	7,500	7,500
Treasurer's Fees	1,281	1,426	2,512	2,512	4,119
Total Expenditures	219,294	113,732	220,537	220,537	237,144
Transfers and Other Sources (Uses)					
Transfer from District #2	15,370	25,954	26,780	26,743	35,174
Total Expenditures Requiring Appropriation	219,294	113,732	220,537	220,537	237,144
Ending Funds Available	\$ 532,899	\$ 519,109	\$ 535,562	\$ 489,526	\$ 581,146

EAST CREEK METROPOLITAN DISTRICT #1

**CAPITAL PROJECTS FUND
2022 Preliminary Budget
with 2020 Actual, 2021 Adopted Budget, and 2021 Estimated**

	2020 Actual	01/21-06/21 YTD Actual	2021 Adopted Budget	2021 Estimated	2022 Preliminary Budget
Beginning Fund Balance	\$ 467,615	\$ 470,670	\$ -	\$ 470,670	\$ -
Revenue					
Interest Income	3,413	122	\$ -	200	-
Transfer from Debt Service Fund	-	-	\$ -	-	-
Total Revenue	3,413	122	-	200	-
Total Funds Available	471,028	470,792	-	470,870	-
Expenditures					
Miscellaneous	358	36	-	100	-
Developer Reimbursement	-	176,520	-	450,389	-
Transfer to Debt Service Fund	-	-	-	20,381	-
Total Expenditures	358	176,556	-	470,870	-
Total Expenditures Requiring Appropriation	358	176,556	-	470,870	-
Ending Funds Available	\$ 470,670	\$ 294,236	\$ -	\$ -	\$ -

RESOLUTION NO. 2021 - 10 - ____
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1
TO ADOPT THE 2022 BUDGET AND APPROPRIATE SUMS OF MONEY

WHEREAS, the Board of Directors of the East Creek Metropolitan District No. 1 (“District”) has appointed the District Accountant to prepare and submit a proposed 2022 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, 2021, 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 18, 2021, 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 East Creek Metropolitan District No. 1:

1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the East Creek Metropolitan District No. 1 for the 2022 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 18th day of October, 2021.

Secretary

EXHIBIT A
(Budget)

I, Matthew Larsen, hereby certify that I am the duly appointed Secretary of the East Creek Metropolitan District No. 1, and that the foregoing is a true and correct copy of the budget for the budget year 2022, duly adopted at a meeting of the Board of Directors of the East Creek Metropolitan District No. 1 held on October 18, 2021.

By: _____

RESOLUTION NO. 2021 - 10 - __
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST CREEK METROPOLITAN DISTRICT NO. 1
TO SET MILL LEVIES

WHEREAS, the Board of Directors of the East Creek Metropolitan District No. 1 (“District”) has adopted the 2022 annual budget in accordance with the Local Government Budget Law on October 18, 2021; and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2022 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 East Creek Metropolitan District No. 1:

1. That for the purposes of meeting all general fund expenses of the District during the 2022 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 2022 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 18th day of October, 2021.

Secretary

EXHIBIT A
(Certification of Tax Levies)

RESOLUTION NO. 2021-10-____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
EAST CREEK METROPOLITAN DISTRICT NO. 1
CALLING A REGULAR ELECTION FOR DIRECTORS
MAY 3, 2022**

A. The terms of the offices of Directors Cameron Nelson and Michele Trujillo shall expire upon the election of their successors at the regular election, to be held on May 3, 2022 (“**Election**”), and upon such successors taking office.

B. The term of the office to which Director Greg Wright has previously been appointed expires upon his re-election, or the election of his successor at the Election, and upon such successor taking office.

C. A vacancy currently exists on the Board of Directors of the District.

D. In accordance with the provisions of the Special District Act (“**Act**”) and the Uniform Election Code (“**Code**”), the Election must be conducted to elect one (1) Director to serve until the next regular election, to occur May 2, 2023, and three (3) Directors to serve until the second regular election, to occur May 6, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Creek Metropolitan District No. 1 (the “**District**”) of the County of Arapahoe, Colorado:

1. Date and Time of Election. The Election shall be held on May 3, 2022, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws. At that time, one (1) Director shall be elected to serve until the next regular election, to occur May 2, 2023, and three (3) Directors shall be elected to serve until the second regular election, to occur May 6, 2025.

2. Precinct. The District shall consist of one (1) election precinct for the convenience of the eligible electors of the District.

3. Conduct of Election. The Election shall be conducted as an independent mail ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall have on file, no later than fifty-five (55) days prior to the Election, a plan for conducting the independent mail ballot Election.

4. Designated Election Official. Peggy Ripko shall be the Designated Election Official and is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code or other applicable laws. The Election shall be conducted in accordance with the Act, Code and other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished.

5. Call for Nominations. The Designated Election Official shall provide Call for Nominations as required under Section 1-13.5-501, C.R.S., as applicable.

6. Absentee Ballot Applications. NOTICE IS FURTHER GIVEN, pursuant to Section 1-13.5-1002, C.R.S., that applications for and return of absentee ballots may be filed with the Designated Election Official of the District, c/o Peggy Ripko, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, between the hours of 8:00 a.m. and 5:00 p.m., until the close of business on the Tuesday immediately preceding the Election (April 26, 2022).

7. Self-Nomination and Acceptance Forms. Self-Nomination and Acceptance Forms are available and can be obtained from Peggy Ripko, the Designated Election Official for the East Creek Metropolitan District No. 1, c/o Peggy Ripko, Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, (303) 987-0835, and on the District's website at www.colorado.gov/eastcreekmd.

8. Cancellation of Election. If the only matter before the electors is the election of Directors of the District and if, at 5:00 P.M. on March 1, 2022, the sixty-third day prior to the regular election, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with law.

9. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board of Director's intention that the various provisions hereof are severable.

10. Repealer. All acts, orders and resolutions, or parts thereof, of the Board of Directors which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

11. Effective Date. The provisions of this Resolution shall take effect as of the date adopted and approved by the Board of Directors of the District.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION
CALLING A REGULAR ELECTION FOR DIRECTORS
MAY 3, 2022]**

RESOLUTION APPROVED AND ADOPTED on October 18, 2021.

**EAST CREEK METROPOLITAN
DISTRICT NO. 1**

By: _____
President

Attest:

Secretary

From: [Karen Steggs](#)
To: [Karen Steggs](#)
Subject: FW: East Creek Rental regulations
Date: Friday, June 11, 2021 1:29:45 PM


From: Marti Corley <MCorley@cbuildersinc.com>
Sent: Monday, January 11, 2021 3:24 PM
To: Ryan Williams <rwilliams@sdmsi.com>
Cc: Peggy Ripko <pripko@sdmsi.com>; cameron.n.c.nelson@gmail.com
Subject: East Creek Rental regulations

To whom it may concern

While talking with code enforcement, about the enclosed building permit, that clearly states on the permit that the none of the improvements are be rented.

During our conversation, it was brought to my attention :

1. That Metro District Rules & regulation do not promote or adhere to the the R2 zoning regulations set force by the City of Aurora and need to be amended to coincide. EastCreek subdivision is zoned: R2-single family. Not multi-family. Which means renting the entire home but not portions of the home. The exception is the commercially zoned area at Airport Rd.

 **BUILDING PERMIT**
City of Aurora Colorado

Permit#: 2020-1818795 LT
Date: June 25, 2020

Colorado's only IAS Accredited Building Department

Address of Job: 473 S NORFOLK WAY
Contractor: HOMEOWNER SOLOMON GEBERE
Work: BUILDINGONLINE | BASEMENT FINISH (825 SQ. FEET) KITCHEN, LIVING ROOM, BATHROOM, THREE BEDROOMS
INCLUDES (2) NEW EGRESS WINDOWS AND NEW EXTERIOR ENTRANCE WITH METAL AWNING

Conditions: SLAB ON GRADE CONCRETE BASEMENT FLOOR NOTE: PER COA ZONING CODE SEC 146-1229 I IS UNLAWFUL FOR MORE THAN ONE FAMILY TO LIVE IN A DWELLING UNIT. THIS BASEMENT CANNOT BE USED AS A RENTAL UNIT.

Inspections: Mechanical Electrical Plumbing Structural

This permit has been issued for compliance using the 2015 I-Codes/Aurora Muni Code/2017-NEC Other inspections may be required. Additional inspections for Zoning, Grading and Engineering may be required before a Certificate of Occupancy can be issued. All exterior work must be completed within one year.

Regards & Thanks

Marti Corley
Christofferson Comm.Builders
719-491-5889

EAST CREEK METROPOLITAN DISTRICT
REQUEST FOR PROPOSAL FOR 2022-2023 LANDSCAPE MAINTENANCE AND IRRIGATION SERVICES SCHEDULE

Proposal Submission Deadline: **July 31, 2021**

Proposal Submitted by: BrightView Landscape Services, Inc.

CONTRACT SERVICES

ACTIVITY	FREQUENCY	UNIT PRICE	EXTENDED PRICE
PLANT & TREE CARE:			
Shrub/perennial/ornamental grass pruning	2	\$ <u>1,670</u>	\$ <u>3,340</u>
Tree pruning (traffic/safety)	1	\$ <u>370</u>	\$ <u>370</u>
Fertilization	1	\$ <u>Included with Turf Fert</u>	\$ <u>Included with Turf Fert</u>
Weed control - pre-emergent application	1	\$ <u>680</u>	\$ <u>680</u>
Weed control - post-emergent applications	26	\$ <u>306</u>	\$ <u>7,956</u>
TREE WRAPPING:			
Small deciduous (soft bark) 3" or smaller calipe	1	\$ <u>680</u>	\$ <u>680</u>
spring tree wrap removal	1	\$ <u>460</u>	\$ <u>460</u>
TURF CARE:			
Mowing/trimming/clean-up	26	\$ <u>670</u>	\$ <u>17,420</u>
Edging	13	\$ <u>153</u>	\$ <u>1,989</u>
Fertilization	1	\$ <u>2,320</u>	\$ <u>2,320</u>
Aeration	1	\$ <u>1,026</u>	\$ <u>1,026</u>
Weed control - post emergent	3	\$ <u> </u>	\$ <u> </u>
		Included - Fertilizer and weed control performed together	
IRRIGATION SYSTEM MANAGEMENT:			
Activation	1	\$ <u>710</u>	\$ <u>710</u>
Winterization	1	\$ <u>866</u>	\$ <u>866</u>
System Check	24	\$ <u>130</u>	\$ <u>3,120</u>
NATIVE AREA MAINTENANCE			
Mowing - All	2	\$ <u>45</u>	\$ <u>90</u>
Weed Control-All	1	\$ <u>174</u>	\$ <u>174</u>
MISCELLANEOUS:			
Spring Clean-up	1	\$ <u>1,670</u>	\$ <u>1,670</u>
Fall Clean-up	2	\$ <u>695</u>	\$ <u>1,390</u>
Debris & Litter Removal-All-Weekly	52	\$ <u>35</u>	\$ <u>1,820</u>
TOTAL CONTRACT PRICE			\$ <u><u>46,081</u></u>
MONTHLY CONTRACT PRICE			\$ <u>3,840.08</u>
COST PER HOUR			
Irrigation Technician		\$ <u>65</u>	
Irrigation Laborer		\$ <u>50</u>	

July 28, 2021

RE: East Creek Metro District Landscape Proposal

Dear Robert and District Board Members,

BrightView is pleased to have taken the time to develop this proposal for your consideration. Along with our methodical estimating process, we feel our experience with similar properties and Metropolitan Districts gives us a tremendous understanding of the resources and time that will be needed to provide you with a quality, thorough and cost-effective service programs.

There are many factors that we hope you will consider when evaluating the viability of working with BrightView. Below are aspects of our company that serve as our competitive advantages and that we attribute to our successful partnerships with our clients:

- **BEING A GOOD COMPANY VS. BEING THE RIGHT COMPANY FOR YOU** – We realize that many of our competitors are good companies capable of quality work. However, many of those competitors take an identical approach for each one of their clients. Thanks to our 70+ years in business, we have learned the importance of catering our service program to each customer's needs.
- **PROXIMITY AND SUCCESS WITH NEARBY PROPERTIES** – With offices strategically located in 4 locations throughout Metro Denver, we will have a dedicated Account Manager / Supervisor and service team in close proximity to East Creek throughout the week. The benefits to you; the ability to spend more time on-site supervising our services, identifying opportunities to improve your landscape, and responding to your service requests. Other benefits include less travel-related costs during snow removal, and easily / quickly addressing issues that might be considered “things that could wait” by other contractors.
- **CAPACITY** – We focus on jobs that align with our strengths and business objectives. That means we are selective in who we do business with; allowing our teams to provide better customer service through more manageable portfolios. With 4 offices throughout Metro Denver, we can “level the workload” so that our teams can take on new work comfortably and confidently



- **TECHNOLOGY & INNOVATION** – From Quality Assurance reports generated directly from our iPhone and Tablets, to a proprietary on-line work order system, we have the tools to make us more effective at our jobs and make yours easier. While our management teams take a boots on the ground approach, we appreciate the now delicate nature of face-to-face meetings. Our technology won't take the place of the personal ownership of your designated Account Managers, but instead will be available to support them.
- **MANAGEMENT STRUCTURE** – Our CSTs (Customer Service Teams) include an Account Manager who serves as your primary point of contact and is considered the “Bucks Stops Here” person ultimately accountable for all services we perform for your property. Working with each Account Manager is a Production Manager who works directly with the service teams to ensure quality, thoroughness and consistency. This dual manager approach allows us to place equal emphasis on customer service and landscape service
- **ESTABLISHED TRANSITION PLAN** – In order to facilitate a smooth transition, we will utilize our structured on-boarding process, which involves timelines for certain tasks, and an accountability tool that will be used to confirm the services we've committed to are completed. Examples of these tools can be found within this proposal.

We appreciate that the quality of the landscape care and the thoroughness in which we perform it are an integral part of driving the best experience for those living in and visiting your community. While we hope this proposal provides a level of detail that gives you comfort that BrightView is your most qualified option, we fully realize additional questions, further information and clarifications may be necessary.

Should you have any questions, or if I may be of additional service, please do not hesitate to call me. Thank you in advance for your consideration.

Sincerely,

Shad Parrish
Business Developer



Unique Tools for Keeping You Informed

In order to keep you informed as to the progress of our services, opportunities we identify to improve your property, and to simply serve as your “eyes and ears”, we have a number of ways in which we will communicate with you.

Below is a more formal reporting tool called a QSA (Quality Site Assessment) that we completed during our review of the community. Along with regular phone calls, emails, texts and (hopefully) walking the site together, we will provide these reports to establish an extra level of documentation and accountability.

Quality Site Assessment

General Information

Property Name: Misc- BVLS Denver East

Date: Wednesday, July 28, 2021

Next Inspection Date: Tuesday, September 28, 2021

Client Attendees: N/A

Brightview Attendees: Shad Parrish, Shad Parrish

CUSTOMER FOCUS AREA:

No weeds, green grass, healthy plants, healthy native areas

MAINTENANCE ITEMS:

- 1) Check irrigation in front of homes along Buckley
- 2) Pull and spray weeds growing in alleyways of townhomes
- 3) Remove dead shrubs and note their location on map

RECOMMENDATIONS FOR PROPERTY ENHANCEMENTS:

- 1) Provide price for tree replacements

Quality Site Assessment

Maintenance Items

Check irrigation in front of homes along Buckley



[1 / 3]

Maintenance Items

Pull and spray weeds growing in alleyways of townhomes



[2 / 3]

Maintenance Items

Remove dead shrubs and note their location on map



[3 / 3]

Recommendations for Property Enhancements

Provide price for tree replacements



[1 / 1]



Resources to Honor Our Commitments

Our hiring needs can rise and fall with seasonal demands. Being the largest landscape provider in the nation with over 80 years of experience in the industry, we have developed support systems and plans that ensure no matter the time of year, or the rate at which we grow, we are always able to fulfill our commitments and deliver you the highest level of service.

Our Branch Network

- As a national company with local operations, we are able to shift our employee base and relocate individuals to various markets where our service demand is higher.

H-2B Seasonal Guest Worker Program

- BrightView has been a long-time supporter of and participant in the H-2B nonimmigrant program, permitting us to temporarily hire nonimmigrants to join our teams in performing landscape maintenance services. During peak seasons, our H-2B team members offer a tremendous amount of support and expertise to our services.

BrightPath

- BrightPath is a career path program designed to help crew team members grow their careers at BrightView. As a developmental tool, it also helps us **recruit, hire, and train** new crew team members.

Seasonal Layoffs

- During seasons where less landscape services are required, we offer some team members an option for seasonal layoff. Our layoff program offer a return-to-work bonus, and helps ensure that when the seasons change again, your services won't miss a beat.

Recruiting & Hiring The Best Talent, Year-Round

- Our hiring & recruiting practices are highly focused in order to get the most talented team members. We partner with Universities, Community Colleges, and Trade Schools.

Your Transition to BrightView





Your Custom Partnership Plan

We truly view our customer relationships as partnerships. In an effort to support our partnership with Stonegate Village, we will customize a Client Partnership Plan (CPP) similar to the one below. This one tool serves multiple functions. It is a budget planner that lays out a monthly spend/budget, it provides long-term solutions for enhancements, unexpected items, etc., and it also allows us to plan ahead, and be proactive on your property. Below is a *sample* CPP.

BrightView Partnership Planner													
LANDSCAPE & SNOW MONTHLY BUDGET NUMBERS													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	FIXED TOTAL
LANDSCAPE MAINTENANCE				\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750			\$ 5,250
SNOW MAINTENANCE	\$ 1,000	\$ 1,000	\$ 1,000								\$ 1,000	\$ 1,000	\$ 5,000
MAINTENANCE TOTAL	\$ 1,000	\$ 1,000	\$ 1,000	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 1,000	\$ 1,000	\$ 10,250
OPTIONAL BUDGET ITEMS													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
TURF													
SOD				\$ 100									
AERATION										\$ 85			\$ 85
OVERSEED			\$ 65										
TURF APPLICATION - SUMMER													
TURF APPLICATION - FALL										\$ 65			\$ 65
OTHER										\$ 150			\$ 150
IRRIGATION													
START UP IRRIGATION			\$ 200										\$ 200
WINTERIZE IRRIGATION											\$ 200		\$ 200
INSPECTION					\$ 60								\$ 60
REPAIR					\$ 60			\$ -					\$ 60
PLANT CARE													
WINTER PRUNING												\$ 480	\$ 480
Plant Health Care Budget				\$ 100			\$ 100						\$ 200
TREE PRUNING													
TREE REPLACEMENT										\$ 600			\$ 600
SUMMER FLOWERS													
FALL FLOWERS									\$ 400				\$ 400
HOLIDAY DÉCOR											\$ 400		\$ 400
OTHER					\$ 600		\$ -		\$ 400		\$ 400		\$ 1,400
BED CARE													
HARDWOODS DYED MULCH				\$ 1,100									\$ 1,100
FERTILIZATION													
ENHANCEMENTS													
Landscape Bed Enhancement Budget					\$ 400								\$ 400
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
MAINTENANCE BUDGET	\$ 1,000	\$ 1,000	\$ 1,000	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 1,000	\$ 1,000	\$ 10,250
OPTIONAL BUDGET ITEMS	\$ -	\$ -	\$ 265	\$ 1,300	\$ 1,720	\$ -	\$ 100	\$ -	\$ 800	\$ 900	\$ 1,000	\$ 480	\$ 7,865
RECOMMENDED BUDGET	\$ 1,000	\$ 1,000	\$ 1,265	\$ 2,050	\$ 2,470	\$ 750	\$ 850	\$ 750	\$ 1,550	\$ 1,850	\$ 2,000	\$ 1,480	\$ 18,115



Letters of Recommendation

“Our firm manages the Founders Village Metropolitan District and Villages at Castle Rock Metropolitan District No. 4, located in Castle Rock, Colorado. The Districts serve approximately 2,400 homes. Our Districts operate and maintain many facilities including extensive streetscapes and irrigation systems. Weather conditions are always a challenge and many parts of our irrigation system are over 30 years old. The Districts maintain over 1.2 million square feet of irrigated turf, trees and plantings with 24 major irrigation taps and related appurtenances. The Districts also maintain over 50 Tracts, Breezeways and native mowing areas in Founders Village. Our Landscape and Irrigation Base Mapping is quite comprehensive and is updated annually.

In 2007, the Districts engaged Valley Crest Landscape Maintenance (now BrightView Landscape) and embarked upon an extensive program of deferred maintenance, irrigation modifications and major rehabilitation of planting areas. The District has an extensive and detailed Scope of Services and Technical Specifications which govern BrightView’s annual Streetscape Maintenance Agreement.

Due to the sheer size, age and complexity of the Founders Village Streetscapes, the annual maintenance contract requires a Full-time Project/ Irrigation Manager, a Full-Time Irrigation Tech and a part-time Tech/ Maintenance Person. All other mowing, edging, pruning, aeration, fertilization and other contract services are covered by BrightView crews that “rotate” in and out of Founders Village and other communities on a weekly basis.

The District’s Landscape Architect (EDI) monitors irrigation use and coordinates (with BrightView’s Irrigation Manager) Annual Irrigation Budgets with the Town of Castle Rock. BrightView and the Districts have always outperformed the Town’s Large Irrigator Water Budgets and both comply with the Town’s strict Water Conservation Ordinances. The Districts are committed to comprehensive Irrigation Management and believe that BrightView will help us manage and efficiently conserve thru the introduction of “Smart Controller Systems” and other new technologies. We strongly recommend that larger Associations and Special Districts staff their Irrigation and Maintenance programs adequately, to conserve water, save money and insure well-maintained public improvements for their constituents. Should your group require additional information on Founders Village and BrightView Landscape Maintenance, please contact our offices.

O. Karl Kasch

District Manager

303-790-4845

Vcmetro4@cimarronla.com



VILLAGES AT CASTLE ROCK
METROPOLITAN DISTRICT NO. 4

“BrightView accepted the landscape contract mid-season. After taking on an already distressed property, their first month was the hottest August on record, with less than half an inch of precipitation for the entire month. Their first day on site, the metro district informed the community of newly imposed watering restrictions. BrightView managed to repair the irrigation system and improve the overall condition of the landscaping. Within 6 weeks, the grass was green, trees were trimmed, and the property looked great. We look forward to a long term partnership with BrightView.”

Stepping Stone Homeowners Association

Ben McDowell

Community Manager, AdvanceHOA

Ben.mcdowell@advancehoa.com

303.525.3958





Recent Awards

"We were completely caught off guard when our other vendor canceled due to the H2-B Visa workers being denied entry into the US. BrightView was able to completely ramp up in June after the season had already started. There would have been few other companies in Denver who could have done what they did.

They were the first and only call we needed to make. We realized there would be a steep learning curve but they pulled it off with ease and professionalism. They not only had the manpower for the field work but they had managers and support staff to help deal with our many issues. In particular they helped us gain control of our irrigation system issues."

**Tom Westing – Cherry Hills III Community Manager
303-482-2213**



BrightView Account Manager Ross Brown accepting the 2019 Customer Service Award presented by the Associated Landscape Contractors of Colorado



Photos of our Work

Photos include:

- Canterbury Crossing (Parker) – 2014 Community of the Year
- Heritage Hills (Lone Tree)
- Founders Village (Castle Rock)
- Park Meadows Metro District (Lone Tree)
- Omni Park Metro District (Lone Tree)



EAST CREEK METROPOLITAN DISTRICT
REQUEST FOR PROPOSAL FOR 2022-2023 LANDSCAPE MAINTENANCE AND IRRIGATION SERVICES SCHEDULE

Proposal Submission Deadline: July 31, 2021

Proposal Submitted by: CDI

CONTRACT SERVICES

ACTIVITY	FREQUENCY	UNIT PRICE	EXTENDED PRICE
PLANT & TREE CARE:			
Shrub/perennial/ornamental grass pruning	2	\$ <u>395.00</u>	\$ <u>790.00</u>
Tree pruning (traffic/safety)	1	\$ <u>INCLUDED</u>	\$ <u> </u>
Fertilization	1	\$ <u>616.50</u>	\$ <u>616.50</u>
Weed control - pre-emergent application	1	\$ <u>806.50</u>	\$ <u>806.50</u>
Weed control - post-emergent applications	26	\$ <u>INCLUDED</u>	\$ <u> </u>
TREE WRAPPING:			
Small deciduous (soft bark) 3" or smaller calipe	1	\$ <u>487.50</u>	\$ <u>487.50</u>
spring tree wrap removal	1	\$ <u>487.50</u>	\$ <u>487.50</u>
TURF CARE:			
Mowing/trimming/clean-up	26	\$ <u>638.50</u>	\$ <u>16,601.00</u>
Edging	13	\$ <u>INCLUDED</u>	\$ <u> </u>
Fertilization	1	\$ <u>507.50</u>	\$ <u>507.50</u>
Aeration	1	\$ <u>694.50</u>	\$ <u>694.50</u>
Weed control - post emergent	3	\$ <u>507.50</u>	\$ <u>1015.00</u>
IRRIGATION SYSTEM MANAGEMENT:			
Activation	1	\$ <u>352.00</u>	\$ <u>352.00</u>
Winterization	1	\$ <u>370.50</u>	\$ <u>370.50</u>
System Check	24	\$ <u>122.50</u>	\$ <u>2940.00</u>
NATIVE AREA MAINTENANCE			
Mowing - All	2	\$ <u>360.50</u>	\$ <u>721.00</u>
Weed Control-All	1	\$ <u>366.50</u>	\$ <u>366.50</u>
MISCELLANEOUS:			
Spring Clean-up	1	\$ <u>556.50</u>	\$ <u>556.50</u>
Fall Clean-up	2	\$ <u>615.50</u>	\$ <u>1,231.00</u>
Debris & Litter Removal-All-Weekly (WINTER)	5226	\$ <u>66.60</u>	\$ <u>1731.60</u>
TOTAL CONTRACT PRICE			\$ <u>30,275.10</u>
MONTHLY CONTRACT PRICE			\$ <u>2,522.93</u>
COST PER HOUR			
Irrigation Technician		\$ <u>72.00</u>	
Irrigation Laborer		\$ <u>55.00</u>	



ENVIRONMENTAL CONTRACTOR

5585 W. Airport Rd
Sedalia, Colorado 80135

☎ 303.471.1522 📠 303.470.3197 ✉ sales@cdi-services.com

To: SDMS	Contact: Robert Graham
Address: 141 Union Boulevard, Suite 150 Lakewood, CO 80228	Phone: 303-987-0835
	Fax: 303-987-2032
Project Name: East Creek - 2022 Maintenance	Bid Number:
Project Location: Aurora, CO	Bid Date: 7/30/2021
Addendum #: N/a	

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Summer Weekly Services: Mow, Trim, Blow, Bed Weeding, Trash Pick Up, Edging 13 Times, Spray Tree Rings 3 Times	26.00	EACH	\$638.50	\$16,601.00
Pruning Shrubs And Trees: Shrub Pruning 2x Tree Pruning Up To 12' 1x	2.00	EACH	\$395.00	\$790.00
Pre-emergent Herbicide: Application To Landscape Beds:	1.00	EACH	\$806.50	\$806.50
Spring Clean Up: Cut Ornamental Grasses Back, Remove Pine Needles, And Blow Debris Out Of Beds	1.00	EACH	\$556.50	\$556.50
Fall Clean Up: Leaf Removal From All Landscape Areas, Cut Back Herbaceous Perennials	2.00	EACH	\$615.50	\$1,231.00
Aeration Of All Turf Areas:	1.00	EACH	\$694.50	\$694.50
Turf Fertilization And Broadleaf Herbicide: Season Long 1 Application Of Season Long Fertilizer With Pre-emergent 3 Applications Of Post Emergent Broadleaf Weed Control	3.00	EACH	\$507.50	\$1,522.50
Shrub Bed Fertilization Slow Release Granular Application	1.00	EACH	\$616.50	\$616.50
Winter Trash Removal: Police Property For Trash, Excludes Pick Up Of Hazardous Materials Or Dead Animals	26.00	EACH	\$66.60	\$1,731.60
Irrigation Checks: Weekly Irrigation Checks	24.00	EACH	\$122.50	\$2,940.00
Irrigation System Spring Start Up:	1.00	EACH	\$352.00	\$352.00
Irrigation System Winterization: (1 Time)	1.00	EACH	\$370.50	\$370.50
Native Grass Field Mowing: (2 Occurrences) Includes String Trimming Around Obstacles Such As Trees, Include String Trimming Of Fence Lines, Includes Spraying Herbicide Along Fence Lines And Around Posts	2.00	EACH	\$360.50	\$721.00
Native Grass - Broadleaf Herbicide: (Spot Application) 1 Spot Applications Of A Broadleaf Herbicide Does Not Control Grassy Weeds.	1.00	EACH	\$366.50	\$366.50
Tree Wrapping And Unwrapping: Wrap Trees In Fall And Unwrap In Spring	1.00	EACH	\$975.00	\$975.00

Total Bid Price: \$30,275.10

Notes:

- Irrigation rates will be \$ 72.00 per hour for a irrigation technician, \$ 55.00 for irrigation labor and any necessary materials will be additional.
- **This proposal is good for 60 days following the date given on the proposal.**
-

Consolidated Divisions, Inc. dba **CDI** ENVIRONMENTAL CONTRACTOR
An Equal Opportunity Employer

Payment Terms:



ENVIRONMENTAL CONTRACTOR

5585 W. Airport Rd
Sedalia, Colorado 80135

☎ 303.471.1522 📠 303.470.3197 ✉ sales@cdi-services.com

To: SDMS Address: 141 Union Boulevard, Suite 150 Lakewood, CO 80228	Contact: Robert Graham Phone: 303-987-0835 Fax: 303-987-2032
Project Name: East Creek - 2022 Maintenance Project Location: Aurora, CO Addendum #: N/a	Bid Number: Bid Date: 7/30/2021

Payment due 30 days from invoice.

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Consolidated Divisions, Inc Db a CDI Environmental Contractors Authorized Signature: _____ Estimator: Cory France 303-501-5697 coryf@cdi-services.com
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EAST CREEK METROPOLITAN DISTRICT
REQUEST FOR PROPOSAL FOR 2022-2023 LANDSCAPE MAINTENANCE AND IRRIGATION SERVICES SCHEDULE

Proposal Submission Deadline: **July 31, 2021**

Proposal Submitted by: Metco Landscape

CONTRACT SERVICES

ACTIVITY	FREQUENCY	UNIT PRICE	EXTENDED PRICE
PLANT & TREE CARE:			
Shrub/perennial/ornamental grass pruning	2	\$ <u>2733.09</u>	\$ <u>5466.18</u>
Tree pruning (traffic/safety)	1	\$ <u>486.19</u>	\$ <u>486.19</u>
Fertilization	1	\$ <u>89.25</u>	\$ <u>89.25</u>
Weed control - pre-emergent application	1	\$ <u>89.25</u>	\$ <u>89.25</u>
Weed control - post-emergent applications	26	\$ <u>137.63</u>	\$ <u>137.63</u>
TREE WRAPPING:			
Small deciduous (soft bark) 3" or smaller calipe	1	\$ <u>15.00</u>	\$ <u>150</u>
spring tree wrap removal	1	\$ <u>10.00</u>	\$ <u>200</u>
TURF CARE:			
Mowing/trimming/clean-up	26	\$ <u>313.78</u>	\$ <u>6158.28</u>
Edging	13	\$ <u>34.19</u>	\$ <u>444.47</u>
Fertilization	1	\$ <u>426.15</u>	\$ <u>426.15</u>
Aeration	1	\$ <u>339.32</u>	\$ <u>339.32</u>
Weed control - post emergent	3	\$ <u>426.15</u>	\$ <u>1278.46</u>
IRRIGATION SYSTEM MANAGEMENT:			
Activation	1	\$ <u>475.16</u>	\$ <u>475.16</u>
Winterization	1	\$ <u>475.16</u>	\$ <u>475.16</u>
System Check	24	\$ <u>82.93</u>	\$ <u>1990.32</u>
NATIVE AREA MAINTENANCE			
Mowing - All	2	\$ <u>354.00</u>	\$ <u>708.00</u>
Weed Control-All	1	\$ <u>683.00</u>	\$ <u>683.00</u>
MISCELLANEOUS:			
Spring Clean-up	1	\$ <u>1215.48</u>	\$ <u>1215.48</u>
Fall Clean-up	2	\$ <u>1093.94</u>	\$ <u>1093.94</u>
Debris & Litter Removal-All-Weekly	52	\$ <u>13.25</u>	\$ <u>689.00</u>
TOTAL CONTRACT PRICE			\$ <u><u>22,595.24</u></u>
MONTHLY CONTRACT PRICE			\$ <u>1966.27</u>
COST PER HOUR			
Irrigation Technician		\$ <u>75.00</u>	
Irrigation Laborer		\$ <u>55.00</u>	



September 3, 2021

Board of Directors
East Creek Metropolitan District No. 1
c/o Special District Mgmt. Services
141 Union Blvd., Ste. 150
Lakewood, CO 80228

Denver Office
Jeffrey B. Smith
Direct 303.991.2066
jsmith@altitude.law

Re: Altitude Community Law P.C. Legal Services Proposal for East Creek Metropolitan District No. 1

Dear Members of the Board:

Thank you for your interest in the legal services we can provide for your association. Enclosed are materials describing our experience, philosophy, services and fees. We offer a variety of fee programs, including flat fees and retainers, to suit the needs of individual associations. To determine what fee program may best suit East Creek Metropolitan District No. 1, please give me a call after you have had a chance to review the enclosed material.

How we will work with you. Our experience enables us to partner with your association and your team to provide tailored, creative solutions that best meet the association's unique needs. As the trusted leader in community association law in Colorado, we have over 100 years combined experience and have successfully represented more than 2,000 associations. We make every effort to understand your issues and constraints and will alert you when we see an opportunity or potential problem that is beyond the association's immediate need, while keeping your budget in mind.

Value-added benefits of partnering with Altitude Community Law P.C. We are committed to providing our clients with up-to-date information, education and tools to help you govern your community proactively and positively. We offer education programs designed exclusively for board and committee members. The 2021 education schedule is available on our website, www.altitude.law/education. From our website you also may register for our blog, webinars and e-newsletter, to keep up-to-date on current issues that may impact your association.

Next steps. If you desire to hire our firm, please complete and return the 2021 Legal Services and Fee Summary Agreement. To take advantage of one of our retainer programs, check the appropriate retainer box on page 4 of the Agreement.

Feel free to contact me with questions or comments after you've had an opportunity to review the enclosed materials. We would be happy to attend a board meeting to meet you, listen to your concerns and discuss how we can assist your association.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey B. Smith".

Jeffrey B. Smith
Altitude Community Law P.C.
JBS/ss
Enc.



SERVING HOMEOWNERS ASSOCIATIONS

Altitude Community Law P.C. is the premier law firm which serves legal needs of community associations. More than 2000 associations throughout Colorado have chosen us to guide them through the formation, transition and operation of their organizations. Our association clients include condominium, townhome and detached single family associations across the state.

Communities ranging in size from two units to more than 90,000 units have enjoyed the personal attention we provide, along with the depth and breadth of knowledge that only years of experience can yield. More than any law firm, we focus on homeowners associations and covenant controlled communities. We have prepared in excess of 500 sets of rules and architectural control guidelines and assisted over 500 associations in amending or restating their legal documents.

With several offices throughout Colorado, we are able to service our clients in a timely, efficient, and responsive manner.

OUR TEAM

Altitude Community Law was founded in 1988. Our attorneys work as a team to help you in the formation of a new community association, in running your existing association, or resolving disputes involving your association. Adding to the firm's 200 plus years of combined experience are attorneys Elina B. Gilbert, Melissa M. Garcia, David A. Firmin, David A. Closson, William H. Short, Debra J. Oppenheimer, Kiki N. Dillie, Jeffrey B. Smith, Maris S. Davies, Kate M. Leason, Amanda K. Ashley, Sheridan Classick, Anna P. Cherubin, and Steve E. Dinsenbacher.

CLIENT SERVICE - OUR NUMBER ONE PRIORITY

Each member of our firm is committed to providing you with the best legal representation in our field at competitive rates that fit your budget. We also understand that each client has different needs and expectations, and good client servicing is in the eyes of the client, not in the eyes of the firm.

That's why we're committed to getting to know the board members of your association so that we can understand and meet your needs. By returning your calls promptly, communicating with you regularly, and offering various educational workshops annually, we are always looking for ways to better serve you and to exceed your expectations in a law firm.

By working with you, we can help you accomplish your goals on behalf of your association, and we can make your role as a board member easier by providing you with the tools you need to do your job effectively.

PREVENTION - THE BEST LEGAL APPROACH

The first and best legal solution is preventing disputes and other legal problems. With a strong emphasis on prevention, we draw from our experience to help you lay a proper foundation for the future and avoid costly and destructive pitfalls.

And, while we emphasize prevention, we are also fully prepared to fight for your cause if the need arises. We can represent you to resolve disputes through mediation, arbitration or litigation.

**COMMITMENT
TO
EDUCATION**

Education of both community managers and board members has been the backbone of the firm since its inception. At Altitude, we believe that education is the best way to avoid problems in communities and we continually strive to provide the best and most accessible education to not only our clients, but to any directors or managers that want to better understand the industry. Altitude Community Education (ACE) provides numerous lunch forums, webinars, classes, and other educational opportunities to ensure your community's success. For more information please refer to our Education Tab on the Altitude website.

**COUNSEL FOR
ASSOCIATIONS
AT ALL STAGES**

We advise associations at all stages of growth; from pre transition to the mature association. Many areas of law converge to govern community associations. We can help you address issues at all stages of a homeowner association's development. In addition to our experience, we have been an advocate for community associations at the Capitol. Our attorneys serve on the Legislative Action Committee for CAI and are aggressively involved in monitoring and testifying in the legislature concerning bills affecting community associations.

**TRANSITION OF
CONTROL**

One of the most pivotal times for a community association is during its transition from developer to homeowner control. The developer controls a common interest community during its formation. As lots or units are sold, transition from developer to homeowner control begins, with owners bearing the responsibility for the association's operation. Ideally this is a process rather than an isolated event. Over time, owners gradually become involved in the governance of the association. Altitude Community Law has assisted hundreds of associations with this process making for a smooth and problem-free transition.

**THE MATURE
COMMUNITY
ASSOCIATION**

Mature associations function best when they provide services to owners (as set forth in the governing legal documents) and responsibly enforce their governing documents and anticipate changing needs.

**REVIEWING,
AMENDING AND
INTERPRETING
DOCUMENTS**

By periodically reviewing, amending or revising your association's articles of incorporation, bylaws, covenants, and rules, Altitude Community Law can help you build a strong, legally-sound foundation for your community. We can assist you by understanding your goals and redrafting, writing or amending rules, architectural control guidelines and covenants that address your association's needs within the framework of local, state and federal laws. We can also aid you in the proper interpretation and clarification of your governing documents.

**COVENANT
ENFORCEMENT**

Two principles apply when addressing enforcement of covenants and rules. Covenants and rules must be carefully written to be enforceable and must be enforced consistently to retain their strength. The same principles apply when dealing with architectural control or design enforcement. At Altitude Community Law, we can assist you in these important areas through use of our alternate dispute resolution services, or if need be, through our litigation services.

**CREATIVE
PROBLEM
SOLVING**

We've handled a wide variety of covenant enforcement issues and achieved many successes for our association clients. From painting and landscaping, to pets and parking, we have experience with virtually every imaginable covenant violation. While our goal is to resolve disputes outside of court, when litigation is necessary, we're strong advocates for associations. Not only do we have years of courtroom experience, but we also have years of industry experience—insight that enables us to utilize creative solutions, as well as anticipate the challenges of a covenant violation lawsuit.

**DEBT
RECOVERY**

Financial well-being hinges on timely collection of association assessments. In addition to traditional collections methods such as demand letters, liens, and personal lawsuits, we've developed successful alternatives to use when traditional methods fail, including the use of receiverships and foreclosures. In the last two years we've collected approximately \$9 million in delinquent assessments and fees for our clients. No other firm can claim this degree of success.

Every collection matter in our office is handled by an attorney, not the paralegal-driven model that many law firms use. This difference provides for better representation, higher quality work and better results for our clients.

We are also the first firm to provide clients with online status reports of their collection accounts. The information is real-time account history accessed through a secure online system.

**INSURANCE
AUDIT**

At every stage of an association's maturity, it is important that the association have adequate insurance not only for the structures and improvements, but also for the board of directors. We can review your current policies for adequate coverage and to determine if your coverage complies with the requirements in your governing documents.

An association that isn't properly insured for general liability and property coverage, director and officer coverage, fidelity insurance, and gap coverage may be susceptible to lawsuits filed by owners. Our insurance audit can assist your association not only by determining any weaknesses in your coverage, but by recommending a more comprehensive insurance plan that will meet your needs and budget.

**DISPUTE
RESOLUTION/
LITIGATION**

We emphasize prevention of legal problems through thoughtful and thorough advice and counsel given prior to taking action or entering into transactions. When a legal problem does arise, we will assist you in finding the most practical and cost-effective solution. Our trial attorneys are not only experienced, but also

have a long track record of winning in the courtroom. Our goal is to resolve disputes outside of court whenever possible, and all Altitude Community Law attorneys have had formal training in mediation and negotiation.

But when a resolution cannot be found, we bring our extensive litigation experience to bear on behalf of our clients. We assess with you the benefits of litigation and weigh them against the costs and risks.

A wide variety of problems and needs come up in the course of governing and operating a homeowners association. Often the solution is not obvious. We enjoy taking both a creative and proactive approach and working with you to find legal solutions that allow you to do what your association wants to do. Altitude Community Law has gained a reputation for using ground-breaking methods and solving old problems in refreshing new ways.

Pertinent examples of such creative problem solving include:

- Negotiated and closed the first bond financing in the country by a homeowners association of 15 million dollars for various capital improvements.
- Negotiated and drafted a favorable annexation agreement that provided for substantial payment to the association.
- Identified and implemented procedures to collect working capital contribution from developer for use by association in a build-out community.
- Amended legal documents for a condominium community to create and sell a unit out of the common elements, with the proceeds going to the Association.
- Consolidated two associations into one, eliminating duplicate costs and overhead.

FINANCIAL CONSIDERATIONS

From the beginning of our relationship with you, we welcome an open dialogue about the subject of fees and costs. We know how essential legal services are to your successful operation. We also know you must work within an established budget

HOW WE CHARGE FOR OUR SERVICES

We have made every effort to package our services in a meaningful way that reflects their value to you. We strongly urge all associations to elect to be on one of our popular retainer programs. The retainer programs are set at levels to be a maximum benefit to your community. They further simplify the budgeting process by establishing a fixed monthly fee for certain services.

Additionally, whether you are on one of our retainer programs or not, fees for specific work are frequently quoted on a flat or fixed fee basis. We will work with you to select from these convenient options, or to create an alternative arrangement tailored to suit your needs.



Shareholder in Charge of Finance



David A. Firmin :: Shareholder

Education: University of Denver (B.A., 1991); University of Denver (J.D., 1998).

Member: Colorado Bar Association; Southwestern Colorado Bar Association; Community Associations Institute.

Practice Areas: Condominium and Homeowners' Association Law.

Shareholder in Charge of Practice



Elina B. Gilbert :: Shareholder

Education: University of Michigan, Ann Arbor, Michigan (B.A., 1993); University of Detroit Mercy School of Law (J.D., Cum Laude, 1997).

Member: American Bar Association; Michigan Bar Association; Community Associations Institute; College of Community Association Lawyers.

Practice Areas: Condominium and Homeowners' Association Law.

Debt Recovery



Kiki N. Dillie :: Partner - Debt Recovery Department Head

Education: University of Colorado (B.A., 2002); University of Colorado School of Law (J.D., 2008).

Member: Colorado Bar Association; Colorado Creditor Bar Association; Community Associations Institute.

Practice Areas: Collections.



Amanda K. Ashley :: Attorney

Education: Central Methodist University (B.A., 2000); Marquette University Law School (J.D., 2004).

Member: Colorado Bar Association; Adams County Bar Association; Community Associations Institute; Wisconsin Lawyers Assistance Program; Wisconsin Law Foundation Fellow; Board of Directors: Non Resident Lawyer Division WI.

Practice Areas: Collections.



Sheridan Classick :: Attorney

Education: Metropolitan State University of Denver (B.A., 2015); Gonzaga School of Law (J.D., 2018).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute.

Practice Areas: Collections.

Litigation/Foreclosure/Covenant Enforcement



Jeffrey B. Smith :: Partner - Litigation Department Head

Education: Providence College (B.A., 2005); University of Denver College of Law (J.D., 2008).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute; Colorado Defense Lawyers Association.

Practice Areas: Covenant and Rule Enforcement Litigation; Insurance Defense; Civil Litigation; Contract Disputes; Fair Housing Law; Foreclosure.



William ("Bill") H. Short :: Partner

Education: University of Vermont (B.A., 1979); Emory University School of Law (J.D., 1982).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute. Colorado Defense Lawyers Association.

Practice Areas: Insurance Defense; D&O Liability; Construction Law; Civil Litigation; Contract Disputes; Fair Housing Law; Covenant and Rule Enforcement Litigation.



Debra J. Oppenheimer :: Partner

Education: Metropolitan State College (B.S., 1986); University of Texas (J.D., 1989).

Member: Colorado Bar Association; El Paso Bar Association; Community Associations Institute.

Practice Areas: Covenant and Rule Enforcement Litigation; Insurance Defense; Civil Litigation; Contract Disputes; Fair Housing Law.



Kate M. Leason :: Attorney

Education: University of Central Florida (B.A., 1987); University of South Florida (M.L.S., 2003); Barry University, Dwayne O'Andreas School of Law (J.D., 2008).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute; American Association of Law Libraries.

Practice Areas: Foreclosure.



Steve E. Dinsenbacher :: Attorney

Education: St. Mary's College of Maryland (B.A., 1997); University of Denver college of Law (J.D., 2003);

Member: Colorado Bar Association; Denver Bar Association

Practice Areas: Litigation

Transactional



Melissa Garcia :: Shareholder – Business Development Department Head

Education: University of Nevada, Reno (B.A., 1996); California Western School of Law (J.D., 1999).

Member: Community Associations Institute.

Practice Areas: Condominium and Homeowners' Association Law.



David A. Closson :: Shareholder – Business Law Group Department Head

Education: Colorado State University (B.A., 1995); University of Colorado (M.B.A., 2002); University of Colorado (J.D., 2002).

Member: Community Associations Institute.

Practice Areas: Business; Condominium and Homeowners' Association Law.



Maris S. Davies :: Partner - Transactional Department Head

Education: Ithaca College (B.S., 2001); University of Denver (J.D., 2009).

Member: Colorado Bar Association; Community Association Institute.

Practice Areas: Condominium and Homeowners' Association Law.



Anna P. Cherubin :: Attorney

Education: Colgate College (B.S., 2002); University of San Francisco (J.D., 2009).

Member: Colorado Bar Association; California Bar Association; Florida Bar Association

Practice Areas: Condominium and Homeowners' Association Law; Covenant and Rule Enforcement; Litigation; Fair housing Law



2020-2021 LEGAL SERVICES AND FEE SUMMARY AGREEMENT

The following is a summary of the fees and charges for the various legal services offered by Altitude Community Law.

Our retainer programs reduce your association's legal expenditures and simplify the budgeting process by establishing a **fixed monthly fee**. This fee purchases the essential legal services your association requires, making us available to you as needed. We now offer **three** retainer packages to better fit your needs.

RETAINER SERVICES AND BENEFITS

For a yearly fee of **\$2,400**, payable monthly at **\$200 per month**, retainer clients receive the following legal services and benefits without further charges:

Phone Calls. We will engage in unlimited telephone consultations with a designated board member or association manager regarding legal and other questions and status of ongoing work we are performing for you, exclusive of litigation, foreclosure, covenant enforcement, and document amendments. Written consultations/communications such as emails, written correspondence, and calls with multiple Board members at the same time will be billed at our reduced hourly rates, as will our time to review governing documents, correspondence, etc., if necessary to answer a question.

Reduced Hourly Rates. For legal services billed hourly beyond what is included in the retainer, we will provide those services at \$20 per hour less than our non-retainer rates for attorneys and \$10 per hour less than our non-retainer rates for paralegals.

In-Office Consultation. We will meet with a designated board member and/or the association's manager in our office for 30 minutes on any new matter. If the meeting extends beyond the 30 minutes, you will be billed at our reduced hourly rates.

Attendance at Board Meeting. At your request, we will attend one board meeting per twelve-month period for up to one hour. As a retainer client, we will prioritize attending the board meeting of your choosing. If our attendance exceeds one hour, you will be billed at our reduced hourly rates.

Audit Response Letter. We will prepare a letter to your financial auditor in connection with your annual audit indicating pending or threatened litigation. We will also review your annual financial audit upon completion.

Periodic Report. We will prepare and file your periodic report with the Secretary of State if you have designated us as your registered agent.

DORA Renewal: We will prepare and file your renewal report with DORA if requested.

RETAINER PLUS SERVICES AND BENEFITS

For a yearly fee of **\$3,000**, payable monthly at **\$250 per month**, we will provide the following legal services and benefits without further charges:

In addition to the services provided to Retainer clients, **Retainer Plus** clients will receive the following additional services:

Email Consultations. We will engage in 30 (thirty) minutes of email consultations every month with a designated board member and the association's manager regarding legal and other questions and the status of ongoing work that we are performing on your behalf, exclusive of litigation, foreclosure, covenant enforcement, and document amendment matters. Additional written consultations and communications will be billed at our reduced hourly rates. If it is necessary to review governing documents, correspondence, etc. to answer a question, you will be billed at our reduced hourly rates.

SB100 Policy Update. We will provide one free SB100 Policy update for your association.

Credit Card Payments. For Retainer Plus clients, we will accept homeowner payments via credit card.

PREMIUM RETAINER SERVICES AND BENEFITS

For a yearly fee of **\$6,000**, payable monthly at **\$500 per month**, we will provide the following legal services and benefits without further charges:

In addition to the services provided to **Retainer and Retainer Plus** clients, Premium Retainer clients will receive the following additional services:

Email Exchanges. We will communicate with your designated board member and the association's manager via email up to **60 (sixty) additional** minutes every month which includes minor research.

Attendance at **one additional Board Meeting** per year. At your request, we will attend a total of two board meetings per twelve-month period for up to one hour each. If our attendance exceeds one hour, you will be billed at our reduced hourly rates.

Other needed revisions to SB100 Policies required by new legislation reduced by \$100.

RETAINER SERVICES GENERALLY

We will send notices of renewal of retainers annually. Upon expiration, the retainer will automatically be renewed on a monthly basis until we receive a notice to terminate.

FIXED FEE SERVICES

Altitude Community Law offers fixed fee services. The association will pay Altitude Community Law (the Firm) for performance of the services as outlined in a proposal for services, plus costs. The association understands that it is not entering into an hourly fee agreement for that specified service, except as otherwise set forth. This means the Firm will devote such time to the matter as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent.

NON-RETAINER SERVICES AND BILLING TERMS

If you desire representation on a non-retainer basis, you will be billed hourly for all work performed unless a fixed fee (such as collection matters or amendment of documents) has been agreed to in advance. Our hourly rates for 2020-2021 non-retainer clients are \$95 - \$155 for legal assistants/paralegals, \$300 - \$350 for attorneys. Non-retainer clients are billed hourly for all phone calls.

TERMINATION OF REPRESENTATION

You may terminate our representation at any time by notifying us in writing and we may resign from representation by notifying you in writing. In either case, you understand that court or administrative rules may require us to obtain a judicial or administrative order to permit our withdrawal. We agree that upon receipt of your termination notice, we will take such action as is necessary to withdraw from representing

you, including requesting any necessary judicial or administrative order for withdrawal. However, whether you terminate our representation, we cease performing further work and/or withdraw from representing you, as allowed under the Colorado Rules of Professional Conduct or for your failure to comply with the terms of this Agreement, you understand and agree that you continue to be responsible to us for the payment of all fees and expenses due and owing and incurred in withdrawing from representing you, including any fees and expenses we incur to obtain, and/or during the time we are seeking to obtain, any necessary judicial or administrative order to approve our withdrawal.

If you so request, we will send to you your files as soon as a particular matter is concluded. If you do not request your files, the firm will keep the files for a minimum of ten (10) years, after which it may retain, destroy or otherwise dispose of them.

PRIVACY POLICY

Attorneys, like other professionals who provide certain financial services, are now required by federal and state laws to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Thus, we have always protected the privacy of your confidential information.

In the course of providing legal services, we sometimes receive significant nonpublic personal information from our clients. As a client of Altitude Community Law, you should know that all such information we receive from you is held in confidence. We do not disclose such information to anyone outside the firm except when required or authorized by applicable law or the applicable rules of professional conduct governing lawyers, or when authorized by you in writing.

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain, physical, electronic and procedural safeguards that comply with our professional standards.

If you have any questions or would like more information about our privacy policies and practices, please let us know.

GENERAL TERMS FOR ALL CLIENTS

We represent the association as a corporate entity. We will take our direction for work as instructed by the manager or the board. We do not represent any individual board members or homeowners.

Clients are required to reimburse us for cost advances and other out-of-pocket expenses. Reimbursement is made at actual cost for outside charges such as court recording fees, filing fees, service of process charges, computerized legal research, expert witness fees, title searches, deposition reporting and transcription fees, outside photocopying, etc. Typically, we do not charge for internal photocopies, faxes, postage and long-distance telephone calls unless these charges are extraordinary. We provide monthly statements for services and expenses incurred. Unless other arrangements are made and agreed upon in writing, all charges are due and payable upon your receipt of the statement. A finance charge of 12% per annum may be imposed upon any amount not paid within 30 days of becoming due. Fees may be modified upon 30 days prior written notice. If it becomes necessary to file suit to recover unpaid attorney fees, the prevailing party shall be entitled to receive its attorney fees.

In the event we have not been provided with, or our files do not contain, all of the recorded documents of the association, we retain the right to obtain any such recorded documents to supplement our file without association approval and at the association's cost. The association's cost will include, but not be limited to, hourly charges for procuring the documents and copying costs. In order to provide you with the most efficient and effective service we will, at all times, unless otherwise directed, work through your manager if appropriate.

Should you have any questions, please do not hesitate to call any of our attorneys. We are happy to answer any of your questions or meet with you at no charge to discuss our services and fees in greater detail.

RESPONSE REQUIRED

If you desire to engage our services, please indicate below which type of service you prefer by checking the appropriate box, execute the acceptance and return it to us via mail, e-mail or fax.

Legal Services: (select one)

- Retainer Services
- Retainer Plus Services**
- Premium Retainer Services
- Custom Retainer Option
- Non-Retainer

Collection Services:

Please see attached Fee Structure

Billing Preference: (select one)

- Paper and Mailed
- Electronic and Emailed

Email address: _____

(please note, only one email address per management company or self-managed association will be used)

Agreed to and accepted this ____ day of _____, 20____.

Print Association Name

By: _____
President/Manager



EXHIBIT A TO FEE SUMMARY AGREEMENT FOR 2020-2021 LEGAL COLLECTION SERVICES

Fee Structure

This is a flat fee agreement for collection services. The Association will pay Altitude Community Law (the Firm) for performance of the services described below, plus costs. The Association understands that it is not entering into an hourly fee agreement for collection services, except as otherwise set forth below. This means the Firm will devote such time to the representation as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent.

The Association has the right to terminate the representation at any time and for any reason, and the Firm may terminate the representation in accordance with Rule 1.16 of the Colorado Rules of Professional Conduct. In the event that the Association terminates the representation without wrongful conduct by the Firm that would cause the Firm to forfeit any fee, or the Firm justifiably withdraws in accordance with Rule 1.16 from representing the Association, the Association shall pay, and the Firm shall be entitled to, the fee or part of the fee earned by the Firm as described in paragraph 1 above, up to the time of termination. If the representation is terminated between the completion of increments (if any), the Association shall pay a fee based on our standard hourly rate set forth in our standard fee agreement. However, such fees shall not exceed the amount that would have been earned had the representation continued until the completion of the increment, and in any event all fees shall be reasonable. Once the work is performed, the Fee will be deemed earned and is due upon receipt of an invoice.

Case Intake, Review and Assessment - No charge

We do not charge you to review new collection cases and make recommendations. However, if we receive open collection files from another attorney, there will be a \$25 set-up and review fee per file. This fee will be waived if you are a retainer client.

At the rates set here in, upon receiving a new turnover, we will perform the following work for due diligence and to put the Association in the best possible collection position: Assessment Lien Package (if a lien has not already been recorded), Demand Letter, Public Trustee Search, and Bankruptcy Search. Next steps after this work depends on the homeowner's response, balance due, history, information acquired, and other factors.

Demand Letter - \$155

Preparation of a demand letter includes reviewing the ledger or equivalent record to ascertain the amounts owed including interest, late charges, fines and charge backs, if relevant, and review prior notice given to owner to meet statutory requirements; drafting and mailing the demand letter to the homeowner; follow-up, including telephone calls with the management company and homeowner, negotiation of an acceptable payment plan; follow up letter (as needed) to confirm payment arrangements. All correspondence other than the initial demand and payment plan letter is \$50 per letter (e.g., follow up demand letter, breach of payment plan letter).

Super Lien Demand Letter - \$110

Preparation of a demand letter post foreclosure includes reviewing ledger to ascertain amounts owed; verifying party to whom demand should be sent; drafting and mailing demand letter: or if request is received from a lender for the super lien amount, drafting a response. All discussions with the owner or lender after the letter are billed hourly.

Assessment Lien Package - \$110

This charge includes preparing both the lien and the lien release. It also includes verification of ownership with either the assessor's office or title company.

Lawsuit: - \$350 plus costs

This charge includes preparing the summons and complaint, filing these papers with the court, appearing at the return date and obtaining default judgment. It also includes all negotiations and telephone conferences with the owners prior to an answer being filed with the court.

Lawsuit: Trial - Hourly rates apply

All preparation for trial and appearances in court are billed on an hourly basis. If the association prevails at trial, it can recover its attorney fees and costs from the delinquent owner.

Interrogatories - \$80

We prepare and file a motion with the court to request the court to order an owner to answer a series of questions from us about the owner's assets. We will use the answer to help satisfy any judgment obtained by the association. We will also arrange for service of the order on the client and monitor and evaluate answers received from the owner.

Contempt Citation - \$105

If an owner fails to answer the interrogatories as ordered by the court, we will prepare and file all the necessary paperwork to require the owner to appear before the judge to explain why the questions were not answered. Our fee also includes our appearance at court, subsequent appearance if the owner fails to appear initially and review and evaluation of the answers once received from the owner.

Garnishments - \$105 (each)

We will identify entities (usually banks, employers or tenants) which owe or have money of the owner and prepare documentation to be filed with the court to order the entity to release all or a portion of the money they hold for or are obligated to pay the owner to the association. We will arrange for service of the necessary documentation and will monitor for responses.

Payment Plans - \$75-175 (each)

In the event an owner wishes to pay their balance due over time exceeding 6 months, we will charge a fee depending upon the length of the payment plan to prepare the necessary documentation, monitor and process payments and close the file. Unless we are instructed otherwise, we may agree to payment plans of up to 24 months with any homeowner.

Motions - \$100-125

Occasionally, certain motions may be necessary in a case in order to get the court to issue a ruling without further legal action. These will be prepared, filed, monitored and argued before the court, if necessary.

Outbound Phone Calls - \$55

Once we obtain a phone number for an owner, we will make up to 3 outbound calls to an owner to secure payment. All other calls with an owner will be at no charge.

Payoff Calculations - \$100

It is important for your management company or treasurer to confirm all payoff amounts with us prior to issuing status letters or advising owners of balances so that all legal costs and fees can be included. We will also insure that all fees necessary to close or dismiss a file are included. Rush charges do apply.

Monitoring Lender Foreclosure - \$195 (one-time charge)

It is important to monitor lender foreclosure through the sale and redemption period. We obtain periodic ownership and encumbrance reports, if needed, and routinely verify the status of the foreclosure action. We advise you of the association's rights and options throughout the process. Once a sale is completed, we advise the association of the new owner and the association's rights.

Monitoring Bankruptcy - \$180 Chapter 7; \$300 Chapter 13 (one-time charge)

We prepare and file a Proof of Claim, if necessary, monitoring the bankruptcy through discharge. Our services include reviewing the plan (if Chapter 13) to make sure it includes provisions for payment of pre- and post-petition assessments, and checking with the trustee and debtor's attorney to determine if property has been abandoned. If it becomes necessary to file any motion with the court, we charge fixed fees as follows:

Motion to Dismiss: \$395

Motion for Relief from Stay: \$595

Objection to Plan: \$195

All preparation for and appearances in court are charged on an hourly basis.

Assessment Increase Notice - \$200

We prepare notice to the bankruptcy court of any increase in the ongoing debt owed to the association upon receipt of notice from you, including filing a proof of claim and letter to the bankruptcy attorney or debtor.

Public Trustee/Bankruptcy Search - \$30 (each)

Verifying whether a property is in foreclosure or subject to a bankruptcy before filing a lawsuit can save the association hundreds of dollars. So, we will search both the public trustee and bankruptcy records and then advise the association if different action is necessary.

Receiverships (County Court) - \$295 initial, then hourly. Court costs are approximately \$250

We will prepare pleadings and appear in court to obtain appointment of a receiver to collect rents where the property is abandoned or being rented by the owner. Once appointed, we supervise disbursement of the monies collected by the receiver at an hourly rate.

Lien/Judicial Foreclosures (District Court) - Hourly rates apply

We recommend that foreclosure be considered as a viable collection remedy in all problem cases. Our fee is based on the complexity of your circumstances and should reflect the value you will receive from the monetary result of the foreclosure.

Lien Sales - \$500

We list all liens that are potentially available for sale on our website at <https://Altitude.Law/general-topics/liens-for-sale/> at no cost. In the event a lien is sold we collect our fee from the purchaser of the lien. In order to handle quickly, within the legal time limits, we reserve the right to sell liens, without prior approval if the purchase price is equal to or more than the balance due.

Status Report - \$75/month (if not accessed electronically)

We provide online access to each association's collection status report. For more information please contact us. If your association chooses to have us prepare your status report, there will be a monthly fee.

Asset/Person Locations - \$25-100

From time to time we must locate debtors and/or their assets in order to secure payment for you. We will use various databases for which there is a cost to us, to secure possible leads. This information is then reviewed and analyzed to develop the best strategy for quickly and efficiently securing payments.



BOARD OF DIRECTORS ROSTER

Please complete and email to hoalaw@altitude.law, fax to 303.991.2045 or mail to 555 Zang Street, Suite 100, Lakewood, CO 80228-1011.

This information will be used for communication (correspondence, blogs, newsletters, etc.) between our firm and you. It will not be released outside of our firm.

Thank you.

Association Name: _____ Date: _____

Website: _____

Board Meeting: _____

Month of Annual Meeting: _____

PRESIDENT			
Name		Phone Number(s)	
Mailing Address		(H)	(C)
City, State, Zip:		(W)	Fax:
Email Address			
I do not want to receive: E-newsletter Blog Periodic Client Alerts		Term Expires (mo/yr):	

VICE PRESIDENT			
Name		Phone Number(s)	
Mailing Address		(H)	(C)
City, State, Zip:		(W)	Fax:
Email Address			
I do not want to receive: E-newsletter Blog Periodic Client Alerts		Term Expires (mo/yr):	

SECRETARY			
Name		Phone Number(s)	
Mailing Address		(H)	(C)
City, State, Zip:		(W)	Fax:
Email Address			
I do not want to receive: E-newsletter Blog Periodic Client Alerts		Term Expires (mo/yr):	

TREASURER			
Name		Phone Number(s)	
Mailing Address		(H)	(C)
City, State, Zip:		(W)	Fax:
Email Address			
I do not want to receive: E-newsletter Blog Periodic Client Alerts		Term Expires (mo/yr):	

MEMBER/ADDITIONAL BOARD MEMBER			
Name		Phone Number(s)	
Mailing Address		(H)	(C)
City, State, Zip:		(W)	Fax:
Email Address			
I do not want to receive: E-newsletter Blog Periodic Client Alerts		Term Expires (mo/yr):	



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Lakewood, CO 80228-1898
303-987-0835 • Fax: 303-987-2032

MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski
Executive Vice-President

DATE: August 31, 2021

RE: Notice of 2022 Rate Increase

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 the CPI (5.28%) 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.