

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK CONSOLIDATED METROPOLITAN DISTRICT HELD OCTOBER 28, 2024

A Special meeting of the Board of Directors of the East Creek Consolidated Metropolitan District (the “**District**”) was convened on Monday, October 28, 2024 at 5:00 p.m. This District Board Meeting was held via Zoom video/telephone conference. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Greg Wright, President
Martin Corley, Treasurer
Cameron Nelson, Assistant Secretary
Stephen Doherty, Assistant Secretary

Also In Attendance Were:

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

Jeffrey Erb, Esq. and Jillian Martin, Esq.; Erb Law, LLC

Dawn Schilling; Schilling & Company, Inc. (for a portion of the meeting)

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

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

PUBLIC COMMENT There was no public comment.

**ADMINISTRATIVE
MATTERS**

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

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Following discussion, upon motion, duly made by Director Nelson, seconded by Director Wright and, upon vote, unanimously carried, the Board approved the Agenda.

Approval of Meeting Location: The Board noted this meeting was held by Zoom as permitted by statute.

Minutes: The Board reviewed the Minutes from the June 24, 2024 Special Meeting.

Following discussion, upon motion, duly made by Director Nelson, seconded by Director Wright and, upon vote, unanimously carried, the Board approved the Minutes from the June 24, 2024 Special Meeting.

Resolution No. 2024-10-01: Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices: Ms. Ripko discussed with the Board business to be conducted in 2025 and Resolution No. 2024-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to schedule regular meetings in 2025 on March 24, 2025, June 23, 2025, and October 27, 2025, at 5:00 p.m. via zoom.

Following discussion, upon motion, duly made by Director Nelson, seconded by Director Wright and, and, upon vote, unanimously carried, the Board adopted Resolution No. 2024-10-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices

Section 32-1-809, C.R.S., Reporting Requirements, Mode of Eligible Elector Notification for 2025: The Board discussed Section 32-1-809, C.R.S., reporting requirements and mode of eligible elector notification for 2025. Ms. Ripko noted that her office will post the required notice on the SDA and District websites.

Resignation of Chelsey Green: The Board acknowledged the resignation of Chelsey Green from Board of Directors effective June 4, 2024.

OTHER MATTERS

Airbnb Rental: The Board discussed the request from a homeowner regarding a request for a variance from the rules regarding short term rentals. The request was denied.

16793 E. Virginia Avenue Landscaping Extension: The Board discussed the 16793 E. Virginia Avenue Landscaping Extension.

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Following discussion, upon motion, duly made by Director Nelson, seconded by Director Doherty and, and, upon vote, unanimously carried, the Board approved the 16793 E. Virginia Avenue Landscaping extension to May 1, 2025, if not done by then, it will be turned over to the attorney.

FINANCIAL MATTERS

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

Fund	Period Ending July 31, 2024	Period Ending Aug. 31, 2024	Period Ending Sept. 31, 2024	Period Ending Oct. 31, 2024
General	\$ 54,629.15	\$ 27,592.95	\$ 27,417.91	\$ 33,751.23
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Total Claims	\$ 54,629.15	\$ 27,592.95	\$ 27,417.91	\$ 33,751.23

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

Unaudited Financial Statements and Schedule of Cash Position: The Board reviewed the unaudited financial statements for the period ending September 30, 2024 and the cash position statement for the period ending September 30, 2024.

Following discussion, upon motion, duly made by Director Doherty, seconded by Director Wright and, upon vote, unanimously carried, the Board approved the unaudited financial statements for the period ending September 30, 2024 and the cash position statement for the period ending September 30, 2024

2023 Budget Amendment Hearing for East Creek Metropolitan District No. 1: The President opened the public hearing to consider the Resolution to Amend the 2023 Budget or East Creek Metropolitan District No. 1 and discuss related issues.

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

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

Following discussion, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon vote, unanimously carried, the Board amended the 2023 Budget or East Creek Metropolitan District No. 1.

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2023 Audit: The Board reviewed the 2023 Audit for East Creek Metropolitan District No. 1.

Following discussion, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon vote unanimously carried, the Board approved the 2023 Audit and authorized the execution of the Representations Letter or East Creek Metropolitan District No. 1, subject to final legal review.

2023 Audit: The Board discussed the 2023 Audit for District No. 1.

Following discussion, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon vote, unanimously carried, the Board authorized an extension to file the 2023 Audit for District No. 1.

2023 Budget Amendment Hearing for East Creek Consolidated Metropolitan District: The President opened the public hearing to consider the Resolution to Amend the 2023 Budget or East Creek Consolidated Metropolitan District and discuss related issues.

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

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

Following discussion, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon vote, unanimously carried, the Board amended the 2023 Budget or East Creek Consolidated Metropolitan District.

2023 Audit: The Board reviewed the 2023 Audit for East Creek Consolidated Metropolitan District.

Following discussion, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon vote unanimously carried, the Board approved the 2023 Audit and authorized the execution of the Representations Letter or East Creek Consolidated Metropolitan District, subject to final legal review.

2023 Audit: The Board discussed the 2023 Audit for District No. 1.

Following discussion, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon vote, unanimously carried, the Board authorized an

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extension to file the 2023 Audit for District No. 1.

2024 Audit: The Board deferred discussion at this time.

EXECUTIVE SESSION: Pursuant to § 24-6-402(4)(b), C.R.S. of the Colorado Revised Statutes, upon motion, duly made by Director Wright, seconded by Director Doherty and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened into Executive Session at 6:13 P.M. for the purpose of receiving legal advice regarding 2023, 2024 and 2025 budget, mill levy, and fees. Pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of this executive session that, in the opinion of the Board's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

RETURN TO OPEN PUBLIC MEETING: Upon motion, duly made by Director Nelson, seconded by Director Doherty, the Board reconvened in regular session at 7:10 P.M.

2025 Budget Hearing: The President opened the public hearing to consider the proposed 2025 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2025 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Mr. Ruthven reviewed the estimated year-end 2024 revenues and expenditures and the proposed 2025 estimated revenues and expenditures.

Following discussion, the Board considered the adoption of Resolution No.2024-10-04 to Adopt the 2025 Budget and Appropriate Sums of Money and Resolution No. 2024-10-05 to Set Mill Levies (for the General Fund at 28.709 mills, the Debt Service Fund at 85.664 mills, and ARI mill at 2.300 mills, for a total of 116.673 mills). Upon motion, duly made by Director Doherty, seconded by Director Wright upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Douglas County and the Division of Local Government not later than January 10, 2025. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2025.

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LEGAL MATTERS **Resolution Calling May 6, 2025 Regular Director Election**: The Board discussed Resolution No. 2024-10-06; Resolution Calling May 6, 2025 Regular Director 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 28, 2025.

Following discussion, upon motion, duly made by Director Nelson, seconded by Director Doherty and, upon vote, unanimously carried, the Board adopted Resolution No. 2024-10-06; Resolution Calling May 6, 2025 Regular Director Election.

OPERATIONS AND MAINTENANCE **2024/2025 Snow Removal Proposal**: The Board reviewed the 2024/2025 Snow Removal Proposal from CDI Environmental.

Following discussion, upon motion, duly made by Director Doherty, seconded by Director Wright and, upon vote, unanimously carried, the Board approved the 2024/2025 Snow Removal Proposal from CDI Environmental.

Winter Water and Tree Wrap Proposal: The Board deferred discussion at this time.

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

Respectfully submitted,

By _____
Secretary for the Meeting