

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 2 (THE "DISTRICT") HELD OCTOBER 18, 2021

A special meeting of the Board of Directors of the East Creek Metropolitan District No. 2 (the "District") was convened on Monday, October 18, 2021, at 4:00 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.

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**Directors In Attendance Were:**

Lisa A. Albers  
Paul Yourick  
Thomas Gissen  
Michele Trujillo  
Matthew Larsen

**Also In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc. ("SDMS")  
Paula Williams, Esq.; McGeady Becher P.C.  
Cameron Nelson and Serge Borso, Board Members East Creek Metropolitan District No. 1  
Laura Feland and Bradley Lehman, members of the public

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

The Board noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Ms. Ripko requested that the Directors consider whether they had any additional conflicts of interest to disclose. Ms. Ripko noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes.

**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 Trujillo, seconded by Director Gissen and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

**Approval of Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Larsen, seconded by Director Trujillo 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 format was duly posted within the boundaries of the District and the District has not received any objections to the format or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

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

Following discussion, upon motion duly made by Director Albers, seconded by Director Trujillo and, upon vote, unanimously carried, the Board approved the minutes of the June 21, 2021 special meeting.

**Regular Meeting dates for 2022:** The Board discussed the business to be conducted in 2022, discussed scheduling regular meetings on June 20 and October 24, 2022, at 4:00 p.m. to be held virtually, and considered the approval of Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

Following discussion, upon motion duly made by Director Albers, seconded by Director Trujillo and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-01 and scheduled regular meetings as discussed above.

**§32-1-809, C.R.S., Transparency Notice reporting Requirements and Mode of Eligible Elector Notification:** The Board discussed §32-1-809, C.R.S. reporting requirements and directed posting the 2022 Transparency Notice on the Special District Association website.

**PUBLIC  
COMMENTS**

There were no public comments.

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### FINANCIAL MATTERS

**Unaudited Financial Statements/Schedule of Cash Position:** The Board discussed the unaudited financial statements for the period ending September 30, 2021.

Following discussion, upon motion duly made by Director Albers, seconded by Director Trujillo and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending September 30, 2021, as presented.

**2021 Application for Exemption from Audit:** The Board discussed the requirements for an Audit. Following discussion, upon motion duly made by Director Albers, seconded by Director Trujillo and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare and file the 2021 Application for Exemption from Audit.

**2021 Budget Amendment Hearing:** The President opened the public hearing to consider an amendment to the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider an amendment to the 2021 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 Trujillo, seconded by Director Albers and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2021 Budget (amending the General Fund to \$12,000 and the Debt Service Fund to \$28,000).

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

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

Following discussion, the Board considered the adoption of Resolution No. 2021-10-02; Resolution to Adopt the 2022 Budget and Appropriate Sums of Money, and Resolution No. 2021-10-03; Resolution to Set Mill Levies (General Fund at 10.00 mills, the Debt Service Fund at 30.00 mills, and ARI mill levy of 1.00 mill for a total mill levy of 41.00 mills). Upon motion duly made by Director Albers, seconded by Director Larsen and, upon vote, unanimously carried, the Board adopted Resolution

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No. 2021-10-02 and Resolution No. 2021-10-03 and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of Arapahoe County not later than December 15, 2021. The District Manager was directed to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2022.

**DLG-70 Mill Levy Certification Form**: The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Albers, seconded by Director Larsen and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties

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### **LEGAL MATTERS**

**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**: The Board discussed the Resolution Calling May 3, 2022 Election for Directors, appointing the DEO, and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. The Board also discussed the need for ballot issues and noted that Self-Nomination and Acceptance Forms are due by February 25, 2022.

Following discussion, upon motion duly made by Director Albers, seconded by Director Larsen and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-04 Calling May 3, 2022 Election for Directors, appointed Peggy Ripko as the DEO and authorized the DEO to perform all tasks required for the conduct of a mail ballot election.

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### **CONSTRUCTION MATTERS**

**2021 Development / Construction Outlook**: There were no updates.

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### **OTHER BUSINESS MATTERS**

There were no other matters to discuss at this time.

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### **ADJOURNMENT**

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

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Respectfully submitted,

By   
Secretary for the Meeting