

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 2 HELD OCTOBER 24, 2022

A regular meeting of the Board of Directors of the East Creek Metropolitan District No. 2 (the “**District**”) was convened on Monday, October 24, 2022 at 4:00 p.m. This District Board Meeting was held via Zoom (neither District Representative nor the general public) attending in-person. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Chelsea Green
Paul Yourick
Thomas Gissen
Jarrod Walker

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

Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc.

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

**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 regular meeting.

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Following discussion, upon motion duly made by Director Green, seconded by Director Walker 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 Green, seconded by Director Walker and, upon vote, unanimously carried, the Board determined to hold the meeting via Zoom 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 23, 2022 special meeting.

Following discussion, upon motion duly made by Director Green, seconded by Director Walker and, upon vote, unanimously carried, the Board approved the minutes of the June 23, 2022 special meeting.

Resolution No. 2022-10-01; Establishing 2023 Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices: The Board discussed the business to be conducted in 2023 to meet the statutory compliance requirements. Following discussion, upon motion duly made by Director Green, seconded by Director Walker and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-01; Establishing 2023 Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices, and determined to hold 2023 meetings on June 26 and October 23, 2023 at 4:00 p.m. via Zoom.

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

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

PUBLIC COMMENT There was no public comment.

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FINANCIAL MATTERS

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

Fund	Period Ending May 31, 2022	Period Ending June 30, 2022	Period Ending July. 31, 2022	Period Ending Aug. 31, 2022
General	\$ 1,858.86	\$ 1,380.40	\$ 1,687.80	\$ 708.20
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Total Claims	\$ 1,858.86	\$ 1,380.40	\$ 1,687.80	\$ 708.20

Period Ending Sept. 30, 2022
\$ 563.20
\$ -0-
\$ -0-
\$ 563.20

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

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

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

Application for Exemption of 2022 Audit: The Board considered the appointment of the District Accountant to prepare and file the Application for Exemption of the 2022 Audit.

Following review and discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote unanimously carried, the Board appointed the District Accountant to prepare and file the Application for Exemption of the 2022 Audit.

2022 Budget Amendment Hearing: The Board opened the public hearing to consider an amendment to the 2022 Budget and discuss related issues.

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

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

Following review, upon motion duly made by Director Green, seconded by Director Walker and, upon vote unanimously carried, the Board adopted Resolution to Amend the 2022 Budget.

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

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

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

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

Following discussion, the Board considered the adoption of Resolution No. 2022-10-03; to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-10-04; to Set Mill Levies (10.000 mills in the General Fund, 30.000 mills in the Debt Service Fund, and 1.000 mill for the ARI mill levy, for a total mill levy of 41.000 mills) (the “**Resolutions**”). Upon motion duly made by Director Green, seconded by Director Walker and, upon vote, unanimously carried, the Resolutions were adopted and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2022. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Arapahoe County, not later than December 15, 2022. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023. Copies of the adopted Resolutions are attached to these Minutes and incorporated herein by this reference.

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.

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Following discussion, upon motion duly made by Director Green, seconded by Director Gissen 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.

LEGAL MATTERS

Resolution Calling May 2, 2023 Election for Directors, appointing Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election: The Board discussed the May 2, 2023 Election. The Board also discussed the need for ballot issues and noted that Self-Nomination and Acceptance Forms are due by February 24, 2023.

Following discussion, upon motion duly made by Director Green, seconded by Director Walker and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-05 Calling May 2, 2023 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.

Dissolution of District pursuant to Section 32-1-701, C.R.S.: Attorney Williams discussed with the Board the potential dissolution of the District pursuant to Section 32-1-701, C.R.S. The Board took no action.


OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

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

Respectfully submitted,

By 
Secretary for the Meeting