

EAST CREEK METROPOLITAN DISTRICT NO. 2

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
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<https://eastcreekmd1.colorado.gov>

NOTICE OF A REGULAR MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Chelsey Green	President	2025/May 2025
Paul Yourick	Treasurer	2023/May 2023
Thomas Gissen	Assistant Secretary	2025/May 2025
Matthew Larsen	Assistant Secretary	2023/May 2023
Jarrold Walker	Assistant Secretary	2025/May 2023
Peggy Ripko	Secretary	

DATE: October 24, 2022

TIME: 4:00 P.M.

PLACE: **VIA ZOOM**

*Please email Peggy Ripko if there are any issues
(pripko@sdmsi.com).*

Join Zoom Meeting:

<https://us02web.zoom.us/j/86267550643?pwd=V3RnRGRtWkRyUIZZc1VMWTJFZjFHdz09>

Meeting ID: 862 6755 0643

Passcode: 987572

Call In Number: 1-719-359-4580

I. ADMINISTRATIVE MATTERS

A. Present Conflict Disclosures and confirm quorum.

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

C. Review and approve Minutes of the June 23, 2022 special meeting (enclosure).

D. Discuss business to be conducted in 2023 and location (**virtual and/or physical**) of meetings. Review and consider approval of Resolution No. 2022-10-01; Resolution Establishing 2023 Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notice (enclosure).

- E. Discuss §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023.
-

II. PUBLIC COMMENTS

- A. _____

III. FINANCIAL MATTERS

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

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-
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

- B. Review and accept unaudited financial statements for the period ending September 30, 2022 and schedule of cash position ending September 30, 2022 (enclosure).
-

- C. Consider appointment of the District Accountant to prepare and file the 2022 Application for Exemption from Audit.
-

- D. Conduct Public Hearing to consider Amendment to 2022 Budget and consider adoption of Resolution to Amend the 2022 Budget and Appropriate Expenditures, if necessary.
-

- E. Conduct Public Hearing on the proposed 2023 Budget and consider adoption of Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Set Mill Levies for General Fund _____, Debt Service Fund _____, and ARI mill at _____ for a total mill levy of _____ mills (enclosures – Preliminary Assessed Valuation, draft 2023 Budget, and Resolutions).
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- 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.
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IV. LEGAL MATTERS

- A. Review and consider adoption of 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. Self-Nomination Forms are due by February 24, 2023 (enclosure). Discuss the need for ballot issues and/or questions.
-

- B. Discuss Dissolution of District pursuant to Section 32-1-701, C.R.S.
-

VI. OTHER BUSINESS

- A. _____
-

VII. ADJOURNMENT **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2022.**

Additional Enclosures:

- Notice of rate increase from Special District Management Services, Inc.

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE EAST CREEK METROPOLITAN DISTRICT NO. 2 (THE "DISTRICT") HELD JUNE 23, 2022

A special meeting of the Board of Directors of the East Creek Metropolitan District No. 2 (the "District") was convened on Thursday, June 23, 2022 at 3:00 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:

Chelsey Green
Paul Yourick
Matthew Larsen
Tom Gissen

Also In Attendance Were:

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

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

Jarrod Walker; Meritage Homes of Colorado, Inc. and Board candidate

**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.

Following discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

RECORD OF PROCEEDINGS

Approval of Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, the Board noted this meeting was held by Zoom. The Board further noted that notice of this meeting and the conference/video access was duly posted and it had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

Designation of 24-hour Posting Location: Following discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote, unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted on the District's website, or if the website is unavailable for posting, notices shall be posted within the boundaries of the District on the corner of South Airport Boulevard and East Alameda Drive, at least 24 hours prior to each meeting.

Results of May 3, 2022 Regular Election: Ms. Ripko discussed with the Board the results of the May 3, 2022 Regular Election for Directors ("Election"). It was noted that the Election was cancelled, as permitted by statute, as there were not more candidates than seats available, and that Director Yourick was deemed elected to a one-year term ending May 2, 2023 and Directors Gissen, Green and Trujillo were each deemed elected to three-year terms ending May 6, 2025.

Resignation of Board Member: The Board acknowledged the resignation of Michele Trujillo, effective May 27, 2022.

Appointment of Director: The Board considered the appointment of Jarrod Walker to fill the vacancy created by the resignation of Michelle Trujillo.

It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of such publication.

Following discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote, unanimously carried, Jarrod Walker was appointed to fill the vacancy created by the resignation of Michele Trujillo. The Oath of Office was administered.

Appointment of Officers: The Board entered into discussion regarding the appointment of officers.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Chelsey Green
Vice President	Jarrod Walker
Treasurer	Paul Yourick
Secretary	Peggy Ripko
Assistant Secretary	Tom Gissen
Assistant Secretary	Jarrod Walker

Minutes: The Board reviewed the minutes of the October 28, 2021 special meeting.

Following discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote, unanimously carried, the Board approved the minutes of the October 28, 2021 special meeting.

PUBLIC COMMENT There was no public comment.

FINANCIAL MATTERS

Financial Statements and Schedule of Cash Position: Ms. Ripko presented to the Board the unaudited financial statements dated March 31, 2022.

Following review and discussion, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote unanimously carried, the Board accepted the unaudited financial statements dated March 31, 2022.

2021 Application for Exemption from Audit: The Board reviewed the Application for Exemption from Audit for 2021.

Following review, upon motion duly made by Director Green, seconded by Director Yourick and, upon vote unanimously carried, the Board ratified approval of the Application for Exemption from Audit for 2021.

LEGAL MATTERS

The Board discussed potential dissolution under Title 32, C.R.S. No action was taken at this time.

CONSTRUCTION MATTERS

There is no current construction activity.

RECORD OF PROCEEDINGS

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 by Director Green, seconded by Director Yourick, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2022-__-__

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE EAST CREEK METROPOLITAN DISTRICT NO. 2
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. 2 (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 2023 shall be held on June __ and October __ at 4pm via Zoom.

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://www.colorado.gov/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 a sign along E. Alameda Avenue.

9. Special District Management Services, Inc., or its 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. 2**

By: _____
President

Attest:

Secretary

East Creek Metropolitan District No.2

May-22

Vendor	Invoice #	Date	Due Date	Amount in USD	Expense Account	Account Number
Aurora Media Group	102554	3/21/2022	3/21/2022	\$ 41.80	Miscellaneous	1685
Special Dist Management Srvs	Mar-22	3/31/2022	4/1/2022	\$ 577.20	Accounting	1612
Special Dist Management Srvs	Mar-22	3/31/2022	4/1/2022	\$ 539.06	Management	1680
Special Dist Management Srvs	Apr-22	4/30/2022	5/1/2022	\$ 429.20	Accounting	1612
Special Dist Management Srvs	Apr-22	4/30/2022	5/1/2022	\$ 271.60	Management	1680
				\$ 1,858.86		

East Creek Metropolitan District No.2
May-22

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 1,858.86		\$ -	\$ 1,858.86
Total Disbursements from Checking Acct	\$ 1,858.86	\$0.00	\$0.00	\$ 1,858.86

East Creek Metropolitan District No.2

June-22

Vendor	Invoice #	Date	Due Date	Amount in USD	Expense Ac	Account Number
Special Dist Management Srvs	May-22	5/31/2022	6/1/2022	\$ 1,021.20	Accounting	1612
Special Dist Management Srvs	May-22	5/31/2022	6/1/2022	\$ 359.20	Manageme	1680
				\$ 1,380.40		

East Creek Metropolitan District No.2
June-22

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 1,380.40		\$ -	\$ 1,380.40
Total Disbursements from Checking Acct	<u>\$ 1,380.40</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$ 1,380.40</u>

East Creek Metropolitan District No.2

June-22

Vendor	Invoice #	Date	Due Date	Amount in USD	Expense Account	Account Number
Special Dist Management Srvs	Jun-22	6/30/2022	7/1/2022	799.20	Accounting	1612
Special Dist Management Srvs	Jun-22	6/30/2022	7/1/2022	888.60	Management	1680
				1,687.80		

East Creek Metropolitan District No.2
June-22

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 1,687.80		\$ -	\$ 1,687.80
Total Disbursements from Checking Acct	\$ 1,687.80	\$0.00	\$0.00	\$ 1,687.80

East Creek Metropolitan District No.2
August-22

Vendor	Invoice #	Date	Due Date	Amount in USD	Expense Account	Account Number
Special Dist Management Srvs	Jul-22	7/31/2022	7/31/2022	\$ 414.40	Accounting	1612
Special Dist Management Srvs	Jul-22	7/31/2022	7/31/2022	\$ 293.80	Management	1680
				\$ 708.20		

East Creek Metropolitan District No.2
August-22

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 708.20		\$ -	\$ 708.20
Total Disbursements from Checking Acct	<u>\$ 708.20</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$ 708.20</u>

East Creek Metropolitan District No.2
September-22

Vendor	Invoice #	Date	Due Date	Amount in USD	Expense Account	Account Number
Special Dist Management Srvs	Aug-22	8/31/2022	8/31/2022	\$ 266.40	Accounting	1612
Special Dist Management Srvs	Aug-22	8/31/2022	8/31/2022	\$ 296.80	Management	1680
				\$ 563.20		

East Creek Metropolitan District No.2
September-22

	General	Debt	Capital	Totals
Disbursements	\$ 563.20		\$ -	\$ 563.20
Total Disbursements from Checking Acct	\$ 563.20	\$0.00	\$0.00	\$ 563.20

EAST CREEK METROPOLITAN DISTRICT NO. 2
Schedule of Cash Position
September 30, 2022

	Rate	Operating	Debt Service	Total
Checking:				
Cash in Bank-1st Bank	\$	-	\$	-
TOTAL FUNDS:	\$	-	\$	-

2022 Mill Levy Information

Certified General Fund Mill Levy	10.000
Certified Contractual Obligation Mill Levy	30.000
Certified ARI Mill Levy	1.000
Total Certified Mill Levy	41.000

Board of Directors

Chelsey Green	
Paul Yourick	*
Jarrod Walker	
Matthew Larsen	*
Thomas Gissen	*
Peggy Ripko	

*authorized signer on checking account

EAST CREEK METROPOLITAN DISTRICT NO. 2

FINANCIAL STATEMENTS

September 30, 2022

EAST CREEK METROPOLITAN DISTRICT NO. 2
COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
September 30, 2022

	<u>GENERAL</u>	<u>DEBT SERVICE</u>	<u>TOTAL</u>
Assets			
Property Taxes Receivable	\$ 2	\$ -	\$ 2
Total Current Assets	<u>2</u>	<u>-</u>	<u>2</u>
Total Assets	<u>\$ 2</u>	<u>\$ -</u>	<u>\$ 2</u>
Liabilities			
Accounts Payable	\$ 4,653	\$ -	\$ 4,653
Total Liabilities	<u>4,653</u>	<u>-</u>	<u>4,653</u>
Deferred Inflows of Resources			
Deferred Property Taxes	2	-	2
Total Deferred Inflows of Resources	<u>2</u>	<u>-</u>	<u>2</u>
Fund Balance			
Fund Balance	53	144	197
Current Year Earnings	(4,706)	(144)	(4,850)
Total Fund Balances	<u>(4,653)</u>	<u>0</u>	<u>(4,653)</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balance	<u>\$ 2</u>	<u>\$ 0</u>	<u>\$ 2</u>

EAST CREEK METROPOLITAN DISTRICT NO. 2
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
General Fund
For the 9 Months Ending
September 30, 2022

	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Property Tax Revenue	\$ 755	\$ 11,223	\$ 11,220	\$ 3	100.0%
Specific Ownership Taxes	183	474	673	(199)	70.4%
Interest Income	93	93	-	93	-
ARI Fees	94	1,170	1,122	48	104.2%
Total Revenues	<u>1,126</u>	<u>12,959</u>	<u>13,015</u>	<u>(56)</u>	<u>99.6%</u>
Expenditures					
Accounting	1,480	3,508	-	(3,508)	-
Management	1,479	2,649	-	(2,649)	-
Miscellaneous	167	288	-	(288)	-
Treasurer's Fees	12	169	168	(1)	100.4%
ARI Fees	1	17	1,122	1,105	1.5%
Emergency Reserve	-	-	337	337	0.0%
Total Expenditures	<u>3,139</u>	<u>6,630</u>	<u>1,627</u>	<u>(5,003)</u>	<u>407.5%</u>
Excess (Deficiency) of Revenues Over Expenditures	(2,013)	6,329	11,388	(5,059)	
Transfers and Other Sources (Uses)					
Transfer to District No. 1	(1,113)	(12,826)	(11,388)	(1,438)	
Transfer from District No. 1	-	1,791	-	1,791	
Total Transfers and Other Sources (Uses)	<u>(1,113)</u>	<u>(11,035)</u>	<u>(11,388)</u>	<u>353</u>	
Change in Fund Balance	(3,126)	(4,706)	-	(4,706)	
Beginning Fund Balance	(1,528)	53	-	53	
Ending Fund Balance	<u>\$ (4,653)</u>	<u>\$ (4,653)</u>	<u>\$ -</u>	<u>\$ (4,653)</u>	

EAST CREEK METROPOLITAN DISTRICT NO. 2
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
Debt Service Fund
For the 9 Months Ending
September 30, 2022

	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Property Tax Revenue	\$ 2,266	\$ 33,669	\$ 33,659	\$ 10	100.0%
Specific Ownership Tax	550	1,420	2,020	(600)	70.3%
Total Revenues	<u>2,816</u>	<u>35,089</u>	<u>35,679</u>	<u>(590)</u>	<u>98.3%</u>
Expenditures					
Treasurer's Fees	35	506	505	(1)	100.2%
Total Expenditures	<u>35</u>	<u>506</u>	<u>505</u>	<u>(1)</u>	<u>100.2%</u>
Excess (Deficiency) of Revenues Over Expenditures	2,781	34,583	35,174	(591)	
Other Financing Sources (Uses)					
Transfer to District No. 1	(2,781)	(34,727)	(35,174)	447	
Other Financing Sources (Uses)	<u>(2,781)</u>	<u>(34,727)</u>	<u>(35,174)</u>	<u>447</u>	
Change in Fund Balance	-	(144)	-	(144)	
Beginning Fund Balance	0	144	-	144	
Ending Fund Balance	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ -</u>	<u>\$ 0</u>	

RESOLUTION NO. 2022 - 10 - 03
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST CREEK METROPOLITAN DISTRICT NO. 2
TO ADOPT THE 2022 BUDGET AND APPROPRIATE SUMS OF MONEY

WHEREAS, the Board of Directors of the East Creek Metropolitan District No. 2 (“District”) has appointed the District Accountant to prepare and submit a proposed 2023 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, 2022, 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 24, 2022, 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. 2:

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. 2 for the 2023 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 24th day of October, 2022.

Secretary

EXHIBIT A
(Budget)

I, Peggy Ripko, hereby certify that I am the duly appointed Secretary of the East Creek Metropolitan District No. 2, and that the foregoing is a true and correct copy of the budget for the budget year 2023, duly adopted at a meeting of the Board of Directors of the East Creek Metropolitan District No. 2 held on October 24, 2022.

By: _____

RESOLUTION NO. 2022 - 10 - 04
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST CREEK METROPOLITAN DISTRICT NO. 2
TO SET MILL LEVIES

WHEREAS, the Board of Directors of the East Creek Metropolitan District No. 2 (“District”) has adopted the 2023 annual budget in accordance with the Local Government Budget Law on October 24, 2022; and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2023 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. 2:

1. That for the purposes of meeting all general fund expenses of the District during the 2023 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 2023 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 24th day of October, 2022.

Secretary

EXHIBIT A
(Certification of Tax Levies)

RESOLUTION NO. 2022-10-____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
EAST CREEK METROPOLITAN DISTRICT NO. 2
CALLING A REGULAR ELECTION FOR DIRECTORS
MAY 2, 2023**

A. The terms of the offices of Directors Paul Yourick and Matthew Larsen shall expire upon the election of their successors at the regular election, to be held on May 2, 2023 (“**Election**”), and upon such successor taking office.

B. The term of the office to which Director Jarrod Walker 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. 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 6, 2025, and two (2) Directors to serve until the second regular election, to occur May 4, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Creek Metropolitan District No. 2 (the “**District**”) of the County of Arapahoe, Colorado:

1. Date and Time of Election. The Election shall be held on May 2, 2023, 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) Directors shall be elected to serve until the next regular election, to occur May 6, 2025, and two (2) Directors shall be elected to serve until the second regular election, to occur May 4, 2027.

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 Peggy Ripko, the Designated Election Official of the District, c/o Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, CO 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 25, 2023).

7. Self-Nomination and Acceptance Forms. Self-Nomination and Acceptance Forms are available and can be obtained from Peggy Ripko, the Designated Election Official of the District, c/o Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, CO 80228, (303) 987-0835 and on the District's website at <https://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 February 28, 2023, 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 2, 2023]**

RESOLUTION APPROVED AND ADOPTED on October 24, 2022.

**EAST CREEK METROPOLITAN
DISTRICT NO. 2**

By: _____
President

Attest:

Secretary



141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
303-987-0835 • Fax: 303-987-2032

MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski
Executive Vice-President

DATE: September 2, 2022

RE: Notice of 2023 Rate Increase

A rectangular box containing 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 (8.5%) 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.