

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
THIRD CREEK METROPOLITAN DISTRICT NO. 2  
HELD  
MARCH 21, 2024

A regular meeting of the Board of Directors of the Third Creek Metropolitan District No. 2 (referred to hereafter as the “Board”) was convened on Thursday, March 21, 2024 at 11:00 a.m. The meeting was open to the public. The meeting was held via Microsoft Teams video teleconference.

### **ATTENDANCE**

#### **In Attendance were Directors:**

Kent Pedersen, President (for a portion of the meeting)  
Debra Hessler, Treasurer  
Jack Beckwitt, Secretary  
Jennifer Thornbloom, Assistant Secretary

#### **Also, in Attendance were:**

Lisa Johnson, Alex Clem and Nichole Kirkpatrick; CliftonLarsonAllen LLP (“CLA”)  
Timothy O’Connor, Esq. and Lisa Jacoby; McGeady Becher P.C.

### **ADMINISTRATIVE MATTERS**

**Call to Order and Agenda:** The meeting was called to order at 11:01 a.m. Following review, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board approved the agenda, and excused the absence of Director Stockton.

**Disclosures of Potential Conflicts of Interest:** The Board 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 Board members (the “Directors”) were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. In accordance with statute, those applicable disclosures made by the Board members prior to this meeting, were noted for the record. Disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

**Quorum, Location of Meeting, Posting of Meeting Notices and 24-Hour Posting Location:** The presence of a quorum was confirmed. 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. The Board determined to conduct this meeting via Microsoft

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Teams. Notice providing the date, time, and location information was duly posted and no taxpaying electors within the District's boundaries objected or requested that the means of hosting the meeting be changed.

Upon motion duly made by Director Beckwitt, seconded by Director Thornbloom, and upon vote unanimously carried, the Board designated the District's website as the 24-hour posting location.

**Public Comment:** None.

### **CONSENT AGENDA**

The Board considered the following Consent Agenda items:

- Minutes from the October 18, 2023 Statutory Annual Meeting.
- Minutes from the October 18, 2023 Special Meeting.
- Minutes from the October 25, 2023 Continued Special Meeting.
- Minutes from the December 12, 2023 Special Meeting.

Following review, upon motion duly made by Director Thornbloom, seconded by Director Beckwitt, and upon vote unanimously carried, the Board approved the Consent Agenda items.

### **FINANCIAL/LEGAL/ CAPITAL IMPROVEMENT MATTERS**

**Claims:** Ms. Kirkpatrick presented the claims to the Board. Following review, upon motion duly made by Director Thornbloom, seconded by Director Beckwitt, and upon vote unanimously carried, the Board approved the claims in the amount of \$130,929.20.

**December 31, 2023 Unaudited Financial Statements:** Ms. Kirkpatrick presented the Unaudited Financial Statements to the Board. Following review, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board accepted the December 31, 2023, Unaudited Financial Statements.

**Project Funds Escrow Deposit Request Nos. 1 and 2:** Ms. Kirkpatrick presented the Project Funds Escrow Deposit Request Nos. 1 & 2 to the Board. Following review, upon motion duly made by Director Hessler, seconded by Director Beckwitt, and upon vote unanimously carried, the Board ratified approval of the Project Funds Escrow Deposit Request Nos. 1 and 2.

**Draw Request Nos. 1-3:** Ms. Kirkpatrick presented Draw Request Nos. 1-3 to the Board. Following review, upon motion duly made by Director

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Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board ratified approval of the Draw Request Nos. 1-3.

**Engineer's Report and Verification of Costs Reports Prepared by Schedio Group, LLC:** The Board reviewed Report Nos. 1-3.

**Report No. 1:** Following review, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board accepted Report No. 1 in the amount of \$86,746.40.

**Report No. 2:** Following review, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board accepted Report No. 2 in the amount of \$64,564.69.

**Report No. 3:** Following review, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board accepted Report No. 3 in the amount of \$1,440,859.00.

**Rescission of JHL Constructors, Inc. Award of Contract for Regional Water Line Construction and Award of Contract to Nelson Pipeline Constructors LLC for Regional Water Line Construction:** Following discussion, upon motion duly made by Director Beckwitt, seconded by Director Thornbloom, and upon vote unanimously carried, the Board rescinded the Award of Contract for regional water line construction made to JHL Constructors, Inc. and ratified approval of the Award of Contract for regional water line construction to Nelson Pipeline Constructors LLC.

**MANAGER MATTERS**

None.

**DIRECTOR'S MATTERS**

None.

**OTHER MATTERS**

None.

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**ADJOURNMENT**

There being no further business to come before the Board at this time,  
Director Pedersen adjourned the meeting.

Respectfully submitted,

By: Jonathan Beckwith  
Secretary

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### Document History



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**06 / 20 / 2024**  
17:44:31 UTC

Sent for signature to Jack Beckwitt  
(jack.beckwitt@lennar.com) from  
ljacoby@specialdistrictlaw.com  
IP: 50.220.120.106



VIEWED

**06 / 20 / 2024**  
22:19:37 UTC

Viewed by Jack Beckwitt (jack.beckwitt@lennar.com)  
IP: 205.168.224.35



SIGNED

**06 / 20 / 2024**  
22:19:51 UTC

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The document has been completed.