

RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
THIRD CREEK METROPOLITAN DISTRICT NO. 2  
HELD  
OCTOBER 18, 2023

A special meeting of the Board of Directors of the Third Creek Metropolitan District No. 2 (referred to hereafter as the “Board”) was convened on Wednesday, October 18, 2023 at 11:15 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  
Debra Hessler, Treasurer  
Jack Beckwitt, Secretary  
Brian Stockton, Assistant Secretary  
Jennifer Thornbloom, Assistant Secretary

**Also, in Attendance were:**

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

ADMINISTRATIVE  
MATTERS

**Call to Order and Agenda:** Ms. Johnson called the meeting to order. Following review, upon a motion duly made by Director Pedersen, seconded by Director Stockton and, upon vote unanimously carried, the Board approved the agenda.

**Disclosures of Potential Conflicts of Interest:** Ms. Johnson 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 regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. It was noted that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors.

**Quorum, Location of Meeting and Posting of Meeting Notices:** The presence of a quorum was confirmed. The Board determined to conduct this meeting via Microsoft Teams. The Board further noted that notice providing the date, time and video/teleconference link information was duly posted and that no objections, or any requests that the means of

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hosting the meeting be changed were received from taxpaying electors within the District's boundaries.

**Public Comment:** None.

**Resolution No. 2023-10-01 Establishing Regular Meeting Dates, Time, and Location and Designating Location for Posting of 24-Hour Notices:** The Board discussed the business to be conducted in 2024. Following discussion, upon a motion duly made by Director Pederson, seconded by Director Thornbloom and, upon vote unanimously carried, the Board adopted Resolution No. 2023-10-01 Establishing Regular Meeting Dates, Time, and Location and Designating Location for Posting of 24-Hour Notices. [I removed the specific dates since this resolution was rescinded and new dates are referenced in the subsequent minutes/resolution]

**Section 32-1-809, C.R.S. Requirements (Transparency Notice):** The Board discussed the requirements of Section 32-1-809, C.R.S. Following discussion, the Board directed CLA to post the special district transparency notice on the Special District Association and the District's websites.

**Section 32-1-306, C.R.S. Requirements (Annual Map Filing):** Following discussion, the Board directed CLA to prepare and file the annual map filing as required by statute.

### CONSENT AGENDA

**July 19, 2023 Regular Meeting Minutes:** Following review, upon motion duly made by Director Beckwitt, seconded by Director Thornbloom, and upon vote unanimously carried, the Board approved the July 19, 2023 Regular Meeting Minutes.

### FINANCIAL MATTERS

**Claims and Schedule of Cash Position:** Ms. Kirkpatrick presented the claims and Schedule of Cash Position to the Board. Following discussion, upon motion duly made by Director Pedersen, seconded by Director Hessler, and upon vote unanimously carried, the Board ratified approval of claims in the amount of \$47,323.77 and accepted the Schedule of Cash Position.

**Public Hearing on Amendment to 2023 Budget:** Ms. Johnson opened the public hearing to consider an amendment to the 2023 Budget.

It was noted that publication of Notice stating that the Board would consider amendment 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 the public hearing.

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

Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Thornbloom, and upon vote unanimously carried, the Board adopted Resolution No. 2023-10-02 to Amend the 2023 Budget.

**Public Hearing on 2024 Budget:** The Board opened the public hearing to consider the proposed 2024 Budget and to discuss related issues. It was noted that Notice stating that the Board would consider adoption of the 2024 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was continued to October 25, 2023 at 1:00 p.m.

**Resolution Authorizing Adjustment of District Mill Levy in Accordance with Service Plan:** This item was deferred to the October 25, 2023 continued meeting.

**DLG-70 Mill Levy Certification Form:** This item was deferred to the October 25, 2023 continued meeting.

**District Accountant to Prepare 2025 Budget:** Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Thornbloom, and upon vote unanimously carried, the Board appointed the District Accountant to prepare the 2025 Budget.

**2023 Audit Exemption Application:** Following discussion, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board appointed the District Accountant to prepare the Application for Exemption from Audit for 2023.

### LEGAL MATTERS

**Resolution Amending Policy on Colorado Open Records Act Requests:** Following discussion, upon motion duly made by Director Beckwitt, seconded by Director Hessler, and upon vote unanimously carried, the Board adopted the Resolution No. 2023-10-03 Amending Policy on Colorado Open Records Act Requests.

**Operation Funding Agreement/Amendment to Operation Funding Agreement Between the District and Lennar Colorado, LLC:** This item was deferred to October 25, 2023 continued meeting.

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CAPITAL  
IMPROVEMENTS

**Project Coordinator Progress Report Pursuant to Project Coordination Agreement Between the District and Lennar Colorado, LLC:** Director Stockton provided an update for the Board, noting that the water and sewer projects are out to bid. The water project bids have been received and are being reviewed internally while the sewer project bids are due October 19, 2023. The public bid opening will take place as planned.

MANAGER MATTERS

**CliftonLarsonAllen LLP Master Service Agreement and Statement(s) of Work for 2024:** Ms. Johnson reviewed the Master Service Agreement and Statement(s) of Work for 2024 with the Board. Attorney McGeady stated she has not fully reviewed the Master Service Agreement/Statement(s) of Work internally but is in process. Following discussion, upon a motion duly made by Director Stockton, seconded by Director Hessler, and upon vote unanimously carried, the Board approved the CliftonLarsonAllen LLP Master Services Agreement and Statement(s) of Work for 2024, subject to final legal review.

**2024 Insurance Renewal:** The Board reviewed the insurance renewal documents for 2024. Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Hessler, and upon vote unanimously carried, the Board approved renewing the District's insurance for 2024.

The Board confirmed that no improvements have been constructed to insure, at this time.

Ms. Jacoby presented information on cyber security coverage to the Board. Legal counsel recommended an increase in coverage. Discussion ensued. The Board will communicate with management and legal counsel should they determine an increase in cyber security (crime coverage) is necessary.

**Worker's Compensation Insurance for 2024:** Following discussion, upon motion duly made by Director Hessler, seconded by Director Pedersen, and upon vote unanimously carried, the Board approved worker's compensation insurance coverage for 2024.

**Special District Association Membership for 2024:** Following discussion, upon motion duly made by Director Hessler, seconded by Director Beckwitt, and upon vote unanimously carried, the Board authorized the renewal of the District's membership in the Special District Association for 2024.

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DIRECTOR'S                      None.  
MATTERS

OTHER MATTERS              None.

ADJOURNMENT                The Board continued the meeting to October 25, 2023 at 1:00 p.m.

Respectfully submitted,

By:  \_\_\_\_\_  
Secretary

**Certificate Of Completion**

Envelope Id: 546696E64BFA4E9E8CCE2E807BAF3BA9 Status: Completed  
 Subject: Complete with DocuSign: 2A. Minutes 10-18-2023 Annual Mtg.pdf, 2B. Minutes 10-18-2023 - Budget ...  
 Client Name: Third Creek MD 2  
 Client Number: A140150  
 Source Envelope:  
 Document Pages: 13 Signatures: 4 Envelope Originator:  
 Certificate Pages: 5 Initials: 0 Chelsea Bojewski  
 AutoNav: Enabled 220 S 6th St Ste 300  
 Envelopeld Stamping: Enabled Minneapolis, MN 55402-1418  
 Time Zone: (UTC-06:00) Central Time (US & Canada) Chelsea.Bojewski@claconnect.com  
IP Address: 73.95.188.244

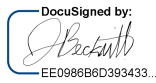
**Record Tracking**

Status: Original Holder: Chelsea Bojewski Location: DocuSign  
 3/21/2024 3:35:59 PM Chelsea.Bojewski@claconnect.com

**Signer Events**

Jack Beckwitt  
 Jack.Beckwitt@lennar.com  
 Security Level: Email, Account Authentication (None)

**Signature**



Signature Adoption: Uploaded Signature Image  
 Using IP Address: 205.168.224.35

**Timestamp**

Sent: 3/21/2024 3:38:43 PM  
 Viewed: 3/21/2024 4:09:59 PM  
 Signed: 3/21/2024 4:10:05 PM

**Electronic Record and Signature Disclosure:**  
 Accepted: 3/21/2024 4:09:59 PM  
 ID: 7146af86-c9cb-4f05-8eff-65b0fbfae019

**In Person Signer Events** **Signature** **Timestamp**

**Editor Delivery Events** **Status** **Timestamp**

**Agent Delivery Events** **Status** **Timestamp**

**Intermediary Delivery Events** **Status** **Timestamp**

**Certified Delivery Events** **Status** **Timestamp**

**Carbon Copy Events** **Status** **Timestamp**

Records  
 sdrecordsretention@claconnect.com  
 Security Level: Email, Account Authentication (None)



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 Viewed: 3/22/2024 10:00:18 AM

**Electronic Record and Signature Disclosure:**  
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 ID: 2eeab7cf-9041-488d-bed0-8baedf289723

**Witness Events** **Signature** **Timestamp**

**Notary Events** **Signature** **Timestamp**

**Envelope Summary Events** **Status** **Timestamps**

Envelope Sent Hashed/Encrypted 3/21/2024 3:38:44 PM  
 Certified Delivered Security Checked 3/21/2024 4:09:59 PM  
 Signing Complete Security Checked 3/21/2024 4:10:05 PM

<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
Completed	Security Checked	3/21/2024 4:10:05 PM
<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
<b>Electronic Record and Signature Disclosure</b>		

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com)

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To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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