

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 15, 2023

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 Wednesday, March 15, 2023 at 11:00 a.m. The meeting was open to the public. The meeting was held via Microsoft Teams teleconference.

ATTENDANCE

**In Attendance were Directors:**

Kent Pedersen, President  
Debra Hessler, Secretary  
Jack Beckwitt, Treasurer  
Brian Stockton, Assistant Secretary

**Also, in Attendance were:**

Lisa Johnson, Shauna D’Amato and Zach Leavitt; CliftonLarsonAllen LLP (“CLA”)  
MaryAnn McGeady, Esq. and Lisa Jacoby; McGeady Becher P.C.

ADMINISTRATIVE  
MATTERS

**Call to Order and Agenda:** The meeting was called to order at 11:00 a.m. by Ms. Johnson. Following review, upon a motion duly made by Director Pedersen, seconded by Director Beckwitt and, upon vote, unanimously carried, the Board approved the agenda, as presented.

**Potential Conflicts of Interest:** Attorney McGeady 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 by Attorney McGeady that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors.

**Quorum, Location of Meeting, Posting of Meeting Notices and Designation of 24-hour Posting Location:** 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 time, date and video teleconference link information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed were received from taxpaying electors within the District’s boundaries.

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Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Hessler 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 at least 24 hours prior to each meeting on the District's website, [thirdcreekmd2.com](http://thirdcreekmd2.com).

**Public Comment:** None.

### CONSENT AGENDA

Upon a motion duly made by Director Beckwitt, seconded by Director Stockton and, upon vote, unanimously carried, the Board approved/acknowledged the following consent agenda items, as presented:

- October 5, 2022 Special Meeting Minutes.
- McGeady Becher, P.C. Rate Increase.

### FINANCIAL MATTERS

**Claims and Schedule of Cash Position:** Mr. Leavitt presented the claims to the Board. Following discussion, upon a 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 \$34,806.89 and approved the claims in the amount of \$47,302.93.

Mr. Leavitt presented the Schedule of Cash Position to the Board. Following discussion, upon a motion duly made by Director Beckwitt, seconded by Director Pedersen, and upon vote unanimously carried, the Board accepted the Schedule of Cash Position, as presented.

**Payment of Directors:** Following discussion, the Board determined not to accept compensation for attending Board meetings.

### LEGAL MATTERS

**First Amendment to the Agreement Concerning Construction of Offsite Public Improvements:** Attorney McGeady presented the amendment to the Board. Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Stockton, and upon vote unanimously carried, the Board approved the First Amendment to the Agreement Concerning Construction of Offsite Public Improvements.

**Resolution Regarding Colorado Open Records Act:** Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Beckwitt and, upon vote, unanimously carried, the Board adopted the Resolution Regarding Colorado Open Records Act.

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**Status of Termination of Improvement Acquisition, Advance and Reimbursement Agreement:** Attorney McGeady discussed the status of the termination of the agreement. Following discussion, upon a motion duly made by Director Pedersen, seconded by Director Stockton, and upon vote unanimously carried, the Board approved the Termination of Improvement, Acquisition, Advance and Reimbursement Agreement.

CAPITAL IMPROVEMENTS

**Off-Site Improvements Project:**

**Request for Proposal (“RFP”) for Project Management Services:** Ms. Jacoby discussed the status of the RFP noting that she worked with Director Stockton to complete and recommended authorization by the Board. Following discussion, upon a motion duly made by Director Stockton, seconded by Director Pedersen, and upon vote unanimously carried, the Board approved the RFP for Project Management Services and authorized Director Stockton to solicit proposals and to make award.

**Other:** None.

MANAGER MATTERS

**Other:** None.

DIRECTORS’ MATTERS

**Other:** None.


OTHER MATTERS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Pedersen, seconded by Director Hessler and, upon vote, unanimously carried, the Board adjourned the meeting at 11:16 a.m.

Respectfully submitted,

By:  Secretary  
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