

RECORD OF PROCEEDING
MINUTES OF REGULAR MEETING
OF BOARD OF DIRECTORS OF
EBERT METROPOLITAN DISTRICT

December 7, 2021
7:00 – 8:40 PM
Zoom Teleconference

A Regular Meeting of the Board of Directors of Ebert Metropolitan District, City, and County of Denver, Colorado, was called to order as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting via Zoom teleconference:

DATE: December 7, 2021, **TIME:** 7:00 PM

PLACE: Zoom Teleconference Join Zoom Meeting

Join Zoom Meeting

<https://zoom.us/j/95757796862?pwd=Q2tsUXFtMkV4NGhicGFEMGtQVDFVUT09>

Meeting ID: 957 5779 6862

Board of Directors	Office	Term Expiration
Cynthia Barclae	President & Chair	2020-2022 (Elected)
Bruce Shibles	Co-Treasurer	2020-2022 (Appointed)
Keith Mays	Assistant Secretary	2020-2022 (Appointed)
Jennifer Woods	Secretary	2020-2022 (Appointed)
Murray Hawthorne	Treasurer	2020-2022 (Appointed)

Also, present via Zoom were:

Jerry Jacobs of Timberline District Consulting, LLC – District Manager

Corey Pilato of Timberline District Consulting, LLC – Assistant District Manager

Debra Sedgely of CliftonLarsonAllen (CLA) – Engagement Director, Business Operations

Kimberly Bruetsch, Esq. of Robinson Waters & O’Dorisio, P.C. – General Counsel

20 Members of the public

I ADMINISTRATIVE ITEMS

a) Call to Order

The Regular meeting of the Board of Directors of the Ebert Metropolitan District was called to order at 7:01 PM via Zoom teleconference.

b) Declaration of a Quorum

A quorum was declared.

c) Approval of Agenda and Meeting Location

President Barclae announced that notice and agenda of the Regular Meeting were posted on the website and distributed to the community via email blast by Westwind Management Group.

With no proposed updates to the agenda, Director Hawthorne motioned to approve. Director Shibles seconded the motion; the motion passed unanimously.

d) Disclosure of Potential Conflicts of Interest

Director Barclae stated that there are no conflicts of interest to announce currently; Directors Hawthorne, Shibles, Mays, and Woods agreed.

e) Public Comment – (for items not on the agenda)

As the Zoom meeting recording did not activate until after the first resident spoke, please see below for a record of the comments provided by Mr. Kelvin Klink.

Kelvin Klink expressed his concerns regarding the recent decision by the Town Center Metropolitan District Board to uphold and enforce the restrictions of the use of Metropolitan District property such as fencing for Holiday Décor by residents per the Master Declaration of Covenants, Conditions, and Restrictions for Green Valley Ranch North.

Mr. Klink also commented that he believes the landscaping committee should not be permitted to make decisions on behalf of the Board of Directors.

Al Morie, Gail Bell, Sharon Faragal also provided comments to the Board of Directors.

Melissa Sotelo from Councilwoman Gilmore's office provided all in attendance an update of what is happening in the District. Additional details can be found on the Zoom meeting recording and the Chat conversation.

f) Review and approve Regular Meeting Minutes from October 26, 2021

Director Shibles requested the following items to be updated on the Regular Meeting Minutes for October 26, 2021:

- 1) Mill Levy is misspelled twice in item 4 under c) Director Hawthorne
- 2) Requested the three topics Director Woods be listed out under item 2

Director Hawthorne motioned to approve Regular Meeting Minutes for October 26, 2021, as amended. Director Shibles seconded the motion; the motion passed unanimously.

g) Consider Regular Meeting dates for 2022

The Board of Directors discussed the proposed days and times of the Regular Meeting schedule for the quarterly meeting for Ebert Metropolitan District in 2022. Director Mays motioned to approve the Regular Meeting scheduled for 2022. Director Hawthorne seconded the motion; the motion passed unanimously.

II DIRECTOR'S ITEMS

a) Election Review and Evaluation Committee

b) Consider approval of 2022 Election Resolution

Mr. Jacobs provided clarification to the Board of Directors as to why this document is needed and that this covers items a and b under Section II of Director's Items for this agenda.

Director Hawthorne motioned to approve the 2022 Election Resolution for Ebert Metropolitan District. Directors Mays seconded the motion; the motion passed unanimously.

Director Shibles motioned to approve Spencer Fane being designated as the DEO (Designated Election Officer) for Ebert Metropolitan District per the 2022 Election Resolution. Director Hawthorne seconded the motion; the motion passed unanimously.

c) Consider approval of 2022 Administrative Matters Resolution

Director Mays requested verification of Ebert Metropolitan District map as it would appear to be a Town Center Metropolitan District map for item two (2).

Director Mays requested a copy of the CORA Policy per item ten (10) from the attorney's office.

Director Mays continued his review of the 2022 Administrative Matters Resolution by requesting item forty-five (45) to be amended as: "The District was formed on September 12, 1983 (prior to January 1, 2000). Therefore, no official district website is required under Section 32-1-104.5, C.R.S. The District established and, in conjunction with the District Manager, maintains an official district website: ebertmd.colorado.gov."

d) Consideration for the continuation of Timberline District Consulting, LLC to serve as District Management for 2022

After a brief discussion, Director Shibles motioned to start negotiating entering into a contract with Timberline Consulting, LLC for continued District Management Services. Director Hawthorne seconded the motion; the motion passed unanimously.

III FINANCIAL MATTERS

a) Public Hearing on the proposed 2022 Budget

Director Shibles motioned to open the public hearing for the proposed 2022 budget. Director Mays seconded this motion; the motion was passed unanimously.

Ms. Sedgeley reviewed the estimated 2021 and the proposed 2022 expenditures.

After discussion and comments, Director Mays motioned to close the public hearing for the proposed 2022 budget. Director Hawthorne seconded the motion; the motion passed unanimously.

b) Consider approval of Resolution to Adopt the 2022 Budget, Appropriate Sums of Money, and Certification of Mill Levies for General Fund, Debt Service Fund, and Other Fund(s).

Following discussion, the Board considered the adoption of the Resolution to Adopt the 2022 Budget and Appropriate Sums of Money and Set Mill Levies (for the General Fund at 17.000 mills and the Debt Service Fund at 26.90 mills and the Capital Repair and Replacement Fund at 1.000 mill, for a total mill levy of 44.900 mills).

Director Hawthorne motioned to approve the 2022 proposed budget, seconded by Director Mays and, upon vote, unanimously carried, the Resolution was adopted, as discussed, 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, 2021. Ms. Sedgeley was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of the City and County of Denver and the Division of Local Government, not later than December 15, 2021. Ms. Sedgeley was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022.

IV OTHER BUSINESS

V REVIEW OF CHAT

Residents in attendance did not have any additional questions or comments during this portion of the meeting.

VI ADJOURNMENT

President Barclae extended her heartfelt thanks to everyone who assisted with reestablishing the Ebert Metropolitan District after the majority of the Board of Directors and previous management company stepped down earlier in the year.

There was no further business to come before the Board of Directors. Upon a motion from President Barclae, seconded by Director Shibles and carried unanimously, the meeting adjourned at 8:40 PM.

The next Regular Meeting is scheduled for Tuesday, March 15, 2022, at 7:00 PM and shall be noticed IAW C.R.S. 32-1-902 and 24-6-402, on the District's webpage <https://ebertmd.colorado.gov>

Please reach out to Westwind Management Group for questions and concerns related to Green Valley Ranch North.

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