

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Board of Directors of EBERT METROPOLITAN DISTRICT of the City and County of Denver, Colorado, will hold a Special Meeting at 7:00 p.m. on Tuesday, April 12, 2022, via Zoom Meeting for the purpose of addressing those matters set out in the agenda below, as the same may be amended at the meeting, and conducting such other business as may properly come before the Board. The meeting is open to the public.

BY ORDER OF THE BOARD OF DIRECTORS: EBERT METROPOLITAN DISTRICT
By: /s/ Jerry Jacobs, District Manager

NOTICE AND AGENDA

DATE: Tuesday, April 12, 2022

TIME: 7:00 PM

PLACE: Zoom Conference

JOIN ZOOM MEETING: <https://us06web.zoom.us/j/89669400884>

MEETING ID: 896 6940 0884

One tap mobile

+16699009128,,96238108870# US (San Jose)

+12532158782,,96238108870# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

Find your local number: <https://us06web.zoom.us/j/kcihNvvk3W>

The meeting is open to the public; however due to standing State and Denver Public Health Orders, and recommendations by the CDC, and to preserve the health, safety and welfare of the public, the Board and the public will attend the meeting via Zoom Conference.

Board of Directors	Office	Term Expiration
Cynthia Barclae	President	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)

I. ADMINISTRATIVE ITEMS

- a. Call to Order
- b. Declaration of a Quorum
- c. Approval of Agenda and Meeting Location
- d. Disclosure of Potential Conflicts of Interest
- e. Public comment *(for items not on this agenda)*
- f. Review and approve Special Meeting minutes from March 22, 2022 **Page 1 - 9**

II. DIRECTOR'S ITEMS

- a. Director Barclae
 - 1. Discuss Ebert Metropolitan District Resident TCMD Board Resolution **Pages 10 - 12**
- b. Director Mays
 - 1. Discuss proposed revisions to Regular Meeting Minutes from December 7, 2021 **Page 13**
- c. Directors Hawthorne & Shibles
 - 1. Financial Matters Update

III. FINANCIAL MATTERS

- a. Conduct public hearing to consider amendment to the 2021 Budget and consider adoption of Resolution to Amend the 2021 Budget and Appropriate Expenditures (enclosed) **Pages 24 - 25**

IV. OTHER BUSINESS

V. REVIEW OF CHAT

VI. ADJOURNMENT

The next Regular Meeting is scheduled for Tuesday, June 21, 2022, at 7:00 PM and shall be noticed in accordance with 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.

Association Business Manager
 April Delgado
 (303) 369-1800 ext. 135
 April@westwindmanagement.com

Administrative Assistant
 Audrey Brown
 (303) 369-1800 ext. 117
 Audrey@westwindmanagement.com

DRAFT - SUBJECT TO BOARD APPROVAL

**MINUTES OF SPECIAL MEETING
OF BOARD OF DIRECTORS OF
EBERT METROPOLITAN DISTRICT**

**March 22, 2022
7:00 – 8:12 PM
Zoom Teleconference**

A Special 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: March 22, 2022, **TIME:** 7:00 PM

PLACE: Zoom Teleconference Join Zoom Meeting

Join Zoom Meeting: <https://zoom.us/j/98514183115>

Meeting ID: 985 1418 3115

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

Evan Ela of Cockrel Ela Glesen Greher & Ruhland, P.C. - Attorney

Sarah Luetjen of Cockrel Ela Glesen Greher & Ruhland, P.C. – Paralegal

22 Other members of the public

I. ADMINISTRATIVE ITEMS

a. Call to Order

The Special meeting of the Board of Directors for the Ebert Metropolitan District was called to order at 7:00 PM via Zoom teleconference.

b. Declaration of a Quorum

A quorum of five was established and declared.

c. Approval of Agenda and Meeting Location

Mr. Jacobs announced the notice and agenda of the Special Meeting were posted on the website and distributed to the community via email blast by Westwind Management Group. Mrs. Pilato stated that the meeting notice and agenda were also published in the Denver Post.

Mr. Jacobs announced two amendments to the agenda: item 1-g) will be tabled as Melissa Sotelo is unable to attend the meeting, item 3-1) will be tabled until the board is able to review the Resolution to amend the 2021 budget.

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

d. Disclosure of Potential Conflicts of Interest

Mr. Jacobs stated that there are no known conflicts of interest to announce currently.

e. Public comment (for items not on this agenda)

Gail Bell (and Laurel Mills) requested clarification on election posting procedures per statutes. Mrs. Bell also wanted to know when ballots would be circulated. Sarah Luetjen explained the requirements and how they were met. Mrs. Luetjen confirmed that all ballots would be mailed on April 11, 2022, to all eligible electors of the District. Mrs. Luetjen stated that "Eligible Electors" are defined as anyone registered to vote or owns property within the District boundaries.

Kelvin Klink requested via chat that the proper agenda be presented during this meeting. Mr. Jacobs stated that Mrs. Pilato replied to Mr. Klink's request by saying that the agenda shown on the screen is the current and correct agenda.

Stefania wanted to know if similar procedures are being performed in the District, like GVR HOA, regarding fines received from Westwind. Mr. Jacobs stated that the collections and foreclosure process are different depending on which attorney firm is utilized and what the adopted policies (done during board meetings) state for such matters. Mr. Jacobs continued by clarifying that laws governing HOA's versus Metropolitan Districts are different, and thus the procedures are unique. In looking into this matter, it was discovered that the foreclosures for GVR HOA make up 1% of the entire community.

Stefania wanted to know if it is illegal for box trucks to be parked in the District. Mr. Jacobs responded by stating that it is illegal if the truck is a commercial vehicle that exceeds the weight limit per the GVRN policy. If the vehicle can fit in a garage or does not go over the weight limit and has no signage, they are permitted within the District. Director Hawthorne stated that the City of Denver does have requirements regarding this, and residents can review the code for additional clarification as the District has no governing power over City streets.

Natasha Turner wanted to know if enough people received or read the Denver Post. Mr. Jacobs stated that we do not have the answer to that question as we do not know what the Denver Post circulation is for readership. Mrs. Luetjen added that she had spoken to the Denver Post and was informed that publication is distributed throughout the state but that readership is low; however, items published in the newspaper are also posted to their website. Publication of notices for the District is done in accordance with the statute.

Laurel Mills inquired why it is permitted for two members of the same household to run for the board. Mrs. Luetjen stated that the requirement is merely that a person is registered to vote and owns property in the District.

Kelvin Klink wanted to know if any homes within the Ebert Metropolitan District are planned for foreclosures. Mr. Jacobs stated that there are currently two homes in the early stages of the foreclosure process within the Ebert boundary.

Carol Turner wanted to know how it is determined who runs for the three-year versus the one-year terms. Mr. Jacobs stated that this is done through the self-nominations submitted. Mrs. Luetjen confirmed this information.

f. Review and approve Special Meeting minutes from February 8th, 2022

Director Hawthorne motioned to approve Special Meeting Minutes for February 8, 2022. Director Mays seconded the motion; the motion passed unanimously, with Director Shibles abstaining from voting as he was not present at the meeting.

g. District 11 Update – Melissa Sotelo

This item has been tabled.

h. Introduce new General Counsel – Evan Ela

Mr. Ela introduced himself to everyone in attendance and explained his and the firm's role in the District. Mr. Ela introduced Sarah Luetjen, the paralegal assigned to the District.

i. Election update – Sarah Luetjen & Jerry

Sarah Luetjen provided an update on the upcoming 2022 elections for the District and clarified how residents might submit their ballots.

II. DIRECTOR'S ITEMS

a. Director Barclae – Director Hawthorne presented President Barclae's items as she was unable to speak due to having laryngitis

1. Statuts of compliance with Special District Compliance Calendar

Director Hawthorne stated that the board would like to provide this calendar during all regular meetings. The Ebert Metropolitan District is on target with the statute requirements per the calendar.

2. Report from Mr. Bill Schmidt

Director Hawthorne read out load Mr. Schmidt's report as he was unable to attend the meeting:

My (Bill Schmidt's) focus after being appointed to the Town Center Metro District board was twofold: a) represent Ebert residents' needs and issues (as best as I could determine) during board discussions, and b) act as a liaison between the two metro district boards. 'The TCMD added a third role in January of managing the relationship between TCMD and the YMCA SD 1 and SD4.

Representing Residents

- During the budgeting process prior and after my appointment, I worked with residents of SD's 1, 2 and 4 to get their input about items in the draft budgets. During the approval process, I asked for clarifications and modifications to make the proposed expenditures more effective.

- During the board meetings including executive sessions, I have expressed residents' concerns about the holiday decoration policy, transparency issues, capital expenditures among other things.
- To fill this function better, I plan to take some "ride along trips" with WestWind to get WW's perspective of Ebert district issues, and I will ask Ebert to gather resident questions for me on its website.

Liaison between the Metro Districts

- I requested and am participating in newly-scheduled regular meetings between the two Metro Districts to discuss capital projects and other financial issues.
- As a member of the Ebert Finance Committee, I discuss Ebert's financial issues and provide the TCMD's perspective on those issues. When needed, I pass messages between the two boards.

Managing the YMCA Relationship

- This new role replaces the oversight of SDI and SD4 that Timberline performed prior to 2022. In this role, I sign significant contracts prior to board affirmation, give interim approval of invoices prior to the final approval by the "TCMD President, and advise the new sub-district manager (YMCA) on various management issues and policies.

3. Confirmation: Receipt of Mr. Todd Creger's written resignation effective June 1, 2021.

Director Hawthorne announced that the board was able to get a copy of Mr. Creger's resignation for District historical files.

b. Director Mays

1. Website updates

Director Mays stated that the SIPA technologies and Google account have been implemented per the last meeting.

2. Status of Previously Passed Resolutions

The website has been updated with all resolutions per the last meeting. The only items not loaded were the unsigned documents.

c. Director Woods

1. Joint Landscape Committee update

Directors Woods stated that the committee met last week to discuss Winter watering for trees, specifically the medium trees. The committee continues to discuss the list of concerns each time they meet.

d. Directors Hawthorne & Shibles

1. Financial Matters Update

This agenda item has been tabled.

III. FINANCIAL MATTERS

1. Conduct public hearing to consider amendment to the 2021 Budget and consider adoption of Resolution No. to Amend the 2021 Budget and Appropriate Expenditures (enclosed)

This agenda item was tabled for the next Board of Directors meeting to allow review of the Resolution to amend the 2021 budget.

IV. OTHER BUSINESS

Director Hawthorne provided a brief update on

- Following the mass resignation of 3 Board members, inside a period of only 6 weeks, and the unprofessional, no-notice termination of District Management services by our former DM, Community Resource Services firm (CRS), leaving only 1 remaining Board member, Myself (Cynthia Barclae) I assembled a full new Board and new District Manager within 30 days

- Shortly after volunteering for the Treasurer's role and Co-Treasurer Role Directors Murray Hawthorne and Bruce Shibles (respectively) discovered \$1.4 million in excess taxes within Ebert's financials. Ebert's prior Board treasurer and leadership failed to recognize that excess. Murray and Bruce re-energized the Financial Operations Committee who unanimously recommended that the Ebert Board refund that excess to those who created it ...you, the taxpayers. Our new Board took immediate action to implement a swift refund. Our District's residents and businesses realized a one-time DECREASE on their Property Tax Statements. Thank you, Murray, Bruce, and the members of the Financial Operations Committee

- Director Keith Mays. Keith volunteered to become webmaster for our District. Keith has improved communications and transparency by taking the lead in managing our website. Prior to Keith, it could take weeks or months to make changes to our website and we paid extra for web support! Keith gets things done often within hours.... not days or weeks. And he's a volunteer! Our website is consistently up to date, easy to navigate and through the improvements Keith has implemented, people now have fast and easy access to district records not previously searchable or accessible to the public. Thank you, Keith

- Director Jennifer Woods, Interim Town Manager/Planning Director for the Town of Hudson, has brought significant firsthand experience in the management and operation of a Colorado municipality. While we aren't a municipality, she is a gem of a resource to our board for the perspective she brings. Thank you, Jennifer

- Bill Schmidt was appointed as Ebert resident homeowner to the TCMD Board of Directors within 45 days of assuming my Presidency. This was a high visibility, high profile issue among many homeowners that the prior Board was unable to bring themselves to resolve. Thank you, Bill, for volunteering to fill that role

- We (as the new Ebert Board) implemented measures that:
 - Prohibit ANY Director from unilaterally shutting down the Chat feature
 - Require Board vacancies to be filled within 60 days of a C.R.S. 32-1-904 defined 'vacancy'
 - Require bylaws changes to be reviewed by district General Counsel prior to adoption
 - Require regular reporting of district status against Special District Compliance Calendar. This Board of Directors has completed Compliance within 6 months
 - Markedly improved public access to matters being considered by the Board, PRIOR to Board meetings
 - Established time-based performance standards for making meeting minutes and meeting video recordings available to the public
 - Standardized Board meetings, to be held same day and time of the week for consistency for Ebert District

- Has engaged Mr. Evan Ela, as General Counsel with the law firm of GEGR to improve the quality of our operations. Evan has been working with Special Districts for many years and brings a wealth of knowledge that's very much needed
- This Board has established funding to facilitate the training of new Directors, which will help new Directors get up to speed quickly

V. REVIEW OF CHAT

Stefania and Kelvin Klink wanted to know how someone could become a part of the committees. Director Woods stated that residents wishing to provide feedback or submit concerns should reach out to her or a Sub-District Committee member(s) to vocalize. Mr. Jacobs clarified that any resident needing assistance could email him and/or Corey Pilato so that we can assist in determining which Sub-District the resident resides in and who represents them.

Kelvin Klink wanted to know where the board member packet was housed. Mrs. Pilato stated that board member packets were not distributed but that Director Mays did put it on the website under the "Meetings" tab and under "Board of Directors Meetings" to "Agenda."

Kelvin Klink inquired about the filled empty positions on the Joint Landscape Committee. Mr. Jacobs informed everyone in attendance that those positions will be filled once a qualified candidate submits. The current submissions are for Sub-Districts that are already represented.

Natasha Turner wanted to know who to contact regarding community information as it is confusing who does and doesn't represent the community and the boundaries. Mr. Jacobs clarified the District boundaries for Green Valley Ranch South, Green Valley Ranch North, and Green Valley Ranch Aurora/East. He recommends that she contact April Delgado from Westwind Management Group for additional assistance.

VI. ADJOURNMENT

There was no further business to come before the Board of Directors. Upon a motion from Director Hawthorne, seconded by Director Woods and carried unanimously, the meeting adjourned at 7:48 PM.

The next Regular Meeting is scheduled for Tuesday, June 21, 2022, at 7:00 PM and shall be noticed in accordance with 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.

Association Business Manager
April Delgado
(303) 369-1800 ext. 135
April@westwindmanagement.com

Administrative Assistant
Audrey Brown
(303) 369-1800 ext. 117
Audrey@westwindmanagement.com

Special Meeting

March 22, 2022

Zoom Chat Conversation

00:21:45 Stefania:

Will Westwind follow similar procedures like GVR HOA which is under investigation, and file foreclosures for homeowners who have received fines from Westwind? Thank you

00:22:11 Corey Pilato:

Understood. This item was removed before updating the email blast

00:22:40 Stefania:

Is it illegal for box trucks to park in residential neighborhoods?

00:22:57 Corey Pilato:

Stefania - I believe the GVR you are referring to is not a part of this District.

00:23:39 Corey Pilato:

It is not illegal to park box trucks but there are time restrictions. I would recommend reaching out to Westwind regarding this matter.

00:24:26 Natasha Turner:

Do you feel that enough people still receive/read the Denver Post?

00:25:04 Laurel Mills:

Why is it okay for 2 members of same household to run for Board? They gives a lot of power to one household!

00:26:38 Kelvin Klink:

Are there any Foreclosures currently planned for any Homeowners in Ebert District?

00:27:07 Corey Pilato:

Kelvin, we cannot share this information as it is private information

00:27:42 Carol Turner:

How was it determined who runs for three year terms and who runs for 1 year terms?

00:27:43 Stefania:

What is that number again?

00:28:15 Kelvin Klink:

Corey, all I'm asking for is a "Yes" or

"No". Not any names.

00:28:43 Stefania:

I think Kelvin was just asking for #s not names.

00:32:35 Rogene Howe:

I hope that you are going to allow an election to go forward for the 2 years terms and nnot

00:32:44 Stefania:

Thank you for the opportunity to ask questions.

00:35:20 Rogene Howe:

My question was cut off. I,

00:38:05 Rogene Howe:

Please do not try to get the 2 extra candidates to withdraw to save money as was proposed in a meeting this summer

00:43:29 Natasha Turner:

TCMD

00:43:48 Natasha Turner:

What does that stand for?

00:43:49 Kelvin Klink:

Town Center Metro District

00:50:36 Stefania:

How do you become part of the committees?

00:52:17 Kelvin Klink:

Ms Woods encouraged people to get involved with the JLC. How are they supposed to do that?

00:53:07 Corey Pilato:

We will address this during the review of the chat. Thank you

00:56:48 Kelvin Klink:

Was the Board Packet made available in advance of this meeting? IT had been in the past. I couldn't find it on Ebert Website.

00:58:20 Corey Pilato:

No, packets are made available after the meeting

00:58:21 Keith Mays:

The Board Packet is/was available on the website Meetings tab under the Agenda link.

00:58:37 Corey Pilato:

Thank you Keith

00:58:39 Corey Pilato:

Keith

00:58:40 Kelvin Klink:

When will the rest of empty positions for JLC Members be filled?

00:59:01 Corey Pilato:

pilato@timberlinedc.com

01:00:07 Natasha Turner:

As a new resident who should I contact to get some general and specific questions answered about this organization and how it works. It has been very disturbing to hear about the foreclosure and property liens I GVR.

01:00:14 Kelvin Klink:

I have submitted for SD #1.

01:00:45 **Kelvin Klink:**
Jeff Shelton has submitted for #4

EBERT METROPOLITAN DISTRICT**RESOLUTION REGARDING THE QUALIFICATION AND APPOINTMENT OF A DISTRICT REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE TOWN CENTER METROPOLITAN DISTRICT**

WHEREAS, the Ebert Metropolitan District (the “**District**” or “**Ebert**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, the Town Center Metropolitan District (the “**Town Center**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, on April 14, 2021, Town Center adopted a Resolution of the Board of Directors Concerning the Qualification and Appointment of an Ebert Selected Representative to the Town Center Board of Directors (“**Town Center Resolution**”); and

WHEREAS, the Ebert District Board of Directors (“**Ebert Board**”) recognizes and understands the intent and spirit of the Town Center Resolution as being to:

- 1) Facilitate and improve Ebert resident representation on the Town Center Board of Directors (“**Town Center Board**”), and
- 2) Enable the residents of Ebert, through its elected board, to designate an Ebert property owner, selected and vetted by the Ebert Board, to serve on the Town Center Board; and

WHEREAS, the limited territory within Town Center narrowly restricts eligibility of Ebert residents for service on the Town Center Board to individuals qualified by a real estate purchase contract (authorized by §32-1-808(2), C.R.S.), which contract is exclusively within the sole discretion of Clayton Properties Group II, Inc. (owner of property within the Town Center territory, hereafter referred to as “**Clayton Properties**”); and

WHEREAS, Clayton Properties utilizes a contract procedure for conveyance of property within Town Center that includes a quitclaim deed, option contract, special warranty deed, and escrow agreement, and which provides for joint tenant ownership of the property with Town Center among the qualified board members and Clayton Properties itself; and

WHEREAS, Clayton Properties’ exclusive control of board qualifications has systematically limited the number of candidates for elections to as many or less than the number of open seats on the Town Center Board so that elections have always been cancelled due to an uncontested ballot, and which has historically resulted in extended periods with board vacancies to the detriment of Ebert; and

WHEREAS, Town Center has eliminated term limits allowing for any Ebert-designated resident, once qualified by contract for service on the Town Center Board and appointed thereto, to repeatedly self-nominate in perpetuity unless Clayton Properties exercises its purchase option to take back ownership of property within Town Center from such Board member and thereby eliminate such member's eligibility for election; and

WHEREAS, the periodic public election cycle subjects the Ebert Board to director turnover, which in turn often creates a desire for changing Ebert's representation on the Town Center Board; and

WHEREAS, neither the Ebert Board or the registered electors of Ebert have authority to recall an Ebert-designated resident currently sitting on the Town Center Board from such board; and

WHEREAS, given these circumstances, the spirit and intent of the Town Center Resolution is usurped unless a policy is adopted by the Town Center Board to allow the Ebert Board an ability to designate new candidates for the Town Center Board position coupled with Clayton Properties' exercise of its control of candidate qualifying property ownership to disqualify a sitting Ebert-designated director and qualify a different Ebert-designated director for appointment.

NOW, THEREFORE, be it resolved by the Board of Directors of the Ebert Metropolitan District that:

1. Qualification Provision: The Ebert Board formally requests that Clayton Properties, no later than election day of every regular election cycle for the Town Center Board or at any time that the Ebert Board makes a written request, to exercise its purchase option for taking back ownership of property within Town Center from the sitting Ebert-designated member of its board and to qualify, by initiating a new purchase process with the individual that the Ebert Board designates for appointment to such vacant director position within one-month of receipt from the Ebert Board of its designee.
2. Appointment Provision: The Ebert Board formally requests that the Town Center Board appoint the Ebert-designated individual that has been qualified for a seat on the Town Center Board, per paragraph 1 above, within one-month following the date that such individual has been qualified by the purchase process described in paragraph 1 above.
3. Term Limit Provision: The Ebert Board formally requests Town Center and Clayton Properties to effectively restrict the maximum term of service for any Ebert-designated resident appointed to the Town Center Board to not more than two (2) consecutive years, until the first retention election of such board member would be required by the election statutes governing special district elections. Should a newly elected Ebert Board desire to reappoint the incumbent, the Ebert Board shall do so in accordance with the Qualification and Appointment provisions described in paragraphs 1 and 2 above.

4. Recall Provision: The Ebert Board requests that Town Center and Clayton Properties to immediately exercise its purchase option for taking back ownership of property within Town Center from any sitting Ebert-designated member on the Town Center Board upon receipt of a written Ebert Board request to recall and replace such member, and to proceed in accordance with the Qualification and Appointment provisions described in paragraphs 1 and 2 above for appointment of any replacement individual designated by the Ebert Board.

This Resolution was adopted by the Board of Directors of the Ebert Metropolitan District at a duly called and held meeting of the Board of Directors on April 12, 2022, by a vote of ___ in favor and ___ opposed, and shall be in effect immediately following such meeting.

EBERT METROPOLITAN DISTRICT

By _____
President

ATTEST:

By _____
Secretary

Possible Revision to the December 7, 2021 Meeting Minutes

Published Paragraphs for Review:

Kelvin Klink expressed his concerns regarding the recent decision by the Town Center Metropolitan District (TCMD) Board to prohibit the use of TCMD property, such as fencing, for Holiday Décor by residents.

Mr. Klink stated that when making their decision, the TCMD Board considered a set of recommendations from the Joint Landscape Committee (JLC) which were framed in the format of position statements (majority and minority). However, the Joint Resolution which established the JLC requires recommendations to be considered by both Boards. Since they were not considered by the Ebert Board, the unilateral action by TCMD was not in compliance with the Joint Resolution.

Mr. Klink encouraged the Board to take similar action as it did last year, and again insist the prohibition be waived for 2021.

Proposed Revised Paragraphs:

Kelvin Klink expressed his concerns regarding the recent decision by the Town Center Metropolitan District Board to prohibit the use of Town Center Metropolitan District property such as fencing for Holiday Décor by residents.

Mr. Klink stated that when making their decision, the Town Center Metropolitan District Board considered a set of recommendations from the Joint Landscape Committee (JLC) which were framed in the format of position statements (majority and minority). He felt that the Joint Resolution which established the JLC requires all recommendations to be submitted to both Boards for consideration. Since the recommendations were not reviewed by the Ebert Metropolitan District Board, he felt the action by Town Center Metropolitan District was not in compliance with the Joint Resolution and therefore the prohibition should be waived similar to the 2020 season.

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

**EBERT METROPOLITAN DISTRICT
GENERAL FUND
2021 AMENDED BUDGET**

	BUDGET 2021	AMENDED 2021
BEGINNING FUND BALANCE	\$ 306,837	\$ 306,837
REVENUE		
Property taxes	2,284,196	2,284,196
Specific ownership tax	114,210	114,210
Net investment income	1,500	1,500
Town Center Reimbursement for legal	25,000	25,000
Total revenue	<u>2,424,906</u>	<u>2,424,906</u>
Total funds available	<u>2,731,743</u>	<u>2,731,743</u>
EXPENDITURES		
Legal	25,000	25,000
Services Outlay - Town Center	2,375,566	2,385,566
County Treasurer's fees	22,840	22,840
Elections	5,000	5,000
Contingency	11,594	11,594
Total expenditures	<u>2,440,000</u>	<u>2,450,000</u>
Total expenditures and transfers out requiring appropriation	<u>2,440,000</u>	<u>2,450,000</u>
ENDING FUND BALANCE	<u><u>\$ 291,743</u></u>	<u><u>\$ 281,743</u></u>

EBERT METROPOLITAN DISTRICT
FINANCIAL STATEMENTS
DECEMBER 31, 2021

**EBERT METROPOLITAN DISTRICT
BALANCE SHEET - GOVERNMENTAL FUNDS
DECEMBER 31, 2021**

	General	Conservation Trust	Debt Service	Capital Reserve - Bond Proceeds - Series 2018	Capital Reserve - 1.000 Mill	Total
ASSETS						
C - Safe	\$ 165,659	\$ 171,365	\$ 56,954	\$ -	\$ 392,512	\$ 786,490
C - Safe - Rate Stabilization	-	-	6,775,024	-	-	6,775,024
C - Safe - Capital Replacement 2018	-	-	-	851,517	-	851,517
UMB - CP Bedrock Escrow 2008	165,793	-	-	-	-	165,793
UMB Series 2018-A accounts	-	-	1,219,034	-	-	1,219,034
Receivable from County Treasurer	8,640	-	21,843	-	508	30,991
Property Tax receivable	2,495,644	-	4,295,144	-	146,803	6,937,591
TOTAL ASSETS	<u>\$ 2,835,736</u>	<u>\$ 171,365</u>	<u>\$ 12,367,999</u>	<u>\$ 851,517</u>	<u>\$ 539,823</u>	<u>\$ 16,766,440</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES						
CURRENT LIABILITIES						
Due to Town Center Metropolitan District	\$ 29,099	\$ -	\$ -	\$ -	\$ -	\$ 29,099
Due to County Treasurer	-	-	35	-	-	35
Total Liabilities	<u>29,099</u>	<u>-</u>	<u>35</u>	<u>-</u>	<u>-</u>	<u>29,134</u>
DEFERRED INFLOWS OF RESOURCES						
Deferred property tax	2,495,644	-	4,295,144	-	146,803	6,937,591
Total Deferred Inflows of Resources	<u>2,495,644</u>	<u>-</u>	<u>4,295,144</u>	<u>-</u>	<u>146,803</u>	<u>6,937,591</u>
FUND BALANCES						
Total Fund Balances	<u>310,993</u>	<u>171,365</u>	<u>8,072,820</u>	<u>851,517</u>	<u>393,020</u>	<u>9,799,715</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	<u>\$ 2,835,736</u>	<u>\$ 171,365</u>	<u>\$ 12,367,999</u>	<u>\$ 851,517</u>	<u>\$ 539,823</u>	<u>\$ 16,766,440</u>

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**EBERT METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2021**

GENERAL FUND

	<u>Amended Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Property taxes	\$ 2,284,196	\$ 2,296,800	\$ 12,604
Specific ownership tax	114,210	124,784	10,574
Interest income	1,500	1,365	(135)
Town Center Reimbursement for legal	25,000	21,321	(3,679)
TOTAL REVENUES	<u>2,424,906</u>	<u>2,444,270</u>	<u>19,364</u>
EXPENDITURES			
County Treasurer's fee	22,840	22,976	(136)
Legal services	25,000	21,321	3,679
Town Center services reimbursement	2,385,566	2,399,838	(14,272)
Election expense	5,000	-	5,000
Contingency	11,594	-	11,594
TOTAL EXPENDITURES	<u>2,450,000</u>	<u>2,444,135</u>	<u>5,865</u>
NET CHANGE IN FUND BALANCES	(25,094)	135	25,229
FUND BALANCES - BEGINNING	<u>306,837</u>	<u>310,857</u>	<u>4,020</u>
FUND BALANCES - ENDING	<u>\$ 281,743</u>	<u>\$ 310,992</u>	<u>\$ 29,249</u>

**EBERT METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2021**

CONSERVATION TRUST FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
CTF proceeds	\$ 55,000	\$ 68,920	\$ 13,920
Interest income	250	42	(208)
TOTAL REVENUES	<u>55,250</u>	<u>68,962</u>	<u>13,712</u>
EXPENDITURES			
Transfer to Town Center	156,867	-	156,867
TOTAL EXPENDITURES	<u>156,867</u>	<u>-</u>	<u>156,867</u>
NET CHANGE IN FUND BALANCES	(101,617)	68,962	170,579
FUND BALANCES - BEGINNING	<u>101,617</u>	<u>102,404</u>	<u>787</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ 171,366</u>	<u>\$ 171,366</u>

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SUPPLEMENTARY INFORMATION

**EBERT METROPOLITAN DISTRICT
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2021**

DEBT SERVICE FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Property taxes	\$ 5,774,698	\$ 5,802,590	\$ 27,892
Specific ownership tax	288,730	315,468	26,738
Interest income	39,000	7,234	(31,766)
TOTAL REVENUES	<u>6,102,428</u>	<u>6,125,292</u>	<u>22,864</u>
EXPENDITURES			
County Treasurer's fee	57,747	58,056	(309)
Paying agent/custodian fees	4,000	3,500	500
Loan interest - 2018A-1	3,956,000	3,956,000	-
Loan interest - 2018A-2	749,050	749,050	-
Loan principal - 2018A-1	720,000	720,000	-
Loan principal - 2018A-2	135,000	135,000	-
Contingency	3,203	-	3,203
TOTAL EXPENDITURES	<u>5,625,000</u>	<u>5,621,606</u>	<u>3,394</u>
NET CHANGE IN FUND BALANCES	477,428	503,686	26,258
FUND BALANCES - BEGINNING	<u>7,575,166</u>	<u>7,569,134</u>	<u>(6,032)</u>
FUND BALANCES - ENDING	<u>\$ 8,052,594</u>	<u>\$ 8,072,820</u>	<u>\$ 20,226</u>

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**EBERT METROPOLITAN DISTRICT
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2021**

CAPITAL RESERVE - BOND PROCEEDS - SERIES 2018 FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Interest income	\$ 3,670	\$ 469	\$ (3,201)
TOTAL REVENUES	<u>3,670</u>	<u>469</u>	<u>(3,201)</u>
EXPENDITURES			
Capital expenditures approved by Ebert	<u>1,475,397</u>	<u>651,235</u>	<u>824,162</u>
TOTAL EXPENDITURES	<u>1,475,397</u>	<u>651,235</u>	<u>824,162</u>
NET CHANGE IN FUND BALANCES	(1,471,727)	(650,766)	820,961
FUND BALANCES - BEGINNING	<u>1,471,727</u>	<u>1,502,282</u>	<u>30,555</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ 851,516</u>	<u>\$ 851,516</u>

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**EBERT METROPOLITAN DISTRICT
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2021**

CAPITAL RESERVE - 1.000 MILL FUND

	Annual Budget	Year to Date Actual	Variance
REVENUES			
Property taxes	\$ 134,364	\$ 135,106	\$ 742
Specific ownership tax	6,720	7,340	620
Town Center transfer for capital replacement	555,000	-	(555,000)
Interest income	3,000	178	(2,822)
TOTAL REVENUES	699,084	142,624	(556,460)
EXPENDITURES			
County Treasurer's fee	1,344	1,352	(8)
Contingency	1,156	-	1,156
TOTAL EXPENDITURES	2,500	1,352	1,148
NET CHANGE IN FUND BALANCES	696,584	141,272	(555,312)
FUND BALANCES - BEGINNING	251,838	251,746	(92)
FUND BALANCES - ENDING	\$ 948,422	\$ 393,018	\$ (555,404)

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EBERT METROPOLITAN DISTRICT

Property Taxes Schedule

2021

	Current Year								Prior Year				
	Property Taxes	Delinquent Taxes, Rebates and Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Payable to County	Net Amount Received	% of Total Property Taxes Received		Total Cash Received	% of Total Property Taxes Received		
								Monthly	Y-T-D		Monthly	Y-T-D	
Beginning Balance						\$ -							
January	\$ 89,521.38	\$ -	\$ 34,109.36	-	\$ (895.26)	-	\$ 122,735.48	1.09%	1.09%	\$ 140,100.22	1.56%	1.56%	
February	2,883,930.61	-	34,308.88	24.63	(28,358.94)	-	2,889,905.18	35.20%	36.29%	3,176,482.53	39.14%	40.70%	
March	732,178.00	-	36,460.47	163.84	(7,804.07)	-	760,998.24	8.94%	45.23%	489,223.59	5.86%	46.56%	
April	587,205.50	-	38,842.19	46.69	(5,872.55)	-	620,221.83	7.17%	52.39%	450,962.75	5.48%	52.04%	
May	744,596.90	83.40	33,531.72	434.10	(7,451.21)	-	771,194.91	9.09%	61.48%	787,921.30	9.40%	61.44%	
June	2,979,337.43	-	34,526.37	1,799.86	(29,811.45)	-	2,985,852.21	36.36%	97.85%	2,918,600.30	36.06%	97.50%	
July	114,777.68	-	40,328.40	637.13	(1,146.89)	-	154,596.32	1.40%	99.25%	113,922.36	0.90%	98.40%	
August	57,879.44	-	46,480.49	850.85	(587.27)	-	104,623.51	0.71%	99.95%	113,695.31	0.94%	99.33%	
September	9,796.20	207.85	37,263.83	148.63	(93.42)	-	47,323.09	0.12%	100.08%	48,104.47	0.09%	99.42%	
October	6,311.21	-	38,187.53	140.40	(64.53)	-	44,574.61	0.08%	100.15%	73,304.02	0.41%	99.83%	
November	28,670.75	-	42,562.38	1,071.25	(297.41)	(34.76)	72,041.73	0.35%	100.50%	39,038.50	0.00%	99.83%	
December	-	-	30,990.89	-	-	-	30,990.89	0.00%	100.50%	29,093.46	0.00%	99.83%	
	\$ 8,234,205.10	\$ 291.25	\$ 447,592.51	\$ 5,317.38	\$ (82,383.00)	\$ (34.76)	\$ 8,605,058.00	100.50%	100.50%	\$ 8,380,448.81	99.83%	99.83%	

Property Tax	AV	Mill Levy	TAXES	%	PROPERTY	% COLLECTED
			LEVIED	OF LEVIED	TAXES COLLECTED	TO AMOUNT LEVIED
GENERAL FUND	\$ 134,364,490	17.000	\$ 2,284,196	27.88%	\$ 2,296,800.20	100.55%
DEBT SERVICE		40.319	5,417,442	66.12%	5,447,334.52	100.55%
CAPITAL RESERVE		1.000	134,364	1.64%	135,105.88	100.55%
DEBT SERVICE - EXCLUDED	\$ 10,610,830	33.669	357,256	4.36%	355,255.75	99.44%
			\$ 8,193,259	100.00%	\$ 8,234,496.35	100.50%

<u>Specific Ownership Tax</u>						
GENERAL FUND			\$ 114,210	27.88%	124,784.17	109.26%
DEBT SERVICE			288,730	70.48%	315,468.09	109.26%
CAPITAL RESERVE			6,720	1.64%	7,340.25	109.23%
			\$ 409,660	100.00%	447,592.51	109.26%

<u>Treasurer's Fees</u>						
GENERAL FUND			\$ 22,840	29.15%	22,975.89	100.59%
DEBT SERVICE			57,747	69.14%	58,055.60	100.53%
CAPITAL RESERVE			1,344	1.71%	1,351.51	100.56%
			\$ 81,931	100.00%	\$ 82,383.00	100.55%

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EBERT METROPOLITAN DISTRICT
RESOLUTION TO AMEND 2021 BUDGET

WHEREAS, the Board of Directors of Ebert Metropolitan District adopted the budget and appropriated funds for the 2021 fiscal year as follows:

General Fund	\$2,440,000
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WHEREAS, additional expenditures in the General Fund are necessary resulting in expenditures in excess of appropriations for the 2021 fiscal year; and

WHEREAS, such additional expenditures are contingencies which could not have been reasonably foreseen at the time of adoption of the budget; and

WHEREAS, funds are available for such expenditures from unanticipated revenue (other than property taxes) or other surplus funds in the General Fund (or from surplus funds in the General Fund).

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Ebert Metropolitan District hereby adopts a supplemental budget and appropriation for the 2021 fiscal year as follows:

General Fund	\$2,450,000
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BE IT FURTHER RESOLVED, that such sums are hereby appropriated for expenditure from any available funds in the General Fund (and from transfers from the General Fund) in accordance with the provisions of §29-1-109, C.R.S.

Dated this 12th day of April, 2022.

EBERT METROPOLITAN DISTRICT

By: _____
Chair

Attest:

Secretary