

June 11, 2024

To: Ebert Metropolitan District Board of Directors

From: William Schmidt, Town Center Metropolitan District, Director and Treasurer

Subject: Progress Report on May 6, 2024 Stay on Litigation

---

Following is a summary of the significant actions taken by Town Center Metropolitan District (“TCMD”) since the filing of the May 6 two-year stay on the litigation originally initiated by Ebert Metropolitan District (“Ebert”) that was based on a March 21, 2024 Memorandum of Understanding (“MOU”). The intent of the parties that negotiated the MOU was that it would be a forward-looking statement reflecting a desire by both parties (TCMD and Ebert) to work collaboratively to resolve the issues covered in the litigation. Numbered items reflect the numbers of items included in the MOU and are moderately paraphrased. MOU items are in bold; the updates are in normal font.

**2. TCMD will make significant changes to the way that it manages district operations...**

- a) **Change the District Manager from Jerry Jacobs to Brittany Barnett.** At its April 10 meeting, the board announced and introduced Brittany as the new District Manager.
- b) **Initiate monthly staff meeting with TCMD and Ebert board members and the District Manager.** On April 10, the District Manager met with Director Schmidt (TCMD) and Director Young (Ebert). On May 7, the District Manager met with Directors Schmidt and Knopinski (TCMD) and Director Kennedy (Ebert). Another meeting was scheduled for the morning of June 11 with Director Schmidt and Directors Kennedy and Haynes (Ebert). In each case, the meetings included drives around the community to discuss a number of issues.
- c) **Implement best practices used by other districts.** The contract with the primary landscaping company for the district was amended to include additional scope of work items and standards drawn from contracts used by other metro districts. TCMD shared the updated contract with Ebert. In addition, TCMD board members are in nearly daily communication with District Management on issues that arise.
- d) **TCMD board representation on the Joint Landscape Committee (“JLC”).** Directors Schmidt and Knopinski joined the JLC in March. In addition, at different meetings, Ebert Directors Shibles, Kennedy and Haynes have participated.
- e) **Restart collaboration meetings with Ebert.** No official meetings have started. However, Directors Schmidt and Shibles have had several informal meeting to discuss outstanding issues, including how and when to commence scheduling these meetings and how to create an agenda with topics submitted by both parties.
- f) **Director Schmidt to continue participating on the Ebert Financial Operations Committee.** Director Schmidt has participated in all FOC meetings this year.
- g) **Closer management of district landscapers by the District Manager.** District Management has initiated twice weekly inspections within the district.

**3. TCMD to direct Westward and the District Manager to follow existing regulations more consistently in interpreting architectural design requests.** No specific actions taken on this topic.

**4. TCMD and the JLC will compile a comprehensive list of landscaping areas and trees that need improvement and set priorities and timing for making those improvements.**

Nothing is being done to replace trees until an outside study is completed (see below). The District Manager revised the contract with the primary landscape contractor who is already doing more trash clean-up, better trimming and more enhanced weed control, among other things. The next priorities include replacing the turf damaged by the mainline break last year and improving the appearance of the flower beds along 56th and Piccadilly. Other priorities, not yet started, include improving the area along 49th Avenue and the entrance to SD 3.

**5. TCMD will pass a resolution governing existing and future gates in golf course fencing.** The board passed a relevant resolution in January.

**6. TCMD will survey the existing damage to the golf course fencing and develop a plan to repair and paint the areas in need of improvement.** District management has surveyed the fencing and designated areas that had recently been painted, areas that need painting and areas that need replacing or repairs. District management is requesting multiple bids for completing the work as well as soliciting bids to replace the fencing entirely with a product that will need much less maintenance. The current plan is to do about half of the repair and painting work this fall and the balance next spring, unless replacing the fencing over time is more viable. The board expects to discuss alternatives at the July board meeting.

**7. TCMD will determine what to do about resident-generated landscaping adjacent to the golf course on TCMD and Denver property.** No specific actions taken on this topic.

**8. TCMD and Ebert will request a stay with review of progress every 90 days.** The stay was granted on May 6 for a two-year period.

**9. TCMD and Ebert will amend the Inter-Governmental Agreement (“IGA”) to extend through the 2025 budget year. TCMD and Ebert will collaborate in allocating future funds derived from the budgeted service amount.** Both boards passed resolutions to amend the IGA. TCMD has committed to having Director Kennedy participate in the 2025 budget process. In addition, TCMD already discussed its proposed changes to the 2024 budget following the initiation of the stay and the reallocation of litigation expenses in the budget. Also, TCMD shared those changes with the Ebert FOC and plans to discuss 2025 budget plans with the FOC during the planning season.

**10. TCMD and the JLC will develop a plan to better plant and maintain trees.** TCMD has engaged a water consultant to do an extensive review of our water supply and irrigation system. Results from this study will give the JLC information to better plan our tree policy.

**11. TCMD and the JLC will formulate a plan to improve the appearance of the community.** Three of the Ebert directors have seen the results of the landscape improvements made in 2022 and included in the TCMD transfer request from the Ebert Capital Projects Fund. Included on the neighborhood tours (also seen by the JLC) were areas that will be included in a future capital request (likely September 2024) to improve other areas to a more consistent, easier to maintain format. In addition, TCMD has allocated funds for replacing worn away mulch in a number of flower beds and is soliciting bids to replace the turf damaged along the Green Valley Ranch Blvd. and Flanders Road water main break.