

**EBERT METROPOLITAN DISTRICT
REGULAR MEETING
OF THE BOARD OF DIRECTORS**

AGENDA AND NOTICE

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)

DATE: Tuesday, October 26, 2021,

TIME: 7:00 PM

PLACE: Zoom Conference Join Zoom Meeting

Join Zoom Meeting

<https://zoom.us/j/92666284817>

Meeting ID: 926 6628 4817

One tap mobile

+13462487799,,92666284817# # US (Houston)

+16699009128,,92666284817# # US (San Jose)

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://zoom.us/j/92666284817>

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 Boards and the public will attend the meeting via Zoom Conference.

I. ADMINISTRATIVE ITEMS:

- a. Call the Meeting to Order
- b. Declaration of Quorum
- c. Confirm Location and Posting of Meeting Notices
- d. Approval of Agenda and Meeting Location
- e. Disclosure of Potential Conflicts of Interest
- f. Public Comments

II. DIRECTOR ITEMS:

- a. Director Barclae
 1. Review and approve Special Meeting Minutes from October 12, 2021 Pages 4 - 6
 2. Approve revised District Bylaws 1a: Pages 7 - 22; 1b: Pages 23 - 39; 1c: Pages 40 - 59
 3. Initial review of draft 2022 District budget Pages 60 - 74
 - i. Impact of 2018A – Bond Funds Surplus
 - ii. 2022 Budget Public Hearing – Schedule during the Regular Meeting on December 7, 2021
 4. District performance to the Compliance Calendar
 - i. Special District Compliance Calendar Pages 75 - 78
- b. Director Mays
 1. District website
 2. “Contact Us” feature
- c. Director Hawthorne
 1. Financial Operations Committee
 - i. Authorized Unissued Debt
 - ii. Draft 2022 Budget – Debt Service Fund
 - iii. Mil levy
- d. Director Wood
 1. 2022 District Election Milestones
 2. Landscape Committee Updates

III. OTHER BUSINESS

- a. District Manager – Timberline District Consulting, LLC
 1. Town Center Metropolitan District Holiday Decoration
 - i. Town Center Metropolitan District Winter Decoration Policy Page 80
 2. Covenant Enforcement
 - i. Covenant Enforcement Process
 - ii. Town Center Metropolitan District Resolution from January 1, 2018
 - iii. “Resolution of the Green Valley Ranch North Regarding Policies and Procedures for Covenant and Rule Enforcement” location Pages 81 - 85

b. Other Matters – Charles Foster

1.2021 Projects

2.2022 Projects

i. 56th Ave

ii. Traffic Signal at Green Valley Ranch BLVD and King Soopers

IV. REVIEW OF CHAT

V. ADJOURNEMENT

The next Regular meeting is scheduled for Tuesday, December 7, 2021, at 7:00 PM.

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

October 12, 2021
7:00 –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: October 12, 2021, **TIME:** 7:00 PM

PLACE: Zoom Teleconference Join Zoom Meeting

Join Zoom Meeting

<https://zoom.us/j/98596285865>

Meeting ID: 985 9628 5865

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	Co-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

9 Other members of the public

1. ADMINISTRATIVE ITEMS

a) Call to Order

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

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.

b) Declaration of a Quorum

A quorum of five was declared.

c) Approval of Agenda and Meeting Location

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

d) Disclosure of Potential Conflicts of Interest

President Barclae stated that there are no conflicts of interest to announce currently. Mr. Jacobs confirmed.

2. DIRECTOR'S ITEMS

Director Barclae

a) Meeting definitions

Meeting definitions have been provided for those wanting to understand better the need for meeting titles.

b) Approve Special Meeting Minutes from April 22, 2021

President Barclae was the only Board of Directors remaining as of the Special Meeting from April 22, 2021; President Barclae motioned to approve Special Meeting Minutes for April 22, 2021. Director Shibles seconded the motion; motioned passed unanimously.

c) Approve Special Meeting Minutes from August 24, 2021

With no proposed changes, Director Mays motioned to approve the Special Meeting Minutes for August 24, 2021. Director Shibles seconded the motion; motioned passed unanimously.

d) Review, discuss and revise District Bylaws

The Directors reviewed and discussed the proposed Bylaws.

3. OTHER DIRECTORS' ITEMS

a) Director Mays

Director Mays provided an update on the website (<https://ebertmd.colorado.gov/>). Mrs. Pilato will provide Director Mays with a list of frequently asked questions and the answers regarding the District.

b) Director Hawthorne

Debra Sedgeley from CliftonLarsonAllen (accounting firm) has sent over the draft 2022 budget. This is currently being reviewed by the Board of Directors and the Financial Operations Committee. Director Hawthorne anticipates having an update for the next Regular Meeting on October 26, 2021.

The Financial Operations Committee met last week and are reviewing the funding structure, documentation, and other such items to familiarize themselves with the operations of the Ebert Metropolitan District.

c) Director Woods

No updates to provide currently.

d) Director Shibles

No updates to provide currently.

4. REVIEW OF CHAT

Residents in attendance did not communicate any questions or concerns via chat during this meeting.

5. ADJOURNMENT

There was no further business to come before the Board of Directors. Upon a motion from Director Shibles, seconded by Director Hawthorne and carried unanimously, the meeting adjourned at 9:42 PM.

The next Regular Meeting is scheduled for Tuesday, October 26, 2021, at 7:00 PM.

The foregoing Meeting Minutes constitute an accurate account of the above reference proceedings and were approved by the Board of Directors of Ebert Metropolitan District.

For additional meeting details, please review the recording, which can be found on the website at: <https://ebertmd.colorado.gov/meetings>. Once on the site, select the year you would like and the "Video" link on the far right of the screen.

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Where any conflict exists between the provisions of these Bylaws and the district's Service Plan, existing enforceable agreements, federal, state or local law, such Service Plan, agreements and laws shall control.

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ARTICLE 1: INTRODUCTION

Purpose: These Bylaws ("Bylaws") are adopted by the Board of Directors ("Board") of the Ebert Metropolitan District (each Director a "Director" or "Board Member") in order to facilitate the conduct of District business, promote efficient operations, and set forth the District's code of conduct, ethics and ethical obligations, all to better serve the public.

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Any amendment to these Bylaws, except for scrivener errors, shall first be subject to legal review and opinion by the District's legal counsel prior to adoption.

ARTICLE 2: MISSION STATEMENT

The mission of the Board is to ensure the District fulfills its obligations to the public under its Service Plan and any active enforceable agreements to which it is a party, through fiscal responsibility, public accountability, public transparency and effective governance.

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In the interest of effective governance, the District expects its Directors to know and be competent in the business affairs associated with overseeing a multi-million dollar Metro District. To that end, the District shall pay up to \$1,000 toward any newly elected or appointed Director's training provided the training is completed within the first 12 months of the date of election or appointment. Appointees to terms of less than 12 months are not eligible for this training provision. District reserves the right to specify and approve the training content and training provider(s). Appointment "Terms" end on the date of the district's regularly scheduled Election Day (as per Colorado Revised Statutes).

ARTICLE 3: CONTRACTING AND PROCUREMENT

The District will take into consideration business equity when engaging contractors and entering into agreements for goods and services to encourage the participation of minority and women owned businesses in its contracting and procurement. Further, the District will support business

mentoring opportunities for interested minority and women owned businesses to help them gain skills necessary to successfully compete for district engagements and contracts in the future.

ARTICLE 4: PROTOCOLS AND GUIDELINES

a. Officers

The Board shall appoint from current Board Members as officers of the District a President, Secretary, and Treasurer. The Board may also appoint from current Board Members any number of Assistant Secretaries and Assistant Treasurers in the Board's discretion. The Board may appoint a non-Board Member engaged by the Board to manage the District's administrative affairs (the "**Manager**") to serve as Secretary or Assistant Secretary. Officers may be appointed by official Board action at any time, and Board Members may simultaneously serve in more than one office.

[Do you want a limit on officers term? You could require an election of officers yearly or otherwise if you choose. Do you want a VP – the statute only requires Pres, Sec and Treasurer but you can add that role if you choose]

b. Term Limits

In the interest of assuring continued diversification of District leadership and influence, no person may be elected to ~~service in excess of six (6)~~serve more than two consecutive years full terms. Eligibility for re-election resumes following ~~a 2 consecutive year period~~one full term break in Board service. This restriction does not prohibit a former Board member from service on a Board committee or service as a Consultant to the Board. ~~Where a partial term of service occurs as a result of a Board Appointment (see "Board Vacancies"), the partial term irrespective of duration shall be construed as a full term for purposes of determining length of Board service under this provision. This provision may be waived by Board's discretion to fill a Board vacancy.~~

[Per the statute, the term limits are based on full terms rather than number of years – this is an important distinction because of the switch occurring where the 2022 term will be 3 years. Changing term limits is allowed only by the voters. Partial terms due to appointments are not counted as full terms]

c. Calling Board Meetings

1. The Board shall meet regularly, once per quarter, or more frequently as determined by the Board. Scheduled board meeting planning shall take into consideration the periodic requirements of the Special District Compliance Calendar as published by Colorado Department

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of Local Affairs. ~~The District's "status" to the Compliance Calendar shall be a permanently recurring agenda item on each of the District's mandated four (4) Regularly scheduled meetings.~~

2. ~~Per CRS 32-1-903 (2)~~ "Special Meetings may be called by ~~ANY~~any Director by informing the other directors of the date, time and place of the special meeting, and the purpose for which it is called, and by providing notice in accordance with ~~section CRS 24-6-402, Colorado law.~~ All official business of the board shall be conducted only during regular or special meetings at which a quorum is present, and all said meetings shall be open to the public."

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3. All Board Members will be informed of the date, time, and place of all meetings. Public notice of meetings will be given as required by law. The Manager may give such additional notices of meetings as the Manager reasonably determines or as directed by the Board. Notices of meetings will include specific agenda information when possible.

d. Pre-meeting activities

1. Any Board Member, the Manager, or the District's legal counsel ("Legal Counsel") may ask the President or Manager to include an item for discussion and possible action on any meeting agenda. The President shall, if practicable, include the requested item on the agenda unless the request is made too late to be included on the agenda, or the item can be, or has been, resolved outside of a meeting.

2. Except in an emergency or for good cause, the request to add an agenda item is to be made at least 10 days prior to a meeting. Written requests are preferred. The addition of appropriate items to a "consent agenda," rather than a "discussion agenda" is encouraged.

3. Any and all agenda items requiring separate legal notice shall be specifically and separately identified in meeting agendas.

4. The Board, Manager, and Legal Counsel are discouraged from adding items to the agenda at the Board meeting ~~on the basis that failure to properly notice the public on District business may render such non-noticed actions as void. Nonetheless, the agenda may be modified at a meeting with the consent of the President or the Board. (Legal Counsel has advised that actions on certain items added to an agenda at or prior to the meeting without giving public notice can be void in some situations).~~

5. If possible, the Board packet is to be furnished to the Board at least 7 days before a regular meeting and at least 24 hours prior to a special meeting.

6. Potential conflicts of interest will be disclosed in advance of meetings and at meetings as provided by law.

7. To the extent possible, questions concerning agenda items by a Board Member should be addressed to the President or Manager prior to a meeting to avoid utilizing meeting time on questions that can be resolved without Board involvement.

8. Questions by a Board Member for the Manager, Legal Counsel or other consultants should be discussed with the President ~~or Legal Counsel~~ before the Board Member calls or emails Legal Counsel or other consultants whenever possible. The intent of this protocol is to avoid incurring unnecessary legal and consultant fees whenever possible.

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9. The Board strongly encourages discussions in Board committees, if any such committees are created. Any such committees are to make recommendations to the Board, and do not have decision making authority.

e. At Meetings

1. All Board Members are expected to attend all meetings.

2. All Board Members are expected to be on time for all meetings.

3. Board Members may attend a meeting by conference telephone, if necessary. Attendance by telephone should be arranged with the President and Manager (or their designee) in advance of a meeting to be sure the technical details of the conference call are prepared.

4. Once a quorum is present (in person or by phone *or by video conferencing*), the President may begin business as soon as the time of the meeting arrives. A majority of the Board then in office who are eligible to vote shall constitute a quorum.

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5. Discussion of items on the consent agenda is discouraged. Questions about the consent agenda should be directed to the President or Manager prior to the meeting. Items may be moved from the consent agenda to the discussion agenda by action of the Board.

6. Board Members, staff, and consultants will disclose potential conflicts of interest on an agenda item prior to the start of discussion on the particular item, shall not attempt to influence the Board concerning any vote on the item, and shall not vote on the item except as allowed by law. A person with a potential conflict may answer factual or technical questions concerning the matters involving the conflict.

7. Board Members are expected to be courteous and respectful to each other, constituents, staff, and consultants, and vice versa. Any Board Member may bring a perceived lack of courtesy or respect to the attention of the Board.

8. In the conduct of public meetings, the Board shall adhere to basic parliamentary procedure (i.e. Roberts Rules of Order) with respect to meeting conduct. Any Board Member, including the President, may make or second a motion. All motions shall be subject to discussion prior to voting. All motions are be subject to subsidiary motions. Any Director may make privileged and incidental motions. Generally, motions shall follow the process:

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1. [Board Packet – Board members shall familiarize with background information on each agenda item prior to scheduled meetings.]
2. Agenda Item
3. Public Comment*
4. Motion (all motions shall be in the form of a Question)
5. Second [if none, Chair states “There is no second, motion expires. Next agenda item.”]
6. Discussion – each Board member may speak. Chair specifically asks silent Board members if they wish to speak.
7. Respond to any subsidiary motion, if presented
8. Restate the Question
9. Vote – Chair states “All in Favor say Yes”; “Those Opposed say No”
10. Announce – Chair announces “The motion passes” or “The motion fails”
11. Public Comment*
12. Next agenda item – repeat at Step 2 above

* Where a Chat function exists in a webinar mode, it shall ~~not~~ be disabled.

[NOTE – You may want to reconsider the chat issue. Public comment is not intended to be an ongoing discussion between the public and the Board. You also normally do not want it inserted in every motion/vote. It is easier to manage if you have a designated public comment period at the beginning or end of the meeting (or both if you choose). The chat is also problematic because there is no good way to keep a record of it unless you read everything. If you were holding in person meetings you would not permit attendees to interrupt the meeting whenever they want to comment on something. See existing Appendix A]

9. Except as otherwise set forth herein, the affirmative vote of a majority of the Directors then in office who are eligible to vote and are present and voting at a meeting is sufficient to pass any

motion or resolution, with the exception of a motion to enter executive session, which by law requires at least a two-thirds vote of the quorum present. A motion or resolution loses on a tie vote.

10. Unless prohibited from voting on an item by law (*i.e.*, a conflict of interest exists and voting is prohibited), all Board Members (including the President) are to vote on all motions and resolutions, though abstentions are permitted. Proxy voting is not allowed.

11. Executive Session, Regular and Special Meetings shall adhere to CRS 24-6-402. Executive sessions shall strictly comply with CSR 24-6-402. The meeting Agenda shall clearly state the reason(s) justifying Executive Session and clearly state the topic(s) to be discussed. Audio recordings of District executive sessions shall be made and kept as required by the Colorado Open Meetings Law.

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f. After the Meeting

1. To the extent possible, staff and consultants who are present at the conclusion of a meeting shall make themselves available for questions from Board Members; however, no more than two Board Members shall participate in the same after-meeting discussion about official District business.

2. Board Members and others present in an executive session shall not disclose the contents of the discussions that take place in an executive session except to Board Members, as directed by the Board, or as required by law. The Board Members are aware that attorney-client privileged information shared between the Board Members and the District's legal counsel may no longer be considered privileged if such information is shared outside the District. Disclosure of the content of the discussion of an executive session in contravention of this provision may be a breach of the Board Members' duty to the District.

3. Following each District meeting, District staff shall prepare written minutes of the meeting proceedings for review and approval by the Board at a subsequent meeting. Board Members are to review the minutes of each Board meeting to confirm that any motions and resolutions adopted by the Board and the minutes are in substantial compliance with the intent of the Board. (The intent of this protocol is to encourage the Board to review the minutes and check to be sure the records are accurate. The "substantial compliance" standard is intended to avoid having to state motions with painful precision at the meeting and to allow editing of a motion for clarity). Draft minutes shall be made available to the public no later than four weeks after each District meeting. The approved, written minutes of District meetings shall constitute the official record of proceedings of the Board.

g. Protocols Unrelated to Meetings

1. The Manager is the spokesperson for the District. Board Members and others are strongly encouraged to direct questions from the community and the media to the Manager for response.
2. Board Members owe a duty of loyalty to the District. Constructive examination and recommendations for the improvement of the District are encouraged. As the governing body of the District, Board Members are encouraged to be honest and positive about the District.
3. Board Members should encourage good staff and consultant morale and public relations.
4. Board Member comments about staff or consultants should be channeled through the President or Manager, especially negative comments.
5. Board Members, staff, and consultants should conduct themselves with professionalism.
6. All payments by the District to be made by check, draft or otherwise shall require the signature of at least two Board Members. The signatures required by this provision may be provided by reasonably secure electronic means.
7. The District may in its discretion implement and utilize computer software, online programs, electronic devices and other administrative management tools in order to facilitate the operation and administration of the District, including to carry out the administrative procedures set forth in these Bylaws; provided, any and all administrative management tools utilized by the District shall comply with applicable law, including but not limited to the Colorado Open Meetings Law and the Colorado Open Records Act.
8. **Directors shall not engage in any conduct that usurps Open Meeting laws. Examples of this include but are not limited to “consensus building”; the collaborating or shopping around of one’s ideas through one-on-one private conversations with individual directors to build consensus. Directors are expected to articulate, during meetings or through the preparation of persuasive written background material, provided to the ~~DM~~Manager for the Board Package for respective agenda items. The ~~DM~~Manager shall not serve as proxy to promote individual Director’s ideas. Directors shall include the District email repository (info@ebertmd.colorado.gov) by way of CC: on all email by and between individual Board members. This shall be a Read Only email address accessible to the public. It is the express expectation that all matters of public business take place in the public domain [i.e. assurance of transparency].**

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[Note – I am unclear on what this means. Do you mean the public can send email to this address or read what is stored in it? Compliance with Open Records retention policies is the manner in which documents including email should be stored]

h. Board Vacancies

Irrespective of the length of term remaining, and upon the occurrence of a board vacancy when greater than 6 months remain before the next regularly scheduled election results date (i.e the first Tuesday of May) , the Board shall complete all of the following within 60 calendar days of any board vacancy:

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1) *Using the results from the last regularly scheduled election, in order of the highest vote count, contact the respective original election candidate(s) and inquire as to their current interest in appointment to Ebert Metro District Board service, and*

2) *Where a “duly qualified, willing candidate” [re: CRS 32-1-905 (2)] affirms interest in appointment to Board Service, the candidate shall be informed of the duration of the said appointment and, upon agreement by the candidate, the Board shall appoint such candidate(s) to the vacant Board position(s). Appointed candidates shall confirm their appointment by execution of Oath of Office, and*

3) *When the number of vacancies exceeds the number of confirmed appointments pursuant to the above, the Board hereby directs the Manager to canvas the District for interested and qualified candidates by the most efficient means practical. Such canvassing correspondence shall:*

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a. *Prescribe a candidate response deadline of 20 calendar days from date of publication of the solicitation for candidates, and*

b. *Include, and be limited to, the identical request for candidate information used in the most recent regularly scheduled election.*

4) *The Board shall, within 1 week (7 calendar days) upon occurrence of a board vacancy, initiate the actions prescribed herein and shall complete the appointment process in no more than 60 calendar days from the effective date of vacancy. Upon failure to fill a vacancy from the pool of duly qualified, willing candidates, within the 60 day period herein prescribed, the Board shall defer to the City and County of Denver to make such appointment per CRS 32-1-905.*

5) *Members appointed to the Board under this provision shall have adjacent to their name in any official correspondence the word “Appointed” ...eg. Director John Doe (Appointed). Directors*

who were subject to the rigor of the public election process may, at their discretion, have the word “Elected” appear adjacent to their name in official correspondence and web postings.

6) The Board reserves the right to rescind the Appointment of any Director at any time “for cause”. The seriousness of such action requires, excepting the affected Director, the unanimous consent of the remaining Board of Directors. “For Cause” shall include but not be limited to failure to uphold the Oath of Office, lying, misrepresentation, criminal conduct, using one’s office to advance ideals incompatible with the State and Federal Constitutions, [We should discuss –the statute does not explicitly address this but once appointed, I believe the Director would be entitled to the protections of the vacancy statute which proscribes the circumstances which can create the vacancy. You could leave this in with the caveat that it may be construed as contrary to CO law if challenged]

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In accordance with CRS 32-1-905 “Vacancies”, the Board shall accept with immediate effect, any Board member’s resignation without regard to any express future effective date of such resignation. All resignations are effective immediately upon receipt by the Board or Manager and are irrevocable.

ARTICLE 5: CODE OF ETHICS

a. Introduction

The constituents of the District are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. The District adopts this Code of Ethics as part of these Bylaws to assure public confidence in local government and its effective and fair operation and to ensure that the District complies with all applicable State and local laws relating to conflicts of interest and ethics.

Integrity in government requires that decision-makers be independent, impartial, and accountable to those they serve, to that end, all Directors and staff of the District must carry out their duties in accordance with the following principles:

1. As public servants, Board Members are stewards of the public trust, entrusted with and responsible for the property and resources of the Members and shall carry out their duties for the benefit of the constituents of the District.
2. The constituents of the District expect and deserve their public servants to act with courtesy, impartiality, honesty, and openness in the performance of their duties.

3. The Board and all staff of the District must always perform their duties on behalf of the District with the best interests of the District mind, and not for any personal interest or for the interest of family, friends, or business and political associates. Directors should function as a whole Board. Issues should be brought to the attention of the Board as whole, rather than to individual Directors selectively. No provision herein shall be construed to be limiting or to limit any Director’s right to the exercise of their independence within the limits of current law and duties associated with their Office.

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4. Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence.

5. To gain and retain public confidence in government operations, the Board and all staff and consultants of the District must avoid even the appearance of impropriety.

b. Intent

The purpose of this Article is to provide the Board and all staff of the District the tools and resources necessary to conduct themselves in the most ethical and appropriate manner possible and to ensure that the District operates in accordance with its mission, governing principles, and values.

It is the intent of the District that the Board, Board Committee members ~~and~~ and all staff of the District adhere to high levels of ethical conduct and competence so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. The Board and all staff of the District should comply with both the letter and spirit of this Article and strive to avoid situations which create impropriety or the appearance of impropriety.

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c. Applicability

These Bylaws and this Article apply to the Board, Board committee members and all staff of the District. The provisions of these Bylaws and this Article shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, and Colorado Revised Statutes 24-18-101, *et seq.*

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d. Conflicts of Interest

No member of the Board or any staff of the District should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any

obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest, except as permitted by law.

1. Misappropriation of District Resources: No member of the Board or any staff of the District shall misappropriate to himself, herself or to others the property, services or other resources of the District for private purpose or other compensated non-governmental purposes.

2. Favoritism: The members of the Board and staff of the District shall guard against any relationship that creates conflicts of interest or which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion.

3. Improper Influence: The members of the Board and staff of the District should not act in a manner that creates by his or her conduct a reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.

4. Privileges or Exemptions: The members of the Board and staff of the District should not use or attempt to use his or her official position to secure privileges or exemptions for himself, herself or others.

5. Protection of Public Trust: The members of the Board and staff of the District should endeavor to pursue a course of conduct which will not raise suspicion among the members of the public that he or she is likely to be engaged in acts that are in violation of the public trust.

6. Official Actions: The members of the Board and staff of the District shall not take any direct or official action on any matter in which the Director, staff member or a relative or business associate has any substantial employment, contractual, or financial interest, and shall not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking, except as permitted by law.

7. Contracting & Transacting Business:

The members of the Board and staff of the District shall not, in their official or private capacity, offer for sale or sell goods or services to the District related to the operation or administration of the District. A waiver of this prohibition may be granted by the Board in its discretion where the circumstances clearly demonstrate that there is no conflict of interest or appearance of a conflict presented by the proposed sale to the District of goods or services related to the operation or administration of the District.

The members of the Board and staff of the District shall not, for their own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for the District.

The members of the Board and staff of the District should not engage in any transaction as representative or agent of the District with any relative, business associate, or business entity in which he or she has a direct or indirect financial interest, except as permitted by law.

8. **Personal Investments & Business Ventures:** The members of the Board and staff of the District should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest, except as permitted by law.

9. **Service on Other Metro District Boards:** Board members may not simultaneously serve on any other District board with which the Ebert Metro District has an active operating agreement, contract for services, an Inter-Governmental Agreement (IGA), or is in negotiations or intends to negotiate an IGA or contract for services with or in support of Ebert Metro District. Should an occasion arise where a Director serves on two or more boards where such agreements or negotiations occur, the affected Director shall immediately notify the Ebert Board of Directors.

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e. Confidential Information

The members of the Board and staff of the District shall not use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment, and may only use confidential information in the conduct of his or her official District duties, except as required or permitted by law.

f. Political Solicitations

1. The members of the Board and staff of the District shall not engage in political campaigning at District meetings or public hearings. The members of the Board and staff of the District shall not use public resources for political campaigning.

2. The members of the Board and staff of the District may in their private capacity give financial or other support to political parties and candidates for elected office, unless otherwise restricted.

3. The members of the Board and staff of the District shall not directly or indirectly compel or induce staff or a subordinate employee to make or promise to make any political contribution, whether by gift of money, service or other thing of value.

4. The members of the Board and staff of the District shall not make any employment recommendation or decision based on political affiliation, participation or contribution.

g. Hiring of Relatives

The purpose of this section is to avoid favoritism and the appearance of favoritism by officials or employees of the District where circumstances involving financial transactions of the District have the potential for ~~Conflicts of Interest as defined by CRS 24-50-117, conflicts of interest as proscribed by applicable Colorado Revised Statutes and City and County of Denver Ordinances.~~ "Relative" as used herein shall mean a spouse, domestic partner, fiancé/fiancée, parent(s), child(ren), brother(s), sister(s), aunt(s), uncle(s), grandparent(s), or grandchild(ren), including "in-law" and "step" relatives. The term "relative" also applies to any person who is a member of the household of an employee or Board member regardless of family relationship.

~~1. The members of the Board and staff of the District shall not appoint, hire, or advocate for the appointment or hiring of any person who is a relative of such members of the Board or staff of the District where there exists the potential for financial Cconflicts of Iinterest.~~

~~2. The members of the Board and staff of the District shall not participate directly or indirectly in the recruitment and selection process that involves a relative where there exists the potential for financial Cconflicts of Iinterest.~~

~~3. The members of the Board and staff of the District shall not directly or indirectly exercise supervisory, appointment or dismissal or disciplinary authority over any relative where there exists the potential for financial Cconflicts of Iinterest.~~

~~4. The members of the Board and staff of the District shall not audit, verify, receive or be entrusted with monies received or handled by a relative where there exists the potential for financial Cconflicts of Iinterest.~~

These Bylaws are adopted and effective the 13th day of November, 2019, and may be amended at any time by the Board.

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Appendix A: 7. – ADD all new section - “ f. In handling complaints from residents and property owners of the District, said complaints should be referred to the Manager. Board members should refrain from attempting to handle complaints without the involvement of the Manager.”

APPENDIX C: Board Committees

The Board may create, revise and dissolve standing or ad hoc committees at its sole discretion.

Service on District committees is voluntary and non-compensable. No employment relationship with the District is established by or through committee service.

Committee members are bound by the provisions of Article 5: Code of Ethics.

The Board may establish the composition and structure of any committee formed which will generally consist of at least: one (1) Board Director acting as the Committee Sponsor (who may also serve as Chairperson); a Chairperson; and, no fewer than two (2) members of the public (one of whom may also serve as the Chairperson) who shall be property owners within the District. ~~Additional committee~~ fulltime or part time committee members may consist of select subject-matter experts, consultants, or other credible Specialists.

All committees shall have at a minimum, a written Charter describing at least the following:

- *Committee Name and Type (Standing or Ad Hoc)*
- *Committee: Purpose, of Formation to include the Scope of Work, and Deliverables in S.M.A.R.T. terms:*
 - *Specific / Measurable / Achievable / Relevant / Time Limitations*
- *Staffing: Organization Structure (Roles/Titles)*
- *Desired Qualifications and Experience of committee members*
- *Available Resources*
- *Restrictions and/or specific limitation(s)*

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Standing committees shall present a report of their activities at the District's regularly scheduled meetings or more frequently at the Board's discretion.

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~~Where any conflict exists between the provisions of these Bylaws and the district's Service Plan, existing enforceable agreements, federal, state or local law, such Service Plan, agreements and laws shall control.~~

ARTICLE 1: INTRODUCTION

Purpose: These Bylaws ("Bylaws") are adopted by the Board of Directors ("Board") of the Ebert ~~Metro~~Metropolitan ~~politan~~District (each Director a "Director" or "Board Member") in order to facilitate the conduct of District business, promote efficient operations, and set forth the District's code of conduct, ~~ethics and ethical obligations~~, all to better serve the public.

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Where any conflict exists between the provisions of these Bylaws and the district's Service Plan, existing enforceable agreements, federal, state or local law, such Service Plan, agreements and laws shall control.

Any amendment to these Bylaws, except for scrivener errors, shall first be subject to legal review and opinion by the District's legal counsel prior to adoption.

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ARTICLE 2: MISSION STATEMENT

The mission of the Board is to ensure the District fulfills its obligations to the public under its Service Plan and any active enforceable agreements to which it is a party, through fiscal responsibility, public accountability, public transparency and effective governance.

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~~In the interest of effective governance, the District expects its Directors to know and be competent in the business affairs associated with overseeing a multi-million dollar MetroMetropolitan District. To that end, at its discretion and per the budget, the District will pay for training for any newly elected or appointed Director. To that end, the District shall pay up to \$1,000 toward any newly elected or appointed Director's training provided the training is completed within the first 12 months of the date of election or appointment. Appointees to terms of less than 12 months are not eligible for this training provision. District reserves the right to specify and approve the training content and training provider(s). Appointment "Terms" end on the date of the district's regularly scheduled Election Day (as per Colorado Revised Statutes).~~

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ARTICLE 3: CONTRACTING AND PROCUREMENT

~~The District will take into consideration business equity when engaging contractors and entering into agreements for goods and services to encourage the participation of minority and women owned businesses in its contracting and procurement. Further, the District will support business mentoring opportunities for interested minority and women owned businesses to help them gain skills necessary to successfully compete for district engagements and contracts in the future. The District will follow all applicable Federal, State, and local laws.~~

ARTICLE 4: PROTOCOLS AND GUIDELINES

a. Officers

The Board shall appoint from current Board Members as officers of the District a President, Secretary, and Treasurer. The Board may also appoint from current Board Members any number of ~~Assistant Co-~~Secretaries and ~~Assistant Co-~~Treasurers in the Board's discretion. The Board may appoint a non-Board Member engaged by the Board to manage the District's administrative affairs (the "**Manager**") to serve as Secretary or ~~Assistant Co-~~ Secretary. Officers may be appointed by official Board action at any time, and Board Members may simultaneously serve in more than one office.

~~Do you want a limit on officers term? You could require an election of officers yearly or otherwise if you choose. Do you want a VP – the statute only requires Pres, Sec and Treasurer but you can add that role if you choose.~~ In the interest of assuring continued diversification of District leadership and influence terms for officer roles will be reviewed and determined by the end of the second quarter following the election.

~~There shall be two four-year, and three two-year terms of service for office; to be determined after the election.~~

b. Term Limits

~~In the interest of assuring continued diversification of District leadership and influence, no person may be elected to **service in excess of six (6)** serve more than two consecutive **years**. full terms. Eligibility for re-election resumes following **a 2 consecutive year period** one full term break in Board service. This restriction does not prohibit a former Board member from service on a Board committee or service as a Consultant to the Board. **Where a partial term of service occurs as a result of a Board Appointment (see "Board Vacancies"), the partial term irrespective of**~~

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~~duration shall be construed as a full term for purposes of determining length of Board service under this provision. This provision may be waived by Board's discretion to fill a Board vacancy.~~

~~[Per the statute, the term limits are based on full terms rather than number of years — this is an important distinction because of the switch occurring where the 2022 term will be 3 years. Changing term limits is allowed only by the voters. Partial terms due to appointments are not counted as full terms.]~~

bc. Calling Board Meetings

1. The Board shall meet regularly, once per quarter, or more frequently as determined by the Board. Scheduled board meeting planning shall take into consideration the periodic requirements of the Special District Compliance Calendar as published by Colorado Department of Local Affairs. ~~The District's "status" to the Compliance Calendar shall be a permanently recurring agenda item on each of the District's mandated four (4) Regularly scheduled meetings.~~

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2. ~~Per CRS 32-1-903 (2)~~ "Special Meetings may be called by ~~ANY~~any Director by informing the other directors of the date, time and place of the special meeting, and the purpose for which it is called, and by providing notice in accordance with ~~section CRS 24-6-402, Colorado law~~. All official business of the board shall be conducted only during regular or special meetings at which a quorum is present, and all said meetings shall be open to the public."

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3. All Board Members will be informed of the date, time, and place of all meetings. Public notice of meetings will be given as required by law. The Manager may give such additional notices of meetings as the Manager reasonably determines or as directed by the Board. Notices of meetings will include specific agenda information when possible.

cd. Pre-meeting activities

1. Any Board Member, the Manager, or the District's legal counsel ("Legal Counsel") may ask the President or Manager to include an item for discussion and possible action on any meeting agenda. The President shall, if practicable, include the requested item on the agenda unless the request is made too late to be included on the agenda, or the item can be, or has been, resolved outside of a meeting.

2. Except in an emergency or for good cause, the request to add an agenda item is to be made at least 10 days prior to a meeting. Written requests are preferred. The addition of appropriate items to a "consent agenda," rather than a "discussion agenda" is encouraged.

3. Any and all agenda items requiring separate legal notice shall be specifically and separately identified in meeting agendas.

4. The Board, Manager, and Legal Counsel are discouraged from adding items to the agenda at the Board meeting on the basis that failure to properly notice the public on District business may render such non-noticed actions as void. ~~Nonetheless, the agenda may be modified at a meeting with the consent of the President or the Board. (Legal Counsel has advised that actions on certain items added to an agenda at or prior to the meeting without giving public notice can be void in some situations).~~

5. If possible, the Board packet is to be furnished to the Board at least ~~7~~seven days before a regular meeting and at least 24 hours prior to a special meeting.

6. Potential conflicts of interest will be disclosed in advance of meetings and at meetings as provided by law.

7. To the extent possible, questions concerning agenda items by a Board Member should be addressed to the President of the Board of Directors or Manager prior to a meeting to avoid utilizing meeting time on questions that can be resolved without Board involvement.

8. Questions by a Board Member for the Manager, Legal Counsel or other consultants should be discussed with the President of the Board of Directors ~~or Legal Counsel~~ before the Board Member calls or emails Legal Counsel or other consultants whenever possible. The intent of this protocol is to avoid incurring unnecessary legal and consultant fees whenever possible.

9. The Board strongly encourages discussions in Board committees, if any such committees are created. Any such committees are to make recommendations to the Board, and do not have decision making authority.

e. At Meetings

1. All Board Members are expected to attend all meetings.

2. All Board Members are expected to be on time for all meetings.

3. Board Members may attend a meeting by conference telephone, if necessary. Attendance by telephone should be arranged with the President of the Board Directors and Manager (or their designee) in advance of a meeting to be sure the technical details of the conference call are prepared.

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4. Once a quorum is present (in person or by phone *or by video conferencing*), the President may begin business as soon as the time of the meeting arrives. A majority of the Board then in office who are eligible to vote shall constitute a quorum.

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5. Discussion of items on the consent agenda is discouraged. Questions about the consent agenda should be directed to the President or Manager prior to the meeting. Items may be moved from the consent agenda to the discussion agenda by action of the Board.

6. Board Members, staff, and consultants will disclose potential conflicts of interest on an agenda item prior to the start of discussion on the particular item, shall not attempt to influence the Board concerning any vote on the item, and shall not vote on the item except as allowed by law. A person with a potential conflict may answer factual or technical questions concerning the matters involving the conflict.

7. Board Members are expected to be courteous and respectful to each other, constituents, staff, and consultants, and vice versa. Any Board Member may bring a perceived lack of courtesy or respect to the attention of the Board.

8. In the conduct of public meetings, the Board shall adhere to basic parliamentary procedure (i.e.g., Roberts Rules of Order) with respect to meeting conduct. Any Board Member, including the President, may make or second a motion. All motions shall be subject to discussion prior to voting. All motions are be subject to subsidiary motions. Any Director may make privileged and incidental motions. Generally, motions shall follow the process:

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a. [Board Packet – Board members shall familiarize with background information on each agenda item prior to scheduled meetings.]

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~~1.~~ Public Comment* - Items not on the agenda

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~~2.~~ b. Agenda Item

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~~3.~~~~1.~~ c. Public Comment* - Public Comment* - prior to a motion being made

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~~4.~~ d. Motion (all motions shall be in the form of a Question)

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~~5.~~ e. Second [if none, Chair states "There is no second, motion expires. Next agenda item."]

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~~6.~~~~2.~~ Discussion – each Board member may speak. Chair specifically asks silent Board members if they wish to speak.

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~~7.~~~~3.~~ Respond to any subsidiary motion, if presented

~~8.~~~~4.~~ Restate the Question

~~9.~~~~5.~~ Vote – Chair states "All in Favor say Yes"; "Those Opposed say No"

~~10.~~~~6.~~ Announce – Chair announces "The motion passes" or "The motion fails"

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~~11.7.~~ Public Comment*

~~12.8.~~ Next agenda item – repeat at Step 2 above

* Where a Chat function exists in a webinar mode, it shall notever be disabled.

~~[NOTE – You may want to reconsider the chat issue. Public comment is not intended to be an ongoing discussion between the public and the Board. You also normally do not want it inserted in every motion/vote. It is easier to manage if you have a designated public comment period at the beginning or end of the meeting (or both if you choose). The chat is also problematic because there is no good way to keep a record of it unless you read everything. If you were holding in person meetings you would not permit attendees to interrupt the meeting whenever they want to comment on something. See existing Appendix A]~~

9. Except as otherwise set forth herein, the affirmative vote of a majority of the Directors then in office who are eligible to vote and are present and voting at a meeting is sufficient to pass any motion or resolution, with the exception of a motion to enter executive session, which by law requires at least a two-thirds vote of the quorum present. A motion or resolution loses on a tie vote.

10. Unless prohibited from voting on an item by law (*i.e.*, a conflict of interest exists and voting is prohibited), all Board Members (including the President) are to vote on all motions and resolutions, though abstentions are permitted. Proxy voting is not allowed.

11. Executive Session, Regular and Special Meetings shall adhere to CRS 24-6-402. Executive sessions shall strictly comply with CSR 24-6-402. The meeting Agenda shall clearly state the reason(s) justifying Executive Session and clearly state the topic(s) to be discussed. Audio recordings of District executive sessions shall be made and kept as required by the Colorado Open Meetings Law.

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f. After the Meeting

1. To the extent possible, staff and consultants who are present at the conclusion of a meeting shall make themselves available for questions from Board Members; however, no more than two Board Members shall participate in the same after-meeting discussion about official District business.

2. Board Members and others present in an executive session shall not disclose the contents of the discussions that ~~take~~took place in an executive session except to Board Members, as directed

by the Board, or as required by law. The Board Members are aware that attorney-client privileged information shared between the Board Members and the District's legal counsel may no longer be considered privileged if such information is shared outside the District. Disclosure of the content of the discussion of an executive session in contravention of this provision may be a breach of the Board Members' duty to the District.

3. Following each District meeting, District staff shall prepare written minutes of the meeting proceedings for review and approval by the Board at a subsequent meeting. Board Members are to review the minutes of each Board meeting to confirm that any motions and resolutions adopted by the Board and the minutes are in substantial compliance with the intent of the Board. (The intent of this protocol is to encourage the Board to review the minutes and check to be sure the records are accurate. The "substantial compliance" standard is intended to avoid having to state motions with painful precision at the meeting and to allow editing of a motion for clarity). ~~Draft minutes shall be made available to the public no later than four weeks after each District meeting.~~ The approved, written minutes of District meetings shall constitute the official record of proceedings of the Board.

g. Protocols Unrelated to Meetings

1. The Manager is the spokesperson for the District. Board Members and others are strongly encouraged to direct questions from the community and the media to the Manager for response.
2. Board Members owe a duty of loyalty to the District. Constructive examination and recommendations for the improvement of the District are encouraged. As the governing body of the District, Board Members are encouraged to be honest and positive about the District.
3. Board Members should encourage good staff and consultant morale and public relations.
4. Board Member comments about staff or consultants should be channeled through the President or Manager, ~~especially negative comments.~~
5. Board Members, staff, and consultants should conduct themselves with professionalism.

6. Move training items from Article 2 – here: ~~In the interest of effective governance, the District expects its Directors to know and be~~

competent in the business affairs associated with overseeing a multi-million dollar MetroMetropolitan District. To that end, at its discretion and per the budget, the District will pay for training for any newly elected or appointed Director. District reserves the right to specify and approve the training content and training provider(s).

~~76. All payments by the District to be made by check, draft or otherwise shall require the signature of at least two Board Members. The signatures required by this provision may be provided by reasonably secure electronic means.~~

87. The District may in its discretion implement and utilize computer software, online programs, electronic devices and other administrative management tools in order to facilitate the operation and administration of the District, including to carry out the administrative procedures set forth in these Bylaws; provided, any and all administrative management tools utilized by the District shall comply with applicable law, including but not limited to the Colorado Open Meetings Law and the Colorado Open Records Act.

8. Directors shall not engage in any conduct that usurps Open Meeting laws. Examples of this include but are not limited to “consensus building”; the collaborating or shopping around of one’s ideas through one-on-one private conversations with individual directors to build consensus. Directors are expected to articulate, during meetings or through the preparation of persuasive written background material, provided to the **DMManager** for the Board Package for respective agenda items. The **DMManager** shall not serve as proxy to promote individual Director’s ideas. ~~Directors shall include the District email repository (info@ebertmd.colorado.gov) by way of CC: on all email by and between individual Board members. This shall be a Read-Only email address accessible to the public. It is the express expectation that all matters of public business take place in the public domain [i.e. assurance of transparency].~~

~~[Note – I am unclear on what this means. Do you mean the public can send email to this address or read what is stored in it? Compliance with Open Records retention policies is the manner in which documents including email should be stored.]~~

h. Board Vacancies

Irrespective of the length of term remaining, and upon the occurrence of a board vacancy when greater than 6 months remain before the next regularly scheduled election results date (i.e.g. the first Tuesday of May) , the Board shall complete all of the following within 60 calendar days of any board vacancy:

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1) Using the results from the last regularly scheduled election, in order of the highest vote count, contact the respective original election candidate(s) and inquire as to their current interest in appointment to Ebert ~~Metro~~Metropolitan District Board service, and

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2) Where a “duly qualified, willing candidate” [re: CRS 32-1-905 (2)] affirms interest in appointment to Board Service, the candidate shall be informed of the duration of the said appointment and, upon agreement by the candidate, the Board shall appoint such candidate(s) to the vacant Board position(s). Appointed candidates shall confirm their appointment by execution of Oath of Office, and

3) When the number of vacancies exceeds the number of confirmed appointments pursuant to the above, the Board hereby directs the Manager to canvas the District for interested and qualified candidates by the most efficient means practical. Such canvassing correspondence shall:

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a. Prescribe a candidate response deadline of 20 calendar days from date of publication of the solicitation for candidates, and

b. Include, and be limited to, the identical request for candidate information used in the most recent regularly scheduled election.

4) The Board shall, within 1 week (7 calendar days) upon occurrence of a board vacancy, initiate the actions prescribed herein and shall complete the appointment process in no more than 60 calendar days from the effective date of vacancy. Upon failure to fill a vacancy from the pool of duly qualified, willing candidates, within the 60 day period herein prescribed, the Board shall defer to the City and County of Denver to make such appointment per CRS 32-1-905.

~~5) Members appointed to the Board under this provision shall have adjacent to their name in any official correspondence the word “Appointed” ...eg. Director John Doe (Appointed). Directors who were subject to the rigor of the public election process may, at their discretion, have the word “Elected” appear adjacent to their name in official correspondence and web postings.~~

6) The Board reserves the right to rescind the Appointment of any Director at any time “for cause”. The seriousness of such action requires, excepting the affected Director, the unanimous consent of the remaining Board of Directors. “For Cause” shall include but not be limited to failure to uphold the Oath of Office, lying, misrepresentation, criminal conduct, using one’s office to advance ideals incompatible with the State and Federal Constitutions. [We should discuss –the statute does not explicitly address this but once appointed, I believe the Director would be entitled to the protections of the vacancy statute which proscribes the circumstances which can create the vacancy. You could leave this in with the caveat that it may be construed as contrary to CO law if challenged]. **MUST BE REVIEWED BY LEGAL. C.R.S 32-1-906 only applies for elected.**

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7) In accordance with CRS 32-1-905 "Vacancies", the Board shall accept with immediate effect, any Board member's resignation without regard to any express future effective date of such resignation. All resignations are effective immediately upon receipt by the Board or Manager of a written or verbal communication (emailed to the Board to document), and are irrevocable.

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ARTICLE 5: CODE OF ETHICS

a. Introduction

The constituents of the District are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. The District adopts this Code of Ethics as part of these Bylaws to assure public confidence in local government and its effective and fair operation and to ensure that the District complies with all applicable State and local laws relating to conflicts of interest and ethics.

Integrity in government requires that decision-makers be independent, impartial, and accountable to those they serve, to that end, all Directors and staff of the District must carry out their duties in accordance with the following principles:

1. As public servants, Board Members are stewards of the public trust, entrusted with and responsible for the property and resources of the Members and shall carry out their duties for the benefit of the constituents of the District.
2. The constituents of the District expect and deserve their public servants to act with courtesy, impartiality, honesty, and openness in the performance of their duties.
3. The Board and all staff of the District must always perform their duties on behalf of the District with the best interests of the District in mind, and not for any personal interest or for the interest of family, friends, or business and political associates. Directors should function as a whole Board. Issues should be brought to the attention of the Board as a whole, rather than to individual Directors selectively. No provision herein shall be construed to be limiting or to limit any Director's right to the exercise of their independence within the limits of current law and duties associated with their Office.
4. Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence.
5. To gain and retain public confidence in government operations, the Board and all staff and consultants of the District must avoid even the appearance of impropriety.

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b. Intent

The purpose of this Article is to provide the Board and all staff of the District the tools and resources necessary to conduct themselves in the most ethical and appropriate manner possible and to ensure that the District operates in accordance with its mission, governing principles, and values.

It is the intent of the District that the Board, Board Committee members ~~and~~ and all staff of the District adhere to high levels of ethical conduct and competence so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. The Board and all staff of the District should comply with both the letter and spirit of this Article and strive to avoid situations which create impropriety or the appearance of impropriety.

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c. Applicability

These Bylaws and this Article apply to the Board, Board committee members and all staff of the District. The provisions of these Bylaws and this Article shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, and Colorado Revised Statutes 24-18-101, *et seq.*

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d. Conflicts of Interest

No member of the Board or any staff of the District should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest, except as permitted by law.

1. Misappropriation of District Resources: No member of the Board or any staff of the District shall misappropriate to himself, herself or to others the property, services or other resources of the District for private purpose or other compensated non-governmental purposes.
2. Favoritism: The members of the Board and staff of the District shall guard against any relationship that creates conflicts of interest or which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion.
3. Improper Influence: The members of the Board and staff of the District should not act in a manner that creates by his or her conduct a reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.

4. Privileges or Exemptions: The members of the Board and staff of the District should not use or attempt to use his or her official position to secure privileges or exemptions for himself, herself or others.

5. Protection of Public Trust: The members of the Board and staff of the District should endeavor to pursue a course of conduct which will not raise suspicion among the members of the public that he or she is likely to be engaged in acts that are in violation of the public trust.

6. Official Actions: The members of the Board and staff of the District shall not take any direct or official action on any matter in which the Director, staff member or a relative or business associate has any substantial employment, contractual, or financial interest, and shall not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking, except as permitted by law.

7. Contracting & Transacting Business:

The members of the Board and staff of the District shall not, in their official or private capacity, offer for sale or sell goods or services to the District related to the operation or administration of the District. A waiver of this prohibition may be granted by the Board in its discretion where the circumstances clearly demonstrate that there is no conflict of interest or appearance of a conflict presented by the proposed sale to the District of goods or services related to the operation or administration of the District.

The members of the Board and staff of the District shall not, for their own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for the District.

The members of the Board and staff of the District should not engage in any transaction as representative or agent of the District with any relative, business associate, or business entity in which he or she has a direct or indirect financial interest, except as permitted by law.

8. Personal Investments & Business Ventures: The members of the Board and staff of the District should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest, except as permitted by law.

9. Service on Other ~~Metro~~Metropolitan District Boards: Board members may not simultaneously serve on any other District board with which the Ebert ~~Metro~~Metropolitan District has an active

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operating agreement, contract for services, an Inter-Governmental Agreement (IGA), or is in negotiations or intends to negotiate an IGA or contract for services with or in support of Ebert ~~Metro~~Metropolitan, District. Should an occasion arise where a Director serves on two or more boards where such agreements or negotiations occur, the affected Director shall immediately notify the Ebert Board of Directors.

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e. Confidential Information

The members of the Board and staff of the District shall not use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment, and may only use confidential information in the conduct of his or her official District duties, except as required or permitted by law.

f. Political Solicitations

1. The members of the Board and staff of the District shall not engage in political campaigning at District meetings or public hearings. The members of the Board and staff of the District shall not use public resources for political campaigning.
2. The members of the Board and staff of the District may in their private capacity give financial or other support to political parties and candidates for elected office, unless otherwise restricted.
3. The members of the Board and staff of the District shall not directly or indirectly compel or induce staff or a subordinate employee to make or promise to make any political contribution, whether by gift of money, service or other thing of value.
4. The members of the Board and staff of the District shall not make any employment recommendation or decision based on political affiliation, participation or contribution.

g. Hiring of Relatives

The purpose of this section is to avoid favoritism and the appearance of favoritism by officials or employees of the District where circumstances involving financial transactions of the District have the potential for ~~Conflicts of Interest as defined by CRS 24-50-117,~~ conflicts of interest as proscribed by applicable Colorado Revised Statutes and City and County of Denver Ordinances. ~~—"Relative" as used herein shall mean a spouse, domestic partner, fiancé/fiancée, parent(s), child(ren), brother(s), sister(s), aunt(s), uncle(s), grandparent(s), or grandchild(ren), including "in law" and "step" relatives. The term "relative" also applies to any~~

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~~person who is a member of the household of an employee or Board member regardless of family relationship.~~

~~1. The members of the Board and staff of the District shall not appoint, hire, or advocate for the appointment or hiring of any person who is a relative of such members of the Board or staff of the District where there exists the potential for financial Conflicts of Interest.~~

~~2. The members of the Board and staff of the District shall not participate directly or indirectly in the recruitment and selection process that involves a relative where there exists the potential for financial Conflicts of Interest.~~

~~3. The members of the Board and staff of the District shall not directly or indirectly exercise supervisory, appointment or dismissal or disciplinary authority over any relative where there exists the potential for financial Conflicts of Interest.~~

~~4. The members of the Board and staff of the District shall not audit, verify, receive or be entrusted with monies received or handled by a relative where there exists the potential for financial Conflicts of Interest.~~

These Bylaws are adopted and effective the ~~13th-26th~~ day of ~~November~~October, ~~2019~~2021, and may be amended at any time by the Board.

Note: Replace "Metro " with "Metropolitan" – 10 changes in all

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Appendix A: 7. – ADD all new section - “ f. In handling complaints from residents and property owners of the District, said complaints should be referred to the Manager. Board members should refrain from attempting to handle complaints without the involvement of the Manager.”

APPENDIX C: Board Committees

The Board may create, revise and dissolve standing or ad hoc committees at its sole discretion.

Service on District committees is voluntary and non-compensable. No employment relationship with the District is established by or through committee service.

Committee members are bound by the provisions of Article 5: Code of Ethics.

The Board may establish the composition and structure of any committee formed which will generally consist of at least: one (1) Board Director acting as the Committee Sponsor (who may also serve as Chairperson); a Chairperson; and, no fewer than two (2) members of the public (one of whom may also serve as the Chairperson) who shall be property owners within the District. ~~Additional committee~~ fulltime or part time committee members may consist of select subject-matter experts, consultants, or other credible Specialists.

All committees shall have at a minimum, a written Charter describing at least the following:

- *Committee Name and Type (Standing or Ad Hoc)*
- *~~Committee: Purpose, of Formation to include the Scope of Work, and Deliverables in S.M.A.R.T. terms:~~*
 - *~~o -Specific / Measurable / Achievable / Relevant / Time Limitations~~*
- *Staffing: Organization Structure (Roles/Titles)*
- *Desired Qualifications and Experience of committee members*
- *Available Resources*
- *Restrictions and/or specific limitation(s)*

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Standing committees shall present a report of their activities at the District's regularly scheduled meetings or more frequently at the Board's discretion.

Ebert Metropolitan District Bylaws

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ARTICLE 1: INTRODUCTION

Purpose: These Bylaws ("Bylaws") are adopted by the Board of Directors ("Board") of the Ebert Metropolitan District (each Director a "Director" or "Board Member") in order to facilitate the conduct of District business, promote efficient operations, and set forth the District's code of conduct and ethical obligations, all to better serve the public.

Where any conflict exists between the provisions of these Bylaws and the district's Service Plan, existing enforceable agreements, federal, state or local law, such Service Plan, agreements and laws shall control.

Any amendment to these Bylaws, except for scrivener errors, shall first be subject to legal review and opinion by the District's legal counsel prior to adoption.

ARTICLE 2: MISSION STATEMENT

The mission of the Board is to ensure the District fulfills its obligations to the public under its Service Plan and any active enforceable agreements to which it is a party, through fiscal responsibility, public accountability, public transparency, and effective governance.

To that end, at its discretion and per the budget, the District will pay for training for any newly elected or appointed Director. District reserves the right to specify and approve the training content and training provider(s).

ARTICLE 3: CONTRACTING AND PROCUREMENT

The District will follow all applicable Federal, State, and local laws.

ARTICLE 4: PROTOCOLS AND GUIDELINES

a. Officers

The Board shall appoint from current Board Members as officers of the District a President, Secretary, and Treasurer. The Board may also appoint from current Board Members any number of Co-Secretaries and Co-Treasurers in the Board's discretion. The Board may appoint a non-Board Member engaged by the Board to manage the District's administrative affairs (the "***Manager***") to serve as Secretary or Co-Secretary. Officers may be appointed by official Board action at any time, and Board Members may simultaneously serve in more than one office.

In the interest of assuring continued diversification of District leadership and influence terms for officer roles will be reviewed and determined by the end of the second quarter following the election.

There shall be two four-year, and three two-year terms of service for office; to be determined after the election.

b. Calling Board Meetings

1. The Board shall meet regularly, once per quarter, or more frequently as determined by the Board. Scheduled board meeting planning shall take into consideration the periodic requirements of the Special District Compliance Calendar as published by Colorado Department of Local Affairs.
2. Special Meetings may be called by any Director by informing the other directors of the date, time and place of the special meeting, and the purpose for which it is called, and by providing notice in accordance with Colorado law. All official business of the board shall be conducted only during regular or special meetings at which a quorum is present, and all said meetings shall be open to the public.”
3. All Board Members will be informed of the date, time, and place of all meetings. Public notice of meetings will be given as required by law. The Manager may give such additional notices of meetings as the Manager reasonably determines or as directed by the Board. Notices of meetings will include specific agenda information when possible.

c. Pre-meeting activities

1. Any Board Member, the Manager, or the District's legal counsel ("Legal Counsel") may ask the President or Manager to include an item for discussion and possible action on any meeting agenda. The President shall, if practicable, include the requested item on the agenda unless the request is made too late to be included on the agenda, or the item can be, or has been, resolved outside of a meeting.
2. Except in an emergency or for good cause, the request to add an agenda item is to be made at least ten (10) days prior to a meeting. Written requests are preferred. The addition of appropriate items to a "consent agenda," rather than a "discussion agenda" is encouraged.
3. Any and all agenda items requiring separate legal notice shall be specifically and separately identified in meeting agendas.
4. The Board, Manager, and Legal Counsel are discouraged from adding items to the agenda at the Board meeting on the basis that failure to properly notice the public on District business may render such non-noticed actions as void.

5. If possible, the Board packet is to be furnished to the Board at least seven days before a regular meeting and at least 24 hours prior to a special meeting.
6. Potential conflicts of interest will be disclosed in advance of meetings and at meetings as provided by law.
7. To the extent possible, questions concerning agenda items by a Board Member should be addressed to the President of the Board of Directors or Manager prior to a meeting to avoid utilizing meeting time on questions that can be resolved without Board involvement.
8. Questions by a Board Member for the Manager, Legal Counsel or other consultants should be discussed with the President of the Board of Directors before the Board Member calls or emails Legal Counsel or other consultants whenever possible. The intent of this protocol is to avoid incurring unnecessary legal and consultant fees whenever possible.
9. The Board strongly encourages discussions in Board committees, if any such committees are created. Any such committees are to make recommendations to the Board, and do not have decision making authority.

e. At Meetings

1. All Board Members are expected to attend all meetings.
2. All Board Members are expected to be on time for all meetings.
3. Board Members may attend a meeting by conference telephone, if necessary. Attendance by telephone should be arranged with the President of the Board Directors and Manager (or their designee) in advance of a meeting to be sure the technical details of the conference call are prepared.
4. Once a quorum is present (in person or by phone *or by video conferencing*), the President may begin business as soon as the time of the meeting arrives. A majority of the Board then in office who are eligible to vote shall constitute a quorum.
5. Discussion of items on the consent agenda is discouraged. Questions about the consent agenda should be directed to the President or Manager prior to the meeting. Items may be moved from the consent agenda to the discussion agenda by action of the Board.
6. Board Members, staff, and consultants will disclose potential conflicts of interest on an agenda item prior to the start of discussion on the particular item, shall not attempt to influence the Board concerning any vote on the item, and shall not vote on the item except as allowed by law. A person with a potential conflict may answer factual or technical questions concerning the matters involving the conflict.

7. Board Members are expected to be courteous and respectful to each other, constituents, staff, and consultants, and vice versa. Any Board Member may bring a perceived lack of courtesy or respect to the attention of the Board.

8. In the conduct of public meetings, the Board shall adhere to basic parliamentary procedure (e.g., Roberts Rules of Order) with respect to meeting conduct. Any Board Member, including the President, may make or second a motion. All motions shall be subject to discussion prior to voting. All motions are subject to subsidiary motions. Any Director may make privileged and incidental motions. Generally, motions shall follow the process:

- a) [Board Packet – Board members shall familiarize with background information on each agenda item prior to scheduled meetings.]
- b) Public Comment* - Items not on the agenda
- c) Agenda Item
- d) Public Comment* - prior to a motion being made
- e) Motion (all motions shall be in the form of a Question)
- f) Second [if none, Chair states “There is no second, motion expires. Next agenda item.”]
- g) Discussion – each Board member may speak. Chair specifically asks silent Board members if they wish to speak.
- h) Respond to any subsidiary motion, if presented
- i) Restate the Question
- j) Vote – Chair states “All in Favor say Yes”; “Those Opposed say No”
- k) Announce – Chair announces “The motion passes” or “The motion fails”
- l) Next agenda item – repeat at Step above

* Where a Chat function exists in a webinar mode, it shall not be disabled.

9. Except as otherwise set forth herein, the affirmative vote of a majority of the Directors then in office who are eligible to vote and are present and voting at a meeting is sufficient to pass any motion or resolution, with the exception of a motion to enter executive session, which by law requires at least a two-thirds vote of the quorum present. A motion or resolution loses on a tie vote.

10. Unless prohibited from voting on an item by law (*i.e.*, a conflict of interest exists and voting is prohibited), all Board Members (including the President) are to vote on all motions and resolutions, though abstentions are permitted. Proxy voting is not allowed.

11. Executive Session, Regular and Special Meetings shall adhere to CRS 24-6-402. Executive sessions shall strictly comply with CSR 24-6-402. The meeting Agenda shall clearly state the reason(s) justifying Executive Session and clearly state the topic(s) to be discussed. Audio recordings of District executive sessions shall be made and kept as required by the Colorado Open Meetings Law.

f. After the Meeting

1. To the extent possible, staff and consultants who are present at the conclusion of a meeting shall make themselves available for questions from Board Members; however, no more than two Board Members shall participate in the same after-meeting discussion about official District business.
2. Board Members and others present in an executive session shall not disclose the contents of the discussions that took place in an executive session except to Board Members, as directed by the Board, or as required by law. The Board Members are aware that attorney-client privileged information shared between the Board Members and the District's legal counsel may no longer be considered privileged if such information is shared outside the District. Disclosure of the content of the discussion of an executive session in contravention of this provision may be a breach of the Board Members' duty to the District.
3. Following each District meeting, District staff shall prepare written minutes of the meeting proceedings for review and approval by the Board at a subsequent meeting. Board Members are to review the minutes of each Board meeting to confirm that any motions and resolutions adopted by the Board and the minutes are in substantial compliance with the intent of the Board. (The intent of this protocol is to encourage the Board to review the minutes and check to be sure the records are accurate. The "substantial compliance" standard is intended to avoid having to state motions with painful precision at the meeting and to allow editing of a motion for clarity). The approved, written minutes of District meetings shall constitute the official record of proceedings of the Board.

g. Protocols Unrelated to Meetings

1. The Manager is the spokesperson for the District. Board Members and others are strongly encouraged to direct questions from the community and the media to the Manager for response.
2. Board Members owe a duty of loyalty to the District. Constructive examination and recommendations for the improvement of the District are encouraged. As the governing body of the District, Board Members are encouraged to be honest and positive about the District.
3. Board Members should encourage good staff and consultant morale and public relations.
4. Board Member comments about staff or consultants should be channeled through the President or Manager,
5. Board Members, staff, and consultants should conduct themselves with professionalism.
6. Move training items from Article 2 – here: In the interest of effective governance, the District expects its Directors to know and be competent in the business affairs associated with overseeing a multi-million-dollar Metropolitan District. To that end, at its discretion and per the budget, the

District will pay for training for any newly elected or appointed Director. District reserves the right to specify and approve the training content and training provider(s).

7. The District may in its discretion implement and utilize computer software, online programs, electronic devices and other administrative management tools in order to facilitate the operation and administration of the District, including to carry out the administrative procedures set forth in these Bylaws; provided, any and all administrative management tools utilized by the District shall comply with applicable law, including but not limited to the Colorado Open Meetings Law and the Colorado Open Records Act.

8. Directors shall not engage in any conduct that usurps Open Meeting laws. Examples of this include but are not limited to “consensus building”; the collaborating or shopping around of one’s ideas through one-on-one private conversations with individual directors to build consensus. Directors are expected to articulate, during meetings or through the preparation of persuasive written background material, provided to the Manager for the Board Package for respective agenda items. The Manager shall not serve as proxy to promote individual Director’s ideas.

h. Board Vacancies

Irrespective of the length of term remaining, and upon the occurrence of a board vacancy when greater than 6 months remain before the next regularly scheduled election results date (e.g. the first Tuesday of May), the Board shall complete all of the following within 60 calendar days of any board vacancy:

1) Using the results from the last regularly scheduled election, in order of the highest vote count, contact the respective original election candidate(s) and inquire as to their current interest in appointment to Ebert Metropolitan District Board service, and

2) Where a “duly qualified, willing candidate” [re: CRS 32-1-905 (2)] affirms interest in appointment to Board Service, the candidate shall be informed of the duration of the said appointment and, upon agreement by the candidate, the Board shall appoint such candidate(s) to the vacant Board position(s). Appointed candidates shall confirm their appointment by execution of Oath of Office, and

3) When the number of vacancies exceeds the number of confirmed appointments pursuant to the above, the Board hereby directs the Manager to canvas the District for interested and qualified candidates by the most efficient means practical. Such canvassing correspondence shall:

- a) Prescribe a candidate response deadline of 20 calendar days from date of publication of the solicitation for candidates, and
- b) Include, and be limited to, the identical request for candidate information used in the most recent regularly scheduled election.

4) The Board shall, within 1 week (7 calendar days) upon occurrence of a board vacancy, initiate the actions prescribed herein and shall complete the appointment process in no more than 60 calendar days from the effective date of vacancy. Upon failure to fill a vacancy from the pool of duly qualified, willing candidates, within the 60-day period herein prescribed, the Board shall defer to the City and County of Denver to make such appointment per CRS 32-1-905.

6) The Board reserves the right to rescind the Appointment of any Director at any time “for cause”. The seriousness of such action requires, excepting the affected Director, the unanimous consent of the remaining Board of Directors. “For Cause” shall include but not be limited to failure to uphold the Oath of Office, lying, misrepresentation, criminal conduct, using one’s office to advance ideals incompatible with the State and Federal Constitutions.

7) In accordance with CRS 32-1-905 “Vacancies”, the Board shall accept with immediate effect, any Board member’s resignation without regard to any express future effective date of such resignation. All resignations are effective immediately upon receipt by the Board or Manager of a written or verbal communication (emailed to the Board to document) and are irrevocable.

ARTICLE 5: CODE OF ETHICS

a. Introduction

The constituents of the District are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. The District adopts this Code of Ethics as part of these Bylaws to assure public confidence in local government and its effective and fair operation and to ensure that the District complies with all applicable State and local laws relating to conflicts of interest and ethics.

Integrity in government requires that decision-makers be independent, impartial, and accountable to those they serve, to that end, all Directors and staff of the District must carry out their duties in accordance with the following principles:

1. As public servants, Board Members are stewards of the public trust, entrusted with and responsible for the property and resources of the Members and shall carry out their duties for the benefit of the constituents of the District.
2. The constituents of the District expect and deserve their public servants to act with courtesy, impartiality, honesty, and openness in the performance of their duties.
3. The Board and all staff of the District must always perform their duties on behalf of the District with the best interests of the District in mind, and not for any personal interest or for the interest of family, friends, or business and political associates. Directors should function as a whole Board. Issues should be brought to the attention of the Board as a whole, rather than to individual Directors

selectively. No provision herein shall be construed to be limiting or to limit any Director's right to the exercise of their independence within the limits of current law and duties associated with their Office.

4. Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence.
5. To gain and retain public confidence in government operations, the Board and all staff and consultants of the District must avoid even the appearance of impropriety.

b. Intent

The purpose of this Article is to provide the Board and all staff of the District the tools and resources necessary to conduct themselves in the most ethical and appropriate manner possible and to ensure that the District operates in accordance with its mission, governing principles, and values.

It is the intent of the District that the Board, Board Committee members and all staff of the District adhere to high levels of ethical conduct and competence so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. The Board and all staff of the District should comply with both the letter and spirit of this Article and strive to avoid situations which create impropriety or the appearance of impropriety.

c. Applicability

These Bylaws and this Article apply to the Board, Board committee members and all staff of the District. The provisions of these Bylaws and this Article shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, and Colorado Revised Statutes 24-18-101, *et seq.*

d. Conflicts of Interest

No member of the Board or any staff of the District should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest, except as permitted by law.

1. Misappropriation of District Resources: No member of the Board or any staff of the District shall misappropriate to himself, herself or to others the property, services or other resources of the District for private purpose or other compensated non-governmental purposes.

2. Favoritism: The members of the Board and staff of the District shall guard against any relationship that creates conflicts of interest or which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion.
3. Improper Influence: The members of the Board and staff of the District should not act in a manner that creates by his or her conduct a reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
4. Privileges or Exemptions: The members of the Board and staff of the District should not use or attempt to use his or her official position to secure privileges or exemptions for himself, herself or others.
5. Protection of Public Trust: The members of the Board and staff of the District should endeavor to pursue a course of conduct which will not raise suspicion among the members of the public that he or she is likely to be engaged in acts that are in violation of the public trust.
6. Official Actions: The members of the Board and staff of the District shall not take any direct or official action on any matter in which the Director, staff member or a relative or business associate has any substantial employment, contractual, or financial interest, and shall not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking, except as permitted by law.
7. Contracting & Transacting Business: The members of the Board and staff of the District shall not, in their official or private capacity, offer for sale or sell goods or services to the District related to the operation or administration of the District. A waiver of this prohibition may be granted by the Board in its discretion where the circumstances clearly demonstrate that there is no conflict of interest or appearance of a conflict presented by the proposed sale to the District of goods or services related to the operation or administration of the District.

The members of the Board and staff of the District shall not, for their own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for the District.

The members of the Board and staff of the District should not engage in any transaction as representative or agent of the District with any relative, business associate, or business entity in which he or she has a direct or indirect financial interest, except as permitted by law.

8. Personal Investments & Business Ventures: The members of the Board and staff of the District should not acquire or hold an interest in any business or undertaking which he or she has reason to

believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest, except as permitted by law.

9. Service on Other Metropolitan District Boards: Board members may not simultaneously serve on any other District board with which the Ebert Metropolitan District has an active operating agreement, contract for services, an Inter-Governmental Agreement (IGA), or is in negotiations or intends to negotiate an IGA or contract for services with or in support of Ebert Metropolitan District. Should an occasion arise where a Director serves on two or more boards where such agreements or negotiations occur, the affected Director shall immediately notify the Ebert Board of Directors.

e. Confidential Information

The members of the Board and staff of the District shall not use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment, and may only use confidential information in the conduct of his or her official District duties, except as required or permitted by law.

f. Political Solicitations

1. The members of the Board and staff of the District shall not engage in political campaigning at District meetings or public hearings. The members of the Board and staff of the District shall not use public resources for political campaigning.
2. The members of the Board and staff of the District may in their private capacity give financial or other support to political parties and candidates for elected office, unless otherwise restricted.
3. The members of the Board and staff of the District shall not directly or indirectly compel or induce staff or a subordinate employee to make or promise to make any political contribution, whether by gift of money, service, or other thing of value.
4. The members of the Board and staff of the District shall not make any employment recommendation or decision based on political affiliation, participation, or contribution.

g. Hiring of Relatives

The purpose of this section is to avoid favoritism and the appearance of favoritism by officials or employees of the District where circumstances involving financial transactions of the District have the potential for conflicts of interest as proscribed by applicable Colorado Revised Statutes and City and County of Denver Ordinances.

These Bylaws are adopted and effective the 26th day of October 2021 and may be amended at any time by the Board.

APPENDIX A....EBERT METROPOLITAN DISTRICT PUBLIC COMMUNICATION AND COMMENT POLICY

Meetings of the Board of Directors of the Ebert Metropolitan District are conducted in accordance with the Colorado Sunshine Law as set out in Section 24-6-402, C.R.S. Accordingly, other than those portions of meetings that are held in Executive Session, Board meetings are open to the public, and anyone may attend in order to observe the proceedings.

At all times during all District meetings, all Directors, District staff, speakers, and members of the public in attendance are expected to act in a courteous and respectful manner. Offensive, intimidating, threatening, or other extreme behavior that disrupts the District's public meetings will not be allowed or tolerated.

In order to provide a fair opportunity to every person who desires to address the Board of Directors, the Board has adopted the following policy and procedures regarding public comment:

1. The Board shall include near the end of the agenda for every regular meeting of the Board a period for public comment. The total time allotted for public comment may be established by the Board President at each meeting in order to conduct efficient and timely meetings.
2. Any individual in attendance at a regular meeting shall be permitted to provide public comment consistent with this policy.
3. All members of the public in attendance at Board meetings may be asked to sign into the meeting by providing their full name and property address, but doing so will not be mandatory.
4. In support of the open meeting character of Board meetings, and to insure that the minutes accurately identify individuals who make comments, all speakers will be asked to begin by stating their name and address. A general description of the speaker's residence may be given in place of a specific address to be considerate of the speaker's privacy.
5. Each speaker may take up to three minutes to make his or her comments. This time constraint may be modified by the Board President to be fewer than three minutes if there are a large number of persons wishing to speak, but all speakers will be afforded the same amount of time. Speakers will be advised when they have thirty seconds remaining. Speakers may not share their allotted time.
6. Speakers are expected to present their comments in a respectful and courteous manner.

Direct personal insults, threats or other extreme behavior that disrupts public meetings will not be tolerated.

7. The Board of Directors acts as a body. Given the corporate nature of the Board:
 - a. Speakers are not to address individual Directors during the public comment period. Comments are to be addressed to the Board as a whole.
 - b. This is the time for members of the public to express their views in order to inform the Board of Directors on issues of their concern. The Board will not engage in dialogue during this comment period and may instead refer specific questions to District staff or counsel for investigation and response at a later date.
 - c. Individual Directors will not engage individual speakers in dialogue nor ask or answer questions during public comment, with the following exception: at the request of any Director, the President of the Board may allow questions from Directors to speakers for purposes of clarification.
 - d. Speakers are asked to understand that specific questions cannot be answered in dialogue format by the Board of Directors. Acting as a Board, and only as a Board, the Directors will consider comments and questions, and may direct staff members to provide information. The Board may discuss matters raised by members of the public following public comment.
 - e. No Board action shall be taken during or after the public comment portion of the meeting on issues raised by the public unless specific circumstances warrant action, as determined by the Board.
 - f. In handling complaints from residents and property owners of the District, said complaints should be referred to the Manager. Board members should refrain from attempting to handle complaints without the involvement of the Manager

APPENDIX B....EBERT METROPOLITAN DISTRICTSOCIAL MEDIA POLICY

1. **Purpose.** The purpose of this policy is to describe the manner in which individual board members of the Ebert Metropolitan District ("District Board Members") are authorized to use social media in their official capacities as District Board Members of Ebert Metropolitan District (the "District") and to set forth the rules and limitations that govern such use.

2. **Scope.** This policy applies to use of social media by any District Board Member when that social media use is in his or her official capacity as a District Board Member. This policy is intended to protect the rights of the public in its ability to access public forums, and to ensure that the District is able to comply with its requirements under the laws of the State of Colorado and the United States of America.

3. **Definitions.**

a. **Account:** A District Board Member's presence on social media either through an official District media account, or otherwise in the District Board Member's official capacity as a District Board Member.

b. **Personal Use:** A District Board Member's use of social media that does not make use of his or her District Board Member email address, position, title, or official capacity.

c. **Personally Identifiable Information:** Information that can be used to distinguish or trace an individual's identity, such as date and place of birth, personal addresses or telephone numbers, social security number, driver's license number, or records that contain genetic, medical, or psychological data or information. Personally identifiable information also includes personal financial information and other information maintained because of reasons pursuant to Section 24-72-202, C.R.S. For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

d. **Social Media:** Social media websites and platforms create and foster online social communities for a specific purpose and connect users from various locations and interest areas. These websites and platforms offer many different ways for users to interact with one another, such as instant messaging, blogging and commenting, microblogging, events, status updates, online communities, discussion forums, message boards, podcasts, website link sharing, wikis, video conferencing, and sharing photos and videos. The District acknowledges that this type of technology changes rapidly and,

therefore, this list is intended to be illustrative rather than comprehensive, and this definition should in no way be construed to limit the applicability of this policy.

4. Official District Website

The District's official website shall be the District's only official online and social mediapresence.

5. Limitations on Use of Social Media.

a. Social Media Accounts. District Board Members shall not establish, operate, maintain or use any social media accounts in their official capacity as District Board Members other than in accordance with this policy. Any social media accounts created, operated, maintained or used by a District Board Member for the purpose of conducting District related business, including, without limitation District communication, that is not operated, maintained or used in compliance with this policy, shall be considered as having been undertaken, maintained and used outside of his or her official capacity as a District Board Members, therefore, the District shall bear no responsibility for what transpires on, or because of, those accounts.

b. Separate Accounts. Any social media account established, operated, maintained or used by a District Board Member in his or her official capacity must be separate and distinct from his or her personal social media accounts.

c. District Created Accounts. The District does not currently create, operate or maintain social media accounts for the use of District Board Members in their official capacity. If the District does create, operate or maintain such accounts in the future, all such accounts created are the property of the District; therefore, those District Board Members utilizing such accounts must provide the District with all information required to access those accounts, such as user names, passwords, and the like. District Board Members who exceed their authorization or who violate this Policy may have their privileges to use such accounts revoked.

d. First Amendment Protection. Neither the District, nor District Board Members may restrict any person's ability to view or post comments on social media pages that are maintained or operated in a District Board Member's official capacity, based in any way, upon the viewpoint of that person or the content of that person's speech.

e. No Expectation of Privacy. All participation in social media by District Board Members in their official capacity may be open to public inspection in accordance with the Colorado Open Records Law (C.R.S. § 24-72-101 *et seq.*), and District Board Members do not have an expectation of privacy concerning such participation. The District may monitor all use of such accounts and require removal of any content that violates any law.

f. District Board Member to District Board Member Discussion. In order to assure compliance with the Colorado Open Meetings Law (C.R.S. § 24-6-402 *et seq.*), District Board Members shall refrain from engaging in discussions with other District Board Members through social media, including personal social media accounts, regarding District business.

g. Confidentiality. District Board Members shall not, when acting on social media in their official capacity, post or release proprietary, confidential, sensitive, or personally identifiable information.

h. Personal Use of Social Media Outside of District Board Member's official capacity.

1. District Board Members who engage in personal use of social media outside of their official capacity may not use trademark, logo, or other identifying information relating to the District.

2. District Board Members may not speak as a representative of the District in the course of their personal use of social media.

3. District Board Members are not prohibited from identifying themselves as holding the office of District Board Member, however, in cases where a District Board Member's personal use of social media may be perceived as being on behalf of the District, such as if a District Board Member identifies themselves as a District Board Member or when a District Board Member is addressing a matter that concerns the District, the District Board Member shall include a visible disclaimer on their account to inform other users that their opinions are their own and do not represent those of the District, such as "The postings on this site are my own and do not necessarily represent the District's positions or opinions."

5. Requirements for Official Capacity Use of Social Media by District Board Members. District Board Members who participate in social media in their official capacities shall abide by the following requirements:

a. District Board Members are required to read and understand the Terms of Service and any other policies established by social media websites and platforms. District Board Members are expected to stay current regarding any changes to these terms and policies.

b. District Board Members must identify themselves by name and position title and use their District email address, as applicable, when participating in social media websites or platforms in their official capacities. Such accounts shall be clearly designated as "official capacity" accounts.

c. District Board Members may not claim to speak on behalf of the District when participating in social media, unless authorized to do so by the District.

d. Online statements by District Board Members in their official capacities shall be respectful, legal, and ethical. False and defamatory statements are not permitted, and District Board Members making such statements may have their privileges to use District established accounts revoked.

e. District Board Members using social media in their official capacities shall not use ethnic slurs, profanity, or personal insults.

f. District Board Members using social media in their official capacities are prohibited from posting, using, or otherwise infringing upon material that is copyrighted or trademarked by third parties. In addition, District Board Members using social media in their official capacities are required to credit other authors for borrowed content and to protect the intellectual property of others.

APPENDIX C....BOARD COMMITTEES

The Board may create, revise and dissolve standing or ad hoc committees at its sole discretion.

Service on District committees is voluntary and non-compensable. No employment relationship with the District is established by or through committee service.

Committee members are bound by the provisions of Article 5: Code of Ethics.

The Board may establish the composition and structure of any committee formed which will generally consist of at least: one (1) Board Director acting as the Committee Sponsor (who may also serve as Chairperson); a Chairperson; and, no fewer than two (2) members of the public (one of whom may also serve as the Chairperson) who shall be property owners within the District. Fulltime or part time committee members may consist of select subject-matter experts, consultants, or other credible Specialists.

All committees shall have at a minimum, a written Charter describing at least the following:

- Committee Name and Type (Standing or Ad Hoc)
- Committee: Purpose, Scope of Work, and Deliverables in S.M.A.R.T. terms:
 - Specific / Measurable / Achievable / Relevant / Time Limitations
- Staffing: Organization Structure (Roles/Titles)
- Desired Qualifications and Experience of committee members
- Available Resources
- Restrictions and/or specific limitation(s)

Standing committees shall present a report of their activities at the District's regularly scheduled meetings or more frequently at the Board's discretion.

EBERT METROPOLITAN DISTRICT
Annual Budget
For the Year Ending December 31, 2022

**EBERT METROPOLITAN DISTRICT
SUMMARY
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,**

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
BEGINNING FUND BALANCES	\$ 9,740,896	\$ 9,707,185	\$ 9,736,423	\$ 9,698,186	\$ 9,186,463
REVENUE					
Property taxes	8,067,414	8,193,258	8,131,631	8,193,258	8,207,303
Specific ownership tax	419,620	409,660	252,107	447,160	410,360
Net investment income	69,794	47,420	6,134	10,500	10,075
Other revenue - landscape maintenance reimbursement	19,469	-	-	-	-
Town Center transfer for capital replacement	-	555,000	-	-	-
Conservation trust fund proceeds	57,785	55,000	36,013	55,000	57,000
Town Center Reimbursement for legal	31,230	25,000	12,165	25,000	25,000
Total revenue	8,665,312	9,285,338	8,438,050	8,730,918	8,709,738
TRANSFERS IN	-	-	-	-	-
Total funds available	18,406,208	18,992,523	18,174,473	18,429,104	17,896,202
EXPENDITURES					
General					
Legal	31,230	25,000	12,165	25,000	25,000
Services Outlay - Town Center	2,372,032	2,375,566	2,284,959	2,386,216	2,551,060
Elections	-	5,000	-	-	15,000
County Treasurer's fees	80,680	81,931	81,341	81,931	82,074
Paying agent and trustee fees	3,500	4,000	3,500	3,500	4,000
Debt service - 2018A-1	4,444,250	4,676,000	1,978,000	4,676,000	4,890,000
Debt service - 2018A-2	848,800	884,050	374,525	884,050	922,300
CTF projects	20,000	156,867	-	50,000	126,252
Capital expenditures approved by Ebert	869,293	1,475,397	651,235	1,130,000	373,212
Contingency	-	15,953	-	5,944	18,066
Total expenditures	8,669,785	9,699,764	5,385,725	9,242,641	9,006,963
TRANSFERS OUT	-	-	-	-	-
Total expenditures and transfers out requiring appropriation	8,669,785	9,699,764	5,385,725	9,242,641	9,006,963
ENDING FUND BALANCES	\$ 9,736,423	\$ 9,292,758	\$ 12,788,748	\$ 9,186,463	\$ 8,889,238

No assurance provided. See summary of significant assumptions.

**EBERT METROPOLITAN DISTRICT
PROPERTY TAX SUMMARY INFORMATION
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,**

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
ASSESSED VALUATION - Denver County					
Residential	\$ 112,046,050	\$ 114,970,620	\$ 114,970,620	\$ 114,970,620	\$ 126,049,380
Commercial	9,157,210	9,305,760	9,305,760	9,305,760	9,483,680
Vacant land	5,102,500	3,642,990	3,642,990	3,642,990	1,811,980
State assessed	4,473,260	4,662,900	4,662,900	4,662,900	5,557,500
Personal property	2,258,230	1,782,220	1,782,220	1,782,220	1,388,020
	133,037,250	134,364,490	134,364,490	134,364,490	144,290,560
Adjustments	-	-	-	-	-
Certified Assessed Value	\$ 133,037,250	\$ 134,364,490	\$ 134,364,490	\$ 134,364,490	\$ 144,290,560
MILL LEVY					
Contractual obligation	17.000	17.000	17.000	17.000	17.000
Debt Service - 2018A-1	33.828	33.669	33.669	33.669	29.500
Debt Service - 2018A-2	6.491	6.650	6.650	6.650	6.200
Capital reserve	1.000	1.000	1.000	1.000	1.000
Total mill levy	58.319	58.319	58.319	58.319	53.700
PROPERTY TAXES					
General fund - contractual obligation	\$ 2,261,633	\$ 2,284,196	\$ 2,284,196	\$ 2,284,196	\$ 2,452,940
Debt Service - 2018A-1	4,500,384	4,523,918	4,523,918	4,523,918	4,256,572
Debt Service - 2018A-2	863,545	893,524	893,524	893,524	894,601
Capital reserve	133,037	134,364	134,364	134,364	144,291
Levied property taxes	7,758,599	7,836,003	7,836,003	7,836,003	7,748,403
Adjustments to actual/rounding	-	-	-	-	-
Budgeted property taxes	\$ 7,758,599	\$ 7,836,003	\$ 7,836,003	\$ 7,836,003	\$ 7,748,403
ASSESSED VALUATION - Denver County - Debt Only					
Commercial	7,787,100	7,947,570	\$ 7,947,570	\$ 7,947,570	\$ 8,863,370
Residential/Apartment	-	1,260,130	1,260,130	1,260,130	5,115,830
Vacant land	1,220,200	561,960	561,960	561,960	562,960
Personal property	513,830	833,120	833,120	833,120	854,180
Agricultural land	1,060	1,350	1,350	1,350	-
State assessed	6,700	6,700	6,700	6,700	159,600
	9,528,890	10,610,830	10,610,830	10,610,830	15,555,940
Adjustments	-	-	-	-	-
Certified Assessed Value	\$ 9,528,890	\$ 10,610,830	\$ 10,610,830	\$ 10,610,830	\$ 15,555,940
MILL LEVY					
Debt Service - 2018A-1	33.828	33.669	33.669	33.669	29.500
Total mill levy	33.828	33.669	33.669	33.669	29.500
PROPERTY TAXES					
Debt Service - 2018A-1	322,343	357,256	357,256	357,256	458,900
Levied property taxes	322,343	357,256	357,256	357,256	458,900
Adjustments to actual/rounding	(13,529)	-	(61,628)	-	-
Budgeted property taxes	\$ 308,814	\$ 357,256	\$ 295,628	\$ 357,256	\$ 458,900
BUDGETED PROPERTY TAXES					
General fund - contractual obligation	\$ 2,257,690	2,284,196	\$ 2,275,089	\$ 2,284,196	\$ 2,452,940
General fund - capital reserve	132,805	134,364	133,829	134,364	144,291
Debt Service fund	5,354,576	5,417,442	5,395,843	5,417,442	5,151,173
Debt Service fund - excluded area	322,343	357,256	326,870	357,256	458,900
	\$ 8,067,414	8,193,259	\$ 8,131,631	\$ 8,193,259	\$ 8,207,303

No assurance provided. See summary of significant assumptions.

**EBERT METROPOLITAN DISTRICT
GENERAL FUND
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,**

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
BEGINNING FUND BALANCE	\$ 308,668	\$ 306,837	\$ 310,857	\$ 310,857	\$ 306,413
REVENUE					
Property taxes	2,257,690	2,284,196	2,275,089	2,284,196	2,452,940
Specific ownership tax	117,440	114,210	70,285	124,860	122,650
Net investment income	2,199	1,500	832	1,500	1,400
Other revenue - landscape maintenance reimbursement	19,469	-	-	-	-
Town Center Reimbursement for legal	31,230	25,000	12,165	25,000	25,000
Total revenue	2,428,028	2,424,906	2,358,371	2,435,556	2,601,990
Total funds available	2,736,696	2,731,743	2,669,228	2,746,413	2,908,403
EXPENDITURES					
Legal	31,230	25,000	12,165	25,000	25,000
Services Outlay - Town Center	2,372,032	2,375,566	2,284,959	2,386,216	2,551,060
County Treasurer's fees	22,577	22,840	22,756	22,840	24,530
Elections	-	5,000	-	-	15,000
Contingency	-	11,594	-	5,944	9,410
Total expenditures	2,425,839	2,440,000	2,319,880	2,440,000	2,625,000
Total expenditures and transfers out requiring appropriation	2,425,839	2,440,000	2,319,880	2,440,000	2,625,000
ENDING FUND BALANCE	\$ 310,857	\$ 291,743	\$ 349,348	\$ 306,413	\$ 283,403
EMERGENCY RESERVE	\$ 72,900	\$ 72,000	\$ 70,400	\$ 72,300	\$ 77,400
ESCROW RESERVE	165,775	166,000	165,785	165,800	166,000
AVAILABLE FOR OPERATIONS	72,182	53,743	113,163	68,313	40,003
	\$ 310,857	\$ 291,743	\$ 349,348	\$ 306,413	\$ 283,403

No assurance provided. See summary of significant assumptions.

**EBERT METROPOLITAN DISTRICT
DEBT SERVICE FUND
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,**

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
BEGINNING FUND BALANCE	\$ 6,898,566	\$ 7,575,166	\$ 7,569,134	\$ 7,569,134	\$ 8,045,535
REVENUE					
Property taxes	5,676,919	5,774,698	5,722,713	5,774,698	5,610,073
Specific ownership tax	295,272	288,730	177,688	315,000	280,500
Net investment income	51,702	39,000	4,738	8,000	8,000
Total revenue	<u>6,023,893</u>	<u>6,102,428</u>	<u>5,905,139</u>	<u>6,097,698</u>	<u>5,898,573</u>
Total funds available	<u>12,922,459</u>	<u>13,677,594</u>	<u>13,474,273</u>	<u>13,666,832</u>	<u>13,944,108</u>
EXPENDITURES					
County Treasurer's fees	56,775	57,747	57,246	57,747	56,101
Loan interest - 2018A-1	3,979,250	3,956,000	1,978,000	3,956,000	3,920,000
Loan principal - 2018A-1	465,000	720,000	-	720,000	970,000
Loan interest - 2018A-2	753,800	749,050	374,525	749,050	742,300
Loan principal - 2018A-2	95,000	135,000	-	135,000	180,000
Paying agent and trustee fees	3,500	4,000	3,500	3,500	4,000
Contingency	-	3,203	-	-	7,599
Total expenditures	<u>5,353,325</u>	<u>5,625,000</u>	<u>2,413,271</u>	<u>5,621,297</u>	<u>5,880,000</u>
Total expenditures and transfers out requiring appropriation	<u>5,353,325</u>	<u>5,625,000</u>	<u>2,413,271</u>	<u>5,621,297</u>	<u>5,880,000</u>
ENDING FUND BALANCE	<u>\$ 7,569,134</u>	<u>\$ 8,052,594</u>	<u>\$ 11,061,002</u>	<u>\$ 8,045,535</u>	<u>\$ 8,064,108</u>
RATE STABILIZATION RESERVE	\$ 6,636,000	\$ 6,636,000	\$ 6,636,000	\$ 6,636,000	\$ 6,636,000
SURPLUS	933,134	1,416,594	4,425,002	1,409,535	1,428,108
	<u>\$ 7,569,134</u>	<u>\$ 8,052,594</u>	<u>\$ 11,061,002</u>	<u>\$ 8,045,535</u>	<u>\$ 8,064,108</u>

No assurance provided. See summary of significant assumptions.

**EBERT METROPOLITAN DISTRICT
CAPITAL RESERVE - BOND PROCEEDS - SERIES 2018 FUND
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,**

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
BEGINNING FUND BALANCE	\$ 2,357,027	\$ 1,471,727	\$ 1,502,282	\$ 1,502,282	\$ 373,032
REVENUE					
Net investment income	14,548	3,670	412	750	180
Total revenue	<u>14,548</u>	<u>3,670</u>	<u>412</u>	<u>750</u>	<u>180</u>
Total funds available	<u>2,371,575</u>	<u>1,475,397</u>	<u>1,502,694</u>	<u>1,503,032</u>	<u>373,212</u>
EXPENDITURES					
Transfer to Town Center					
Capital expenditures approved by Ebert	869,293	1,475,397	651,235	1,130,000	373,212
Total expenditures	<u>869,293</u>	<u>1,475,397</u>	<u>651,235</u>	<u>1,130,000</u>	<u>373,212</u>
Total expenditures and transfers out requiring appropriation	<u>869,293</u>	<u>1,475,397</u>	<u>651,235</u>	<u>1,130,000</u>	<u>373,212</u>
ENDING FUND BALANCE	<u>\$ 1,502,282</u>	<u>\$ -</u>	<u>\$ 851,459</u>	<u>\$ 373,032</u>	<u>\$ -</u>

No assurance provided. See summary of significant assumptions.

EBERT METROPOLITAN DISTRICT
CAPITAL REPAIR AND REPLACEMENT - 1.000 MILL FUND
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
BEGINNING FUND BALANCE	\$ 112,468	\$ 251,838	\$ 251,746	\$ 251,746	\$ 392,266
REVENUE					
Property taxes	132,805	134,364	133,829	134,364	144,291
Specific ownership taxes	6,908	6,720	4,134	7,300	7,210
Net investment income	893	3,000	121	200	460
Town Center transfer for capital replacement	-	555,000	-	-	-
Total revenue	<u>140,606</u>	<u>699,084</u>	<u>138,084</u>	<u>141,864</u>	<u>151,961</u>
Total funds available	<u>253,074</u>	<u>950,922</u>	<u>389,830</u>	<u>393,610</u>	<u>544,227</u>
EXPENDITURES					
County treasurer fees	1,328	1,344	1,339	1,344	1,443
Contingency	-	1,156	-	-	1,057
Total expenditures	<u>1,328</u>	<u>2,500</u>	<u>1,339</u>	<u>1,344</u>	<u>2,500</u>
Total expenditures and transfers out requiring appropriation	<u>1,328</u>	<u>2,500</u>	<u>1,339</u>	<u>1,344</u>	<u>2,500</u>
ENDING FUND BALANCE	<u>\$ 251,746</u>	<u>\$ 948,421</u>	<u>\$ 388,491</u>	<u>\$ 392,266</u>	<u>\$ 541,727</u>

No assurance provided. See summary of significant assumptions.

**EBERT METROPOLITAN DISTRICT
CONSERVATION TRUST FUND
2022 BUDGET
WITH 2020 ACTUAL AND 2021 ESTIMATED
For the Years Ended and Ending December 31,**

10/10/2021

	ACTUAL 2020	BUDGET 2021	ACTUAL 7/31/2021	ESTIMATED 2021	BUDGET 2022
BEGINNING FUND BALANCE	\$ 64,167	\$ 101,617	\$ 102,404	\$ 64,167	\$ 69,217
REVENUE					
Conservation trust fund	57,785	55,000	36,013	55,000	57,000
Net investment income	452	250	31	50	35
Total revenue	<u>58,237</u>	<u>55,250</u>	<u>36,044</u>	<u>55,050</u>	<u>57,035</u>
Total funds available	<u>122,404</u>	<u>156,867</u>	<u>138,448</u>	<u>119,217</u>	<u>126,252</u>
EXPENDITURES					
Transfer to Town Center	20,000	156,867	-	50,000	126,252
Total expenditures	<u>20,000</u>	<u>156,867</u>	<u>-</u>	<u>50,000</u>	<u>126,252</u>
Total expenditures and transfers out requiring appropriation	<u>20,000</u>	<u>156,867</u>	<u>-</u>	<u>50,000</u>	<u>126,252</u>
ENDING FUND BALANCE	<u>\$ 102,404</u>	<u>\$ -</u>	<u>\$ 138,448</u>	<u>\$ 69,217</u>	<u>\$ -</u>

No assurance provided. See summary of significant assumptions.

**EBERT METROPOLITAN DISTRICT
2022 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Services Provided

Ebert Metropolitan District (District), a quasi-municipal corporation and political subdivision of the State of Colorado, was organized by order and decree of the District Court for the City and County of Denver, Colorado (City) on September 12, 1983, and is governed pursuant to provisions of the Colorado Special District Act (Title 32, Article 1, Colorado Revised Statutes). The District operates under a Service Plan approved by the City. The District's service area is located within the City.

On November 3, 1998, District voters authorized the issuance of \$90,500,000 of general obligation indebtedness. The District voters also approved a property tax revenue increase of \$1,000,000 annually to pay, in part, the District's general cost of operations and maintenance. Furthermore, the voters authorized the District to collect and expend levied taxes and any other income of the District without regard to any limitations imposed by TABOR. On November 2, 1999, District voters approved \$33,000,000 to finance costs associated with the Regional Facilities Construction Agreement. On November 7, 2000, District electors approved \$66,000,000 to finance costs associated with the Regional Facilities Construction Agreement. In addition, District electors approved \$90,000,000 of general obligation indebtedness.

The District entered into a Regional Facilities Construction Agreement (Old Agreement) with Town on December 1, 1999. Under the Old Agreement, Town is to provide capital construction and administrative services to the District. Town is to own, operate, maintain, and construct the facilities benefiting both Districts. The District will, to the extent that the District is to benefit, pay the capital and service costs of construction, operation and maintenance of such facilities. At special elections held within the District on November 2, 1999, and on November 7, 2000, the District's qualified electors approved \$33,000,000 and \$66,000,000, respectively, for a total amount of \$99,000,000, for the Old Agreement.

On April 28, 2005, the District and Town entered into a District Facilities Construction, Funding and Service Agreement (New Agreement), which replaced the Old Agreement. Under the New Agreement, the obligations of the District and Town remain essentially the same. In addition, Town may draw against the District's project funds without further need of the District's consent, to pay the capital costs expected to be paid pursuant to the New Agreement. The District also agrees to levy a minimum service levy of not less than 10 mills and not greater than 50 mills to pay the service costs expected to be paid pursuant to the New Agreement.

The District and Town entered into an Amended and Restated Facilities, Construction, Funding and Service Agreement effective January 1, 2016 (Amended Agreement). Under the Amended Agreement, the District will pay a maximum of \$21,635,477 to Town for service costs, which represents voted authorization of \$99,000,000 less all service costs paid to Town through December 31, 2015. Service costs comprise all operations, maintenance, and administration costs incurred by Town in the performance of the duties and services required by the Amended Agreement. The District agrees to levy a minimum service levy of 19 mills that may be adjusted to account for constitutional or legislative changes in computing assessed valuation of District property, provided that the levy shall never exceed 50 mills. Payments for capital costs contemplated by the Amended Agreement are to be funded from the proceeds of the District's 2016C Note.

**EBERT METROPOLITAN DISTRICT
2022 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Services Provided (Continued)

The District and Town entered in to a Second Amended and Restated District Facilities Construction, Funding and Service Agreement dated effective as of November 1, 2018 (New Service Agreement). The New Service Agreement provides that the District will fund the construction of certain facilities necessary to complete the development in the District and Town will own, operate and maintain certain facilities identified therein and provide covenant enforcement and design review services for the benefit of the District. For the purposes of paying the costs incurred by Town for such purposes, the New Service Agreement further provides that the District will levy the Minimum Service Levy (a levy of not less than eighteen (18) mills against all taxable property within its boundaries, adjusted to account for constitutional and legislative changes, including new exemptions, in the manner, method or base percentage calculation for the computation of assessed values of taxable property, provided that the levy shall never exceed fifty (50) mills) until such time as the New Service Agreement is terminated or the District has paid Town the Maximum Service Amount (\$16,947,741). The Maximum Service Amount represents costs incurred by Town for operations, maintenance and administrative costs incurred by Town in the performance of its duties under the New Service Agreement.

The New Service Agreement establishes and funds the Capital Repair and Replacement Fund (the "CRRF"). One mill of the Minimum Service Levy is to be reserved for the purpose of funding the CRRF. The amounts in the CRRF are to be used for the limited purpose of repairing, replacing and/or maintaining public improvements and for creating reserves for those purposes, all at the direction of the Board acting in its discretion. Town agrees in the New Service Agreement to, subject to funding provided by the District from the CRRF, to repair, replace and/or maintain public improvements in consultation with or as requested by the Board. Additionally, pursuant to the New Service Agreement, the District agrees to allow Town to withdraw, at the direction of the District, up to \$2,300,000 of proceeds from the District's Series 2018 A-2 bonds for funding the construction or acquisition of certain facilities (the Improvement Project).

The District has no employees and all administrative functions are contracted.

The District prepares its budget on the modified accrual basis of accounting in accordance with the requirements of Colorado Revised Statutes C.R.S. 29-1-105 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

This budget only includes Ebert Metropolitan District. Ebert Metropolitan District Subdistrict No. 1 and Ebert Metropolitan District Subdistrict No. 2 are being administratively dissolved.

**EBERT METROPOLITAN DISTRICT
2022 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Revenues

Property Taxes

Property taxes are levied by the District's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or, if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August and generally sales of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

The calculation of the taxes levied is displayed on the Property Tax Summary page of the budget using the adopted mill levy imposed by the District.

Specific Ownership Taxes

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the District's share will be equal to approximately 5% of the property taxes collected.

Net Investment Income

Interest earned on the District's available funds has been estimated based on an average interest rate of approximately 0.10%.

Conservation Trust (Lottery Proceeds)

The District receives revenue from the State Lottery on a per capita basis ratio. The revenue is restricted for recreation purposes under state statutes.

Town Center Reimbursement

Per the New Service Agreement with Town, Town Center will reimburse the District for legal costs.

Expenditures

Outlay for Town Center Metropolitan District

Per the New Service Agreement with Town, the District is to pay the capital and service costs of the construction, operation, and maintenance of the facilities being constructed by Town that will benefit the District. The District will also transfer lottery proceeds to Town to fund eligible projects.

**EBERT METROPOLITAN DISTRICT
2022 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Expenditures (Continued)

Debt Service

Principal and interest payments are provided based on the debt amortization schedule from the Series 2018 Bonds (discussed under Debt and Leases).

Debt and Leases

On December 6, 2018, the District issued an aggregate of \$102,715,000 of General Obligation Refunding and Improvement Bonds (the 2018 Bonds) as follows: (1) \$86,350,000 General Obligation Limited Tax Refunding Bonds Series 2018A-1 and (2) \$16,365,000 General Obligation Limited Tax Refunding and Improvement Bonds Series 2018A-2; The 2018 Bonds bear interest payable on June 1 and December 1, commencing on June 1, 2019, at the rate of 4.00% – 5.00% per annum. Premium payments of \$5,553,963 and \$1,055,035, respectively, were paid on the bonds, resulting in net effective interest rates between 3.77% and 4.16%. Mandatory principal payments are due on December 1, commencing on December 1, 2019, with final payment due on December 1, 2048.

The Series 2018A-1 Bonds are limited tax general obligations of the District secured by and payable from the 2018A-1 Pledged Revenue consisting of moneys derived by the District from the following sources, net of any costs of collection: (i) the 2018A-1 Required Mill Levy; (ii) the portion of the Specific Ownership Tax which is collected as a result of imposition of the 2018A-1 Required Mill Levy; and (iii) any other legally available moneys which the District determines, in its absolute discretion, to credit to the 2018A-1 Pledged Revenue Fund. The Series 2018A-2 Bonds are limited tax general obligations of the District secured by and payable from the 2018A-2 Pledged Revenue consisting of moneys derived by the District from the following sources, net of any costs of collection: (i) the 2018A-2 Required Mill Levy; (ii) the portion of the Specific Ownership Tax which is collected as a result of imposition of the 2018A-2 Required Mill Levy; and (iii) any other legally available moneys which the District determines, in its absolute discretion, to credit to the 2018A-2 Pledged Revenue Fund.

Proceeds from the sale of the Series 2018A-1 Bonds were used to refund, pay and discharge the District's outstanding 2016A Loan and 2016B Loan in the amount of \$52,460,000 and \$37,995,000, respectively. Proceeds from the sale of the Series 2018A-2 Bonds were used to refund, pay and discharge the District's outstanding 2016C Loan in the amount of \$14,675,000 and to finance the Improvement Project in the amount of \$2,300,000. In addition, proceeds from the sale of the 2018 Bonds were used to pay the costs of issuance of the 2018 Bonds and to purchase a bond insurance policy that will secure the payment of interest and principal on the 2018 Bonds.

The District has no operating or capital leases.

**EBERT METROPOLITAN DISTRICT
2022 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Intergovernmental Agreements

Agreement with Weingarten/Miller/GVR, LLC

The District has entered into a Mill Levy Cap Agreement dated as of July 10, 2002 (Mill Levy Cap Agreement) with Weingarten/Miller/GVR, LLC (Weingarten). Pursuant to the Mill Levy Cap Agreement, the District agreed to limit its debt service mill levy for all District bonds to 65 mills, subject to certain adjustments for changes in law. The current debt service mill levy cap under the mill levy cap agreement, based upon such adjustment is 82.604. Such limitation may be removed by the District at such time as the general obligation debt of the District is equal to or less than 50% of the assessed value of the taxable property in the District. The District further agreed to include terms incorporating such limitations into the documents governing its bond transactions and to provide notice to Weingarten of the District's intent to issue bonds and the proposed terms thereof. The District incorporated the Mill Levy Cap into the Indenture for the 2018 Bonds. The District provided notice of the issuance of the Bonds to Weingarten on September 20, 2018 pursuant to the Mill Levy Cap Agreement. The Mill Levy Cap Agreement does not limit the power of the District to impose or collect property taxes for administration, operation and maintenance. The Mill Levy Cap Agreement is to continue in effect until the outstanding general obligation debt of the District does not exceed 50% of the valuation of the taxable property in the District unless sooner terminated pursuant to the provisions thereof.

Inclusion Agreement

The District has entered into a Restated Inclusion Agreement dated May 30, 2008, with an effective date of December 12, 2007 with Town and C.P. Bedrock LLC (CP Bedrock), (Inclusion Agreement). Pursuant to the Inclusion Agreement, the parties set out the terms by which certain property owned by CP Bedrock has been included and will be included and excluded from the District. In addition, the District has agreed to limit its debt service mill levy in perpetuity to 65 mills, subject to certain adjustments for changes in law. The current debt service mill levy cap under the Inclusion Agreement, based upon such adjustment is 82.604 mills. The District also agreed to provide CP Bedrock with notice at least 60 days prior to issuing District bonds. The District provided CP Bedrock with notice of the issuance of the 2018 Bonds on September 20, 2018 pursuant to the Inclusion Agreement. The Inclusion Agreement established the terms upon which a portion of the proceeds of the District's 2007 Bonds were deposited into an escrow account to be released to the District as it completes certain improvements benefiting property owned by CP Bedrock that is subject to the Inclusion Agreement.

Due to the fact that the property that is the subject of the Inclusion Agreement is not subject to a potential general fund mill levy of the District, the Inclusion Agreement allows the District to impose a General Fund Fee (General Fund Fee) in order for the District to pay certain operations and maintenance expenses related to the property contained in the property subject to the Inclusion Agreement. The amount of the General Fund Fee is generally calculated in the same manner as an operations and maintenance mill levy would be calculated based upon a formula set forth in the Inclusion Agreement. The District has not previously imposed a General Fund Fee however it may do so at any time. There is a portion of the property subject to the Inclusion Agreement that remains undeveloped, therefore, there is a portion of the Town Development Fees related to this undeveloped property that remains outstanding.

**EBERT METROPOLITAN DISTRICT
2022 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Reserves

Emergency Reserves

The District has provided an emergency reserve fund equal to at least 3% of fiscal year spending as defined under TABOR.

Debt Service

The District has provided for a rate stabilization account in the amount of \$6,636,000.

This information is an integral part of the accompanying budget.

**EBERT METROPOLITAN DISTRICT
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY**

	\$86,350,000		\$16,365,000		Total
	Limited Tax General Obligation Refunding Bonds		Limited Tax General Obligation Refunding and Improvement Bonds		
	Series 2018A-1		Series 2018A-2		
	Dated December 6, 2018		Dated December 6, 2018		
	Interest rate of 4.00% - 5.00%		Interest rate of 2.090% - 4.150%		
	Interest payable June 1 and December 1		Interest payable June 1 and December 1		
	Principal Due December 1		Principal Due December 1		
	Principal	Interest	Principal	Interest	All Bonds
2022	\$ 970,000	\$ 3,920,000	\$ 180,000	\$ 742,300	\$ 5,812,300
2023	1,060,000	3,871,500	200,000	733,300	5,864,800
2024	1,250,000	3,818,500	235,000	723,300	6,026,800
2025	1,345,000	3,756,000	250,000	711,550	6,062,550
2026	1,525,000	3,688,750	285,000	699,050	6,197,800
2027	1,605,000	3,612,500	300,000	684,800	6,202,300
2028	1,785,000	3,532,250	335,000	669,800	6,322,050
2029	1,875,000	3,443,000	350,000	653,050	6,321,050
2030	2,075,000	3,349,250	390,000	635,550	6,449,800
2031	2,180,000	3,245,500	410,000	616,050	6,451,550
2032	2,395,000	3,136,500	450,000	595,550	6,577,050
2033	2,495,000	3,040,700	470,000	577,550	6,583,250
2034	2,705,000	2,940,900	510,000	558,750	6,714,650
2035	2,840,000	2,805,650	535,000	533,250	6,713,900
2036	3,095,000	2,663,650	580,000	506,500	6,845,150
2037	3,250,000	2,508,900	610,000	477,500	6,846,400
2038	3,525,000	2,346,400	665,000	447,000	6,983,400
2039	3,705,000	2,170,150	695,000	413,750	6,983,900
2040	4,005,000	1,984,900	755,000	379,000	7,123,900
2041	4,205,000	1,784,650	790,000	341,250	7,120,900
2042	4,535,000	1,574,400	855,000	301,750	7,266,150
2043	4,760,000	1,347,650	895,000	259,000	7,261,650
2044	5,115,000	1,109,650	965,000	214,250	7,403,900
2045	5,320,000	904,825	1,005,000	175,425	7,405,250
2046	5,535,000	691,788	1,065,000	134,988	7,426,775
2047	5,755,000	470,138	1,110,000	92,138	7,427,275
2048	5,985,000	239,675	1,180,000	47,475	7,452,150
	<u>\$ 84,895,000</u>	<u>\$ 67,957,775</u>	<u>\$ 16,070,000</u>	<u>\$ 12,923,875</u>	<u>\$ 181,846,650</u>

No assurance provided. See summary of significant assumptions.



SPECIAL DISTRICT COMPLIANCE CALENDAR

Colorado Department of Local Affairs
 1313 Sherman Street, Room 521
 Denver, Colorado 80203 (303) 864-7720
www.colorado.gov/dola

INTRODUCTION

After organization by court order and decree, Colorado Title 32, Article 1, Special Districts have certain statutorily required responsibilities. These responsibilities, among others, include adopting an annual budget, holding biennial elections for directors, and compliance with the Local Government Audit Law.

The following may be used as a checklist for these items of compliance. The calendar is for informational purposes only and is not to be construed as legal advice. It is a guideline and not guaranteed to be all-inclusive. Although the Department of Local Affairs (DOLA) attempts to keep districts informed of major changes in statutes, it is incumbent upon the local jurisdictions to stay current with changes in statute that may affect this calendar. If you have any questions please contact DOLA's Division of Local Government at (303) 864-7720.

DATE	COMPLIANCE ACTIVITY/OTHER INFORMATION
At the time of the recording organizational decree or order of inclusion for any District	<p>Every special district shall record a special district public disclosure document and a map of the boundaries of the district with the county clerk and recorder of each county in which the district is located that provides the following information:</p> <ol style="list-style-type: none"> 1. The name of the district; 2. The powers of the district as authorized by section 32-1-1004 and the district's service plan or, as appropriate, the district's statement of purpose as described in section 32-1-208, current as of the time of the filing; 3. A statement indicating that the district's service plan or, as appropriate, the district's statement of purpose as described in section 32-1-208, which can be amended from time to time, includes a description of the district's powers and authority, and that a copy of the service plan or statement of purpose is available from the division; and 4. The following statement: [Name of the district] is authorized by title 32 of the Colorado Revised Statutes to use a number of methods to raise revenues for capital needs and general operations costs. These methods, subject to the limitations imposed by section 20 of article X of the Colorado constitution, include issuing debt, levying taxes, and imposing fees and charges. Information concerning directors, management, meetings, elections, and current taxes are provided annually in the Notice to Electors described in section 32-1-809 (1), Colorado Revised Statutes, which can be found at the district office, on the district's web site, on file at the division of local government in the state department of local affairs, or on file at the office of the clerk and recorder of each county in which the special district is located. <p style="text-align: right;">C.R.S. § 32-1-104.8</p>
24-Hour Notice Before Any Meeting	<p>Notice of the time and place for all regular or special meetings must be posted in a designated public place within the boundaries of the special district no less than twenty-four hours prior to holding the meeting. Alternatively, notice may be provided on a public website of the special district twenty-four hours prior to the meeting.* The public place or places for posting such notice shall be designated annually at the first regular meeting of each calendar year. The posting shall include specific agenda information where possible.</p> <p>*Special districts choosing to post notices online must provide a website address to the Division here: https://www.colorado.gov/pacific/dola/division-local-government</p> <p style="text-align: right;">C.R.S. § 32-1-903(2), 24-6-402(2)</p>
30-Day notice prior to fixing/increasing water or sewer rates	<p>The governing body of any special district furnishing domestic water or sanitary sewer services directly to residents and property owners within or outside the district may fix or increase fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services only after consideration of the action at a public meeting held at least thirty days after providing notice stating that the action is being considered and stating the date, time, and place of the meeting at which the action is being considered. Notice must be provided to the customers receiving the domestic water or sanitary sewer services of the district in one or more of the following ways:</p> <ol style="list-style-type: none"> 1. Mailing the notice separately to each customer of the service on the billing rolls of the district; 2. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, or other notice of action, or other informational mailing sent by the special district to the customers of the district; 3. Posting the information on the official web site of the special district if there is a link to the district's website on the official website of the division; or 4. For any district that is a member of a statewide association of special districts formed pursuant to section 29-1-401, C.R.S., by mailing or electronically transmitting the notice to the statewide association of special districts, which association shall post the notice on a publicly accessible section of the association's website. <p style="text-align: right;">C.R.S. § 32-1-1001(2)</p>
Within 30 days of election date	<p>The results of any special district election shall be certified to the Division of Local Government within thirty (30) days after the election. If an election is canceled, the notice and a copy of the resolution of cancellation shall be filed with the Division.</p> <p style="text-align: right;">C.R.S. § 1-11-103(3)</p>
January 1: Budget Year Begins	<p>Start of local government fiscal budget year; recommend beginning to plan for the budget of the next year. See C.R.S. § 29-1-101 et seq. regarding the information required in a budget. Contact the Division of Local Government for assistance or visit: dola.colorado.gov/budgets</p>
Update Map	<p>Deadline to file a current, accurate map of district boundaries prepared according to the Division of Local Government standards with the county assessor and the Division. Contact the Division of Local Government for assistance or visit: www.colorado.gov/pacific/dola/special-district-administration</p>

DATE	COMPLIANCE ACTIVITY/OTHER INFORMATION
January 15: Notice to Electors	<p>Deadline for Notice to Electors (Transparency Notice), and no more than 60 days preceding.</p> <p>(1) Each district must include:</p> <p>a. The principle business address and telephone number of the District;</p> <p>b. Name and business telephone number of the manager or primary contact person;</p> <p>c. The names of and contact information for the members of the board, the name of the board chair, and the name of each member whose office will be on the ballot at the next regular special district election;</p> <p>d. The times and places designated for regularly scheduled meetings of the board during the year and the place where notice of board meetings is posted pursuant to 24-6-402(2)(c), C.R.S.;</p> <p>e. The current mill levy and the total ad valorem tax revenue received by the district during the last year;</p> <p>f. The date of the next regular special district election at which members of the board will be elected;</p> <p>g. Information on the procedure and time for an eligible elector of the special district to submit a self-nomination form for election to the board pursuant to section 1-13.5-303; and</p> <p>i. The address of any web site on which the special district's election results will be posted.</p> <p>j. Information on the procedure for an eligible elector to apply for a permanent absentee voter status as described in section 1-13.5-1003, C.R.S., with the special district..</p> <p>(2) The notice required by subsection (1) of this section shall be made in one or more of the following ways:</p> <p>a. Mailing the notice separately to each household where one or more eligible electors of the special district resides;</p> <p>b. Including the notice to each household as part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election, or other information mailing sent by the special district to the eligible electors of the special district;</p> <p>c. Posting the information on the District's official website, if there is a link to the district's web site on the official web site of the Division;</p> <p>d. For any district that is a member of a statewide association of special districts formed pursuant to 29-1-401, C.R.S. (such as the SDA), mailing or electronically transmitting the notice to the association, which shall post the notice on the association's website.</p> <p>e. Districts with less than 1,000 eligible electors that are wholly located in a county with a population of less than 30,000, posting the notice in at least 3 public places within the limits of the special district, in addition to the county clerk and recorder will suffice. Such notice shall be posted until the Tuesday succeeding the first Monday of the following May.</p> <p>(3) (Each) special district shall make a copy of the notice required by subsection (1) of this section available for public inspection at the principal business office of the special district.</p> <p>(4) Special districts with overlapping boundaries may combine the notices mailed pursuant to subsection 2(a), so long as the information regarding each district is separately displayed and identified.</p> <p>*Each District shall file the notice with the board of county commissioners, the county assessor, the county treasurer, and the county clerk and recorder of each county in which the special district is located, the governing body of any municipality in which the special district is located, and the division of local government.</p> <p style="text-align: right;">C.R.S. §32-1-809, 32-1-104(2)</p> <p>*Contact Update was consolidated with Notice to Electors in the 2015 Legislative Session.</p>
January 31 Budget Due	<p>A certified copy of the adopted budget, which includes the budget message, for the current fiscal year (the special district fiscal year is the calendar year) must be filed with the Division no later than this date. Although not legally required, it is recommended that the "Resolution to Adopt the Budget," the "Resolution to Set Mill Levies" and the "Resolution to Appropriate Funds" accompany the copy of the certified budget. For more information and sample forms see the Budget Information and Resources webpage here: dola.colorado.gov/budgets</p> <p>Penalty: The Division may authorize the County Treasurer to withhold distribution of tax revenues to the district if the budget is not filed.</p> <p style="text-align: right;">C.R.S. § 29-1-113(1)</p>
February Special Election	<p>Special election date for non-TABOR questions may occur on the first Tuesday after the first Monday.</p> <p style="text-align: right;">C.R.S. § 32-1-103(21)</p>
March 1	<p>If a special district has securities outstanding which are non-rated and which were issued to the public, for an amount of not less than \$1 million, and for a term of more than one year payable beyond the next year, then that district must file an annual report on form DLG 30 with the Division. This report must be filed within sixty days following the end of the fiscal year.</p> <p style="text-align: right;">C.R.S. § 11-58-105</p>
March 31	<p>Deadline for qualifying entities to request exemption from audit from the State Auditor using Application for Exemption From Audit. For information contact Local Government Audits, Office of State Auditor, at (303) 869-3000 or osa.lg@state.co.us. The ceiling amount for a local government to qualify for exemption from audit is \$750,000.</p> <p style="text-align: right;">C.R.S. § 29-1-604(3)</p>
May Regular Election	<p>Regular Election (election for members of board of directors) must be held in even-numbered years. Special Elections may be held in odd-numbered years.</p> <p>**Effective July 1, 2022: Regular Election must be held in odd-numbered years.**</p>
2022	May 3
2023	May 2
2025	May 6
2027	May 4
	C.R.S. § 32-1-103(17),(21)

DATE	COMPLIANCE ACTIVITY/OTHER INFORMATION
June	The Certification of Election Results is due to the Division within thirty (30) days of the election.
Oaths & election results filed with DOLA-DLG	Originally signed oath of office and bond (public officials' performance bond) must be filed with the district court clerk within thirty (30) days of the May election and a copy of each oath and bond must be filed with the Division. Directors' bond must be not less than \$1,000; the treasurer's bond must be not less than \$5,000.
2022	June 2
2023	June 1
2025	June 5
2027	June 3
	C.R.S. § 1-11-103(3); 32-1-901; 32-1-902(2)
June 30	Statutory deadline for local government auditor to submit audit report to special district governing board.
	C.R.S. § 29-1-606(1)(a)
July 30	Deadline for submitting annual audit report to State Auditor. District audit must be forwarded to State Auditor's Office within thirty (30) days of receipt from auditor.
	PENALTY: If an audit is not filed, the county treasurer may be ordered to withhold district tax revenues.
	C.R.S. § 29-1-606(3) and (5)(a) and (b)
August 25	Deadline for assessors to certify to all taxing entities and the Division the total assessed valuation and real property values of all taxable property and the amounts for the various factors used to compute the statutory property tax revenue limit and the constitutional property tax revenue limit.
	C.R.S. § 39-5-128
September 30	If State Auditor has granted extension (received prior to July 31 filing deadline), this is the final date an audit may be filed.
	PENALTY: If an audit is not filed (when an exemption has not been granted) the county treasurer may be ordered to withhold district tax revenues.
	C.R.S. § 29-1-606(4) and (5)(a) and (b)
October Special Election	Special election date for non-TABOR questions may occur on the first Tuesday after the first Monday
	C.R.S. § 32-1-103(21)
October 15	Statutory deadline for budget officer to submit the proposed budget to board of directors.
	C.R.S. § 29-1-105
	"Notice of Budget" to be published upon board's receipt of proposed budget.
	Notice of budget must state that the budget is available for inspection by the public at a designated office, give the date and time of the budget hearing, and state that any interested elector may file objections any time prior to its adoption. For districts with a total annual budget of less than \$50,000, posting of the Notice in three public places is permitted in lieu of publication.
	C.R.S. § 29-1-106
	See C.R.S. § 29-1-103, for budget content and format requirements. Contact the Division of Local Government for further information and assistance in order to be in compliance with the budget law.
November	TABOR and non-TABOR ballot questions may be referred to the voters. The first Tuesday after the first Monday of even numbered years in November, or the first Tuesday in odd-numbered years.
2021	November 2
2022	November 8
2023	November 7
2024	November 5
2025	November 4
2026	November 3
	C.R.S. § 32-1-103(21)
December 10	Assessors must recertify property value, one time only, no later than December 10, to the district.
	C.R.S. § 39-1-111(5)
December 15	Deadline for certification of mill levies to the board of county commissioners. It is strongly recommended that districts use Division form DLG 70 for "Certification of Levies for Non-School Governments."
	C.R.S. § 39-5-128(1)
	Note: Districts levying a property tax must adopt their budgets before certifying levies to the county.
	C.R.S. § 29-1-108(2)
	PENALTY: If the budget is not adopted by certification deadline, 90% of the amounts appropriated for operating and maintenance expenses in the current fiscal year shall be deemed re-appropriated.
	C.R.S. § 29-1-108(3)
December 22	Deadline for county commissioners to levy against the assessed valuation of all taxable property the necessary taxes for all legal purposes of local governments.
	C.R.S. § 39-1-111(1)
December 31	Districts not levying property tax must adopt budget by this date.
	C.R.S. § 29-1-108
	By this date board shall enact "Resolution to Appropriate Funds" for ensuing fiscal year.
	C.R.S. § 29-1-108(4)
	PENALTY: Until a budget is adopted, a district is restricted to 90% of its current year's appropriation for operation and maintenance expenses if board fails to enact a resolution to make appropriations by this date.
	C.R.S. § 29-1-108(4)

DATE	COMPLIANCE ACTIVITY/OTHER INFORMATION
Within 45 Days After an Election: GO Debt reporting	The results of special district ballot issue elections to incur general obligation indebtedness shall be certified by the special district by certified mail to the board of county commissioners of each county in which the special district is located or to the governing body of a municipality that has adopted a resolution of approval of the special district pursuant to section 32-1-204.5 or 32-1-204.7. The special district shall file a copy of any certification with the Division of Securities, 1560 Broadway, Suite 900, Denver, CO, 80202, P: 303-894-2320. C.R.S. § 32-1-1101.5(1)
No Date - Upon Order or Decree	The organization, dissolution or boundary change (due to inclusion, exclusion or consolidation) of a district is effective only when the court order or decree, together with a description of the area, is recorded by the county clerk & recorder of the county where the action took place. The clerk & recorder shall notify the county assessor and a certified copy of the recorded notice shall also be filed with the Division of Local Government by the clerk & recorder. C.R.S. § 32-1-105
No Date - Upon Occurrence	The board of directors of a district must notify the board of county commissioners or governing body of the municipality of any alteration of the proposed debt issuance schedule in the service plan. C.R.S. § 32-1-202(2)(b)
Upon Debt Authorization Election	If the issuance of general obligation bonds is approved at an election, the board shall be authorized to issue such bonds for a period not to exceed the later of five years following the date of the election or, for a period not to exceed twenty years following the date of the election if the issuance of such bonds is in material compliance with the financial plan set forth in the service plan, as that plan may be amended from time to time, or in material compliance with the statement of purposes of the special district. After the specific period has expired, the board shall not be authorized to issue bonds which were authorized but not issued after the initial election unless the issuance is approved at a subsequent election. C.R.S. § 32-1-1101(2)
No Date - Upon Request	A board of county commissioners, or the governing body of a municipality within whose boundaries a district is located, may request a district to file, not more than once a year, an annual report. The report shall be filed with the board of county commissioners, any municipality in which the special district is wholly or partially located, the Division of Local Government and the State Auditor, and shall be deposited with the county clerk and recorder for public inspection. The report shall be made available by the special district to any interested party. The report shall include, but not be limited to, information on the progress of the special district in the implementation of the service plan. C.R.S. § 32-1-207(3) (c)
No Date - Upon Request	Any district created on or after July 1, 1991, shall annually file for five years after its organization this annual report with the board of county commissioners or the municipal governing body that adopted a resolution of approval of the service plan. It shall file such annual report for succeeding annual periods if requested by the county or municipal governing body. This annual report is also filed with the Division of Local Government and the State Auditor. The State Auditor shall review the annual report and report any apparent decrease in the financial ability of the district to discharge its existing or proposed indebtedness in accordance with the service plan to the Division which shall confer with the district and the county or municipal governing body. C.R.S. § 32-1-207(3)(d)
No Date - Upon Request	If a special district fails either to file a special district annual report pursuant to section 32-1-207 (3)(c) or to provide any information required to be submitted pursuant to section 32-1-104 (2) within nine months of the date of the request for such information, the board of county commissioners of any county or the governing body of any municipality in which the special district is located, after notice to the affected special district, may notify any county treasurer holding moneys of the special district and authorize the county treasurer to prohibit release of any such moneys until the special district complies with such requirements. C.R.S. § 32-1-209
No Date - Upon Request	In every fifth calendar year after the year in which a special district's voters approved incurrence of general obligation indebtedness, the board of county commissioners or municipal governing body may require the district to file an application for a quinquennial (five-year) finding of reasonable diligence. The application shall set forth the district's authorized and unissued general obligation (G.O.) debt, current or anticipated plan to issue such debt, a copy of the district's audit or audit exemption application, and any information the county or municipal governing body requires relevant to making the following determinations: 1. The implementation of the service plan or the financial plan will result in the timely and reasonable discharge of the district's general obligation debt. Upon such a finding, the county or municipal governing body shall grant a continuation of the authority for the board to issue any remaining authorized G.O. debt. 2. The implementation of the service plan or the financial plan will not result in the timely and reasonable discharge of the district's G.O. debt and that such implementation will place property owners at risk for excessive tax burdens to support the debt service. Upon such a finding, the county or municipal governing body shall deny a continuation of the authority of the board to issue any remaining authorized G.O. debt. 3. The implementation of the service plan or the financial plan will not result in the timely and reasonable discharge of the district's G.O. debt. Upon such finding, the county or municipal governing body shall require the district to submit amendments or modifications to such plans as a precondition to a finding of reasonable diligence. C.R.S. § 32-1-1101.5 (1.5)
NOTE: If a district:	
	<ul style="list-style-type: none"> • Has Failed to hold or properly cancel a regular special district election, • Has Failed to adopt a budget for two consecutive years, • Has Failed to submit to an audit (or be granted exemption from audit) for two consecutive years; or • Has not provided or attempted to provide any of the service(s) or facilities for which the district was organized for two consecutive years; and • Has no outstanding financial obligations, <p>then, the Division of Local Government may initiate statutory procedures to administratively dissolve the district.</p> <p style="text-align: right;">C.R.S. § 32-1-710</p>

Ebert Metropolitan District	12/31/2018 (Actual)	12/31/2019 (Actual)	12/31/2020 (Estimated)	12/31/2021 (Budget)
Outstanding General Obligation Debt (Series 2018A1 and 2018A-2)	\$ 102,715,000	\$ 102,380,000	\$ 102,380,000	\$ 101,820,000
Intergovernmental agreements	Town Center Metropolitan District - Second Amended and Restated District Facilities Construction, Funding and Service Agreement - 11/1/2018	Town Center Metropolitan District - Second Amended and Restated District Facilities Construction, Funding and Service Agreement - 11/1/2018	Town Center Metropolitan District - Second Amended and Restated District Facilities Construction, Funding and Service Agreement - 11/1/2018	Town Center Metropolitan District - Second Amended and Restated District Facilities Construction, Funding and Service Agreement - 11/1/2018
Tax revenue obligated for Town Center per IGA	\$ 1,950,559	\$ 2,093,227	\$ 2,352,964	\$ 2,375,566
Bond Insurance/Letter of Credit	Build America Mutual Assurance Company	Build America Mutual Assurance Company	Build America Mutual Assurance Company	Build America Mutual Assurance Company
Bond Rating	S&P - AA, Moody's - A2	S&P - AA, Moody's - A2	S&P - AA, Moody's - A1	S&P - AA, Moody's - A1
Mill Levy Cap - 65.000 (as adjusted for Gallagher)	82.604	82.604	83.181	83.181
Bond Ownership	Issued to the Public	Issued to the Public	Issued to the Public	Issued to the Public
Total yearly debt service payment	N/A (1)	\$ 5,018,830	\$ 5,293,050	\$ 5,560,050
Property taxes assessed for debt service	Ad valorem property taxes generated by the imposition of the Required Mill Levy (2)	Ad valorem property taxes generated by the imposition of the Required Mill Levy (2)	Ad valorem property taxes generated by the imposition of the Required Mill Levy (2)	Ad valorem property taxes generated by the imposition of the Required Mill Levy (2)
Other revenue sources for debt service	Specific Ownership Taxes collected as a result of the imposition of the Required Mill Levy (3)	Specific Ownership Taxes collected as a result of the imposition of the Required Mill Levy (3)	Specific Ownership Taxes collected as a result of the imposition of the Required Mill Levy (3)	Specific Ownership Taxes collected as a result of the imposition of the Required Mill Levy (3)
Planned Single Family Homes	4,564	4,564	4,564	4,564
Completed Single Family Homes	3,987	4,166	4,258	4,564
Percent completed	87%	91%	93%	100%
District Assessed Value	\$ 103,418,220	\$ 114,143,640	\$ 133,037,250	\$ 134,364,490
Debt to Assessed Ratio	99%	90%	77%	76%
Authorized but Unissued Debt (4)	\$ 82,375,677	\$ 82,375,677	\$ 82,375,677	\$ 82,375,677
Balloon payments	None	None	None	None
Bankruptcy proceedings	None	None	None	None

(1) The Series 2018 bonds were issued on 12/1/2018. There was no debt service payment in 2018 on these bonds. The Series 2016 bonds were repaid at the time of issuance. \$3,500,563 of interest on the Series 2016 bonds was paid in 2018 and \$108,150,000 of principal was repaid.

(2) An ad valorem mill levy imposed upon all taxable property of the Original District (including the Excluded Property) each year in an amount which, when combined with monies held in the Pledged Revenue Funds and Bond Funds not required to be applied to the payment of the 2018 Bonds in the current fiscal year, will generate tax revenues of not less than the debt service requirements for the next fiscal year.

(3) The Specific Ownership taxes collected for debt service are pledged revenue and cannot be removed.

(4) The District currently has no plans to issue additional debt.

2020 Winter Reminders **Updated**

From the Green Valley Ranch North Landscape Committee

Replacement Trees Cost \$1,000+! Water Your Trees this Winter

Did you know that you should water your trees in the winter? Yes, though they need a little less in the colder months. It not only saves the District (you) money, it also makes your trees grow and look healthier.

You are not only responsible for the trees on your property, you are also responsible for the trees in the public tree lawn adjacent to your property. If you don't have irrigation available for trees or shrubs in winter, a good rule of thumb is to water every two weeks in the absence of measurable snow fall:

- Established shrubs with a garden hose on low flow for 2 minutes (or 2 - 5 gallon buckets at a medium pour).
- Large trees with a garden hose on drip for 10 minutes or 1- 5 gallon bucket for every 1 inch of caliper (diameter of the tree trunk at 54"-60" above grade) at a super-slow pour. (If the diameter of your tree at 54" above ground level is 3", then 3 - 5 gal buckets would be a minimum)
- Do not dump water on the plant, the water will not go deep enough to provide enough for the plant. Water with patience and you will be rewarded.

There are some great resources available online, check out Denver Water's [Tree Care Guide](#). Make sure to save yourself money and grow beautiful, healthy trees!

Holiday Decor - Where can you put it?

It's that time of year where the landscaping for the most part goes dormant and the holiday decorations come out. The neighborhood will especially appreciate everyone's decorations this year. There are a few things to keep in mind when decorating.

Decorations in common areas and across public walkways are:

- **Prohibited.** You could also receive fines.
- A hazard to people and District property. Cords crossing public walkways may impede the passage of persons in wheelchairs or with other disabilities. Snow removal services cannot see many items crossing walkways and driveways that are under snow.
- A liability to the decorations' owner(s).
- Decorations and lighting installed on District fencing or trees will be granted a **waiver for this season only**. Look forward to **further** specific communications regarding this in 2021 to **clarify expectations for the 2021 holiday season**.

If you are found to have decorations on property other than your own, you will be given notice with 5 days to remove the item(s). Any items posing danger to people or District property will be removed immediately. We thank you in advance for your participation in guidelines that keep our growing community beautiful and enjoyable for everyone. Please direct your questions to our community manager, April Delgado, at April@westwindmanagement.com.

**RESOLUTION OF THE GREEN VALLEY RANCH NORTH
REGARDING POLICIES AND PROCEDURES FOR COVENANT AND RULE
ENFORCEMENT**

SUBJECT : Adoption of an amended policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of Fines.

PURPOSE: To amend the policies and procedures (as amended hereby by the "Policies and Procedures") for enforcement of the covenants established pursuant to the Master Declaration of Covenants, Conditions, and Restrictions for Green Valley Ranch North, the supplemental declarations and regulations and rules established thereunder (collectively, the "Covenants and Rules").

AUTHORITY: The Service Plan and Declaration and Colorado law.

EFFECTIVE DATE: January 1, 2018

RESOLUTION: The Board of Directors of the Town Center Metropolitan District ("Board" and "Metro District," respectively) hereby adopts the following Procedures and Rules to be followed when enforcing the Covenants and Rules:

1. Reporting Violations. Complaints ("Complaints") regarding alleged violations of the Covenants and Rules ("Alleged Violation") may be reported by property owners, the district managers retained by the District, residents, Board members, members of the Design Review Committee of Green Valley Ranch North (the "ORC"), members of other committees established by the Board, and the property management company (the "Management Company") retained by the Metro District (collectively, a "Complaining Party").

Complaints Filed with Management Company. All Complaints shall be in writing. Other than Complaints made the Management Company, Complaining Parties shall file Complaints with the Management Company. The Complaint shall identify the Complaining Party the alleged violator ("Responding Party") (if known by the Complaining Party), and set forth a statement describing the Alleged Violation referencing the specific provisions of Covenants and Rules that the Responding Party is alleged to have been violated (if known by the Complaining Party), where and when the Alleged Violation was observed, and any other pertinent information (including, if possible, a photograph or electronic image of the Alleged Violation). The Management Company may waive some or all of the foregoing requirements if the Complaint contains sufficient information to describe the Complaint, but if the Management Company cannot determine the nature of the Complaint, the

Responding Party, or other relevant information, then, at its discretion, the Management Company may return the Complaint for further information or refuse to investigate or prosecute the Complaint.

Complaints Filed by Management Company. The Management Company is authorized and directed by the Board and the Metro District to inspect property within Green Valley Ranch North, file Complaints against Responding Parties, and take steps to enforce the Covenants and Rules as provided in Paragraphs 2 through 9 below. The Management Company shall keep records setting forth brief descriptions of Alleged Violations and containing the information set forth above regarding Complaints. With the approval of the Board, the DRC and the Management Company may modify, supplement, or delete the foregoing procedures for filing, investigating, and reviewing Complaints.

Complaints Filed about Management Company. If a Complaint is about the Management Company, then (a) the Complaining Party shall file such Complaint with the DRC and the DRC shall appoint a Decision Maker as provided in Paragraph 2 below and (b) if the Decision Maker determines the Complaint against the Management Company has basis, then the Board shall take such action pursuant to the management contract between the Management Company and the Metro District as the Board, in its discretion, deems advisable or appropriate.

2. Investigation. The Management Company (the "Decision Maker") may (a) return the Complaint to the Complaining Party for additional information as needed to analyze the Alleged Violation, (b) dismiss a Complaint if it determines the Alleged Violation is not a violation of the Covenants and Rules, or (c) investigate the Alleged Violation further as the Management Committee may determine. If a Complaint is about the Management Company, then the DRC shall appoint counsel for the Metro District, the Metro District Manager, or an independent third party to assist in the investigation and review of a Complaint and such person shall be the Decision Maker for the purposes of these Policies and Procedures.

3. Courtesy Letter. Upon receipt of a Complaint, the Decision Maker shall send a courtesy letter ("Courtesy Letter") to the Responding Party describing the Alleged Violation and offering the Responding Party an opportunity to resolve the Alleged Violation. If the Alleged Violation is of a continuing nature, meaning that it remains present without correction, such as a failure to maintain the lawn of a Unit, the Courtesy Letter shall advise the Responding Party that he or she will have 10 days from the date of the Courtesy Letter to come into compliance without further sanction. If the Alleged Violation is not of a continuing nature, meaning the Alleged Violation is a one-

time discrete violation, such as a noise violation, the Courtesy Letter shall contain a statement advising the Responding Party that any additional similar Alleged Violation ("Recurring Violation") may result in the imposition of a fine (a "Fine") after notice and hearing. Notwithstanding the foregoing, if the Alleged Violation is a Recurring Violation, the Decision Maker need not send a Courtesy Letter for the next occurrence of the Recurring Violation and shall send a Fine Letter (as defined and provided in Paragraph 4 below).

4. Continuing or Additional Violation after Courtesy Letter. If an Alleged Violation is not corrected within the period provided in the Courtesy Letter or if the Alleged Violation involves the recurrence of an Alleged Violation by the same Responding Party (a "Recurring Violation"), then the Decision Maker shall not send a Courtesy Letter, but shall instead send a fine Letter (a "Fine Letter") providing notice and an opportunity to be heard by the Decision Maker and explaining a Fine may be imposed pursuant to the Covenants and Rules and these Policies and Procedures. The Fine Letter shall further state that (a) the Responding Party is entitled to be heard by the Decision Maker, (b) if the Responding Party does not respond within ten days of the Fine Letter, the Responding Party shall have waived its right to be heard and the Alleged Violation will be considered an actual violation (a "Violation") of the Covenants and Rules, and (c) the Decision Maker shall proceed with the enforcement of the Covenants and Rules and the collection of Fines as provided in these Policies and Procedures.

5. Notice of Opportunity to Be Heard. If the Responding Party requests an opportunity to be heard, (a) the Decision Maker shall serve a written notice of the deadline by which the Responding Party must submit a written position statement and (b) the Decision Maker shall hear and determine all hearings requested by Responding Parties pursuant to these Policies and Procedures.

6. Written Position Statements. The Responding Party and each Complaining Party (or the designated representative of the Complainant or the Responding Party) shall submit a written position statement containing such information as the submitting party deems appropriate (including an opening statement, evidence and written testimony by affidavit or otherwise, and a closing statement). After written position statements have been presented, the Decision Maker shall, within a reasonable time, not to exceed 10 days, render its written findings and Fine determination.

7. Failure to Timely Request Opportunity to Be Heard. If the Responding Party does not respond to the Fine Letter within said 10 days, then the Alleged Violation shall be a Violation for the

purposes of these Procedures and Rules. If the Responding Party requests an opportunity to be heard, but then fails to submit a written position statement, the Decision Maker may make a decision with respect to the Alleged Violation based on the Complaint, results of the investigation, and any other available information. If a Violation is found to exist, the Violator may be assessed a Fine or the Fine imposed by the Decision Maker may be enforced as hereinafter provided.

8. Residential Fine Schedule. The following Fine schedule has been adopted for residential covenant Violations:

First Violation	Courtesy Letter
Second Violation (of same covenant or rule within two years of the first Violation)	\$100.00
Third Violation (of same covenant or rule within two years of the first Violation)	\$200.00
Fourth and subsequent Violations (of same covenant or rule within two years of the first Violation)	\$300.00

9. Continuing Violations. If an Owner is determined by the Decision Maker as having a continuing Violation, in accordance with the terms of these Policies and Procedures, such Owner may be subject to escalating Fines as described above or may be subject to a daily Fine as provided below for each day that the Violation remains uncorrected, following notice and an opportunity to be heard as set forth above.

Continuing Violations: \$50/day until corrected

10. Appeals. If a Responding Party disagrees with the written findings and Fine determination of the Decision Maker, the Violator shall file a written appeal to the DRC within 10 days of the date of the written decision of the Decision Maker. The DRC may review the appeal at its next regularly scheduled meeting and may consider any information or evidence available with respect to the Violation in question. The DRC's decision shall be final and a Violator shall not have the right to appeal an adverse decision to the Board or any court or other tribunal.

11. Referral to Attorney. Violations may be turned over to the Metro District's attorney to take appropriate legal action, in the Board's discretion. Any Owner committing three or more Violations in a two year period (whether such Violations are of

the same covenant or different covenants) and any continuing Violation may be turned over to the Metro District's attorney for appropriate legal action.

12. Waiver of Fines. The Board may waive all, or any portion, of the Fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire Fine, or any portion thereof, upon the Violator coming into and staying in compliance with these Procedures and Rules.

13. Other Enforcement Means. This Fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Metro District through its Service Plan, Declaration, and Colorado law. The use of this process does not preclude the Metro District from using any other enforcement means.

14. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

15. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

16. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

17. Amendment. This Policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S
CERTIFICATION :**

The undersigned, being the President of the Metro District, certifies that the foregoing Resolution was duly ratified and adopted by the Board of Directors of the Metro District, at a duly called and held meeting of the Board of Directors on January 10th and in witness thereof, the undersigned has subscribed his/her name.

Town Center Metropolitan District


By: Charles Leder, President