

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

**September 20, 2022
7:00 P.M.
Zoom Teleconference**

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

DATE: September 20, 2022, **TIME:** 7:00 PM

PLACE: Zoom Teleconference

Board of Directors	Office	Term Expiration
Cynthia Barclae	President	2020-2025 (Elected)
Bruce Shibles	Co-Treasurer	2020-2025 (Elected)
Louis Kennedy	Secretary	2020-2023 (Elected)
Jennifer Woods	Assistant Secretary	2020-2023 (Elected)
Murray Hawthorne	Treasurer	2020-2025 (Elected)

Also, present via Zoom were:

Corey Pilato of Timberline District Consulting, LLC –District Manager
Evan Ela of Cockrel Ela Glesne Greher & Ruhland, P.C. – Attorney
Kristen Herndon of Cockrel Ela Glesne Greher & Ruhland, P.C.
8 members of the public

I. ADMINISTRATIVE ITEMS

a. Call to Order

The Special meeting of the Board of Directors for the Ebert Metropolitan District was called to order at 7:05 PM via Zoom teleconference.

b. Declaration of a quorum

A quorum of five was established and declared.

c. Approval of agenda and meeting location

Ms. Herndon announced the notice and agenda of the Regular Meeting was posted on the website and distributed to the community via email blast by Westwind Management Group.

Director Hawthorne moved that the Board approve the agenda and meeting location as presented. Following a second by Director Shibles a vote was taken, and the motion carried unanimously.

d. Disclosure of potential conflicts of interest

Ms. Herndon stated that there are no known or reported conflicts of interest to announce. Each District Director acknowledged the same.

e. Public comment

Stefania E. requested an explanation of the difference between Westwind and the Ebert Metropolitan District Board of Directors. Director Shibles explained the roles of each.

Ali Mahmoud questioned as to what guidelines are followed for covenant enforcement and control. Director Kennedy explained where the community standards are available for public access and to whom a resident should address an appeal.

Laurel Mills stated that another resident was not able to gain access to the Zoom meeting.

Kathy Schultz stated that the wildlife area in the community is in danger of being destroyed by muskrats and high-water levels.

John Puffer stated his concern about stagnant water caused by a beaver damn in the creek next to the Golf Club.

Gail Bell stated that people are having trouble accessing this Zoom meeting.

Kelvin Klink wants to know who the two appointees of the Ebert Metropolitan District Board of Directors to the Joint Landscape Committee are and volunteered to be appointed to this committee if and when an opening exists.

Sotha Chea stated that he wished to know what this meeting was all about.

Mayra Williams stated that others are having difficulty gaining access to this Zoom meeting and she disagrees with a reply from an application that she submitted to the HOA regarding improvements.

Upon receiving no further public comment, the meeting continued.

f. Consideration of Regular Meeting Minutes from the August 16, 2022 Special Meeting

Director Hawthorne moved that the Board approve the Minutes from the August 16, 2022 Special Meeting. Director Shibles seconded the motion. Director Kennedy stated that there was a discrepancy in the time stated for when the meeting ended. Director Kennedy moved that the motion be amended to adopt the meeting minutes as amended to reflect the correct ending time. Upon a second by Director Hawthorne a vote was taken, and the motion carried unanimously.

II. DISTRICT MANAGER

a. Westwind Covenant Compliance and Enforcement Status Report

No Report at this time. Director Hawthorne moved that this item be removed from the agenda and moved to the agenda for the next scheduled meeting in December 2022. Upon a second by Director Kennedy a vote was taken, and the motion carried unanimously.

b. Consideration and Approval of the 2021 Audit Invoice

Following discussion Director Hawthorne moved that the Board approve the amended invoice from WPFLI for the conduct of the 2021 financial audit for the District. Upon a second by Director Shibles a vote was taken, and the motion carried unanimously.

III. DIRECTOR'S ITEMS

a. Director Barclae

- i. **Ebert Metropolitan District Representative Selected to the TCMD Board of Directors:** Director Barclae stated that the Town Center Metropolitan District has not recognized the Ebert Metropolitan District's Appointment to the TCMD Board of Directors as specified in the TCMD Resolution considering appointments to that Board. As of now there is no representation from the Ebert Metropolitan District to the TCMD.
- ii. **Compliance Calendar:** Director Barclae stated that the District is currently in compliance with the Special District Compliance Calendar.

b. Director Hawthorne

i. Review and Consideration of 2021 Audit

Director Hawthorne briefly discussed the 2021 and stated that the Audit has been available to the Board and public and moved that the Board approve the 2021 Audit as published. Seconded by Director Shibles. Director Kennedy addressed a typographical error in the Auditor's Opinion Letter – Emphasis of Matter and moved to amend the motion to specify that the Auditor correct this note and amend the audit to reflect the correction. Upon a second by Director Shibles a vote was taken, and the amended motion carried unanimously.

ii. Review and Consideration of 2022 Budget Amendment

Unforeseen costs have occurred in 2022 prompting the need to amend the 2022 Budget. A Public Hearing on the proposed 2022 Budget Amendment was opened at 7:53 p.m. Mr. Klink requested the location of the Budget Amendment in the Board Packet. Hearing no other public comment, the Public Hearing was closed at 7:56 p.m.

Director Hawthorne moved that the Board approve and adopt the Resolution amending the 2022 budget as presented. Upon a second by Director Kennedy a vote was taken, and the motion carried unanimously.

c. Director Woods

i. Joint Landscape Committee (JLC) update

Director Woods stated that the Committee held their monthly meeting in person and went into the field to inspect some open space and native grass issues that have been previously discussed.

The Landscape Committee may consist of up to 9 members. The Committee is currently made up of the following individuals:

Director Woods (Chair)

Al Morie

Jeffrey Skelton

Director Barclae

There is currently one open position to represent the Ebert Metropolitan District. Director Woods explained how members are appointed to the Committee.

d. Directors Shibles and Kennedy Financial Operations Committee (FOC) update

i. District Management

Director Shibles stated that as of September 9, 2022 Special District Solutions, Inc. has taken over as the District Manager.

ii. District Accountant

Director Shibles stated that the FOC has discussed and have recommended that Special District Management Services (SDMS) take over as the District's accounting service provider in 2023. TCMD has been notified of this requested change and notice of termination will not be sent to CLA until later this fall. CLA will remain as the District's accountant through the 2023 Budget process.

IV. REVIEW OF CHAT

Ms. Herndon will include Chat Items for the meeting minutes.

V. OTHER BUSINESS

- a. Director Hawthorne and the Board members thanked Keith Mays for his assistance with the District's website.

VI. EXECUTIVE SESSION

Director Kennedy moved that the Board enter into Executive Session pursuant to C.R.S. 24-6-4032(3)(a)(II) and (4)(b) and (e) for the following topics:

- a. Ebert Resident Appointee to the Town Center Metropolitan District Board; GVRE Loan Payment
- b. Discussion and consideration of matters pursuant to topics in executive session, if necessary

Upon a second by Director Hawthorne a vote was taken, and the motion carried unanimously.

Director Shibles made a motion to come out of the executive session; Director Hawthorne seconded the motion; the motion passed unanimously.

Evan Ela, Esq. will be issuing 2 certificates as to attorney client privilege discussions in Executive Session

After coming out of Executive Session, it was noted that with regard Items a & b no Board action is being taken at this time.

V. 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 9:08 PM.

The next Regular Meeting is scheduled for Tuesday, December 6, 2022, at 7:00 PM and shall be noticed in accordance with CRS 32-1-902 and 24-6-402, on the District's webpage <https://ebertmd.colorado.gov>

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

Association Business Manager

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