

## **RECORD OF PROCEEDINGS**

### **MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF EBERT METROPOLITAN DISTRICT**

**HELD:** Wednesday, the 13<sup>th</sup> day of November, 2019, at 8:00 a.m., at the Denver Recreation Center, 4890 Argonne Way, Denver, Colorado 80249

#### **ATTENDANCE:**

A regular meeting of the Board of Directors of Ebert Metropolitan District, City and County of Denver, Colorado, was called as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

Sandra M. Hittman, President  
Mikel P. Moore, Secretary  
Cristine M. Antolak, Treasurer  
Yvonne Flood, Director  
James Moore, Director

Also present were Charles D. Foster of Foster Consulting, Ltd, District Manager; Jerry Jacobs, District Manager of Town Center Metropolitan District and Subdistricts; Kevin Collins of CliftonLarsonAllen LLP, District Accountant; and Thomas N. George of Spencer Fane LLP, General Counsel; as well as members of the public.

#### **CALL TO ORDER/QUORUM:**

It was noted that a quorum was present for the Board for the purpose of conducting a regular meeting. The regular meeting of the Board of Directors of the Ebert Metropolitan District was called to order at 8:03 a.m.

#### **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

No new or additional potential conflicts of interest were identified or disclosed by the Board.

#### **APPROVAL OF MINUTES:**

The Board reviewed the minutes of the meetings of the Board of Directors of Ebert Metropolitan District held on September 11, 2019 and October 24, 2019. Upon motion duly made, seconded and unanimously carried, the Board approved the minutes, as presented, and authorized the Secretary of the Board to sign the minutes as constituting true and correct records of the proceedings of the meetings.

#### **DIRECTOR ITEMS:**

None.

**ATTORNEY ITEMS:**

2020 Annual Administrative Matters Resolution. Attorney George presented the resolution to the Board. Upon motion duly made, seconded and unanimously carried, the Board approved the resolution as presented.

Bylaws including Mission Statement, Code of Ethics, Communications and Social Media Policies. Attorney George presented the proposed bylaws to the Board and noted several revisions made since the Board's previous meeting and discussion. Upon motion duly made, seconded and unanimously carried, the Board approved the bylaws as presented.

CORA Resolution. Attorney George presented the resolution to the Board. Upon motion duly made, seconded and unanimously carried, the Board approved the resolution as presented.

Data Privacy Resolution. Attorney George presented the resolution to the Board. Upon motion duly made, seconded and unanimously carried, the Board approved the resolution as presented.

Resolution Concerning May 2020 Regular Director Election. Attorney George presented the resolution to the Board and explained the various terms that will be up for election in May 2020. Upon motion duly made, seconded and unanimously carried, the Board approved the resolution as presented.

**MANAGER ITEMS:**

Mr. Foster suggested that the Board could utilize remaining capital improvement funds to pay for 56<sup>th</sup> Avenue recycled waterline irrigation upgrades and to install landscaping along Green Valley Ranch Boulevard. Mr. Foster estimated that the combined cost of these improvements would not exceed \$830,000.

Following discussion, upon motion duly made, seconded and unanimously carried, the Board approved utilizing up to \$830,000 from the District's remaining capital improvement funds to fund 56<sup>th</sup> Avenue recycled waterline irrigation upgrades and Green Valley Ranch Boulevard landscaping, subject to final approval by the Board President, the District Accountant, and final acceptance consistent with Section 4.6 of the Town Center-Ebert Intergovernmental Agreement, with the acceptance of newly planted trees to be delayed until 2020.

Town Center management ensured the Ebert Board that the trees planted on 56<sup>th</sup> Avenue during the dormant 2019 season would not be inspected for viability until spring 2020, at which time a one-year warranty would start, and not before.

**FINANCIAL MATTERS:**

Financial Report and Budgets. Mr. Collins presented the September 30, 2019 financials, proposed 2019 budget amendment and proposed 2020 budget to the Board.

2019 Budget Amendment and 2020 Budget – Ebert Metropolitan District. Director Hittman declared public hearings regarding the proposed 2019 budget amendment and the proposed 2020 budget for Ebert Metropolitan District opened. Attorney George noted that notice of the public hearings had been published in compliance with statute. Various members of the public in attendance commented on the proposed 2019 budget amendment and the proposed 2020 budget. Thereafter, upon motion duly made, seconded and unanimously carried, the Board closed the public hearings.

Following discussion and upon motion duly made, seconded and unanimously carried, the Board adopted the resolution to amend the Ebert Metropolitan District 2019 budget as presented.

Following discussion of the proposed 2020 budget, Attorney George presented for the Board's consideration a form of resolution indicating the adoption of the budget as shown and appropriation of the funds as shown. Upon motion duly made, seconded and unanimously carried, the Board (1) approved and adopted the 2020 budget as presented, (2) approved and adopted the mill levies as indicated in the resolution within said Resolution, (3) authorized the President and the Secretary to sign the necessary documentation, and (4) directed that the Certification of the Tax Levies be submitted to the City and County of Denver by the accountant no later than December 15, 2019, and for general counsel to file the adopted budget with the Division of Local Government prior to January 31, 2020.

**OTHER BUSINESS:**

Director Hittman highlighted the District's 2019 accomplishments, including but not limited to issuing an RFP and selecting a new district manager, amending the cooperative intergovernmental agreement with Town Center Metropolitan District, adopting bylaws, and the addition of two new Board members.

Attorney George noted for the Board that the District's initial debt and revenue election (TABOR election) was held in 1998, and the Board cannot unilaterally alter those authorizations. The State Constitution requires certain debt and revenue powers be authorized by a vote of the District's qualified electors.

**PUBLIC COMMENT:**

The Board heard public comment regarding various matters, including but not limited to concerns about the Fairway Villas common areas and the longevity of trees planted in the District. The Board directed concerns about Fairways Villas be communicated to Town Center Metropolitan District, and, following discussion, upon motion duly made, seconded and unanimously carried, the Board directed the District's staff to communicate and work with the City and County of Denver and Town Center Metropolitan District regarding the best types of trees to be planted in community. Directors M. Moore and J. Moore volunteered to serve on a committee to address these tree issues and to include Kathy Schultz.

**EXECUTIVE SESSION AS NEEDED TO HEAR LEGAL ADVICE FROM COUNSEL  
PURSUANT TO C.R.S. SECTION 24-6-502(4)(B):**

None.

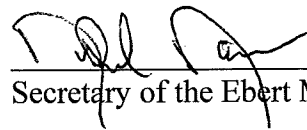
**2020 MEETING DATES:**

Upon motion duly made, seconded and unanimously carried, the Board approved holding its 2020 regular meetings on Wednesday, February 26 at 8:00 a.m.; Tuesday, May 26 at 6:00 p.m.; Tuesday, October 27 at 6:00 p.m.; and Wednesday, December 9 at 8:00 a.m.

**ADJOURNMENT OF MEETING:**

There being no further business to come before the Board and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 9:26 a.m. The Board noted that the next meeting of the Board is scheduled for 8:00 a.m. on Wednesday, February 26, 2020, at the Denver Recreation Center, 4890 Argonne Way, Denver, Colorado.

The foregoing minutes constitutes a true and correct copy of the proceedings of the above-referenced meeting/work session and were approved by the Board of Directors of Ebert Metropolitan District.



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Secretary of the Ebert Metropolitan District