

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

**December 6, 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:** December 6, 2022, **TIME:** 7:00 PM

**PLACE:** Zoom Teleconference

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

Also, present via Zoom were:

9 members of the public

Shelby Clymer & Yelena Primachenko, CLA – District Accountants

Jerry Jacobs, Timberline District Consulting, LLC – Town Center District Manager

Evan Ela of Cockrel Ela Glesne Greher & Ruhland, P.C. – General Counsel

Kurt C. Schlegel, Special District Solutions, Inc. - District Manager

**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 7:02 PM via Zoom teleconference.

**b. Declaration of a Quorum**

A quorum of four Directors was established and declared. Director Woods late attendance was approved owing to a pre-arranged conflicting official public service obligation. She joined the meeting at 7:55 p.m.

**c. Approval of Agenda and Meeting Location**

Mr. Schlegel announced the notice and agenda of the Regular Meeting was posted on the District 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 Barclae a vote was taken, and the motion carried unanimously.

**d. Disclosure of Potential Conflicts of Interest**

Mr. Schlegel stated that conflict disclosures have been filed with the Secretary of State and each Director stated they have no conflicts of interest to report.

**e. Agenda:**

Director Hawthorne requested that the agenda be amended by moving Items #7 and #8 (Joint Landscape Committee (JLC) issues) from Unfinished Business to the end of New Business on the basis that Director Woods is the JLC Chair and has an interest in the pending matter, and that he wanted to enable her to participate in the pending matter. Director Kennedy moved that the Board approve the agenda as amended. Upon a second by Director Barclae a vote was taken and the motion carried unanimously.

**e. Consent Agenda:**

Director Hawthorne requested that the meeting minutes from the September 20, 2022 Regular meeting Section III – c. be amended to correct the spelling of Mr. Morie’s name and remove “and TCMD Subdistrict 1” following Director Barclae’s name. Director Shibles moved that the Board approve the Consent Agenda, consisting of the following amended item, as presented:

- Minutes from the September 20, 2022, Regular Meeting

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

**f. Correspondence – None**

**g. Public comment - None**

**h. Director’s Items - None**

**II. NEW BUSINESS**

**a. 2023 Special District Association (SDA) Membership and 2023 Insurance Coverage**

Director Shibles moved that the Board direct the Manager to renew the District’s SDA membership for 2023 and renew the District’s liability insurance coverage with the Special Districts Property & Liability Pool for 2023. Upon a second by Director Hawthorne a vote was taken, and the motion carried unanimously.

**b. District Accounting Services**

Director Shibles stated that he has received a proposed professional services agreement from Special District Management Services (SDMS) for the provision of accounting services for the District beginning in 2023. Director Kennedy requested that the agreement include a statement that SDMS will be the holder of all District

accounting records and that the District receive an acknowledgement that SDMS has received all documents from the current accounting firm. Director Shibles moved that the Board of Directors confirm and acknowledge the engagement of SDMS for accounting services beginning January 1, 2023. Upon a second from Director Hawthorne a vote was taken, and the motion carried unanimously. Director Shibles will send a copy of the proposed agreement to Counsel for legal review.

**c. 2023 Annual Administrative Resolution**

Mr. Schlegel presented a proposed Annual Administrative Matters Resolution (AR) for the Board's consideration. Director Hawthorne described the changes made to the 2023 AR as generally: changing any 2022 dates to 2023 dates; that the district's designated accountant arrange and coordinate the 2022 annual audit; the addition of language allowing Directors to be compensated for direct and actual costs associated with the conduct of district business and attendance at the SDA Annual Conference up to but not exceeding \$1,500 per director per year; and, the 2023 regular meeting schedule. Director Shibles moved that the Board adopt the 2023 Annual Administrative Matters Resolution as presented. Upon a second by Director Barclae a vote was taken, and the motion carried unanimously.

**d. 2023 Election Resolution**

Mr. Schlegel presented a proposed election resolution calling for a Regular District Election on May 2, 2023. Director Shibles moved that the Board adopt the resolution calling for a 2023 Regular District Election and Appointment of Designated Election Official, as presented. Upon a second by Director Hawthorne a vote was taken, and the motion carried unanimously.

**e. DLG-70 Certification of Tax Levies**

Director Hawthorne moved that the Board direct the District's current accountant, CLA, to prepare, sign, and file the DLG-70 Certification of Tax Levies for the 2023 Budget Year with the Board of County Commissioners and other interested parties. Upon a second by Director Shibles a vote was taken, and the motion carried unanimously.

**f. Joint Landscape Committee (JLC) Membership**

Director Hawthorne motioned to rescind Ebert's interest in the Joint Landscape Committee Resolution. He stated that based on the fact that District residents now have more effective mechanisms to submit community landscaping issues and concerns directly to the District, which include:

- The District Work Order System
- Numerous District public meetings throughout the year at which individual resident concerns can be raised directly to Ebert and Town Center Directors, and

that these mechanisms effectively account for the original purpose of the JLC, and that the cost to continue sponsoring JLC committee meetings can be eliminated given that Town's DM attends those meetings and charges the district for his time. Upon a second by Director Shibles, the Directors and residents discussed the pros and cons of relinquishing the District's two Committee positions. Following discussion a rollcall vote was taken with the following results:

Director Barclae – Yes  
Director Hawthorne – Yes  
Director Shibles – Yes  
Director Kennedy – No  
Director Woods – Yes

The motion carried 4 votes in favor and 1 opposed. The Directors then requested that the District Manager draft a letter from the Ebert Metropolitan District to the Town Center Metropolitan District advising of the District's decision to rescind its interest in the JLC.

### **III. FINANCIAL ITEMS**

#### **a. Review of Cash Position and Financial Statements**

Ms. Clymer (of CLA) presented the District's Financial Statements dated October 31, 2022 for the Board's review.

#### **b. 2023 Budget**

Mr. Schlegel stated that the required Notice of Public Hearing was published and posted as required. Director Barclae moved that Board open the public Hearing. Upon a second by Director Shibles a vote was taken, and the motion carried unanimously, and the Public Hearing was opened at 7:31 p.m.

Ms. Clymer presented the proposed 2023 Budget for the Directors consideration and answered several questions from the Directors and members of the public regarding the 2023 Budget. Following discussion and hearing no other comments, Director Shibles moved that the Public Hearing be closed. Upon a second by Director Hawthorne a vote was taken, and the motion carried unanimously, and the Public Hearing was closed at 7:46 p.m.

Director Shibles moved that the Board approve and adopt Resolution No. 2022-12-03 Adopting the 2023 Budget as presented, Approve the Setting of the District's MILL Levy for the 2023 Budget Year, and Appropriating Sums of Money required for District Operations and Debt Service for 2023. Upon a second by Director Barclae, a vote was taken and the motion carried unanimously.

#### **c. 2024 Budget**

Director Shibles moved that the Board direct the District's new accountant, SDMS, to prepare the 2024 Budget. Upon a second by Director Hawthorne, a vote was taken and the motion carried unanimously.

### **IV. DISTRICT MANAGER**

#### **a. Westwind Covenant Compliance and Enforcement Status Report**

No Report was presented because the information requested of Westwind was not provided by Westwind.

#### **b. District Work Order Status Report**

Mr. Jacobs stated only that the status of open work orders were in track. Director Hawthorne advised Mr. Jacobs that the Work Orders he submitted in 2022 were acknowledged back to him with scheduled completion dates in the calendar year 2050. Mr. Jacobs stated "that shouldn't have happened" and requested Director Hawthorne to forward those acknowledgements to him. Mr. Schlegel requested to be cc'd on those communications.

**c. Statutory Compliance**

Mr. Schlegel stated that the District is in substantial compliance with the State’s Special District Compliance Calendar and will ensure that all required documents are filed with the State and County by December 31, 2022.

**V. REVIEW OF CHAT**

Mr. Schlegel will include the transcript of Chat Items with these meeting minutes.

**VI. OTHER BUSINESS - None**

**VII. 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 8:17 PM.

The next Regular Meeting is scheduled for Tuesday, March 14, 2023, 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**

April Delgado

(303) 369-1800 ext. 135 April@westwindmanagement.com

**Administrative Assistant**

Audrey Brown

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

Mayra Williams to Everyone

7:20 PM

MW

Can you state what the name and email address for Sarah again?

Keith Mays to Everyone

7:23 PM

KM

sluetjen@ceglaw.com

Bruce to Everyone

7:32 PM

B

Sarah H. Luetjen | Paralegal  
Cockrel Ela Glesne Greher & Ruhland,  
P.C.  
44 Cook Street, Suite 620  
Denver, Colorado 80206  
Main: 303.218.7200 | Mobile:  
303.641.3571  
sluetjen@ceglaw.com |

Bill Schmidt to Everyone

7:33 PM

BS

Ebert reimbursable amounts from TC need to be part of the TC amended budget process tomorrow; once approved, I expect them to be paid promptly

Bruce to Everyone

7:34 PM

B

Thanks for confirming Bill

Al Morie to Everyone

7:38 PM

AM

How are the specific ownership taxes that come to the District split between the different funds?

Keith Mays to Everyone

7:42 PM

KM

Thank you Shelby for the clear presentation. ...

Bruce to Everyone

7:42 PM

B

EMD Website:

<https://ebertmd.colorado.gov/>

Evan's iPad to Everyone

7:54 PM

EI

Mayra, your chat came directly to me, Evan Ela, the District's legal counsel. Please send your question to the Board members and Kurt Schlegel.

Evan's iPad to **Everyone**

7:54 PM

EI

Mayra, your chat came directly to me, Evan Ela, the District's legal counsel. Please send your question to the Board members and Kurt Schlegel.

**Mayra Williams** to **Everyone**

7:55 PM

MW

Do you have a work order for the area behind the mailboxes on Biscay and 53rd?  
Can that area be fixed? It's a snake pit.

...

Me to **Everyone**

7:57 PM

KS

Please send to me an email with hour request and I will follow-up on that

kurt@specialdistrictsolutions.com