

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

AGENDA AND NOTICE

<u>Board of Directors</u>	<u>Office:</u>	<u>Term Expiration</u>
Todd Creger	President	May 2022 (appointed)
Yvonne Flood	Secretary	May 2022 (elected)
VACANT	Treasurer	May 2022 (appointed)
Cynthia L. Barclae	Assist. Secretary	May 2022 (elected)
Kimberly Rivera	Assist. Secretary	May 2022 (appointed)

DATE: Friday, February 26, 2021

TIME: 8:00 a.m.

PLACE: *VIA Zoom*

***NOTICE: given current events and current advice and directives from local, state and federal jurisdictions related to COVID-19, Board members, consultants and members of the public may participate by videoconference or teleconference by utilizing the following information:**

AUDIO/VIDEO CONFERENCE

UPDATE THIS ZOOM INFO
<https://zoom.us/j/98997497940>

Meeting ID: 989 9749 7940

Call-in: 1-253-215-8782

YOU MAY ACCESS THE MEETING PACKET AT: Ebertmd.colorado.gov

“The Mission of the Ebert Board of Directors is to protect and enhance the property values of the Ebert District through a policy of fiscal accountability, transparency and effective governance.”

I. ADMINISTRATIVE ITEMS:

- A. Call the Meeting to Order.
- B. Review Conduct of Meeting (enclosure).
- C. Confirm Location and Posting of Meeting Notices.
- D. Declaration of Quorum.
- E. Approval of Agenda.

- A. Review and Consider Approval of January 19, 2021 Special Work Session Meeting Minutes and December 9, 2020 Regular Meeting Minutes (enclosures).
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II. DIRECTOR’S ITEMS:

- A. Discuss Board Vacancy
- B. Consider Appointment of Board Treasurer
- C. Provide Committee status reports and consider appointment of additional Committee members.

- 1. Election Review and Evaluation Committee (Director Rivera to present).
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- 2. Communications/Education Committee (Director Flood to present).
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- 3. Joint TCMD/Ebert Landscape Committee (enclosure)
Brandon Wyszynski, President TCMD
Jerry Jacobs, District Manager, TCMD
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- 4. Fiscal Policy and Strategic Planning Committee (Director Creger to present).
 - a. Status of Reserve Study Acceptance by Town Center MD – Jerry Jacobs
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- D. Discuss New Committee to Review Structure of Existing Board Committees and Recommend Additional Guidelines – Directors Flood and Creger

III. FINANCIAL ITEMS:

- A. Review Ebert MD unaudited financial statements for the period ending December 31, 2020 (enclosure).
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- B. Other
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IV. OTHER BUSINESS:

- A. Update from District 11 - City Council, City and County of Denver (Melissa Sotelo to present).
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- B. Capital Projects Update (Charlie Foster to present).
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- C. Town Center Metropolitan District Report (Brandon Wyszynski and Jerry Jacobs to present)

1. Discuss Status of Appointment of Ebert MD Board Member to the Town Center MD Board of Directors (enclosure).
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2. Discuss status of termination and renegotiation of Intergovernmental Agreement (“IGA”) between the District and GVR Metropolitan District for Sharing Common Area Costs (enclosure).
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- V. PUBLIC COMMENT – Please submit comments/questions via the Zoom “chat” tool (when it’s enabled) or to Kimberly Bruetsch via email at kbruetsch@rwolaw.com**
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- VI. LEGAL ITEMS - EXECUTIVE SESSION** as needed to receive legal advice from Counsel pursuant to C. R. S. Section 24–6–402-4-(b) and/or Section 24-6-402(e)i.
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- A. Discuss matters pertaining to Green Valley Ranch North Development Agreement between the City and County of Denver; C&H Ranch Company LLC; Oakwood Commercial Ventures LLC; OC 2001, LLC; HC Development & Management Services, Inc.; Town Center Metropolitan District; Ebert Metropolitan District and School District No. 1 in the City and County of Denver, dated February 20, 2003.
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VII. CONTINUATION / ADJOURNMENT:

The next Regular meeting is scheduled for May 25, 2021 @ 6:00 P.M.

**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.

DRAFT - SUBJECT TO BOARD APPROVAL

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF
EBERT METROPOLITAN DISTRICT**

HELD: Tuesday, the 19th day of January 2021, at 8:05 a.m., held via Zoom.

ATTENDANCE:

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:

Todd Creger, President
Yvonne Flood, Secretary
Cynthia Barclae, Assistant Secretary
Kimberly Rivera, Assistant Secretary

Also present via Zoom were:

Bob Blogett of Community Resource Services (CRS), District Manager
Sue Blair of Community Resource Services (CRS), District Manager
Marcos Pacheco of Community Resource Services (CRS), District Manager
Kimberly Bruetsch, Esq. of Robinson Waters & O’Dorisio, P.C.
21 Other Members of the Public

ADMINISTRATIVE ITEMS:

I. Call to order/Roll Call/Depending on Qualifications –

The regular meeting of the Board of Directors of the Ebert Metropolitan District was called to order at 8:05 a.m. via Zoom video/audio conference.

Ms. Blair reported that she had physically posted the Notice and Agenda at the regular meeting location, on the website, with the County and that the Agenda and Notice was distributed to the community via email blast by Westwind Management.

A quorum was declared.

II. Opening Statement

President Creger stated the purpose of today’s special work session is to improve understanding of

the roles of the Board, its individual members and improve communication among each other as well as the community. It is important that the Board act with one voice and one mission for all Board members regardless of whether each member was elected or appointed.

III. Board member roles, behaviors and expectations

President Creger noted the challenges of keeping each other informed when a meeting of more than two board members constitutes a public Board meeting. The Board decided that information from individual Board members should be sent to the District Manager with a copy to President Creger for review and dissemination to the entire Board. Attorney Breutsch reminded the Board that responses to District communications sent to the entire Board should be sent to the District Manager and Board President to avoid an electronic Board meeting.

The Board decided that requests for contacting Attorney Breutsch should first be sent to the President with a copy to the District Manager for review.

Ms. Blair noted the existing ByLaws address a number of these points.

Directors noted that is important to communicate with each other professionally and respectfully as well as the public we serve.

Board members further noted that the actions of each Board member reflect upon the entire Board and it is important to speak as one voice rather than individual voices.

IV. A. Committee roles, expectations and behavior of committee members and B. Committee authority (none) and recommendations to the Metro Board

Director Flood noted that she and former Board President Sandra Hittman established the Committees. The Committees must follow the same code of ethics as the Board does. President Creger stated that Article 4, Section 9 of the ByLaws addresses the Committee roles. Director Flood noted that she recently reviewed information from the SDA re Board policies that may be helpful. She will send to Mr. Blodgett to circulate to the Board.

Director Barclae noted a recent issue her Landscape Committee addressed directly with Mr. Jacobs. The Board stated in the future Committee recommendations should be first sent to President Creger and Mr. Blodgett for review and action with the Town Center MD and Mr.

Jacobs. Ms. Blair noted the Committees may consult with Mr. Blodgett and he can inform President Creger and the entire Board.

Director Rivera noted the Board is held to a higher standard by the community. Board committees are as well. Timely communication is important.

V. A. Communication among the Metro Board and B. Board members appointment to “other” Boards to represent Ebert Metro

Director Flood recommended a write up of the District communication policies. President Creger

suggested the Board develop a communication policy for the community. The Board discussed whether a Board member should serve as Chair of each Committee. Ms. Blair noted that CRS can review the specific Board direction and bring back recommended changes to the bylaws.

Director Flood stated she has recommendations for Committee guidelines and a communication policy. She will forward to President Creger and Mr. Blodgett for review and discussion. President Creger suggested creating a new Board Committee to review these issues. Ms. Blair noted that this action would need to wait for the February regular Board meeting as this a Work Session only today with no actions to be taken.

Director Barclae reported that GVRMD has extended the landscaping contract for 60 days. The Ebert board had recommended termination. President Creger will follow up with Attorney Breutsch and TCMD.

Director Barclae asked about coordination of Sub District meeting agendas she receives. Some items may affect Ebert. She will forward to Mr. Blodgett in the future for review and transmittal to the Board.

VI. Review district by laws and board communication policy

Director Flood suggested the social media policy needs to be reviewed also. The Board discussed the importance of communicating to the community through the District website.

The Board will discuss a new committee to address Committee guidelines and the communication policy at the February Board meeting. President Creger also noted that a Treasurer will need to be appointed at that meeting.

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 9:30 am.

The next meeting is a regular board meeting on February 26 at 8:00 am.

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

Secretary for the Meeting

RECORD OF PROCEEDINGS

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

HELD: Wednesday, the 9th day of December, 2020, at 8:01 a.m., held via Zoom.

ATTENDANCE:

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:

Todd Creger, President
Yvonne Flood, Secretary
Cynthia Barclae, Assistant Secretary
Kimberly Rivera, Assistant Secretary

Also present via Zoom were:

Lisa A. Jacoby of Community Resource Services (CRS), District Manager
Charles D. Foster of Foster Consulting, Ltd
Debra Sedgeley of CliftonLarsonAllen LLP (CLA), District Accountant
Kimberly Bruetsch, Esq. of Robinson Waters & O’Dorisio, P.C.
Jerry Jacobs of Timberline District Consulting, LLC
Magen Elenz of District 11 City Council Office
Other Members of the Public

ADMINISTRATIVE ITEMS:

Call to order - The regular meeting of the Board of Directors of the Ebert Metropolitan District was called to order at approximately 8:01 a.m. via Zoom video/audio conference.

Conduct of the Meeting – Ms. Jacoby read aloud an excerpt from the District’s Public Communications and Comment Policy regarding appropriate conduct and noted that public comment would be taken during that designated portion of the meeting with questions and comments provided via the Zoom “chat” tool or by email sent to Kimberly Bruetsch at kbruetsch@rwolaw.com

Confirmation of Location and Posting of Meeting Notices – Ms. Jacoby reported that she had physically posted the Notice and Agenda at the regular meeting location, on the website, with the County and that the Agenda and Notice was distributed to the community via email blast by Westwind Management.

Quorum - A quorum was declared.

Agenda – Following discussion, upon motion duly made, seconded and unanimously carried, the Board approved the Agenda, as amended.

Acknowledge the Ineligibility of Matthew Dionne to serve on the Board of Directors – Consider appointment of Board Candidate to fill the Vacancy – Ms. Jacoby reported that following the December 9, 2020 Board Meeting it was discovered that Matthew Dionne did not qualify to serve on the Board of Directors due to his property not residing within the boundaries of the District. Mr. Dionne’s Oath of Director was not filed with the Court and thus he was not installed as a Board Member. The Board determined to consider appointment of a qualified individual at a future meeting, following the consideration of amendment(s) to the District’s Bylaws.

Establishment of a Committee and Appointment of Representatives to Review and Suggest Amendment to the Bylaws – Following discussion, the Board established a Bylaw Review Committee with Directors Barclae and Flood volunteering as representatives. Director Rivera noted that she would be available if needed as well.

Appointment of Officer Positions – this matter was deferred.

Minutes - The Board reviewed the Minutes of the meeting of the Board of Directors of Ebert Metropolitan District held on October 27, 2020. Upon motion duly made by Director Flood, seconded by Director Creger and unanimously carried, the Board approved the Minutes, as presented.

2021 Regular Meeting Dates and 2021 Annual Administrative Resolution - Following discussion, upon motion duly made by Director Flood, seconded by Director Creger and, upon vote, unanimously carried, the Board approved the 2021 Annual Administrative Resolution, subject to determination following this meeting, of 2021 Regular meeting dates. [*Following the meeting, the Regular 2021 meeting dates and times were established for Friday, February 26, at 8:00 a.m.; Tuesday, May 25 at 6:00 p.m.; Wednesday, October 27th at 8:00 a.m.; and Tuesday, December 21 at 6:00 p.m.*]

DIRECTOR ITEMS:

Communication Protocols between the Committees, the Board and Representatives of the Community – Director Flood discussed a concern regarding reciprocal communication with advisory committees created by the District; other committees and well as others of the community with the goal of allowing for better communication with all involved. She noted that communication should flow up to the Board and that the Committees do not have the authority to make decisions or take action for the Board.

Director Creger echoed Director Flood's comments and discussed a broader concern regarding understanding how the Committees are structured and how to better address community concerns.

Director Barclae also addressed the need for better communication as it related to the Landscape Committee communication through the sub-district structure. Director Barclae further reported regarding reviewing of a proposed amendment to the community Covenants.

Discussion ensued regarding holding of special meetings to have more open communication within the Board. It was noted by Ms. Jacoby that communication by the Board whether by email or in person, with a quorum of the Board, constitutes and public meeting which must be "noticed", pursuant to statute.

Mr. Jacobs clarified the intent regarding the amending the Covenants noting that the Covenants would not be amended, but rather an amendment to the Guidelines will clarify regulations regarding the matter at hand, being the holiday decorating. He noted that an email blast from the Landscape Committee addressing holiday decorating matters would be sent within the next week.

Committee Status Reports - Discussion ensued regarding the status of the following Committees:

1. Election Review and Evaluation Committee – Kimberly Rivera confirmed she is the Board Sponsor for this Committee. Ms. Jacoby reported that she had consulted with Committee member Sue Blair, Designated Election Official ("DEO"), and that it was determined by the Committee to meet again in spring, 2021. It was noted that Director Rivera may establish communication with the Committee and consider calling a Committee meeting as she desired.
2. Communications / Education / Community Engagement Committee – Committee Chair, Yvonne Flood noted that she still does not have a committee and is in need of volunteers. She noted that work is ongoing with regard to "what will" and "what won't" be included on the website. She noted that it would be good for the Guidelines once amended, to be posted to the website as a resource to the community. She reported that as expected, website usage continues to trend upward when a Board meeting is nearing.
3. Landscape Committee – Committee Chair, Cynthia Barclae noted prior in the meeting that amendments regarding holiday decorations will be forthcoming.
4. Fiscal Policy / Strategic Planning Committee – Status of Town Center MD Reserve Study
Mr. Jacobs reported that the Reserve Study has been finalized and that revisions going forward will be noted and compiled with updates to occur once a year, in an effort to be more efficient. The finalized Reserve Study will be presented to the Town Center Board in January for final acceptance. He noted that he did receive an email from Chair, Murray

Hawthorne regarding the Golf Course and that this matter will be addressed with the next version of the Reserve Study. It was also requested that the compiled information be contained in a central access location (such as Dropbox) to avoid redundancy of comments, and that a hyperlink to the Reserve Study will be established once the Reserve Study is approved by the Town Center Metropolitan District.

Enforcement of Covenants (rules and regulations) by the Town Center Metropolitan District via Westwind Management – Director Creger reported that he and Director Barclae met with Mr. Jacobs and Mr. Wyszynski to discuss this subject and a variety of subjects with an overall desire for better communication. It was noted that there is a lot of geography to cover with the volume of violations; however, with the hiring of April Delgado, communication has improved, concerns are being addressed and inspections are occurring with more consistency.

Establishment of a Committee and Appointment of Representatives for the Review and Suggested Amendment to the Bylaws – This matter was addressed earlier in the meeting.

FINANCIAL ITEMS:

Unaudited Financial Statements – Ms. Sedgeley reviewed with the Board the unaudited financial statements for the period ending October 31, 2020.

Ms. Sedgeley noted that the District does have an Agreement with the Town Center Metropolitan District to levy 17 Mills for the funding of maintenance of the community. There is a maximum amount obligated by Ebert to Town Center Metropolitan District pursuant to the Agreement. It is estimated that the Agreement obligation will be fulfilled within 5 to 6 years.

Following discussion, upon motion duly made by Director Flood, seconded by Director Barclae and, upon vote, unanimously carried, the Board accepted the financial statements for the period ending October 31, 2020.

2021 Budget Hearing – The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

Ms. Sedgeley reviewed the estimated 2020 expenditures and the proposed 2021 expenditures. Public comments were received and following comments, the public hearing was closed.

Following discussion, the Board considered the adoption of the Resolution to Adopt the 2021 Budget and Appropriate Sums of Money and Set Mill Levies (for the General Fund at 17.000 mills

and the Debt Service Fund at 40.319 mills and the Capital Repair and Replacement Fund at 1.000 mill, for a total mill levy of 58.319 mills). Upon motion duly made by Director Flood, seconded by Director Creger and, upon vote, unanimously carried, the Resolution was adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2020. Ms. Sedgeley was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of the City and County of Denver and the Division of Local Government, not later than December 15, 2020. Ms. Sedgeley was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2021.

2020 Audit – Ms. Jacoby presented the Audit Engagement Letter from WIPFLI to perform the 2020 Audit, for an amount of \$4,500. It was noted that the fee remains the same as last year. Following discussion, upon motion duly made by Director Flood, seconded by Director Barclae and, upon vote, unanimously carried, the Board approved engagement of WIPFLI to perform the 2020 Audit.

OTHER BUSINESS:

Update from District 11 City Council Office, Magen Elenz on behalf of Council Member Stacie Gilmore’s Office - Ms. Elenz chief of staff for Stacie Gilmore, reported that there will be a holiday drive thru event being held this upcoming Friday December 11th from 6-9 at the EB Garrett Dennis campus, west parking lot.

Capital Project Update – Mr. Foster reported that paving of 38th Avenue has been completed; it has been “striped” and “signed”; however, it is not open to traffic as the streetlights have not yet been installed. It is expected that this project will be completed in 2021.

Other projects for completion in 2021 consist of the link between Tower and Argonne for Maxwell and also the link for Argonne connecting to 56th Ave; and, a couple of sidewalks making connection to the First Creek Trail.

He noted that Phase 3 of 38th Ave. consisting of a corner of 38th Ave. and Picadilly Road, has been delayed due to Urban Drainage District conducting a study for upgrades.

Further, Mr. Foster noted that he is working with the City and County of Denver regarding traffic signals on arterials, for which the City will fund; however, does not currently have the funding for. He noted he would continue to provide updates.

Mr. Foster noted that the CP Bedrock escrow of approximately \$165,000 was for the improvement to landscape along Telluride; however, that landscaping will not be completed as it is a vacant incomplete road. The funds will remain in the escrow account until the landscaping is installed.

Mr. Foster clarified that the CP Bedrock escrow does not include excluded property from the District. The excluded property is not a part of the escrow, but consists of 51 acres of commercial property just to the west of Tower Road. Mr. Jacobs noted that these properties perform and fund their own maintenance.

Questions regarding 38th Ave. and Telluride were addressed. It was noted by Mr. Foster that pursuant to a 2003 Agreement, Denver agreed to pay \$25+ million for streets and associated improvements plus an additional \$5.6 million was received. As part of that Agreement, Town Center Metropolitan District agreed to improve 38th Avenue and Telluride. In return, the revenues that would have gone to GVR Metropolitan District, were received by Town Center Metropolitan District.

Town Center Metropolitan District Report – Mr. Jacobs reported that work orders for the year amounted to 761 received with 728 being completed to date.

He reported on the Final Acceptance and turnover to Town Center Metropolitan District for maintenance consisted of the following: Filing 39 streetscape north side; Serenity Park; 56th Avenue streetscape from Ireland to Picadilly; Filing 62 common areas and streetscape; and, FirstCreek Village Filings 3 and 4. Capital projects completed consisted of: Phase 4 fencing; GVRBoulevard and Kirk Street landscaping, drainage repairs and replacements. The irrigation upgrades and detention pond cleanup projects were completed as well.

Mr. Jacobs noted earlier in the meeting that the Town Center Reserve Study has been completed and will be on the agenda for Town Center's acceptance at the Town Center Metropolitan District January meeting.

PUBLIC COMMENT:

Public comments were addressed.

LEGAL ITEMS - EXECUTIVE SESSION - Pursuant to C.R.S. §24-6-502(4)(b), upon motion duly made by Director Flood, seconded by Director Barclae and, upon vote, unanimously carried, the Board entered into executive session at 10:07 a.m. to receive legal advice from Counsel regarding matters pertaining to the termination and renegotiation of Intergovernmental Agreement (“IGA”) between the District and GVR Metropolitan District for Sharing Common Area Costs; appointment of an Ebert MD Board Member to the Town Center MD Board of Directors; evaluation of the sub-district relationship; matters pertaining to Green Valley Ranch North Development Agreement between the City and County of Denver, C&H Ranch Company LLC, Oakwood Commercial Ventures LLC, OC 2001, LLC, HC Development & Management Services, Inc., Town Center Metropolitan District, Ebert Metropolitan District and School District No. 1 in the City and County of Denver, dated February 20, 2003; the Addendum to

Second Amended and Restated District Facilities Construction, Funding and Service Agreement; and, Termination Amendment to the Leisure Facility Agreement by and between Town Center Metropolitan District – Subdistrict No. 1 and WTS International, LLC.

Furthermore, pursuant to §24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the District's counsel, constitutes privileged attorney-client communication pursuant to §24-6-402(4)(b), C.R.S.

Upon motion duly made by Director Flood, seconded by Director Barclae, upon vote, unanimously carried, the Board entered into regular session at 11:27 a.m.

Intergovernmental Agreement (“IGA”) between the District and GVR Metropolitan District for Sharing Common Area Costs – Following discussion, Director Creger was authorized to follow-up with Mr. Jacobs regarding the status of Notice of Termination and request for renegotiation of the Agreement.

Appointment of an Ebert Metropolitan District Board Member to the Town Center Metropolitan District Board of Directors – Following discussion, Ms. Jacoby was authorized to follow-up with Mr. Wyzynski regarding the status of qualifying of an Ebert Board Member or other individual to sit on the Town Center Metropolitan District Board.

Status of Evaluation of Sub-District Relationship – The Board determined to take under consideration documents associated with this matter.

Green Valley Ranch North Development Agreement between the City and County of Denver; C&H Ranch Company LLC; Oakwood Commercial Ventures LLC; OC 2001, LLC; HC Development & Management Services, Inc.; Town Center Metropolitan District; Ebert Metropolitan District and School District No. 1 in the City and County of Denver, dated February 20, 2003 – Following discussion, Attorney Bruetsch was authorized to follow-up with Town Center Metropolitan District’s legal counsel, Jennifer Ivy with Icenogle Seaver Pogue, P.C. regarding a request by Ebert Metropolitan District’s for disclosure, transparency and oversight of the use of funds received via Green Valley East Metropolitan District of approximately \$2.9M.

Addendum to Second Amended and Restated District Facilities Construction, Funding and Service Agreement (“IGA”) – Following discussion, Attorney Bruetsch was directed to circulate the draft Addendum for the Board’s consideration.

Termination Amendment to the Leisure Facility Agreement by and between Town Center Metropolitan District – Subdistrict No. 1 and WTS International, LLC – Following

discussion, Director Creger was authorized to request a copy of this referenced termination agreement or any related settlement documents from the Town Center Metropolitan District.

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.

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

Secretary for the Meeting

DRAFT

EBERT METROPOLITAN DISTRICT
FINANCIAL STATEMENTS
DECEMBER 31, 2020

**EBERT METROPOLITAN DISTRICT
BALANCE SHEET - GOVERNMENTAL FUNDS
DECEMBER 31, 2020**

	<u>General</u>	<u>Conservation Trust</u>	<u>Debt Service</u>	<u>Capital Reserve - Bond Proceeds - Series 2018</u>	<u>Capital Reserve - 1.000 Mill</u>	<u>Total</u>
ASSETS						
C - Safe	\$ 145,082	\$ 102,404	\$ 10,072	\$ -	\$ 251,267	\$ 508,825
C - Safe - Rate Stabilization	-	-	6,772,647	-	-	6,772,647
C - Safe - Capital Replacement 2018	-	-	-	1,502,282	-	1,502,282
UMB - CP Bedrock Escrow 2008	165,775	-	-	-	-	165,775
UMB Series 2018-A accounts	-	-	765,943	-	-	765,943
Receivable from County Treasurer	8,142	-	20,472	-	479	29,093
Property Tax receivable	2,284,196	-	5,774,698	-	134,364	8,193,258
TOTAL ASSETS	<u>\$ 2,603,195</u>	<u>\$ 102,404</u>	<u>\$ 13,343,832</u>	<u>\$ 1,502,282</u>	<u>\$ 386,110</u>	<u>\$ 17,937,823</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES						
CURRENT LIABILITIES						
Total Liabilities						
DEFERRED INFLOWS OF RESOURCES						
Deferred property tax	2,284,196	-	5,774,698	-	134,364	8,193,258
Total Deferred Inflows of Resources	<u>2,284,196</u>	<u>-</u>	<u>5,774,698</u>	<u>-</u>	<u>134,364</u>	<u>8,193,258</u>
FUND BALANCES						
Total Fund Balances	<u>318,999</u>	<u>102,404</u>	<u>7,569,133</u>	<u>1,502,282</u>	<u>251,746</u>	<u>9,744,564</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	<u>\$ 2,603,195</u>	<u>\$ 102,404</u>	<u>\$ 13,343,832</u>	<u>\$ 1,502,282</u>	<u>\$ 386,110</u>	<u>\$ 17,937,823</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

**EBERT METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2020**

GENERAL FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Property taxes	\$ 2,261,633	\$ 2,257,690	\$ (3,943)
Specific ownership tax	135,700	117,440	(18,260)
Interest income	4,000	2,198	(1,802)
Town Center Reimbursement for legal	15,000	25,569	10,569
Other revenue	19,470	19,469	(1)
TOTAL REVENUES	<u>2,435,803</u>	<u>2,422,366</u>	<u>(13,437)</u>
EXPENDITURES			
County Treasurer's fee	22,620	22,577	43
Legal services	15,000	25,569	(10,569)
Town Center services reimbursement	2,394,183	2,363,890	30,293
Contingency	5,597	-	5,597
TOTAL EXPENDITURES	<u>2,437,400</u>	<u>2,412,036</u>	<u>25,364</u>
NET CHANGE IN FUND BALANCES	(1,597)	10,330	11,927
FUND BALANCES - BEGINNING	<u>282,993</u>	<u>308,668</u>	<u>25,675</u>
FUND BALANCES - ENDING	<u>\$ 281,396</u>	<u>\$ 318,998</u>	<u>\$ 37,602</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted.

**EBERT METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2020**

CONSERVATION TRUST FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
CTF proceeds	\$ 65,000	\$ 57,785	\$ (7,215)
Interest income	480	452	(28)
TOTAL REVENUES	<u>65,480</u>	<u>58,237</u>	<u>(7,243)</u>
EXPENDITURES			
Town Center capital reimbursement	<u>65,480</u>	<u>20,000</u>	<u>45,480</u>
TOTAL EXPENDITURES	<u>65,480</u>	<u>20,000</u>	<u>45,480</u>
NET CHANGE IN FUND BALANCES	-	38,237	38,237
FUND BALANCES - BEGINNING	<u>-</u>	<u>64,167</u>	<u>64,167</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ 102,404</u>	<u>\$ 102,404</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted.

SUPPLEMENTARY INFORMATION

**EBERT METROPOLITAN DISTRICT
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2020**

DEBT SERVICE FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Property taxes	\$ 5,686,272	\$ 5,676,919	\$ (9,353)
Specific ownership tax	341,180	295,272	(45,908)
Interest income	110,000	51,701	(58,299)
TOTAL REVENUES	<u>6,137,452</u>	<u>6,023,892</u>	<u>(113,560)</u>
EXPENDITURES			
County Treasurer's fee	56,863	56,775	88
Paying agent/custodian fees	4,000	3,500	500
Loan interest - 2018A-1	3,979,250	3,979,250	-
Loan interest - 2018A-2	753,800	753,800	-
Loan principal - 2018A-1	465,000	465,000	-
Loan principal - 2018A-2	95,000	95,000	-
Contingency	6,087	-	6,087
TOTAL EXPENDITURES	<u>5,360,000</u>	<u>5,353,325</u>	<u>6,675</u>
NET CHANGE IN FUND BALANCES	777,452	670,567	(106,885)
FUND BALANCES - BEGINNING	<u>6,951,491</u>	<u>6,898,566</u>	<u>(52,925)</u>
FUND BALANCES - ENDING	<u>\$ 7,728,943</u>	<u>\$ 7,569,133</u>	<u>\$ (159,810)</u>

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**EBERT METROPOLITAN DISTRICT
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2020**

CAPITAL RESERVE - BOND PROCEEDS - SERIES 2018 FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Interest income	\$ 8,300	\$ 14,548	\$ 6,248
TOTAL REVENUES	<u>8,300</u>	<u>14,548</u>	<u>6,248</u>
EXPENDITURES			
Capital expenditures approved by Ebert	<u>2,367,993</u>	<u>869,293</u>	<u>1,498,700</u>
TOTAL EXPENDITURES	<u>2,367,993</u>	<u>869,293</u>	<u>1,498,700</u>
NET CHANGE IN FUND BALANCES	(2,359,693)	(854,745)	1,504,948
FUND BALANCES - BEGINNING	<u>2,359,693</u>	<u>2,357,027</u>	<u>(2,666)</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ 1,502,282</u>	<u>\$ 1,502,282</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

**EBERT METROPOLITAN DISTRICT
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2020**

CAPITAL RESERVE - 1.000 MILL FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Property taxes	\$ 133,037	\$ 132,805	\$ (232)
Specific ownership tax	7,980	6,908	(1,072)
Interest income	2,800	893	(1,907)
TOTAL REVENUES	<u>143,817</u>	<u>140,606</u>	<u>(3,211)</u>
EXPENDITURES			
County Treasurer's fee	1,330	1,328	2
Contingency	1,170	-	1,170
TOTAL EXPENDITURES	<u>2,500</u>	<u>1,328</u>	<u>1,172</u>
NET CHANGE IN FUND BALANCES	141,317	139,278	(2,039)
FUND BALANCES - BEGINNING	<u>122,313</u>	<u>112,468</u>	<u>(9,845)</u>
FUND BALANCES - ENDING	<u>\$ 263,630</u>	<u>\$ 251,746</u>	<u>\$ (11,884)</u>

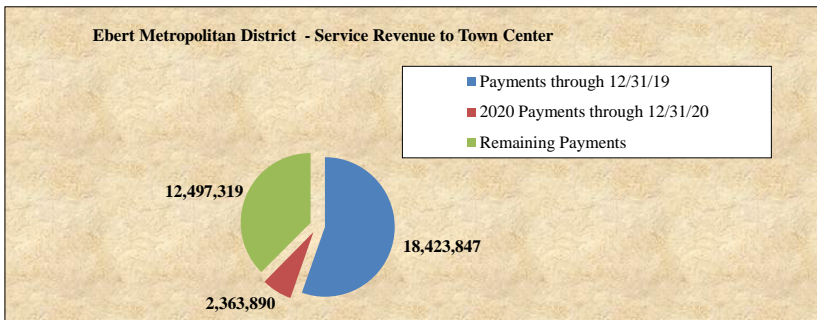
No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

EBERT METROPOLITAN DISTRICT
Schedule of Cash Position
December 31, 2020
Updated as of February 15, 2021

	General Fund	Conservation Trust Fund	Debt Service Fund	Capital Reserve Fund	Capital Reserve 1.000 Mill	Total
<u>C-Safe 01 - Operating Account</u>						
Balance as of 12/31/20	\$ 145,081.52	\$ 102,404.01	\$ 10,071.59	\$ -	\$ 251,266.84	\$ 508,823.96
Subsequent activities:						
01/08/21 Ptax revenue - December	8,142.46	-	20,472.03	-	478.97	29,093.46
01/12/21 UMB Agent Fees	-	-	(3,500.00)	-	-	(3,500.00)
01/21/21 Transfer to Town Center Metro - GF Ptax revenue, December	(8,142.46)	-	-	-	-	(8,142.46)
01/21/21 Transfer to UMB - December Pledged revenue transfer	-	-	(20,472.03)	-	-	(20,472.03)
01/31/21 Interest Income	40.50	-	-	-	-	40.50
Anticipated transfer from TCMD - January GF Ptax revenue	-	-	-	-	2,074.54	2,074.54
<i>Anticipated Balance</i>	<u>145,122.02</u>	<u>102,404.01</u>	<u>6,571.59</u>	<u>-</u>	<u>253,820.35</u>	<u>507,917.97</u>
<u>C-Safe 04 - Mill Levy Stabilization</u>						
Balance as of 12/31/20	-	-	6,772,646.90	-	-	6,772,646.90
Subsequent activities:						
01/31/21 Interest Income	-	-	528.82	-	-	528.82
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>6,773,175.72</u>	<u>-</u>	<u>-</u>	<u>6,773,175.72</u>
<u>C-Safe 05 - Capital Reserve - Bond Proceeds Series 2018</u>						
Balance as of 12/31/20	-	-	-	1,502,282.30	-	1,502,282.30
Subsequent activities:						
01/31/21 Interest Income	-	-	-	117.35	-	117.35
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,502,399.65</u>	<u>-</u>	<u>1,502,399.65</u>
<u>UMB - CP Bedrock Escrow</u>						
Balance as of 12/31/20	165,774.80	-	-	-	-	165,774.80
Subsequent activities:						
01/31/21 Interest Income	1.55	-	-	-	-	1.55
<i>Anticipated Balance</i>	<u>165,776.35</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>165,776.35</u>
<u>UMB - 2018A-1 Bond Fund</u>						
Balance as of 12/31/20	-	-	481.95	-	-	481.95
Subsequent activities: none						
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>481.95</u>	<u>-</u>	<u>-</u>	<u>481.95</u>
<u>UMB - 2018A-1 Pledged Revenue Fund</u>						
Balance as of 12/31/20	-	-	760,976.70	-	-	760,976.70
Subsequent activities:						
01/21/21 Transfer from C-Safe - Pledged revenue transfer	-	-	17,196.51	-	-	17,196.51
01/31/21 Interest Income	-	-	53.08	-	-	53.08
Anticipated transfer from TCMD - January pledged revenue	-	-	71,772.60	-	-	71,772.60
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>849,998.89</u>	<u>-</u>	<u>-</u>	<u>849,998.89</u>
<u>UMB - 2018A-2 Bond Fund</u>						
Balance as of 12/31/20	-	-	88.69	-	-	88.69
Subsequent activities: none						
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>88.69</u>	<u>-</u>	<u>-</u>	<u>88.69</u>
<u>UMB - 2018A-2 Pledged Revenue Fund</u>						
Balance as of 12/31/20	-	-	4,395.27	-	-	4,395.27
Subsequent activities:						
01/21/21 Transfer from C-Safe - Pledged revenue transfer	-	-	3,275.52	-	-	3,275.52
01/31/21 Interest Income/(Bank fee)	-	-	0.36	-	-	0.36
Anticipated transfer from TCMD - January pledged revenue	-	-	13,620.98	-	-	13,620.98
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>21,292.13</u>	<u>-</u>	<u>-</u>	<u>21,292.13</u>
<i>Anticipated Balances by fund</i>	<u>\$ 310,898.37</u>	<u>\$ 102,404.01</u>	<u>\$ 7,651,608.97</u>	<u>\$ 1,502,399.65</u>	<u>\$ 253,820.35</u>	<u>\$ 9,821,131.35</u>

Yield information at 01/31/21

C-Safe - 0.09%
UMB invested in ColoTrust Plus - 0.1055%



EBERT METROPOLITAN DISTRICT
Property Taxes Schedule
2020

	Current Year								Prior Year			
	Property Taxes	Delinquent Taxes, Rebates and Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Payable to County	Net Amount Received	% of Total Property Taxes Received		Total Cash Received	% of Total Property Taxes Received	
								Monthly	Y-T-D		Monthly	Y-T-D
Beginning Balance						\$ 26,521.22						
January	\$ 126,227.12	\$ -	\$ 41,656.59	-	\$ (1,262.27)	(26,521.22)	\$ 140,100.22	1.56%	1.56%	129,445.27	1.32%	1.32%
February	3,162,647.34	(51.07)	45,512.22	-	(31,625.96)	-	3,176,482.53	39.14%	40.70%	2,891,907.37	41.73%	43.05%
March	473,695.69	-	20,197.63	67.92	(4,737.65)	-	489,223.59	5.86%	46.56%	170,058.08	2.06%	45.11%
April	442,872.87	-	12,518.62	-	(4,428.74)	-	450,962.75	5.48%	52.04%	451,257.04	6.19%	51.30%
May	759,271.68	-	38,586.97	(2,368.33)	(7,569.02)	-	787,921.30	9.40%	61.44%	1,000,216.81	14.41%	65.71%
June	2,914,214.59	-	32,872.97	661.49	(29,148.75)	-	2,918,600.30	36.06%	97.50%	2,242,579.79	33.03%	98.74%
July	72,595.97	-	41,145.48	916.02	(735.11)	-	113,922.36	0.90%	98.40%	68,496.53	0.42%	99.16%
August	75,690.17	-	37,974.83	795.16	(764.85)	-	113,695.31	0.94%	99.33%	61,345.85	0.29%	99.45%
September	7,137.33	-	40,965.75	73.51	(72.12)	-	48,104.47	0.09%	99.42%	56,838.15	-0.27%	99.18%
October	33,111.93	-	40,057.29	470.64	(335.84)	-	73,304.02	0.41%	99.83%	43,530.80	0.20%	99.38%
November	-	-	39,038.50	-	-	-	39,038.50	0.00%	99.83%	36,582.96	0.00%	99.38%
December	-	-	29,093.46	-	-	-	29,093.46	0.00%	99.83%	36,495.34	0.00%	99.38%
	\$ 8,067,464.69	\$ (51.07)	\$ 419,620.31	\$ 616.41	\$ (80,680.31)	\$ -	\$ 8,380,448.81	99.83%	99.83%	\$ 7,188,753.99	99.38%	99.38%

	AV	Mill Levy	TAXES LEVIED	% OF LEVIED	PROPERTY TAXES COLLECTED	% COLLECTED TO AMOUNT LEVIED
Property Tax						
GENERAL FUND	\$ 133,037,250	17.000	\$ 2,261,633	27.99%	\$ 2,257,689.52	99.83%
DEBT SERVICE		40.319	5,363,929	66.38%	5,354,575.52	99.83%
CAPITAL RESERVE		1.000	133,037	1.65%	132,805.29	99.83%
DEBT SERVICE - EXCLUDED	\$ 9,528,890	33.828	322,343	3.99%	322,343.29	100.00%
			\$ 8,080,943	100.00%	\$ 8,067,413.62	99.83%
Specific Ownership Tax						
GENERAL FUND			\$ 135,700	27.99%	117,440.17	86.54%
DEBT SERVICE			341,180	70.37%	295,271.89	86.54%
CAPITAL RESERVE			7,980	1.65%	6,908.25	86.57%
			\$ 484,860	100.00%	419,620.31	86.54%
Treasurer's Fees						
GENERAL FUND			\$ 22,620	29.15%	22,577.00	99.81%
DEBT SERVICE			56,863	69.14%	56,775.25	99.85%
CAPITAL RESERVE			1,330	1.71%	1,328.06	99.85%
			\$ 80,813	100.00%	\$ 80,680.31	99.84%

EBERT METROPOLITAN DISTRICT
Property Taxes Schedule
2021

	Current Year								Prior Year			
	Property Taxes	Delinquent Taxes, Rebates and Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Payable to County	Net Amount Received	% of Total Property Taxes Received		Total Cash Received	% of Total Property Taxes Received	
								Monthly	Y-T-D		Monthly	Y-T-D
Beginning Balance						\$ -						
January	\$ 89,521.38	\$ -	\$ 34,109.36	-	\$ (895.26)	-	\$ 122,735.48	1.09%	1.09%	140,100.22	1.56%	1.56%
February	-	-	-	-	-	-	-	0.00%	1.09%	3,176,482.53	39.14%	40.70%
March	-	-	-	-	-	-	-	0.00%	1.09%	489,223.59	5.86%	46.56%
April	-	-	-	-	-	-	-	0.00%	1.09%	450,962.75	5.48%	52.04%
May	-	-	-	-	-	-	-	0.00%	1.09%	787,921.30	9.40%	61.44%
June	-	-	-	-	-	-	-	0.00%	1.09%	2,918,600.30	36.06%	97.50%
July	-	-	-	-	-	-	-	0.00%	1.09%	113,922.36	0.90%	98.40%
August	-	-	-	-	-	-	-	0.00%	1.09%	113,695.31	0.94%	99.33%
September	-	-	-	-	-	-	-	0.00%	1.09%	48,104.47	0.09%	99.42%
October	-	-	-	-	-	-	-	0.00%	1.09%	73,304.02	0.41%	99.83%
November	-	-	-	-	-	-	-	0.00%	1.09%	39,038.50	0.00%	99.83%
December	-	-	-	-	-	-	-	0.00%	1.09%	29,093.46	0.00%	99.83%
	\$ 89,521.38	\$ -	\$ 34,109.36	\$ -	\$ (895.26)	\$ -	\$ 122,735.48	1.09%	1.09%	\$ 8,380,448.81	99.83%	99.83%

	AV	Mill Levy	TAXES LEVIED	% OF LEVIED	PROPERTY TAXES COLLECTED	% COLLECTED TO AMOUNT LEVIED
Property Tax						
GENERAL FUND	\$ 134,364,490	17.000	\$ 2,284,196	27.88%	\$ 26,018.21	1.14%
DEBT SERVICE		40.319	5,417,442	66.12%	61,707.55	1.14%
CAPITAL RESERVE		1.000	134,364	1.64%	1,530.48	1.14%
DEBT SERVICE - EXCLUDED	\$ 10,610,830	33.669	357,256	4.36%	265.14	0.07%
			\$ 8,193,259	100.00%	\$ 89,521.38	1.09%
Specific Ownership Tax						
GENERAL FUND			\$ 114,210	27.88%	9,509.34	8.33%
DEBT SERVICE			288,730	70.48%	24,040.65	8.33%
CAPITAL RESERVE			6,720	1.64%	559.37	8.32%
			\$ 409,660	100.00%	34,109.36	8.33%
Treasurer's Fees						
GENERAL FUND			\$ 22,840	29.15%	260.19	1.14%
DEBT SERVICE			57,747	69.14%	619.76	1.07%
CAPITAL RESERVE			1,344	1.71%	15.31	1.14%
			\$ 81,931	100.00%	\$ 895.26	1.09%

RESOLUTION OF THE TOWN CENTER METROPOLITAN DISTRICT (THE "DISTRICT")
REGARDING THE QUALIFICATION AND APPOINTMENT OF A HOMEOWNER
REPRESENTATIVE TO THE TO THE DISTRICT'S BOARD OF DIRECTORS

EFFECTIVE DATE: May 6, 2020

RECITALS:

WHEREAS, the District has for decades acted in concert and cooperation with the Board of Directors of the Ebert Metropolitan District ("Ebert") to provide municipal facilities, amenities, programs and services (the "Services") to the Green Valley North community in general, and to various neighborhoods in particular through the formation of Town Center Metropolitan District Subdistricts (the "Subdistricts"); and

WHEREAS, the District's Board of Directors (the "Board") has found and determined that its composition should, in the interest of further cooperation and collaboration, be revised to enable a member of the Ebert Board of Directors to serve as a member of the Board, thus giving a greater and official voice to Ebert and its constituents in the operation of the Districts as they continue their efforts to provide the Services in a fiscally appropriate and responsive manner.

NOW THEREFORE, the Board resolves as follows:

Subject to the qualification of a member of the Ebert Board chosen by the Ebert Board as an elector of the District, which the Board will use its best efforts to facilitate and accomplish, the Board resolves that it will appoint that person to fill the current vacancy of the Board (and by extension the Subdistricts) to serve as described by Colorado law.

PRESIDENT'S CERTIFICATION:

The undersigned, being the President of the Town Center Metropolitan District, certifies that the foregoing Resolution was adopted by the Board of Directors of the District, at a duly called and held meeting of the Board of Directors on _____, 2020, and in witness thereof, the undersigned has subscribed his name.

TOWN CENTER METROPOLITAN DISTRICT

By: _____
Brandon Wyszynski, President



November 13, 2020

GVR Metropolitan District
District Manager
18650 E. 45th Avenue
Denver, Colorado 80249

Re: *Intergovernmental Agreement For Sharing Common Area Costs*

Dear Sir/Madam:

This firm represents the Ebert Metropolitan District with respect to the Intergovernmental Agreement For Sharing Common Area Costs dated January 1, 2012 (the "Agreement").

The purpose of this letter is to provide notice of termination of the Agreement pursuant to paragraph 5 therein. Notwithstanding the termination notice, however, Ebert Metropolitan District is willing to negotiate a new agreement to continue to provide Landscape Maintenance Services as defined in the Agreement if such agreement is finalized no later than December 31, 2020.

If you have any questions or wish to discuss a new agreement, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Kimberly Bruetsch'.

Kimberly A. Bruetsch