

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT
HELD
NOVEMBER 16, 2023**

A regular meeting of the Board of Directors of the Eagle Bend Metropolitan District (“District”) was held on November 16, 2023 at 10:00 a.m. at the Heritage Eagle Bend Clubhouse. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Will Schippers, President
Doug Neves, Treasurer
Debra Mascis, Secretary
Steve Hungerford, Assistant Secretary

Director Ed Malone, Vice President, was absent and excused.

Also, In attendance Were:

Denise Denslow, Ashley Heidt and Margaret Henderson;
CliftonLarsonAllen LLP (“CLA”)
Heather Hartung, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
 (“WBA”)
Justin Korkus, PE; LRE Water

ADMINISTRATIVE
MATTERS

Call to Order: Director Schippers called the meeting to order at 10:01 a.m.

Disclosures of Potential Conflicts of Interest: The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors and to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with Statute. Attorney Hartung stated that disclosures of potential conflicts of interest statements for all directors, which were provided to WBA, have been filed with the Secretary of State’s office prior to this meeting and that no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting and Meeting Notices: A quorum of the Board was confirmed. It was noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District’s boundaries have been received.

Agenda: Following review, upon a motion duly made by Director Neves, seconded by Director Hungerford and, upon vote, unanimously carried, the Board approved the agenda, as presented.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

Request for Removal of Consent Agenda Items: The Board requested the removal of Item E from the Consent Agenda relating to the agreement with Monroy Concrete & Masonry, LLC (Removal of Posts and Replacement of Benches) and place it under Landscaping.

The Board considered the following items under the Consent Agenda:

- Ratification and/or Approval of Claims.
- Approval of Minutes from the August 17, 2023 Regular Board Meeting and October 5, 2023 Special Budget Workshop.
- Adoption of Resolution Regarding 2024 Annual Administrative Matters
- Approval of Notice to Electors Pursuant to Section 32-1-809, C.R.S. (District Transparency Notice).

Upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board approved the Consent Agenda, as amended.

FINANCIAL MATTERS

September 30, 2023 Unaudited Financial Statements: Ms. Henderson reviewed the financial statements with the Board. Director Schippers asked about the reserves verbiage in the summary of significant assumptions. Ms. Henderson will revise the verbiage accordingly.

Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the September 30, 2023 Unaudited Financial Statements.

Public Hearing to Consider Amendment of 2023 Budget and, if necessary, Resolution to Amend 2023 Budget: The Board determined that no amendment to the 2023 Budget was needed.

Public Hearing on Proposed 2024 Budget and Resolution to Adopt the 2024 Budget, Impose Mill Levies and Appropriate Funds: Upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board

opened the public hearing to consider the proposed 2024 Budget at 10:08 a.m.

It was noted that Notice stating that the Board would consider adoption of the 2024 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board closed the public hearing at 10:09 a.m..

Ms. Henderson reviewed the proposed 2024 Budget with the Board. Director Schippers reviewed his millage rate analysis. Discussion followed regarding lowering the total millage rate.

Additionally, discussion ensued regarding the special session of state legislature. Attorney Hartung noted there may not be any answers until after the Thanksgiving holiday.

Following discussion, upon a motion duly made by Director Neves, seconded by Director Hungerford and, upon vote, unanimously carried, the Board approved the 2024 Budget and adopted the Resolution to Adopt the 2024 Budget, Impose Mill Levies and Appropriate Funds, subject to final assessed valuations, accounting and legal review, and results of the special legislative session.

District Accountant to Prepare DLG-70 Certification of Tax Levies Form for Certification to the Board of County Commissioners and other interested parties: Following discussion, upon a motion duly made by Director Neves, seconded by Director Hungerford and, upon vote, unanimously carried, the Board authorized the District accountant to prepare the DLG-70 Certification of Tax Levies form for certification to the Board of County Commissioners and other interested parties.

District Accountant to Prepare 2025 Budget: Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board appointed the District accountant to prepare the 2025 Budget.

Engagement Letter with Schilling & Company, Inc. to Prepare the 2023 Audit: Ms. Henderson stated the engagement letter has not been received yet. No action was taken.

Investment Direction: Attorney Hartung reviewed the investment direction with the Board. Ms. Henderson noted that it is projected that interest rates are likely to decrease soon so investing while interest rates are high would be advantageous. No action was taken.

WATER MATTERS

2023 Final Monthly Operations Reports for August and September: Mr. Korkus reviewed the water reports with the Board. Discussion followed regarding the water rates with the City. Mr. Korkus believes the City is charging the District residential prices. Mr. Korkus and Ms. Henderson will confirm with the City.

Water Conservation Grants: Mr. Korkus reviewed the water conservation grants that the District qualifies for with the Board. No action was taken.

EBMD Coordination with HEB and COA Regarding HEB's Planned New Irrigation System: Director Schippers provided an update to the Board. No action was taken.

2024 Water Rates Resolution: Attorney Hartung reviewed the resolution with the Board, noting that she is working with Mr. Korkus on finalizing the resolution.

Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board adopted the 2024 Water Rates Resolution, subject to finalization and legal review.

LANDSCAPING

Creekside Eagle Bend Homeowners Association Request to Cost Share in 2024: Ms. Denslow reviewed the request with the Board. Discussion followed regarding other homeowner associations and cost sharing with them, should they ask. The Board noted they have budgeted an amount to help and are in support of reviewing the plans.

HEB 2023 Cost Share Allocation: Ms. Denslow reviewed the allocation with the Board. Following review, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board approved contributing 50% of the requested amount of the HEB 2023 cost share allocation.

Agreement with Monroy Concrete & Masonry, LLC (Removal of Posts and Replacement of Benches): Director Schippers reviewed the agreement, noting that the District initially wanted to keep five benches but after the site walk with Director Malone, they would like to keep seven benches.

Following discussion, upon a motion duly made by Director Neves, seconded by Director Mascis and, upon vote, unanimously carried, the Board ratified approval of the Agreement with Monroy Concrete

& Masonry, LLC for the removal of posts and replacement of benches, in an amount not to exceed \$28,000.00.

BUSINESS
DEVELOPMENT

None.

MANAGER MATTERS

CliftonLarsonAllen LLP Master Services Agreement (MSA) and Statement(s) of Work (SOW) for 2024: Ms. Denslow reviewed the MSA and SOWs with the Board. Following review, upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board approved the CLA Master Services Agreement and Statements of Work for 2024.

2024 Insurance Renewal:

Renewal of General Liability Schedule and Limits and Property Schedule and Bind Coverage: Ms. Denslow reviewed the insurance renewal with the Board, noting there were revisions needed to the property schedule. Director Schippers will review and help finalize the property schedule. Ms. Denslow also recommended the District increase their cyber security and crime coverage.

Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board approved 2024 insurance renewal, approved and authorized binding coverage and determined to increase their cyber security and crime coverage.

Worker's Compensation Insurance for 2024: Ms. Denslow noted that worker's compensation insurance was already included in their policy.

Renewing Membership in the Special District Association ("SDA") for 2024: The Board discussed the SDA conference. Director Schippers stated that it would be beneficial to attend as it has lots of great information. Following discussion, upon a motion duly made by Director Mascis, seconded by Director Hungerford and, upon vote, unanimously carried, the Board authorized the renewal of membership in the Special District Association for 2024.

LEGAL MATTERS

Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District: Attorney Hartung reviewed this matter with the Board, noting her office is putting together a memo for the March meeting.

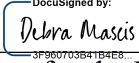
Resolution Adopting a Website Accessibility Policy: Attorney Hartung stated her office will prepare a resolution for the Board's consideration as soon as details are available.

EXECUTIVE SESSION No executive session was needed.

OTHER BUSINESS None.

ADJOURNMENT There being no further business to come before the Board at this time, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board adjourned the meeting at 11:39 a.m.

Respectfully submitted,

DocuSigned by:

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Secretary for the Meeting