

MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
EAGLE BEND METROPOLITAN DISTRICT (THE "DISTRICT")  
HELD  
NOVEMBER 6, 2024

A special meeting of the Board of Directors of the Eagle Bend Metropolitan District (referred to hereafter as the "Board") was convened on November 6, 2024, at 9:00 a.m., at the Heritage Eagle Bend Clubhouse, 23155 E Heritage Parkway, Aurora, Colorado 80016. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

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

Also, In Attendance Were:

Denise Denslow, Ashley Heidt and Margaret Henderson; CliftonLarsonAllen LLP ("CLA")  
Heather Hartung; White Bear Ankele Tanaka & Waldron  
Dana Morgan and Jean Porter; Creekside HOA  
Justin Korkus; LRE Water

ADMINISTRATIVE MATTERS

**Call to Order:**

The meeting was called to order at 9:04 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 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. It was noted that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

**Quorum, Location of Meeting Posting of Meeting Notice:**

The Board confirmed the presence of a quorum.

The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined to conduct the meeting at the above-stated date, time and location, which is within 20 miles of the District. It was further 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 discussion, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

**PUBLIC COMMENT:**

There was no public comment.

**CONSENT AGENDA**

**Consent Agenda:**

**Claims**

**October 2, 2024 Minutes**

**2025 Annual Administrative Matters Resolution**

**First Addendum to Independent Contractor Agreement with Environmental Designs (Mulch and Edging)**

The Board reviewed the items on the Consent Agenda. Following review, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the Consent Agenda, as amended to revise October 2, 2024 Minutes and remove the Notice to Electors Pursuant to Section 32-1-809, C.R.S. (District Transparency Notice) from the consent agenda.

**ITEMS REMOVED FROM CONSENT AGENDA**

**Pertinent Agenda Area:**

**Notice to Electors Pursuant to Section 32-1-809, C.R.S. (District Transparency Notice):**

Following review, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the item III. A. d. - Notice to Electors Pursuant to Section 32-1-809, C.R.S. (District Transparency Notice) as presented.

**Remaining Removed Items:**

There were no items to remove.

## FINANCIAL MATTERS

### **September 30, 2024 Unaudited Financial Statements:**

Ms. Henderson reviewed the financial statements with the Board. Following discussion, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the September 30, 2024 Unaudited Financial Statements.

### **Public Hearing to Consider Amendment of 2024 Budget and, if necessary, Resolution to Amend 2024 Budget:**

The Board determined that no amendment to the 2024 Budget was needed.

### **Public Hearing on Proposed 2025 Budget and Resolution to Adopt the 2025 Budget, Impose Mill Levies and Appropriate Funds:**

Upon a motion duly made by Director Malone, seconded by Director Hungerford and, upon vote, unanimously carried, the Board opened the public hearing to consider the proposed 2024 Budget at 9:18 a.m.

It was noted that Notice stating that the Board would consider adoption of the 2025 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 9:18 a.m.

Ms. Henderson reviewed the proposed 2025 Budget with the Board, noting the Mill is currently set at 4.000 Mills for the General Fund and 15.500 Mills for the Debt Service Fund.

Following discussion, upon a motion duly made by Director Neves, seconded by Director Mascis and, upon vote, unanimously carried, the Board approved the 2025 Budget and adopted the Resolution to Adopt the 2025 Budget, Impose Mill Levies and Appropriate Funds, subject to final assessed valuations, accounting and legal review.

### **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 Malone, seconded by Director Neves 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 2026 Budget:**

Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board appointed the District accountant to prepare the 2026 Budget.

**Engagement Letter with Schilling & Company, Inc. to Prepare the 2024 Audit:**

Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the engagement letter with Schilling & Company, Inc. to prepare the 2024 Audit.

**Supplement to the 2023 Annual Report on the Service Plan – Audit:**

Director Schippers provided feedback on certain paragraphs in the audit report that needed revision. Ms. Henderson acknowledged that these changes can be incorporated into the audit next year. Following discussion, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Supplement to the 2023 Annual Report on the Service Plan – Audit.

WATER MATTERS

**2024 Final Monthly Operations Report for September:**

Mr. Korkus provided an update to the Board.

**Update on EBMD Coordination with HEB and COA Regarding HEB’s Planned New Irrigation System:**

Director Schippers provided an update, stating that there was a meeting with HEB which he could not attend. There are no other updates at this time.

**2025 Water Rates Resolution:**

Mr. Korkus stated that he is still coordinating with the City of Aurora to obtain their rates, which should be available in the next week or two. He expects the rates to include an inflationary increase. Mr. Korkus mentioned that he found the language in paragraph 3 of the resolution, Non-Season Service Charge, to be unclear. A discussion followed regarding the wording of the resolution. Following discussion, upon a motion duly made by Director Malone, seconded by Director Hungerford and, upon vote, unanimously carried, the Board approved the 2025 Water Rates Resolution subject to final legal revisions.

LANDSCAPING

**Landscaping Maintenance Status Update:**

Ms. Denslow provided an update to the Board, noting a walk is planned in the spring to determine necessary replacements and actions.

## **Landscape Maintenance Issues**

### **Creekside Eagle Bend Homeowners Association request to cost share in 2025:**

Ms. Porter introduced Ms. Morgan to the Board. Ms. Morgan provided an overview of Phase 4 of the landscape repairs. A discussion ensued.

## **BUSINESS DEVELOPMENT**

No business development was discussed.

## **MANAGER MATTERS**

### **CliftonLarsonAllen LLP Statement(s) of Work (SOW) for 2025:**

Ms. Denslow reviewed the SOWs with the Board. Following review, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the CLA Statements of Work for 2025.

### **2025 Insurance Renewal:**

#### **Renewal of General Liability Schedule and Limits and Property Schedule and Bind Coverage:**

Ms. Denslow reviewed the insurance renewal with the Board. Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board approved 2025 insurance renewal, approved and authorized binding coverage, as presented.

### **Worker's Compensation Insurance for 2025:**

Ms. Denslow reviewed the worker's compensation insurance with the Board. Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the worker's compensation insurance for 2025.

### **Renewing Membership in the Special District Association ("SDA") for 2025:**

Ms. Denslow reviewed the renewal of membership in the Special District Association for 2025 with the Board. The Board requested information about the conference at the meeting in June 2025, as several members are interested in attending. Following discussion, upon a motion duly made by Director Neves, seconded by Director Malone and, upon vote, unanimously carried, the Board authorized the renewal of membership in the Special District Association for 2025.

### **Website Transition to ADA Compliant Hosting Platform:**

Ms. Heidt reviewed the District's website transition to ADA compliant hosting platform. Following discussion, upon a motion duly made by Director Neves,

seconded by Director Hungerford and, upon vote, unanimously carried, the Board approved the transition of the District’s website to the ADA compliant hosting platform – Streamline and authorized Director Neves to work with staff to assist with the transition, as needed.

## LEGAL MATTERS

### **Resolution Calling a Regular Election for Directors on May 6, 2025, appointing the Designated Election Official (“DEO”), notice and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election:**

Ms. Hartung reviewed the Resolution with the Board. Discussion ensued regarding the the possibility of holding a TABOR election and whether it should be scheduled for May 2025 or later. .

Following review and discussion, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Resolution Calling a Regular Election for Directors on May 6, 2025, appointing the Designated Election Official (“DEO”), notice and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election, subject to review and legal revisions.

Ms. Harthung will research the cost of a coordinated election in November.

The Board determined to hold a special meeting in on December 10<sup>th</sup> at 9:00 a.m. to discuss the potential TABOR Election.

### **Amended and Restated Public Records Request Policy:**

Ms. Hartung reviewed the Amended and Restated Public Records Request Policy with the Board. Following review and discussion, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Amended and Restated Public Records Request Policy, as presented.

### **Resolution Adopting a Procurement Policy:**

Ms. Hartung reviewed the Resolution Adopting a Procurement Policy with the Board. No action was taken.

### **January and February 2025 Meeting Dates:**

Ms. Hartung highlighted the need for community education if the Board proceeds with a TABOR election. The Board will discuss potential community engagement and education at the meeting on December 10<sup>th</sup>.

## OTHER BUSINESS

No business development was discussed.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 10:59 a.m.

Respectfully submitted,

By \_\_\_\_\_

Secretary for the Meeting