

EAST BEND METROPOLITAN DISTRICT

-ANNUAL TOWN HALL MEETING-

December 7, 2023 at 1:00 p.m.

via Microsoft Teams

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 251 693 357 76

Passcode: Skv64U

Board of Directors

Eric Kubly, President

David Lee, Vice President/Secretary

Jeffrey Kutzer, Treasurer

Vacant

Vacant

Term Expiration

May 2025

May 2027

May 2025

May 2027

May 2027

AGENDA

1. Call to Order/Declaration of Quorum
2. Annual Meeting Items
 - a. Confirm posting of Notice of Statutory Annual Meeting and Agenda.
 - b. Presentation regarding the status of the public infrastructure projects within the Districts and outstanding bonds.
 - c. Review unaudited financial statements, including year-to-date revenue and expenditures of the District in relation to their adopted budgets, for the calendar year.
 - d. Public questions.
3. Adjourn

EAST BEND METROPOLITAN DISTRICT

-SPECIAL MEETING-

December 7, 2023 at 1:00 p.m.

via Microsoft Teams

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Meeting ID: 251 693 357 76

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May 2025

May 2027

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May 2027

AGENDA

1. Call to Order
2. Declaration of Quorum/Disclosure Matters
3. Public Comment
4. Approval of Meeting Minutes – November 4, 2022 Regular Meeting
5. Financial Matters
 - a. Financial Report/Payment of Claims
 - b. 2024 Budget and 2023 Amended Budget (if necessary)
 - i. Discussion re Proposed 2024 Budget and 2023 Amended Budget (if necessary)
 - ii. Public Hearing on the Proposed 2024 Budget and 2023 Amended Budget (if necessary)
 - iii. Resolution re Amended 2023 Budget (if necessary)
 - iv. Resolution re Adoption of 2024 Budget, Appropriation of Funds, Certification of Mill Levy
 - c. Other
6. Covenant Enforcement/Design Review
 - a. Discussion re Exterior Storage of Trash and Recycle Containers
 - b. Consider Proposals for Covenant Enforcement Legal Counsel
 - c. Design Guidelines
 - i. Discussion re Proposed Changes to Design Guidelines
 - ii. Resolution re First Amendment to Design Guidelines re Residential Landscaping Standards
 - d. Discussion re Covenant Enforcement Policy
7. Legal Matters
 - a. 2024 Annual Administrative Resolution
 - b. Resolution to Opt out of Worker’s Compensation Coverage

- c. Other
- 8. Other
- 9. Adjourn

NEXT REGULAR MEETING: TBD

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
EAST BEND METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD NOVEMBER 4, 2022

A Regular Meeting of the Board of Directors of the East Bend Metropolitan District (referred to hereafter as the “Board”) was convened on Friday, November 4, 2022 at 10:00 a.m., via video and teleconference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Eric Kubly

Jeffrey Kutzer

David Lee

Also In Attendance Were:

Paula Williams, Esq., and Erica Montague, Esq.; McGeady Becher P.C.

Gigi Pangindian; CliftonLarsonAllen LLP (“CLA”)

Jerry Jacobs, Ashley Myers; Timberline District Consulting, LLC

DISCLOSURE 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 by Attorney Williams 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.

ADMINISTRATIVE MATTERS

The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District’s Board meeting. Following discussion, and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unambiguously carried, the Board determined to conduct the meeting at the above stated, dated, time and location. 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: The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unambiguously carried, the Board approved the Agenda.

Public Comment: There was no public comment.

Minutes of the August 19, 2022 Special Meeting: The Board reviewed the Minutes of August 19, 2022 Special Meeting. Following review and discussion, upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board approved the Minutes, as presented.

Board Acknowledgement of Resignation: The Board acknowledges the resignation of Director Matthew Hengel from the Board of Directors, effective August 24, 2022.

Board Acknowledgement of Resignation: The Board acknowledges the resignation of Director Jason Pock from the Board of Directors, effective August 26, 2022.

Board Appointment: The Board discussed the vacancies on the Board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

Appointment of Officers: Following discussion, upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the following slate of officers were appointed for the District:

President: Eric Kubly
Secretary/Treasurer Jeffrey Kutzer
Assistant Secretary David Lee

Consider Resolution for business to be conducted in 2023: The Board discussed business to be conducted in 2023 and location of meetings. Meetings will be held virtually with the annual meeting to be held November 3, 2023, at 10:00 a.m. Following review and discussion, upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board approved the adoption of the Resolution establishing the Regular Meeting Date, Time, and Location for Posting of 24-Hour Notice.

Insurance and Special District Association Membership Renewal: The Board discussed the insurance and Special District Association membership and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board authorized staff to renew the District's insurance policy and renew the District's membership to the Special District Association.

FINANCIAL MATTERS

Review of Unaudited Financial Statements: Ms. Pangindian reviewed the unaudited financial statements with the Board and upon motion duly made by Director Kubly, seconded by Director Kutzer, and upon vote unanimously carried, the Board accepted the financials as presented.

Ratification of Claims: Following review of the payment of claims and upon motion made by Director Kubly, seconded by Director Kutzer, and upon vote unanimously carried, the Board ratified the claims as presented.

Schedule of Cash Position: Following review of the cash position and upon motion made by Director Kubly, seconded by Director Kutzer, and upon vote unanimously carried, the Board accepted the cash position as presented.

Public Hearing on 2022 Budget Amendment: After review, it was noted that a 2022 Budget amendment was not needed at this time.

Public Hearing on 2023 Budget: CLA presented the 2023 draft budget to the Board. Director Kubly opened the public hearing for public discussion of the proposed 2023 budget. No public comments were received, and Director Kubly closed the public hearing.

It was noted that publication of Notice stating that the Board would consider the draft 2023 budget and the date, time and place of the public hearing was published in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

After review and discussion and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board approved the 2023 Budget as presented.

DLG-70 Certification: Following discussion, and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board approved authorizing CLA to prepare and sign the DLG-70 Certification of Tax Levies form for certification to the Board of County Commissioners and other interested parties.

Preparation of the 2024 Budget: Following discussion, and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board approved appointing CLA to prepare the 2024 Budget in 2023.

Audit: Following discussion on the statutory requirements for an audit and upon motion duly made by Director Kubly, seconded by Director Kutzer, and upon vote unanimously carried, the Board authorized CLA to obtain proposals to perform the 2022 audit.

LEGAL MATTERS

2023 Regular Director Elections: Attorney Williams reviewed the Resolution calling May 2, 2023 Election for Directors with the Board. After review and discussion and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board adopted the Election Resolution and appointed Jesse Stamper as the Designated Election Official (“DEO”) and authorized the DEO to perform all tasks required for the conduct of a mail ballot election.

It was noted that self-nomination forms are due by February 24, 2023.

District Transparency Notice: Following discussion and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board directed staff to perform all tasks associated with District Transparency and compliance for 2023.

Acknowledgement of Eighth Amendment to ARTA Established Agreement: Following discussion, the Board acknowledged the Eighth Amendment to ARTA Established Agreement and upon motion duly made by Director Kutzer, seconded by Director Lee, and upon vote unanimously carried, the Board appointed Director Kubly to the Board of Directors of ARTA.

First Amendment to 2021 -2022 Operation Funding Agreement: Following review and discussion, and upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board approved the First Amendment to 2021 – 2022 Operation Funding Agreement between the District and Richmond American Homes of Colorado, Inc.

COVENANT ENFORCEMENT/DESIGN REVIEW

The Board discussed covenant enforcement and design review services for the District.

OTHER BUSINESS

There was no other business to discuss.

ADJOURNMENT

There being so further business to come before the Board at this time, the meeting was adjourned.

RECORD OF PROCEEDINGS

Respectfully submitted,

By 
Secretary for the Meeting

**EAST BEND METROPOLITAN DISTRICT
ANNUAL BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2024**

**EAST BEND METROPOLITAN DISTRICT
SUMMARY
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

10/15/23

	ACTUAL 2022	BUDGET 2023	ACTUAL 7/31/2023	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ -	\$ 11,700	\$ (22,537)	\$ (22,537)	\$ 64,812
REVENUES					
Property taxes	12,041	114,480	113,243	114,480	172,860
Specific ownership taxes	760	6,869	4,441	6,869	10,372
ARI - Aurora Regional Improvement Tax	-	1,743	1,724	1,743	2,706
Annual District fees	14,269	154,008	69,993	154,008	155,000
Interest income	343	-	41	70	-
Developer advance	3,174,334	62,000	25,000	58,493	49,861
Bond issuance proceeds	2,600,000	-	-	-	-
Total revenues	<u>5,801,747</u>	<u>339,100</u>	<u>214,442</u>	<u>335,663</u>	<u>390,799</u>
Total funds available	<u>5,801,747</u>	<u>350,800</u>	<u>191,905</u>	<u>313,126</u>	<u>455,611</u>
EXPENDITURES					
General Fund	75,136	92,000	24,744	65,000	92,000
Debt Service Fund	5,702,683	103,601	10,295	110,314	143,499
Special Revenue Fund	46,465	123,000	44,304	73,000	155,000
Total expenditures	<u>5,824,284</u>	<u>318,601</u>	<u>79,343</u>	<u>248,314</u>	<u>390,499</u>
Total expenditures and transfers out requiring appropriation	<u>5,824,284</u>	<u>318,601</u>	<u>79,343</u>	<u>248,314</u>	<u>390,499</u>
ENDING FUND BALANCES	<u>\$ (22,537)</u>	<u>\$ 32,199</u>	<u>\$ 112,562</u>	<u>\$ 64,812</u>	<u>\$ 65,112</u>
EMERGENCY RESERVE - GENERAL FUND	\$ 400	\$ 1,000	\$ 900	\$ 1,000	\$ 1,300
EMERGENCY RESERVE - SPECIAL REVENUE FUND	500	4,700	2,100	4,700	4,700
TOTAL RESERVE	<u>\$ 900</u>	<u>\$ 5,700</u>	<u>\$ 3,000</u>	<u>\$ 5,700</u>	<u>\$ 6,000</u>

**EAST BEND METROPOLITAN DISTRICT
PROPERTY TAX SUMMARY INFORMATION
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

10/15/23

	ACTUAL 2022	BUDGET 2023	ACTUAL 7/31/2023	ESTIMATED 2023	BUDGET 2024
ASSESSED VALUATION					
Residential	\$ -	\$ -	\$ -	\$ -	\$ 2,106,722
Commercial	-	7,474	7,474	7,474	-
Vacant land	183,367	1,735,940	1,735,940	1,735,940	196,984
Personal property	-	-	-	-	23,020
Certified Assessed Value	<u>\$ 183,367</u>	<u>\$ 1,743,414</u>	<u>\$ 1,743,414</u>	<u>\$ 1,743,414</u>	<u>\$ 2,326,726</u>
MILL LEVY					
General	65.664	15.664	15.664	15.664	16.110
Debt Service	0.000	50.000	50.000	50.000	58.183
ARI	0.000	1.000	1.000	1.000	1.163
Total mill levy	<u>65.664</u>	<u>66.664</u>	<u>66.664</u>	<u>66.664</u>	<u>75.456</u>
PROPERTY TAXES					
General	\$ 12,041	\$ 27,309	\$ 27,309	\$ 27,309	\$ 37,484
Debt Service	-	87,171	87,171	87,171	135,376
ARI	-	1,743	1,743	1,743	2,706
Levied property taxes	12,041	116,223	116,223	116,223	175,566
Adjustments to actual/rounding	-	-	(1,256)	-	-
Budgeted property taxes	<u>\$ 12,041</u>	<u>\$ 116,223</u>	<u>\$ 114,967</u>	<u>\$ 116,223</u>	<u>\$ 175,566</u>
BUDGETED PROPERTY TAXES					
General	\$ 12,041	\$ 27,309	\$ 27,014	\$ 27,309	\$ 37,484
Debt Service	-	87,171	86,229	87,171	135,376
ARI	-	1,743	1,724	1,743	2,706
	<u>\$ 12,041</u>	<u>\$ 116,223</u>	<u>\$ 114,967</u>	<u>\$ 116,223</u>	<u>\$ 175,566</u>

No assurance provided. See summary of significant assumptions.

**EAST BEND METROPOLITAN DISTRICT
GENERAL FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

10/15/23

	ACTUAL 2022	BUDGET 2023	ACTUAL 7/31/2023	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ -	\$ 500	\$ (8,184)	\$ (8,184)	\$ 1,000
REVENUES					
Property taxes	12,041	27,309	27,014	27,309	37,484
Specific ownership taxes	760	1,639	1,060	1,639	2,249
ARI - Aurora Regional Improvement Tax	-	1,743	1,724	1,743	2,706
Developer advance	54,151	62,000	10,000	43,493	49,861
Total revenues	<u>66,952</u>	<u>92,691</u>	<u>39,798</u>	<u>74,184</u>	<u>92,300</u>
Total funds available	<u>66,952</u>	<u>93,191</u>	<u>31,614</u>	<u>66,000</u>	<u>93,300</u>
EXPENDITURES					
General and administrative					
Accounting	20,651	25,000	14,465	28,000	30,000
Auditing	-	7,000	-	7,000	8,000
County Treasurer's fee	181	436	431	436	603
ARI Payment	-	1,717	-	1,717	2,665
Dues and membership	-	-	333	333	500
Election	2,125	2,000	2,053	2,053	-
Engineering	8,869	-	-	-	-
Insurance	-	4,000	-	-	4,000
Legal	43,310	45,000	7,462	20,000	30,000
Miscellaneous	-	1,500	-	5,461	1,500
Contingency	-	5,347	-	-	14,732
Total expenditures	<u>75,136</u>	<u>92,000</u>	<u>24,744</u>	<u>65,000</u>	<u>92,000</u>
Total expenditures and transfers out requiring appropriation	<u>75,136</u>	<u>92,000</u>	<u>24,744</u>	<u>65,000</u>	<u>92,000</u>
ENDING FUND BALANCES	<u>\$ (8,184)</u>	<u>\$ 1,191</u>	<u>\$ 6,870</u>	<u>\$ 1,000</u>	<u>\$ 1,300</u>
EMERGENCY RESERVE - GENERAL FUND	\$ 400	\$ 1,000	\$ 900	\$ 1,000	\$ 1,300
TOTAL RESERVE	<u>\$ 400</u>	<u>\$ 1,000</u>	<u>\$ 900</u>	<u>\$ 1,000</u>	<u>\$ 1,300</u>

**EAST BEND METROPOLITAN DISTRICT
DEBT SERVICE FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

10/15/23

	ACTUAL 2022	BUDGET 2023	ACTUAL 7/31/2023	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ -	\$ 11,200	\$ 17,843	\$ 17,843	\$ -
REVENUES					
Property taxes	-	87,171	86,229	87,171	135,376
Specific ownership taxes	-	5,230	3,381	5,230	8,123
Developer advance	3,120,183	-	-	-	-
Interest income	343	-	41	70	-
Bond issuance proceeds	2,600,000	-	-	-	-
Total revenues	<u>5,720,526</u>	<u>92,401</u>	<u>89,651</u>	<u>92,471</u>	<u>143,499</u>
Total funds available	<u>5,720,526</u>	<u>103,601</u>	<u>107,494</u>	<u>110,314</u>	<u>143,499</u>
EXPENDITURES					
General and administrative					
Public Improvements	3,120,183	-	-	-	-
Repay developer advance	2,371,029	-	-	-	-
County Treasurer's fee	-	1,308	1,293	1,308	2,031
Bond issue costs	211,471	-	5,000	5,000	-
Bond interest	-	102,293	-	100,000	137,458
Banking fees	-	-	2	6	10
Paying agent fees	-	-	4,000	4,000	4,000
Total expenditures	<u>5,702,683</u>	<u>103,601</u>	<u>10,295</u>	<u>110,314</u>	<u>143,499</u>
Total expenditures and transfers out requiring appropriation	<u>5,702,683</u>	<u>103,601</u>	<u>10,295</u>	<u>110,314</u>	<u>143,499</u>
ENDING FUND BALANCES	<u>\$ 17,843</u>	<u>\$ -</u>	<u>\$ 97,199</u>	<u>\$ -</u>	<u>\$ -</u>

**EAST BEND METROPOLITAN DISTRICT
SPECIAL REVENUE FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

10/15/23

	ACTUAL 2022	BUDGET 2023	ACTUAL 7/31/2023	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ -	\$ -	\$ (32,196)	\$ (32,196)	\$ 63,812
REVENUES					
Annual District fees	14,269	154,008	69,993	154,008	155,000
Developer advance	-	-	15,000	15,000	-
Total revenues	<u>14,269</u>	<u>154,008</u>	<u>84,993</u>	<u>169,008</u>	<u>155,000</u>
Total funds available	<u>14,269</u>	<u>154,008</u>	<u>52,797</u>	<u>136,812</u>	<u>218,812</u>
EXPENDITURES					
General and administrative					
Billing	4,365	6,458	7,261	13,000	15,000
Legal - Covenant Control	-	5,000	-	-	5,000
Administration fees	-	5,520	-	-	5,500
District management	36,512	25,000	25,911	45,000	47,000
Covenant Enforcement	-	5,000	-	-	5,000
Events	-	1,000	-	-	1,000
Contingency	-	3,041	-	-	3,600
Operations and maintenance					
Irrigation repairs	-	2,000	-	-	2,000
Landscape maintenance	-	20,000	-	-	20,000
Locates	-	1,200	-	-	1,200
Repairs and maintenance	-	10,500	3,336	5,000	10,500
Mosquito control	-	500	-	-	500
Pest Control	-	500	-	-	500
Plant material replacements	-	19,239	-	-	19,000
Snow removal	5,588	8,940	7,796	10,000	10,000
Street sweeping	-	1,500	-	-	1,500
Utilities					
Electricity	-	840	-	-	900
Water	-	3,000	-	-	3,000
Storm drainage	-	500	-	-	500
Winter watering	-	3,262	-	-	3,300
Total expenditures	<u>46,465</u>	<u>123,000</u>	<u>44,304</u>	<u>73,000</u>	<u>155,000</u>
Total expenditures and transfers out requiring appropriation	<u>46,465</u>	<u>123,000</u>	<u>44,304</u>	<u>73,000</u>	<u>155,000</u>
ENDING FUND BALANCES	<u>\$ (32,196)</u>	<u>\$ 31,008</u>	<u>\$ 8,493</u>	<u>\$ 63,812</u>	<u>\$ 63,812</u>
EMERGENCY RESERVE - SPECIAL REVENUE FUND	\$ 500	\$ 4,700	\$ 2,100	\$ 4,700	\$ 4,700
TOTAL RESERVE	<u>\$ 500</u>	<u>\$ 4,700</u>	<u>\$ 2,100</u>	<u>\$ 4,700</u>	<u>\$ 4,700</u>

No assurance provided. See summary of significant assumptions.

**EAST BEND METRO DISTRICT
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Services Provided

The District, a quasi-municipal corporation and a political subdivision of the State of Colorado, was organized by order and decree of the District Court on December 02, 2021 and is governed pursuant to provisions of the Colorado Special District Act (Title 32, Article 1, Colorado Revised Statutes).

The District has no employees, and all administrative functions are contracted.

The District prepares its budget on the modified accrual basis of accounting, in accordance with requirements of Colorado Revised Statutes C.R.S. 29-1-105 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

Revenues

Property Taxes

Property taxes are levied by the District's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or, if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August, and generally, sale of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

The calculation of the taxes is displayed on the Property Tax Summary page of the budget.

Specific Ownership Taxes

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the District's share will be equal to approximately 6.00% of the property tax collected by the General Fund and the Debt Service Fund.

Operations & Maintenance Fees

To pay the costs of providing, operating, and maintaining certain District improvements, the District imposes an operation and maintenance fee of \$150 per month for each residential dwelling unit, to be increased 2% annually.

Developer Advance

The District is in the development stage. As such, the District's general and administrative expenditures will be mainly funded by the Developer. Developer advances are recorded as revenue for budget purposes with an obligation for future repayment when the District is financially able to reimburse the Developer.

**East Bend Metro District
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Expenditures

Administrative Expenditures

Administrative expenditures include the estimated costs of services necessary to maintain the District's administrative viability such as legal, accounting, insurance, and other administrative expenses.

County Treasurer's Fees

County Treasurer's fees have been computed at 1.50% of property tax collections.

Operations and Maintenance Expenditures

Operations and Maintenance Expenditures include the estimated costs of services related to landscaping, snow removal, repairs, utilities, and other related expenses.

Debt and Leases

On June 14, 2022, the District issued \$2,600,000 of Limited Tax General Obligation Bonds Series 2022 that bear interest at the rate of 6.50% per annum. The Bonds constitute senior "cash flow" limited tax general obligations of the District payable solely from into the extent of the Pledged Revenue, defined in the Indenture to mean the following: (a) the Required Mill Levy, net of the collection costs of the County Treasurer and any tax refunds or abatements authorized by or on behalf of the County; (b) the portion of Specific Ownership Tax which is collected is collected as a result of imposition if the Required Mill Levy; and (c) any other legally available moneys which the District determines, in its absolute discretion to transfer to the Trustee for application as Pledged revenue.

The District has no operating or capital leases.

Reserve Funds

Emergency Reserves

A reserve for emergencies has been provided for in accordance with the TABOR Amendment. Any remaining funds available are considered to be reserved for future operations and capital replacement.

This information is an integral part of the accompanying budget.

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
EAST BEND METROPOLITAN DISTRICT**

For the Calendar Year 2024: (1) Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget; (2) Levying Property Taxes for Collection to Help Defray the Costs of Government; and (3) Appropriating Sums of Money to Each Fund in the Amounts and for the Purposes Set Forth Herein

Recitals

A. The East Bend Metropolitan District is a quasi-municipal corporation and political subdivision of the State of Colorado organized pursuant to the Colorado Special District Act, article 1, Title 32, C.R.S.; and

B. The Board of Directors of the East Bend Metropolitan District (the “**District**”) has authorized its budget officer to prepare and submit a proposed budget to said governing body at the proper time; and

C. The proposed budget has been submitted to the Board of Directors of the District for its consideration; and

D. Upon due and proper notice, published in accordance with law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 7, 2023, and interested electors were given the opportunity to file or register any objections to said proposed budget prior to the budget’s final adoption. A copy of the Meeting Notice and Affidavit of Publication is attached as **Exhibit A**; and

E. The budget adopted by the District has been prepared based on the best information available to the Board regarding the effects of Article X, Section 20 of the Colorado Constitution; and

F. Whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law; and

G. The District, to meet its budgetary obligations, desires to levy property taxes as set forth in this Resolution, including any temporary tax credits or temporary mill levy rate reductions; and

H. The District’s budget has made provisions for revenues in an amount equal to or greater than the total proposed expenditures and desires to appropriate the revenues, reserves and expenditures provided in the budget.

NOW THEREFORE, BE IT RESOLVED BY THE BOAD OF DIRECTORS OF THE EAST BEND METROPOLITAN DISTRICT AS FOLLOWS:

1. Adoption of Budget. That the budget as submitted, amended and summarized by fund attached to this Resolution as **Exhibit B** is approved and adopted as the budget of the District for fiscal year 2024 (the “**Budget**”).

2. Levy of Property Taxes.

a. General Operating Expenses. The Budget indicated that the amount of money necessary to balance the budget for the general operating expenses from property tax revenue is \$ _____. The 2023 valuation for assessment for general operating expenses, as certified by the County Assessor, is \$ _____. That for the purposes of meeting all general operating expenses of the District during the 2024 budget year, there is hereby levied a tax of _____ mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2024.

b. Debt Service – General Obligation Bonds and Interest. The Budget indicated that the amount of money necessary to balance the budget for making all bond principal and interest payments from property tax revenue is \$ _____. The 2023 valuation for assessment for making all bond principal and interest payments, as certified by the County Assessor, is \$ _____. That for the purposes of making all bond principal and interest payments of the District during the 2024 budget year, there is hereby levied a tax of _____ mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2024.

3. Certification to County Commissioners. That the District’s budget officer, manager, legal counsel, or other designee is hereby authorized and directed to immediately cause to have certified to the County Commissioners of Arapahoe County, the mill levies for the District as set forth in this Resolution, or be authorized and directed to certify to the County Commissioners of Arapahoe County, the mill levies as set forth in this Resolution, but as recalculated as needed upon receipt of the final certification of valuation from the county assessor in order to comply with any applicable revenue and other budgetary limits. The Certification of Tax Levies as filed is incorporated into this Resolution as **Exhibit C**.

4. Appropriations. That the amounts set forth as expenditures, transfers and balances remaining, as specified in the Budget, are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated.

5. Budget Certification. That this Resolution and Budget be certified by the Secretary or Assistant Secretary of the District.

APPROVED AND ADOPTED this ___ day of _____, 2023.

EAST BEND METROPOLITAN DISTRICT

By: _____

Eric Kubly, President, Board of Directors

ATTEST:

By: _____

Name: _____

Secretary or Assistant Secretary

DRAFT

CERTIFICATION

I, _____, hereby certify that I am the duly elected and qualified Secretary or Assistant Secretary of the East Bend Metropolitan District, and certify that the Resolution, Budget and all attached exhibits constitutes a true and correct copy of the Resolution, Budget and all exhibits adopted and approved at a meeting of the Board of Directors of the District held on December 7, 2023.

Dated this ____ day of _____, 2023.

By: _____

Name: _____

Title: _____

DRAFT

EXHIBIT A

Meeting Notice and Affidavit of Publication

DRAFT

EXHIBIT B

Budget and Budget Message

DRAFT

EXHIBIT C

DLG-70 – Certification of Tax Levies

DRAFT



October 3, 2023

Via Email

Board of Directors
East Bend Metropolitan District
c/o Timberline District Consulting
25633 Roxana Pointe Drive
Evergreen, CO 80439

Denver Office

Jeffrey B. Smith

Direct 303.991.2066

jsmith@altitude.law

Re: Altitude Community Law P.C. Legal Services Proposal for East Bend Metropolitan District

Dear Members of the Board:

Thank you for your interest in the legal services we can provide for your district. Enclosed are materials describing our experience, philosophy, services and fees. We offer a variety of fee programs, including flat fees and retainers, to suit the needs of individual districts. To determine what fee program may best suit East Bend Metropolitan District, please give me a call after you have had a chance to review the enclosed material.

How we will work with you. Our experience enables us to partner with your metro district and your team to provide tailored, creative solutions that best meet the metro district's unique needs. Altitude Community Law P.C. is the premier law firm which serves legal needs of community associations. More than 2,500 associations throughout Colorado have chosen us to guide them through the formation, transition and operation of their organizations. Our association clients include condominium, townhome and detached single family associations across the state. We also provide debt recovery and covenant enforcement services to districts. As many of the legal issues and practices of associations overlap with metro districts, we will apply the same expertise to your metro district. We make every effort to understand your issues and constraints and will alert you when we see an opportunity or potential problem that is beyond the metro district's immediate need, while keeping your budget in mind.

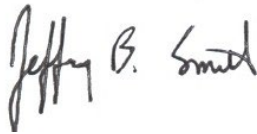
Value-added benefits of partnering with Altitude Community Law P.C. We are committed to providing our clients with up-to-date information, education and tools to help you govern your metro district proactively and positively. We offer education programs designed exclusively for board and committee members. While primarily for community associations, many of the same practice pointers apply to district board members. The 2023 education schedule is available on our website, www.altitude.law/education.

Next steps. If you desire to hire our firm, please complete and return the 2023 Legal Services and Fee Summary Agreement which starts on page 3. To take advantage of one of our retainer programs, check the appropriate retainer box on page 7. For more information on our retainer programs, see our flyer on page 21.

Page 2
Board of Directors
East Bend Metropolitan District
October 3, 2023

Primary Attorney. If you decide to move forward with Altitude Community Law P.C., I will be your assigned Primary Attorney. As your primary attorney, my goal is to make sure your relationship with Altitude is as successful as possible. Feel free to contact me with questions or comments after you've had a chance to review the enclosed materials. We would be happy to attend a board meeting to meet you, listen to your concerns and discuss how we can assist your district.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey B. Smith". The signature is written in a cursive, slightly slanted style.

Jeffrey B. Smith
Altitude Community Law P.C.

JBS/ss
Enc.
07701055.DOCX



2023 NOTICE OF LEGAL SERVICES AND FEE SUMMARY

The following is a summary of fees and charges for legal services being offered by Altitude Community Law for 2023. For more details, contact your Primary Attorney or email us today at hoalaw@altitude.law.

Our retainer programs reduce your district's legal expenditures and simplify the budgeting process by establishing a fixed monthly fee. This fee purchases the essential legal services your district requires, making us available to you as needed. We offer three retainer packages to better fit your needs.

RETAINER SERVICES AND BENEFITS

For a monthly fee of \$230, retainer clients receive the following legal services and benefits without further charges:

Phone Calls. We will engage in unlimited telephone consultations with a designated board member or district manager regarding legal and other questions and status of ongoing work we are performing for you, exclusive of litigation, foreclosure, covenant enforcement, and document amendments. Written consultations/communications such as emails, written correspondence, and calls with multiple board members at the same time will be billed at our reduced hourly rates, as will our time to review governing documents, correspondence, etc., if necessary to answer a question.

Reduced Hourly Rates. For legal services billed hourly beyond what is included in the retainer, we will provide those services at \$20 per hour less than our non-retainer rates for attorneys and \$10 per hour less than our non-retainer rates for paralegals. No rate change for legal assistants.

In-Office Consultation. We will meet with a designated board member and/or the district's manager in our office for 30 minutes on any new matter. If the meeting extends beyond the 30 minutes, you will be billed at our reduced hourly rates.

Attendance at Board Meeting. At your request, we will attend one board meeting per twelve-month period for up to one hour. As a retainer client, we will prioritize attending the board meeting of your choosing. If our attendance exceeds one hour, you will be billed at our reduced hourly rates.

Audit Response Letter. We will prepare a letter to your financial auditor in connection with your annual audit indicating pending or threatened litigation. We will also review your annual financial audit upon completion.

Periodic Report. We will prepare and file your periodic report with the Secretary of State if you have designated us as your registered agent.

DORA Renewal. We will prepare and file your renewal report with DORA if requested.

RETAINER PLUS SERVICES AND BENEFITS

For a monthly fee of \$300, we will provide the following legal services and benefits without further charges:

In addition to the services provided to Retainer clients, Retainer Plus clients will receive the following additional services:

Email Consultations. We will engage in 30 (thirty) minutes of email consultations every month with a designated board member and the district's manager regarding legal and other questions and the status of ongoing work that we are performing on your behalf, exclusive of litigation, foreclosure, covenant enforcement, and document amendment matters. Additional written consultations and communications will be billed at our reduced hourly rates. If it is necessary to review governing documents, correspondence, etc. to answer a question, you will be billed at our reduced hourly rates.

SB100 Policy Update. We will provide one free SB100 Policy update for your district.

Credit Card Payments. For Retainer Plus clients, we will accept homeowner payments via credit card.

PREMIUM RETAINER SERVICES AND BENEFITS

For a monthly fee of \$550, we will provide the following legal services and benefits without further charges:

In addition to the services provided to Retainer and Retainer Plus clients, Premium Retainer clients will receive the following additional services:

Email Exchanges. We will communicate with your designated board member and the district's manager via email up to 60 (sixty) additional minutes every month which includes minor research.

Attendance at One Additional Board Meeting per Year. At your request, we will attend a total of two board meetings per twelve-month period for up to one hour each. If our attendance exceeds one hour, you will be billed at our reduced hourly rates.

Other needed revisions to Policies required by new legislation reduced by \$100.

RETAINER SERVICES GENERALLY

Clients on retainer will remain on their chosen level of retainer until we are notified otherwise in writing.

FIXED FEE SERVICES

Altitude Community Law offers fixed fee services. The District will pay Altitude Community Law (the Firm) for performance of the services as outlined in a proposal for services, plus costs. The metro district understands that it is not entering into an hourly fee agreement for that specified service, except as otherwise set forth. This means the Firm will devote such time to the matter as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent.

NON-RETAINER SERVICES AND BILLING TERMS

If you desire representation on a non-retainer basis, you will be billed hourly for all work performed unless a fixed fee (such as collection matters or amendment of documents) has been agreed to in advance. Our hourly rates for 2023 non-retainer clients are \$115 - \$155 for legal assistants/paralegals, \$330 - \$350 for attorneys. Non-retainer clients are billed hourly for all phone calls. Our attendance at meetings will be billed hourly. Our travel time to and from the attorney's primary office location will also be billed hourly if in-person attendance is requested instead of remote or virtual attendance.

TERMINATION OF REPRESENTATION

You may terminate our representation at any time by notifying us in writing and we may resign from representation by notifying you in writing. In either case, you understand that court or administrative rules may require us to obtain a judicial or administrative order to permit our withdrawal. We agree that upon receipt of your termination notice, we will take such action as is necessary to withdraw from representing you, including requesting any necessary judicial or administrative order for withdrawal. However, whether you terminate our representation, we cease performing further work and/or withdraw from representing you, as allowed under the Colorado Rules of Professional Conduct or for your failure to comply with the terms of this Agreement, you understand and agree that you continue to be responsible to us for the payment of all fees and expenses due and owing and incurred in withdrawing from representing you, including any fees and expenses we incur to obtain, and/or during the time we are seeking to obtain, any necessary judicial or administrative order to approve our withdrawal.

If you so request, we will send to you your files in an electronic format as soon as a particular matter is concluded. If you do not request your files, the firm will keep the files for a minimum of ten (10) years, after which it may retain, destroy or otherwise dispose of them.

PRIVACY POLICY

Attorneys, like other professionals who provide certain financial services, are now required by federal and state laws to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Thus, we have always protected the privacy of your confidential information.

In the course of providing legal services, we sometimes receive significant nonpublic personal information from our clients. As a client of Altitude Community Law, you should know that all such information we receive from you is held in confidence. We do not disclose such information to anyone outside the firm except when required or authorized by applicable law or the applicable rules of professional conduct governing lawyers, or when authorized by you in writing.

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain, physical, electronic and procedural safeguards that comply with our professional standards.

If you have any questions or would like more information about our privacy policies and practices, please let us know.

GENERAL TERMS FOR ALL CLIENTS

We represent the district as a corporate entity. We will take our direction for work as instructed by the manager or the board. We do not represent any individual board members or homeowners.

Clients are required to reimburse us for cost advances and other out-of-pocket expenses. Reimbursement is made at actual cost for outside charges such as court recording fees, filing fees, service of process charges, computerized legal research, expert witness fees, title searches, deposition reporting and transcription fees, outside photocopying, etc. Typically, we do not charge for internal photocopies, faxes, postage and long-distance telephone calls unless these charges are extraordinary. We provide monthly statements for services and expense incurred. Unless other arrangements are made and agreed upon in writing, all charges are due and payable upon your receipt of the statement. A finance charge of 12% per annum may be imposed upon any amount not paid within 30 days of becoming due. Fees may be modified upon 30 days prior written notice. If it becomes necessary to file suit to recover unpaid attorney fees, the prevailing party shall be entitled to receive its attorney fees.

In the event we have not been provided with, or our files do not contain, all of the recorded documents of the District, we retain the right to obtain any such recorded documents to supplement our file without the District's approval and at the District's cost. The District's cost will include, but not be limited to, hourly charges for procuring the documents and copying costs. In order to provide you with the most efficient and effective service we will, at all times, unless otherwise directed, work through your manager if appropriate.

Should you have any questions, please do not hesitate to call any of our attorneys. We are happy to answer any of your questions or meet with you at no charge to discuss our services and fees in greater detail.

RESPONSE REQUIRED

If you desire to engage our services, please indicate below which type of service you prefer by checking the appropriate box, execute the acceptance and return it to us via mail, e-mail or fax.

Legal Services: (select one)

- Retainer Services
- Retainer Plus Services
- Premium Retainer Services
- Non-Retainer

Collection Services:

Please see attached Fee Structure

Billing Preference: (select one)

- Paper and Mailed
- Electronic and Emailed

Email address: _____

(please note, only one email address per management company or self-managed district will be used)

Agreed to and accepted this ____ day of _____, 20 ____.

Print District Name

By: _____
President/Manager



**EXHIBIT A TO LEGAL SERVICES AND FEE SUMMARY AGREEMENT
FOR 2023 LEGAL COLLECTION SERVICES**

Fee Structure

This is a flat fee agreement for collection services. The District will pay Altitude Community Law (the Firm) for performance of the services described below, plus costs. The District understands that it is not entering into an hourly fee agreement for collection services, except as otherwise set forth below. This means the Firm will devote such time to the representation as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent.

The District has the right to terminate the representation at any time and for any reason, and the Firm may terminate the representation in accordance with Rule 1.16 of the Colorado Rules of Professional Conduct. In the event that the District terminates the representation without wrongful conduct by the Firm that would cause the Firm to forfeit any fee, or the Firm justifiably withdraws in accordance with Rule 1.16 from representing the District, the District shall pay, and the Firm shall be entitled to, the fee or part of the fee earned by the Firm as described in paragraph 1 above, up to the time of termination. If the representation is terminated between the completion of increments (if any), the District shall pay a fee based on our standard hourly rate set forth in our standard fee agreement. However, such fees shall not exceed the amount that would have been earned had the representation continued until the completion of the increment, and in any event all fees shall be reasonable. Once the work is performed, the Fee will be deemed earned and is due upon receipt of an invoice.

Case Intake, Review and Assessment - No charge

We do not charge you to review new collection cases and make recommendations. However, if we receive open collection files from another attorney, there will be a \$25 set-up and review fee per file. This fee will be waived if you are a retainer client.

At the rates set here in, upon receiving a new turnover, we will perform the following work for due diligence and to put the District in the best possible collection position: Assessment Lien Package (if a lien has not already been recorded), Demand Letter, Public Trustee Search, and Bankruptcy Search. Next steps after this work depends on the homeowner's response, balance due, history, information acquired, and other factors.

Demand Letter - \$155

Preparation of a demand letter includes reviewing the ledger or equivalent record to ascertain the amounts owed including interest, late charges, fines and charge backs, if relevant, and review prior notice given to owner to meet statutory requirements; drafting and mailing the demand letter to the homeowner; follow-up, including telephone calls with the management company and homeowner, negotiation of an acceptable payment plan; follow up letter (as needed) to confirm payment arrangements. All correspondence other than the initial demand and payment plan letter is \$50 per letter (e.g., follow up demand letter, breach of payment plan letter).

Super Lien Demand Letter - \$110

Preparation of a demand letter post foreclosure includes reviewing ledger to ascertain amounts owed; verifying party to whom demand should be sent; drafting and mailing demand letter: or if request is received from a lender for the super lien amount, drafting a response. All discussions with the owner or lender after the letter are billed hourly.

Assessment Lien Package - \$110

This charge includes preparing both the lien and the lien release. It also includes verification of ownership with either the assessor's office or title company.

Lawsuit: - \$455 plus costs

This charge includes preparing the summons and complaint, filing these papers with the court, appearing at the return date and obtaining default judgment. It also includes all negotiations and telephone conferences with the owners prior to an answer being filed with the court.

Lawsuit: Trial - Hourly rates apply

All preparation for trial and appearances in court are billed on an hourly basis. If the District prevails at trial, it can recover its attorney fees and costs from the delinquent owner.

Interrogatories - \$130

We prepare and file a motion with the court to request the court to order an owner to answer a series of questions from us about the owner's assets. We will use the answer to help satisfy any judgment obtained by the District. We will also arrange for service of the order on the client and monitor and evaluate answers received from the owner.

Contempt Citation - \$155

If an owner fails to answer the interrogatories as ordered by the court, we will prepare and file all the necessary paperwork to require the owner to appear before the judge to explain why the questions were not answered. Our fee also includes our appearance at court, subsequent appearance if the owner fails to appear initially and review and evaluation of the answers once received from the owner.

Garnishments - \$155 (each)

We will identify entities (usually banks, employers or tenants) which owe or have money of the owner and prepare documentation to be filed with the court to order the entity to release all or a portion of the money they hold for or are obligated to pay the owner to the district. We will arrange for service of the necessary documentation and will monitor for responses.

Payment Plans - \$125-\$225 (each)

We will charge a fee depending upon the length of the payment plan to prepare the necessary documentation, monitor and process payments and close the file. Unless we are instructed otherwise, we may agree to payment plans of up to 24 months with any homeowner. We request that interest and late fees not be added to the ledger during payment plans, as long as the homeowner pays as agreed. Monthly payments amounts are calculated based on no additional interest or late fees being incurred during the payment plan.

Motions - \$150-\$250

Occasionally, certain motions may be necessary in a case in order to get the court to issue a ruling without further legal action. These will be prepared, filed, monitored and argued before the court, if necessary.

Outbound Phone Calls - \$55

Once we obtain a phone number for an owner, we will make up to 3 outbound calls to an owner to secure payment. All other calls with an owner will be at no charge.

Payoff Calculations - \$130

It is important for your management company or treasurer to confirm all payoff amounts with us prior to issuing status letters or advising owners of balances so that all legal costs and fees can be included. We will also insure that all fees necessary to close or dismiss a file are included. Rush charges do apply.

Monitoring Lender Foreclosure - \$220 (one-time charge)

It is important to monitor lender foreclosure through the sale and redemption period. We obtain periodic ownership and encumbrance reports, if needed, and routinely verify the status of the foreclosure action. We advise you of the district's rights and options throughout the process. Once a sale is completed, we advise the district of the new owner and the district's rights.

Monitoring Bankruptcy - \$230 Chapter 7; \$360 Chapter 13 (one-time charge)

We prepare and file a Proof of Claim, if necessary, monitoring the bankruptcy through discharge. Our services include reviewing the plan (if Chapter 13) to make sure it includes provisions for payment of pre- and post-petition assessments, and checking with the trustee and debtor's attorney to determine if property has been abandoned. If it becomes necessary to file any motion with the court, we charge fixed fees as follows:

Motion to Dismiss: \$595

Motion for Relief from Stay: \$795

Objection to Plan: \$395

All preparation for and appearances in court are charged on an hourly basis.

Assessment Increase Notice - \$395

We prepare notice to the bankruptcy court of any increase in the ongoing debt owed to the district upon receipt of notice from you, including filing a proof of claim and letter to the bankruptcy attorney or debtor.

Public Trustee/Bankruptcy Search - \$30 (each)

Verifying whether a property is in foreclosure or subject to a bankruptcy before filing a lawsuit can save the district hundreds of dollars. So, we will search both the public trustee and bankruptcy records and then advise the district if different action is necessary.

Receiverships (County Court) - \$450 initial, then hourly. Court costs are approximately \$250

We will prepare pleadings and appear in court to obtain appointment of a receiver to collect rents where the property is abandoned or being rented by the owner. Once appointed, we supervise disbursement of the monies collected by the receiver at an hourly rate.

Lien/Judicial Foreclosures (District Court) - Hourly rates apply

We recommend that foreclosure be considered as a viable collection remedy in all problem cases. Our fee is based on the complexity of your circumstances and should reflect the value you will receive from the monetary result of the foreclosure.

Lien Sales - \$500

We list all liens that are potentially available for sale on our website at <https://Altitude.Law/general-topics/liens-for-sale/> at no cost. In the event a lien is sold we collect our fee from the purchaser of the lien. In order to handle quickly, within the legal time limits, we reserve the right to sell liens, without prior approval if the purchase price is equal to or more than the balance due.

Status Report - \$75/month (if not accessed electronically)

We provide online access to each district's collection status report. For more information please contact us. If your district chooses to have us prepare your status report, there will be a monthly fee.

Asset/Person Locations - \$25-100

From time to time we must locate debtors and/or their assets in order to secure payment for you. We will use various databases for which there is a cost to us, to secure possible leads. This information is then reviewed and analyzed to develop the best strategy for quickly and efficiently securing payments.



SERVING HOMEOWNERS ASSOCIATIONS

Altitude Community Law P.C. is the premier law firm which serves legal needs of community associations. More than 2,500 associations throughout Colorado have chosen us to guide them through the formation, transition and operation of their organizations. Our association clients include condominium, townhome and detached single family associations across the state. We also provide debt recovery and covenant enforcement services to districts.

Communities ranging in size from two units to more than 90,000 units have enjoyed the personal attention we provide, along with the depth and breadth of knowledge that only years of experience can yield. More than any law firm, we focus on homeowners associations and covenant controlled communities. We have prepared in excess of 500 sets of rules and architectural control guidelines and assisted over 500 associations in amending or restating their legal documents.

With several offices throughout Colorado, we are able to service our clients in a timely, efficient, and responsive manner.

OUR TEAM

Altitude Community Law was founded in 1988. Our attorneys work as a team to help you in the formation of a new community association, in running your existing association, or resolving disputes involving your association. Adding to the firm's 200 plus years of combined experience are attorneys Elina B. Gilbert, Melissa M. Garcia, David A. Firmin, David A. Closson, William H. Short, Debra J. Oppenheimer, Kiki N. Dillie, Jeffrey B. Smith, Maris S. Davies, Kate M. Leason, Amanda K. Ashley, Sheridan N. Classick, Jeremy B. Fletcher, Angela N. Hopkins, Arianne K. Gronowski, Callee G. Falcon and Brooke J. Shafranek.

CLIENT SERVICE - OUR NUMBER ONE PRIORITY

Each member of our firm is committed to providing you with the best legal representation in our field at competitive rates that fit your budget. We also understand that each client has different needs and expectations, and good client servicing is in the eyes of the client, not in the eyes of the firm.

That's why we're committed to getting to know the board

members of your association so that we can understand and meet your needs. By returning your calls promptly, communicating with you regularly, and offering various educational workshops annually, we are always looking for ways to better serve you and to exceed your expectations in a law firm.

By working with you, we can help you accomplish your goals on behalf of your association, and we can make your role as a board member easier by providing you with the tools you need to do your job effectively.

**PREVENTION -
THE BEST LEGAL
APPROACH**

The first and best legal solution is preventing disputes and other legal problems. With a strong emphasis on prevention, we draw from our experience to help you lay a proper foundation for the future and avoid costly and destructive pitfalls.

And, while we emphasize prevention, we are also fully prepared to fight for your cause if the need arises. We can represent you to resolve disputes through mediation, arbitration or litigation.

**COMMITMENT
TO
EDUCATION**

Education of both community managers and board members has been the backbone of the firm since its inception. At Altitude, we believe that education is the best way to avoid problems in communities and we continually strive to provide the best and most accessible education to not only our clients, but to any directors or managers that want to better understand the industry. Altitude Community Education (ACE) provides numerous lunch forums, webinars, classes, and other educational opportunities to ensure your community's success. For more information please refer to our Education Tab on the Altitude website.

**COUNSEL FOR
ASSOCIATIONS
AT ALL STAGES**

We advise associations at all stages of growth; from pre transition to the mature association. Many areas of law converge to govern community associations. We can help you address issues at all stages of a homeowner association's development. In addition to our experience, we have been an advocate for community associations at the Capitol. Our attorneys serve on the Legislative Action Committee for CAI and are aggressively involved in monitoring and testifying in the legislature concerning bills affecting community associations.

TRANSITION OF CONTROL

One of the most pivotal times for a community association is during its transition from developer to homeowner control. The developer controls a common interest community during its formation. As lots or units are sold, transition from developer to homeowner control begins, with owners bearing the responsibility for the association's operation. Ideally this is a process rather than an isolated event. Over time, owners gradually become involved in the governance of the association. Altitude Community Law has assisted hundreds of associations with this process making for a smooth and problem-free transition.

THE MATURE COMMUNITY ASSOCIATION

Mature associations function best when they provide services to owners (as set forth in the governing legal documents) and responsibly enforce their governing documents and anticipate changing needs.

REVIEWING, AMENDING AND INTERPRETING DOCUMENTS

By periodically reviewing, amending or revising your association's articles of incorporation, bylaws, covenants, and rules, Altitude Community Law can help you build a strong, legally-sound foundation for your community. We can assist you by understanding your goals and redrafting, writing or amending rules, architectural control guidelines and covenants that address your association's needs within the framework of local, state and federal laws. We can also aid you in the proper interpretation and clarification of your governing documents.

COVENANT ENFORCEMENT

Two principles apply when addressing enforcement of covenants and rules. Covenants and rules must be carefully written to be enforceable and must be enforced consistently to retain their strength. The same principles apply when dealing with architectural control or design enforcement.

At Altitude Community Law, we can assist you in these important areas through use of our alternate dispute resolution services, or if need be, through our litigation services.

CREATIVE PROBLEM SOLVING

We've handled a wide variety of covenant enforcement issues and achieved many successes for our association clients. From painting and landscaping, to pets and parking, we have experience with virtually every imaginable covenant violation. While our goal is to resolve disputes outside of court, when litigation is necessary, we're strong advocates for associations. Not only do we have years of courtroom experience, but we also have years of industry

experience-insight that enables us to utilize creative solutions, as well as anticipate the challenges of a covenant violation lawsuit.

**DEBT
RECOVERY**

Financial well-being hinges on timely collection of association assessments. In addition to traditional collections methods such as demand letters, liens, and personal lawsuits, we've developed successful alternatives to use when traditional methods fail, including the use of receiverships and foreclosures. In the last two years we've collected approximately \$9 million in delinquent assessments and fees for our clients. No other firm can claim this degree of success.

Every collection matter in our office is handled by an attorney, not the paralegal-driven model that many law firms use. This difference provides for better representation, higher quality work and better results for our clients.

We are also the first firm to provide clients with online status reports of their collection accounts. The information is real-time account history accessed through a secure online system.

**INSURANCE
AUDIT**

At every stage of an association's maturity, it is important that the association have adequate insurance not only for the structures and improvements, but also for the board of directors. We can review your current policies for adequate coverage and to determine if your coverage complies with the requirements in your governing documents.

An association that isn't properly insured for general liability and property coverage, director and officer coverage, fidelity insurance, and gap coverage may be susceptible to lawsuits filed by owners. Our insurance audit can assist your association not only by determining any weaknesses in your coverage, but by recommending a more comprehensive insurance plan that will meet your needs and budget.

**DISPUTE
RESOLUTION/
LITIGATION**

We emphasize prevention of legal problems through thoughtful and thorough advice and counsel given prior to taking action or entering into transactions. When a legal problem does arise, we will assist you in finding the most practical and cost-effective solution. Our trial attorneys are not only experienced, but also have a long track record of winning in the courtroom. Our goal is to resolve disputes

outside of court whenever possible, and all Altitude Community Law attorneys have had formal training in mediation and negotiation.

But when a resolution cannot be found, we bring our extensive litigation experience to bear on behalf of our clients. We assess with you the benefits of litigation and weigh them against the costs and risks.

A wide variety of problems and needs come up in the course of governing and operating a homeowners association. Often the solution is not obvious. We enjoy taking both a creative and proactive approach and working with you to find legal solutions that allow you to do what your association wants to do. Altitude Community Law has gained a reputation for using ground-breaking methods and solving old problems in refreshing new ways.

Pertinent examples of such creative problem solving include:

- Negotiated and closed the first bond financing in the country by a homeowners association of 15 million dollars for various capital improvements.
- Negotiated and drafted a favorable annexation agreement that provided for substantial payment to the association.
- Identified and implemented procedures to collect working capital contribution from developer for use by association in a build-out community.
- Amended legal documents for a condominium community to create and sell a unit out of the common elements, with the proceeds going to the Association.
- Consolidated two associations into one, eliminating duplicate costs and overhead.

FINANCIAL CONSIDERATIONS

From the beginning of our relationship with you, we welcome an open dialogue about the subject of fees and costs. We know how essential legal services are to your successful operation. We also know you must work within an established budget.

**HOW WE
CHARGE FOR
OUR
SERVICES**

We have made every effort to package our services in a meaningful way that reflects their value to you. We strongly urge all associations to elect to be on one of our popular retainer programs. The retainer programs are set at levels to be a maximum benefit to your community. They further simplify the budgeting process by establishing a fixed monthly fee for certain services.

Additionally, whether you are on one of our retainer programs or not, fees for specific work are frequently quoted on a flat or fixed fee basis. We will work with you to select from these convenient options, or to create an alternative arrangement tailored to suit your needs.

Altitude Community Law

Shareholder in Charge of Finance



David A. Firmin :: Shareholder

Education: University of Denver (B.A., 1991); University of Denver (J.D., 1998).

Member: Colorado Bar Association; Southwestern Colorado Bar Association; Community Associations Institute.

Practice Areas: Condominium and Homeowners' Association Law.

Shareholder in Charge of Practice



Elina B. Gilbert :: Shareholder

Education: University of Michigan, Ann Arbor, Michigan (B.A., 1993); University of Detroit Mercy School of Law (J.D., Cum Laude, 1997).

Member: American Bar Association; Michigan Bar Association; Community Associations Institute; College of Community Association Lawyers.

Practice Areas: Condominium and Homeowners' Association Law.

Debt Recovery



Kiki N. Dillie :: Shareholder - Debt Recovery Department Head

(she / her / hers)

Education: University of Colorado (B.A., 2002); University of Colorado School of Law (J.D., 2008).

Member: Colorado Bar Association; Colorado Creditor Bar Association; Community Associations Institute.

Practice Areas: Collections.



Sheridan N. Classick :: Attorney

Education: Metropolitan State University of Denver (B.A., 2015); Gonzaga School of Law (J.D., 2018).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute.

Practice Areas: Collections.



Callee G. Falcon :: Attorney

Education: Oklahoma State University (B.A., 2015); University of Oklahoma College of Law (J.D., 2022).

Member: Oklahoma Bar Association and Colorado Bar Association

Practice Areas: Collections.

Litigation/Foreclosure/Covenant Enforcement



Jeffrey B. Smith :: Shareholder - Litigation Department Head

Education: Providence College (B.A., 2005); University of Denver College of Law (J.D., 2008).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute; Colorado Defense Lawyers Association.

Practice Areas: Covenant and Rule Enforcement Litigation; Insurance Defense; Civil Litigation; Contract Disputes; Fair Housing Law; Foreclosure.



William ("Bill") H. Short :: Partner

Education: University of Vermont (B.A., 1979); Emory University School of Law (J.D., 1982).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute. Colorado Defense Lawyers Association.

Practice Areas: Insurance Defense; D&O Liability; Construction Law; Civil Litigation; Contract Disputes; Fair Housing Law; Covenant and Rule Enforcement Litigation.



Debra J. Oppenheimer :: Partner

Education: Metropolitan State College (B.S., 1986); University of Texas (J.D., 1989).

Member: Colorado Bar Association; El Paso Bar Association; Community Associations Institute.

Practice Areas: Covenant and Rule Enforcement Litigation; Insurance Defense; Civil Litigation; Contract Disputes; Fair Housing Law.



Kate M. Leason :: Attorney

Education: University of Central Florida (B.A., 1987); University of South Florida (M.L.S., 2003); Barry University, Dwayne O'Andreas School of Law (J.D., 2008).

Member: Colorado Bar Association; Denver Bar Association; Community Associations Institute; American Association of Law Libraries.

Practice Areas: Foreclosure.



Jeremy B. Fletcher :: Attorney

(he / him / theirs)

Education: Regis University (B.A., 2012); New England Law | Boston (J.D., 2017).

Member: Colorado Bar Association; Community Associations Institute.

Practice Areas: Covenant and Rule Enforcement Litigation.

Transactional



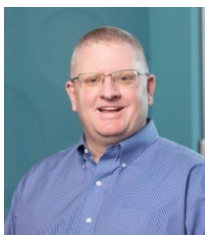
Melissa M. Garcia :: Shareholder - Transactional & Business Development Dept. Head

(she / her / hers)

Education: University of Nevada, Reno (B.A., 1996); California Western School of Law (J.D., 1999).

Member: Community Associations Institute.

Practice Areas: Condominium and Homeowners' Association Law.



David A. Closson :: Shareholder – Business Law Group Department Head

Education: Colorado State University (B.A., 1995); University of Colorado (M.B.A., 2002); University of Colorado (J.D., 2002).

Member: Community Associations Institute.

Practice Areas: Business; Condominium and Homeowners' Association Law.



Maris S. Davies :: Partner

Education: Ithaca College (B.S., 2001); University of Denver (J.D., 2009).

Member: Colorado Bar Association; Community Association Institute.

Practice Areas: Condominium and Homeowners' Association Law.



Amanda K. Ashley :: Partner

Education: Central Methodist University (B.A., 2000); Marquette University Law School (J.D., 2004). **Member:** Colorado Bar Association; Adams County Bar Association;

Southwest Colorado Bar Association; Community Associations Institute; Wisconsin Non Resident Lawyer Division; Wisconsin Law Foundation Fellow

Practice Areas: Condominium and Homeowners' Association Law.



Angela N. Hopkins :: Attorney

Education: Metropolitan State University of Denver (B.A., 2015); University of Denver Sturm College of Law (J.D. 2015).

Member: Colorado Bar Association – Real Estate Law Section;

Practice Areas: Condominium and Homeowners Association Law.



Arianne K. Gronowski :: Attorney

(she / her / hers)

Education: University of Colorado, Boulder (B.A., 2001); University of Denver (J.D. 2004).

Member: Colorado Creditor Bar Association

Practice Areas: Condominium and Homeowners Association Law.



Brooke J. Shafranek :: Attorney

(she / her / hers)

Education: North Carolina State University (B.A. 2014), University of Florida (J.D. 2018)

Member: Colorado Bar Association

Practice Areas: Condominium and Homeowner's Association Law



THE RETAINER PROGRAM

Affordable Legal Assistance

PLANS AND BENEFITS

STANDARD \$230/Month

- Unlimited Phone Calls ✓
- Hourly Rates Reduced (-\$20 Attorney, -\$10 Paralegal) ✓
- 1 Board Meeting per Year ✓
- Audit Response ✓
- Periodic Report ✓
- DORA Renewal ✓
- Availability and Priority ✓

PLUS \$300/Month

- All Standard Plan Perks ✓
- Emails (up to 30 mins per month) ✓
- One Free SB 100 Policy Revision ✓
- Homeowner Credit Cards Payments ✓

PREMIUM \$550/Month

- All Standard and Plus Plan Perks ✓
- 2 Board Meetings per Year ✓
- Emails (up to 90 mins per month) ✓
- Other Legislative Policy Revisions Price Reduced By \$100 ✓

NOTE: Unlimited phone calls exclude litigation, foreclosure, covenant enforcement, and document amendments. Please contact us for more details regarding these services.

WHAT IS THE RETAINER PROGRAM?

Altitude Community Law P.C. offers economical Retainer options to provide your community association with access to legal counsel without having to worry about hourly rates, time spent, meetings attended, or additional money out of the association's account.

WHAT ARE THE BENEFITS?

The main benefit under the Retainer Program is that it provides HOA Boards with unlimited phone calls! No more legal bill surprises at the end of the month for all those calls with the attorney. You also get reduced hourly rates, attendance at one (or more) Board meetings, and much more all for a fixed monthly fee!

HOW TO SIGN UP

- 1 Contact Us to Sign Up
- 2 We'll Send You a Fee Agreement
- 3 Return the Signed Fee Agreement

Woohoo! Now you're on Retainer.

Contact Us

(303) 432-9999

hoalaw@altitude.law

555 Zang Street, Suite 100 Lakewood, CO



BOARD OF DIRECTORS ROSTER

Please complete and email to hoalaw@altitude.law, fax to 303.991.2045 or mail to 555 Zang Street, Suite 100, Lakewood, CO 80228-1011. This information will be used for communication (correspondence, blogs, newsletters, etc.) between our firm and you. It will not be released outside of our firm.

Thank you.

Metro District Name:	Date:
Website:	

PRESIDENT

Name		Phone Numbers(s)	
Mailing		(H)	(C)
City,		(W)	Fax:
Email			
I do not want to receive: E-newsletter <input type="checkbox"/> Blog <input type="checkbox"/> Periodic Client Alerts <input type="checkbox"/>		Term Expires (mo/yr):	

VICE PRESIDENT

Name		Phone Number(s)	
Mailing		(H)	(C)
City,		(W)	Fax:
Email			
I do not want to receive: E-newsletter <input type="checkbox"/> Blog <input type="checkbox"/> Periodic Client Alerts <input type="checkbox"/>		Term Expires (mo/yr):	

SECRETARY

Name		Phone Number(s)	
Mailing		(H)	(C)
City,		(W)	Fax:
Email			
I do not want to receive: E-newsletter <input type="checkbox"/> Blog <input type="checkbox"/> Periodic Client Alerts <input type="checkbox"/>		Term Expires (mo/yr):	

TREASURER

Name		Phone Number(s)	
Mailing		(H)	(C)
City,		(W)	Fax:
Email			
I do not want to receive: E-newsletter <input type="checkbox"/> Blog <input type="checkbox"/> Periodic Client Alerts <input type="checkbox"/>		Term Expires (mo/yr):	

MEMBER AT LARGE/ ADDITIONAL BOARD MEMBER

Name		Phone Number(s)	
Mailing		(H)	(C)
City,		(W)	Fax:
Email			
I do not want to receive: E-newsletter <input type="checkbox"/> Blog <input type="checkbox"/> Periodic Client Alerts <input type="checkbox"/>		Term Expires (mo/yr):	

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
EAST BEND METROPOLITAN DISTRICT**

First Amendment to the Design Guidelines – Residential Landscaping Standards

Recitals

- A. The East Bend Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Arapahoe County, Colorado; and
- B. The District was organized pursuant to Article 1 of Title 32 of the Colorado Revised Statutes to provide certain essential public facilities and services within the District; and
- C. Pursuant to § 32-1-1004(8), C.R.S., the District may provide covenant enforcement and design review services if the declaration containing the covenants to be enforced name the District as the enforcing and design review entity; and
- D. Pursuant to § 32-1-1001(1)(m), C.R.S., the District is authorized to adopt, amend, and enforce bylaws, rules, and regulations, not in conflict with the constitution and laws of this states for carrying on the business, objects, and affairs of the board and the District; and
- E. The property within the District is subject to the Declaration of Covenants, Conditions and Restrictions for East Bend, recorded in the office of the Arapahoe County Clerk and Recorder on August 23, 2021, at Reception No. E1148282 (the “**Declaration**”); and
- F. The Declaration provides for the enforcement of the Declaration and the establishment of Design Guidelines by the District; and
- G. The District adopted its current Design Guidelines in July 2022, which regulate alterations to real property within the District, including landscape or architecture, ensuring the effective enforcement of the Declaration; and
- H. Art. 3, Section 3.3 of the Declaration authorizes the District to modify or supplement the Design Guidelines from time to time upon the written approval of the District’s Board of Directors; and
- I. The District’s Board of Directors has determined it is necessary and in the best interest of the District and its residents to make amendments to those Design Guidelines pertaining to the residential landscaping standards.

NOW THEREFORE, be it resolved by the Board of Directors of the East Bend Metropolitan District as follows:

1. Amendment. The “Residential Landscaping Standards” section of the Design Guidelines is amended by deleting the entire “Landscape” subsection and replacing it as follows:

Landscape. The District shall maintain the exterior irrigation, plant material, rocks, mulch, and landscape fabric in the landscape bed areas. Homeowners shall not modify landscaping on their respective Residential Sites. Each Homeowner shall maintain the grading on its Lot (including grading around the foundation of the building constructed thereon) at the slope and pitch fixed by the final grading thereof, including landscaping and maintenance of the slopes, so as to maintain the established drainage that existed at the time of final grading, and conduct irrigation and surface waters away from buildings to protect foundations and footings from excess moisture.

2. Except as otherwise amended, the Design Guidelines remain in full force and effect.

Approved and adopted this ____ day of _____, 2023.

EAST BEND METROPOLITAN DISTRICT

Jeffrey Kutzer, Chair, Board of Directors

Attest:

Secretary/Assistant Secretary, Board of Directors

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
EAST BEND METROPOLITAN DISTRICT**

2024 Annual Administrative Resolution

Recitals

A. The East Bend Metropolitan District is a quasi-municipal corporation and political subdivision of the State of Colorado organized pursuant to the Colorado Special District Act, article 1, Title 32, C.R.S.; and

B. The Board of Directors of the District has a duty to perform certain obligations in order to ensure the efficient operation of the District; and

C. The directors may receive compensation for their services subject to the limitations imposed by § 32-1-902(3)(a)(I) and (II), C.R.S.; and

D. Section 32-1-103(15), C.R.S., requires the Board of Directors to publish certain legal notices in a newspaper of general circulation in the District; and

E. Section 24-6-402, C.R.S., specifies the duty of the Board of Directors at its first regular meeting of the calendar year to designate a public posting place within the boundaries of the District for notices of meetings, in addition to any other means of notice; and

F. Section 32-1-903, C.R.S., states that the Board shall meet regularly at a time and in a location to be designated by the Board; and special meetings shall be held as often as the needs of the special district require, and such meetings may be held (A) (1) telephonically; (2) electronically; or (3) by other means not including physical presence but must provide a method for members of the public to attend the meeting; or (B) at a physical location within the boundaries of the District or which are within the boundaries of any county in which the District is located, or, in any county so long as the meeting location does not exceed twenty miles from the District boundaries, unless an appropriate resolution to hold the meeting in another location is adopted by the Board and notice appears on the meeting agenda; and

G. Section 32-1-903(2), C.R.S., requires that notice of the time and place designated for all regular and special meetings shall be in accordance with § 24-6-402(2)(c), C.R.S., on a website or other online presence of the District which complies with the statutory criteria, or on a physical posting location as designated by the Board and within the limits of the Special District at least 24 hours prior to said meeting; and

H. Section 32-1-1001(2)(a), C.R.S., requires that a district may fix or increase fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services only after consideration of the action at a public meeting held at least thirty days after providing notice stating that the action is being considered and stating the date, time, and place of the meeting at which the action is being considered; and

I. In accordance with the Colorado Governmental Immunity Act, the Board is given authority to obtain insurance against liability for injuries for which the District may be liable under the Governmental Immunity Act, and to provide for defense and payment of judgements or settlements against public employees, pursuant to §§ 24-10-110 and 24-10-115, C.R.S.; and

J. Sections 32-1-901(2) and 32-1-902(2), C.R.S., requires the District to obtain an individual, schedule or blanket surety bond in an amount of no less than \$1,000 per director and \$5,000 for the Board Treasurer, and to file such bond with the District Court and the Division of Local Government; and

K. Section 32-1-104.8, C.R.S., requires the District to record a special district public disclosure document and a map of the boundaries of the District with the County Clerk and Recorder of each county in which the District is located by December 31, 2014, and at any time thereafter that an order confirming the inclusion of property into the District is recorded; and

L. Section 32-1-306, C.R.S. requires the District to file a current, accurate map of its boundaries with the Division of Local Government and the County Clerk and Recorder and the County Assessor on or before January 1 of each year; and

M. Section 32-1-104(2), C.R.S., requires the District, on or before January 15, to file a copy of the notice required by § 32-1-809, C.R.S. with the Board of County Commissioners, Assessor, Treasurer, Clerk and Recorder, the governing body of any municipality in which the District is located, and the Division of Local Government; and

N. Section 32-1-809, C.R.S., requires that on or before January 15 of each year the District will provide a notice to the eligible electors of the District containing the information required by § 32-1-809(1), C.R.S. in the manner set forth in § 32-1-809(2), C.R.S.; and

O. The Local Government Budget Law of Colorado, §§ 29-1-101, et seq., C.R.S., requires the Board to hold a public hearing on proposed budgets and amendments thereto, to adopt budgets, and to file copies of the budgets and amendments thereto; and

P. In accordance with the Public Securities Information Reporting Act, §§ 11-58-101, et seq., C.R.S., issuers of non-rated public securities must file an annual report with the Department of Local Affairs; and

Q. In accordance with § 29-1-604(1), C.R.S., if expenditures and revenues of the District are not in excess of \$100,000, the District may file an exemption from audit with the State auditor; or, in accordance with § 29-1-604(2), C.R.S., if expenditures and revenues of the District are at least \$100,000 but not more than \$750,000 the District may, with the approval of the State Auditor, file an exemption from audit with the State Auditor, or in accordance with § 29-1-603, C.R.S., the governing body of the District shall cause to be made an annual audit of the financial statements for each fiscal year; and

R. The Unclaimed Property Act, §§ 38-13-101, et seq., C.R.S., requires that governmental subdivisions, if applicable, file an annual report listing unclaimed property with the State Treasurer; and

S. Elections may be held pursuant to the Special District Act, the Uniform Election Code of 1992, and the Colorado Local Government Election Code for the purpose of (1) electing members of the District's Board of Directors; (2) to present certain ballot issues to the eligible electors of the District as required by Article X, § 20 of the Colorado Constitution; and (3) to present certain ballot questions to the eligible electors of the District; and

T. Section 1-1-111, C.R.S., states that all powers and authority granted to the governing body of a political subdivision to call and conduct an election may be exercised by the appointed Designated Election Official; and

U. Sections 1-11-103 and 32-1-104(1), C.R.S., require the District to notify the Division of Local Government of the results of any elections held by the District, including the name and address of all members and officers of the board of directors, and a business address, telephone number and name of the contact person for the District; and

V. Section 32-1-1101.5, C.R.S., requires the District to certify results of any election to incur general obligation indebtedness to the board of county commissioners of each county in which the special district is located or to the governing body of the municipality that has adopted a resolution of approval of the District; and

W. Section 32-1-1604, C.R.S., requires within 30 days of incurring or authorizing general obligation debt that the District record a notice of such debt with the County Clerk and Recorder, on a form prescribed by the Division of Local Government; and

X. In accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S., either the board of county commissioners of each county in which the special district is located, or the governing body of the municipality that has adopted a resolution of approval of the District, may require the District to file an application for quinquennial finding of reasonable diligence; and

Y. Section 32-1-207(3)(c), C.R.S., requires the District to file an annual report, on or before October 1st of each year for the preceding calendar year, to the governing body with jurisdiction over the District, the Division of Local Government, State Auditor, and County Clerk and Recorder for each county in which the District is located, unless otherwise required at an earlier date by the District's service plan.

Z. Special district directors are governed by §§ 32-1-902(3) and 32-1-902(4), C.R.S., which requires such director to disqualify himself or herself from voting on an issue in which he or she has a conflict of interest unless the director has properly disclosed such conflict in compliance with law, and by the provisions of the Colorado Code of Ethics, §§ 24-18-101, *et seq.*, C.R.S, which provide rules of conduct concerning public officials and their fiduciary duties; and

AA. Section 32-1-902, C.R.S., requires the Board to elect officers, including a Chair of the Board and President of the District, a Treasurer of the Board and District, and a Secretary, who may be a member of the Board; and

BB. The Board of Directors desires to appoint legal counsel for the District to provide legal services and to assist with the operation of the District; and

CC. The Board of Directors desires to appoint an accountant for the District to provide financial services and to assist with the financial operations of the District, and who shall also be designated as the budget officer required to prepare and submit to the Board a proposed District budget by October 15, pursuant to §§ 29-1-104 and 29-1-105 C.R.S.; and

DD. The Board of Directors desires to appoint a District Manager to provide management services in connection with the purposes for which the District was organized; and

EE. Pursuant to §§ 24-71.3-101, *et seq.*, C.R.S., The Uniform Electronic Transaction Act, parties may agree to conduct transactions by electronic means relating to business, commercial and governmental affairs, and that for all documents covered by the Act, if a law requires a record to be in writing, an electronic record satisfies the law.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAST BEND METROPOLITAN DISTRICT:

1. The Board of Directors of the District determines that each director shall not receive compensation for services as a director.
2. The Board designates *The Aurora Sentinel* as the newspaper of general circulation within the boundaries of the District, or in the vicinity of the District if none is circulated within the District, and directs that all legal notices shall be published in accordance with applicable statutes.
3. The Board designates the District website; <https://eastbendmd.com/> as the official posting location for District documents, including meeting notices to be posted no less than 24 hours prior to the meeting. The Board designates the southern corner of South Tower Road and South Andes Circle, which is within the boundaries of the District, as the physical 24-hour posting location pursuant to § 32-1-903(2) and § 24-6-402(2)(c), C.R.S.
4. The Board determines to hold regular meetings at 10:00 a.m. on _____ and _____ via virtual meeting platform.
5. The Board directs the legal counsel prior to any public meeting at which the District fixes or increases fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services to provide notice at least thirty days prior to such meeting pursuant to § 32-1-1001(2)(a), C.R.S. Notice shall be provided in one of the following three ways:
 - a. Mailing the notice separately to each customer on the District’s billing rolls that receives the service; or
 - b. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, or other informational mailing sent by the District to each customer of the District; or
 - c. Posting the notice on a publicly accessible section of the website for the Special District Association of Colorado (“SDA”).

6. The Board directs legal counsel to obtain and maintain insurance for the District, to insure the Directors acting within the scope of employment by the Board against all or any part of such liability for an injury; to insure against the expense of defending a claim for injury against the District or its Board. Additionally, the Board directs legal counsel, to obtain bonds or equivalent insurance coverage as required by §§ 32-1-901(2) and 32-1-902(2), C.R.S., in an amount of no less than \$1,000 per director and \$5,000 for the Board Treasurer, and to file the bond or certificate of insurance with the District Court and the Division of Local Government.

7. The Board designates Jeffrey E. Erb as the District's "Primary Representative" and designates Natalie M. Fleming as the District's "Alternate Representative" to the SDA Insurance Pool so that District insurance coverage may be timely renewed annually and updated as necessary.

8. The Board directs legal counsel to update the Special District Public Disclosure Document and map with Arapahoe County Clerk and Recorder after the initial filing deadline of December 31, 2014, if the District includes additional property and records an Order of Inclusion with the County Clerk and Recorder.

9. The Board directs legal counsel to file an accurate boundary map with the Division of Local Government and the Arapahoe County Assessor, as may be required by statute.

10. The Board directs legal counsel to file a copy of the transparency notice as described in § 32-1-809, C.R.S. with the Arapahoe County Board of County Commissioners, Assessor, Treasurer, Clerk and Recorder, and the Division of Local Government.

11. The Board directs legal counsel to notify the registered electors in the District of certain specified District information by completing the Special District Transparency Notice as detailed in § 32-1-809, C.R.S. and causing it to be posted to the Special District Association website.

12. The Board designates the District's accountant to serve as the budget officer, and to submit a proposed budget to the Board by October 15th for the following year, and, in cooperation with legal counsel, to schedule a public hearing on the proposed budget; to prepare a final budget, budget resolutions and amendments to the budget, if necessary; to certify the mill levies on or before December 15; and to file the approved budgets and amendments thereto with the proper governmental entities in accordance with the Local Government Budget Law of Colorado.

13. The Board directs the accountant to prepare and file the annual public securities report for nonrated public securities issued by the District, with the Department of Local Affairs on or before March 1st.

14. The Board directs the accountant to prepare or cause to be prepared for filing with the State Auditor either an Audit Exemption and Resolution for approval of Audit Exemption for the prior fiscal year by March 31; or an audit of the financial statements by June 30; further, the Board directs that the Audit be filed with the State Auditor by July 31.

15. The Board directs legal counsel to prepare, if necessary, the Unclaimed Property Act report and forward the report to the State Treasurer by November 1.

16. The Board hereby appoints Natalie M. Fleming, Erb Law, LLC, as the “Designated Election Official” of the District for any elections to be held during 2024 and any subsequent year. The Board hereby grants all powers and authority for the proper conduct of the election to the Designated Election Official, including but not limited to appointing election judges, appointing a canvass board and cancellation, if applicable, of the election.

17. The District directs the Designated Election Official to notify the Division of Local Government of the results of any elections held by the District, including the name and address of all members and officers of the board of directors.

18. The District directs the Designated Election Official to certify results of any election to incur general obligation indebtedness to the Arapahoe County Commissioners.

19. Whenever the District authorizes or incurs general obligation debt, the Board directs the Designated Election Official or legal counsel to record a notice of such debt with the Arapahoe County Clerk and Recorder, within 30 days of authorizing or incurring the debt, on a form prescribed by the Division of Local Government.

20. The Board directs legal counsel to prepare and file the special district annual report with the County of Arapahoe, the Division of Local Government, the State Auditor and shall further deposit a copy of such report with the County Clerk and Recorder per §32-1-207(3)(c), C.R.S.

21. The Board directs legal counsel to prepare and file the special district annual report, on or before August 1st of each year, with the Town of Erie, County of Weld, the Division of Local Government, the State Auditor and shall further deposit a copy of such report with the County Clerk and Recorder per §32-1-207(3)(c), C.R.S.

22. The District hereby directs each present and future member of the Board to execute an Affidavit of Qualification of Director, to be retained in the District’s files.

23. The District hereby elects the following officers for the District:

President/Chair of the Board – Eric Kubly

Vice President/Secretary – David Lee

Treasurer – Jeffrey Kutzer

24. The Board directs legal counsel to file conflict of interest disclosures provided by Board members with the Secretary of State. In addition, written disclosures provided by Board members required to be filed with the governing body in accordance with § 18-8-308, C.R.S. shall be deemed filed with the Board of Directors of the District when filed with the Secretary of State.

25. The Board extends the current resolution providing for the defense of directors and employees of the District to allow the resolution to continue in effect as written.

26. The Board extends the current disposal of personal identifying information resolution to allow the resolution to continue in effect as written.

27. The Board of Directors appoints the law firm of Erb Law, LLC as legal counsel for the District.

28. The Board of Directors appoints CliftonLarsonAllen, LLP to serve as the District's accountant and to provide accounting services for the District.

29. The Board of Directors appoints Timberline District Consulting, LLC to serve as the District's Manager.

30. The Board authorizes its consultants to conduct transactions by electronic means to the extent allowed by the Uniform Electronic Transactions Act.

DRAFT

APPROVED AND ADOPTED this 7th day of December, 2023.

EAST BEND METROPOLITAN DISTRICT

By: _____

Eric Kubly, President, Board of Directors

ATTEST

Name: _____

Secretary or Assistant Secretary

DRAFT

CERTIFICATION

I, _____, hereby certify that I am the duly elected and qualified Secretary or Assistant Secretary of the East Bend Metropolitan District, and certify that the attached Resolution constitutes a true and correct copy of the Resolution adopted and approved at a meeting of the Board of Directors of the District held on December 7, 2023.

Dated this 7th day of December, 2023.

By: _____

Name: _____

Title: _____

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**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
EAST BEND METROPOLITAN DISTRICT**

Exclusion of Uncompensated Members of the Board of Directors from Workers' Compensation
Insurance Coverage (2024)

Recitals

- A. The East Bend Metropolitan District (the “**District**”) is a quasi- municipal corporation and political subdivision of the State of Colorado duly organized and existing pursuant to Article 1 of Title 32, Colorado Revised Statutes; and
- B. The members of the Board of Directors (the “**Board**”) of the District are not compensated for their service on the Board, except for reimbursement of actual out-of-pocket expenses related to Board service; and
- C. Pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the Board may annually determine that it is in the best interest of the District not to provide workers' compensation insurance coverage to its uncompensated elected officials; and
- D. The Board has determined that its policy period for purposes of this election shall commence on March 1 and end on the last day of February of every year; and
- E. Pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the District must notify the Colorado Department of Labor & Employment, Division of Workers' Compensation (the “**Department**”), in writing of the decision not to provide workers' compensation coverage and such notification must be filed with the Department not less than 45 days before the start of the policy period; and
- F. The Department has requested that the Board annually adopt a formal Resolution and complete Division Form WC44 to acknowledge its decision not to provide workers' compensation insurance; and
- G. The Board hereby finds and determines that it is in the public interest and is an appropriate fiscal policy to exercise the option not to provide workers' compensation insurance coverage for its uncompensated elected officials.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
THE EAST BEND METROPOLITAN DISTRICT AS FOLLOWS:

1. No Workers' Compensation Insurance Coverage. Because members of the Board are not compensated for their service, except for reimbursement of actual expenses incurred on behalf of the District, the Board finds and determines that its members shall not be regarded as “employees” of the District for purposes of the Workers' Compensation Act of Colorado (articles 40 to 47 of Title 8, Colorado Revised Statutes), and that the District shall not purchase workers' compensation insurance coverage for members of the Board for the policy year.

2. Direction to File with the Department. In addition to a copy of this Resolution, the District’s management or legal consultants shall file Form WC44, “Exclusion of Uncompensated Public Officials” no later than 45 days before the start of the policy period.

3. Effective Date. Notwithstanding the application of this Resolution to a certain specified plan year, this Resolution shall take effect and be enforced immediately upon its approval by the District Board.

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APPROVED AND ADOPTED this 7th day of December, 2023.

EAST BEND METROPOLITAN DISTRICT

Eric Kubly, President, Board of Directors

ATTEST:

By: _____

Name: _____

Secretary or Assistant Secretary

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