

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT (THE "DISTRICT")
HELD
OCTOBER 2, 2024

A special meeting of the Board of Directors of the Eagle Bend Metropolitan District (referred to hereafter as the "Board") was convened on October 2, 2024, at 11:00 a.m., at the Heritage Eagle Bend Clubhouse, 23155 E Heritage Parkway, Aurora, Colorado 80016. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

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

Also, In Attendance Were:

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

ADMINISTRATIVE MATTERS

Call to Order:

The meeting was called to order at 11:00 a.m.

Disclosures of Potential Conflicts of Interest:

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. It was noted that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting Posting of Meeting Notice:

The Board confirmed the presence of a quorum.

The Board entered into a discussion regarding the requirements of Section 32-1-903(1),

C.R.S., concerning the location of the District's Board meeting. The Board determined to conduct the meeting at the above-stated date, time and location, which is within 20 miles of the District. It was further noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District's boundaries have been received.

Agenda:

Following discussion, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

Public Comment:

There was no public comment.

CONSENT AGENDA

Consent Agenda:

August 15, 2024 Minutes

Independent Contractor Agreement with Keesen Landscape Management, Inc. (Landscape Projects – Creekside Eagle Bend)

The Board reviewed the items on the Consent Agenda. Following review, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

ITEMS REMOVED FROM CONSENT AGENDA

Pertinent Agenda Area:

None.

Remaining Removed Items:

There were no items to remove.

FINANCIAL MATTERS

Previous Claims:

Ms. Henderson reviewed the previous claims in the amount of \$81,547.94 with the Board. Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the previous claims in the amount of \$81,547.94 as presented.

2023 Audit:

Ms. Henderson reviewed the 2023 Audit with the Board, noting that note number nine was revised to add a sentence related to the mill levy discussion. Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board accepted the 2023 Audit.

2025 Budget:

Ms. Henderson reviewed the draft 2025 Budget with the Board. Discussion ensued regarding the increase in AV for Vacant Land and the ability to lower the debt service mill if desired. Discussion followed regarding lowering the debt service mill levy, and legal counsel clarified that there did not appear to be an issue if the debt mill levy needed to be increased in future years. The consensus was to lower the debt service mill to 15.500 on the draft budget and to make a final determination at the meeting on November 6, 2024.

WATER MATTERS

Operations Report:

Mr. Korkus provided an update to the Board. Discussion followed about the unusually dry conditions experienced this year.

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

Director Schippers provided an update, noting that they now have a conceptual understanding of the design. Discussion followed regarding contractual relationships and the overall scope of the project.

Pipeline Extension and Related Possible MOU:

Director Schippers discussed with the Board the possibility of providing a Memorandum of Understanding to HEB in relation to the new planned irrigation system. Discussion followed regarding whether to specify a dollar amount in the MOU or to simply include a budget line item. Upon discussion, the Board determined that an MOU would not be necessary, and instead, decided to simply include a budget line item allocating \$500,000 for the pipeline extension with an explanatory footnote detailing the purpose of these funds.

LANDSCAPING

Landscaping Maintenance Status Update:

Ms. Denslow provided an update to the Board.

Landscape Maintenance Issues

Landscape Enhancement Agreement with Environmental Design LLC for 2024 Mulch Top Dress – Common Area in the amount of \$19,935.00:

Ms. Denslow reviewed the Landscape Enhancement Agreement with Environmental Design LLC for 2024 Mulch Top Dress - Common Area in the amount of \$19,935.00 with the Board. Following discussion, upon a motion duly made by Director Malone, seconded by Director Mascis and, upon vote, unanimously carried, the Board approved the Landscape Enhancement Agreement with Environmental Design LLC for 024 Mulch Top Dress - Common Area in the amount of \$19,935.00, as presented.

Landscape Enhancement Agreement with Environmental Design LLC for 2024 Edging Repairs in the amount of \$13,970.00:

Ms. Denslow reviewed the Landscape Enhancement Agreement with Environmental Design LLC for 2024 Edging Repairs in the amount of \$13,970.00. Following discussion, upon a motion duly made by Director Malone, seconded by Director Mascis and, upon vote, unanimously carried, the Board approved the Landscape Enhancement Agreement with Environmental Design LLC for 2024 Edging Repairs in the amount of \$13,970.00, as presented.

BUSINESS DEVELOPMENT

No business development was discussed.

MANAGER MATTERS

No manager matters were discussed.

LEGAL MATTERS

Executive Session of the Board of Directors for the purpose of receiving legal advice pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes as it relates to the District's 2025 Budget and May 6, 2025 Election:

Upon a motion duly made by Director Malone, seconded by Director Hungerford and, upon vote, unanimously carried, the Board entered into Executive Session at 12:36 p.m. for the purpose of receiving legal advice pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes as it relates to the District's 2025 Budget and May 6, 2025 Election.

Upon a motion duly made by Director Malone, seconded by Director Hungerford and, upon vote, unanimously carried, the Board exited from Executive Session at 1:03 p.m.

Pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

During regular session, and following discussion, upon a motion duly made by Director Malone, seconded by Director Hungerford and, upon vote, unanimously carried, the Board authorized legal counsel to draft the Resolution for a Director and TABOR election and directed Ms. Henderson to budget \$70,000 for the election.

Status of Website Accessibility and Document Remediation:

Ms. Hartung provided an update to the Board.

2024 Special Legislative Session Outcomes:

Ms. Hartung reviewed the 2024 Special Legislative Session Outcomes with the Board.

OTHER BUSINESS

Budget Hearing Meeting on November 6, 2024 at 9:00 a.m.:

The Board confirmed the Budget Hearing meeting on November 6, 2024 at 9:00 a.m.

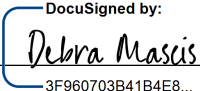
Discussion of South Aurora Regional Improvement Authority:

Ms. Hartung provided an updated to the Board.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board the meeting was adjourned at 1:06 p.m.

Respectfully submitted,

By  _____
Secretary for the Meeting

ATTORNEY STATEMENT

REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Eagle Bend Metropolitan District, I attended the executive session meeting of Eagle Bend Metropolitan District convened on October, 2024 at 12:36pm for the sole purpose of discussing the District’s 2025 Budget and May 6, 2025 Election as authorized by Section 24-6-402(4)(b), C.R.S.. I further attest it is my opinion that of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to

be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Heather L. Hartung, Esq.

Signed by:

Heather Hartung

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Certificate Of Completion

Envelope Id: 0C39253276484265B08D6A40A9F1AF4A	Status: Completed
Subject: Eagle Bend MD - 11/06/24 Signature Items: CORA, Minutes, Admin Reso, 2025 Budget Reso, Election	
Client Name: Eagle Bend MD	
Client Number: Eagle Bend MD	
Source Envelope:	
Document Pages: 30	Signatures: 5
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Marlena Brzeska-Cloyd
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Marlena.Brzeska-Cloyd@claconnect.com
	IP Address: 73.78.65.233

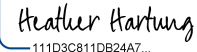
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Status: Original	Holder: Marlena Brzeska-Cloyd	Location: DocuSign
11/18/2024 11:04:57 AM	Marlena.Brzeska-Cloyd@claconnect.com	

Signer Events

Heather Hartung
 hhartung@wbapc.com
 Security Level: Email, Account Authentication (None)

Signature

Signed by:

111D3C811DB24A7...
 Signature Adoption: Pre-selected Style
 Using IP Address: 75.81.236.227

Timestamp

Sent: 11/18/2024 11:10:33 AM
 Viewed: 11/18/2024 11:46:24 AM
 Signed: 11/18/2024 11:46:45 AM

Electronic Record and Signature Disclosure:
 Accepted: 11/18/2024 11:46:24 AM
 ID: 27a03547-1112-45e6-876f-43bc1706fb80

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Maudie A. Johns
 mjohns@wbapc.com
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
 Accepted: 7/11/2022 9:30:35 AM
 ID: 2e5da662-ad37-4ce8-b757-7c8f40fe48bc

SD Records
 sdrecordsretention@claconnect.com
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
 Accepted: 10/5/2023 9:27:44 AM
 ID: 2eeab7cf-9041-488d-bed0-8baedf289723

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Tiffany McDaniel tmcdaniel@wbapc.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 11/18/2024 11:10:32 AM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/18/2024 11:10:33 AM
Certified Delivered	Security Checked	11/18/2024 11:46:24 AM
Signing Complete	Security Checked	11/18/2024 11:46:45 AM
Completed	Security Checked	11/18/2024 11:46:45 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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