

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
EAST BEND METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
AUGUST 19, 2022

A special meeting of the Board of Directors of the East Bend Metropolitan District (referred to hereafter as the “Board”) was convened on Friday, August 19, 2022, at 1:30 p.m., via video and teleconference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Matthew Hengel
Jason Pock
Jeffrey Kutzer
Eric Kubly

Also, In Attendance Were:

Paula Williams, Esq., and Erica Montague, Esq.; McGeady Becher P.C.
Gigi Pangindian; CliftonLarsonAllen LLP (“CLA”)
Jerry Jacobs, Cristina Madrigal, Brittany Barnett, Corey Pilato; Timberline District Consulting, LLC
David Lee; Board Candidate

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

Quorum/Confirmation of Meeting Location/Posting of Notice: A quorum was confirmed.

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 unanimously carried, the Board determined to conduct the meeting at the above-stated date, time and location. It was further noted that notice of the time, date and location was duly posted and that no objections to

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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 unanimously carried, the Board approved the Agenda, as amended.

Public Comment: There was no public comment.

Minutes of the June 10, 2022 Special Meeting: The Board reviewed the Minutes of the June 10, 2022 Special Meeting. Following review and discussion, upon motion duly made by Director Hengel, seconded by Director Kutzer, and upon vote unanimously carried, the Board approved the Minutes, as presented.

Board Resignation: The Board acknowledged the resignation of Matthew Jenkins, effective July 18, 2022.

Board Appointment: The Board discussed the vacancy 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.

As such, eligible elector, David Lee, was nominated to serve on the Board. Following discussion, upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board appointed David Lee to fill the vacancy on the Board. The Oath of Office was administered.

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:	Matthew Hengel
Secretary:	Jason Pock
Treasurer:	Jeffrey Kutzer
Assistant Secretaries:	David Lee and Eric Kubly

FINANCIAL MATTERS

Final Cost Certification No. 1 dated June 10, 2022 from Independent District Engineering Services, Inc. ("IDES") in the amount of \$3,120,182.68: Following discussion, upon motion duly made by Director Kubly, seconded by Director Hengel, and upon vote unanimously carried, the Board accepted the

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Final Cost Certification No. 1 dated June 10, 2022 from IDES in the amount of \$3,120,182.68.

Public Hearing on Amendment to 2022 Budget: Director Kutzer opened the public hearing to consider an amendment to the 2022 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Following discussion, upon motion duly made by Director Kubly, seconded by Director Kutzer, and upon vote unanimously carried, the Board adopted Resolution No. 2022-08-01 to Amend the 2022 Budget.

Amended and Restated Resolution Regarding Imposition of Operations and Maintenance Fee: Following discussion, upon motion duly made by Director Kutzer, seconded by Director Hengel, and upon vote unanimously carried, the Board approved the Amended and Restated Resolution Regarding the Imposition of Operations and Maintenance Fee.

LEGAL MATTERS

There were no legal matters to discuss.

COVENANT ENFORCEMENT/ DESIGN REVIEW

Covenant Enforcement and Design Review Services: The Board discussed covenant enforcement and design review services for the District, noting a need to adopt rules and regulations regarding fines and enforcement. Following discussion, the Board authorized District Counsel and Timberline District Consulting, LLC to prepare a policy for review by the next board meeting.

Design Guidelines for East Bend Metropolitan District: Following discussion, upon motion duly made by Director Kutzer, seconded by Director Kubly, and upon vote unanimously carried, the Board accepted the Design Guidelines for East Bend Metropolitan District, subject to final legal review.

OTHER BUSINESS

There was no other business to discuss.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned.

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Respectfully submitted,

By *Jerry A. Jacobs*
Secretary for the Meeting