

# ELLSTON PARK METROPOLITAN DISTRICT

Special Board Meeting

**Tuesday, December 3, 2024 at 11:00 a.m.**

*Via Teleconference and at 614 N. Tejon St., Colorado Springs, CO 80903*

Please join my meeting from your computer, tablet or smartphone:

<https://video.cloudoffice.avaya.com/join/128323143>

or, join by phone: (213) 463-4500

Meeting ID: 128323143

Board of Directors	Title	Term
VACANT	President	May 2025*
Kim Herman	Vice President	May 2025
Michael Harty	Secretary	May 2025
VACANT	Treasurer	May 2025*
VACANT	Assistant Secretary	May 2025*

*\* This seat will be a 2-year term at the May 2025 Election.*

## **AGENDA**

1. Call to Order/Declaration of Quorum
2. Conflict of Interest Disclosures
3. Approval of Agenda
4. Appointment of Board of Directors
  - a. Consider Appointment to Fill Vacancies
  - b. Election of Officers
5. Public Comment - Members of the public may express their views to the Board on matters that affect the Districts. Comments will be limited to three (3) minutes.
6. Consent Agenda
  - a. Consider Approval of May 21, 2024 Board Meeting Minutes (**enclosure**)
  - b. Consider Approval of Payables for the Period May 21, 2024 through December 3, 2024 (**enclosure**)
  - c. Consider Acceptance of Unaudited Financial Statements as of October 31, 2024, and the Schedule of Cash Position Updated as of October 31, 2024 (**enclosure**)
7. Legal Matters
  - a. Consider Adoption of 2025 Annual Administrative Resolution (**enclosure**)
  - b. Consider Adoption of Updated Resolution regarding Public Records Request Policy (**enclosure**)
  - c. Consider Adoption of Resolution Calling May 2025 Election (**election**)
8. Development Matters:
  - a. Development Update
9. Financial Matters

- a. Conduct a Public Hearing on the 2025 Budget and Consider Adoption of Resolution Adopting the Budget, Appropriating Funds, and Certifying Mill Levies (**enclosure**)

10. New Business

- a. Consider Approval of the 2025 WSDM Engagement (**enclosure**)

11. Adjournment



9/9/2024

Ellston Park Metropolitan District c/o CEGR

44 Cook Street, Suite 620

Denver, Colorado 80206

Re: Ellston Park Metropolitan District Resignation

To whom it may concern:

Effective as of the date of this letter, I hereby resign my position as a director on the Board of Directors of the Ellston Park Metropolitan District. It has been a pleasure to serve on the Board.

Regards,

*Shaunna Berrian*

Shaunna Berrian





**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
ELLSTON PARK METROPOLITAN DISTRICT  
MAY 21, 2024, AT 1:00 PM**

Pursuant to posted notice, the special meeting of the Board of Directors of the Ellston Park Metropolitan District was held on Tuesday, May 21, 2024 at 1:00 p.m. via video teleconference.

In attendance were Directors:

Kim Herman  
Michael Harty

Also, in attendance were:

Heather Smith, WSDM  
Matt Ruhland, CEGR Law

1. Call to Order/Declaration of Quorum: Ms. Smith called the meeting to order at 1:05 p.m. and it was confirmed that a quorum was present.
2. Conflict of Interest Disclosures: Ms. Smith advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Smith reported that disclosures for those directors that provided CEGR Law with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Smith noted that a quorum was present and inquired as to whether members of the Board had any additional disclosures of potential or existing conflicts of interest pertaining to any matters scheduled for discussion at the meeting. No additional disclosures were noted.
3. Approval of the Agenda: Director Herman moved to approve the Agenda as presented; seconded by Director Harty. Motion carried.
4. Appointment of Board of Directors:
  - a. Consideration of Applicant(s) for Appointment to Vacancy on the Board of Directors: Director Herman moved to appoint Shaunna Berrian to fill a vacant term on the Board subject to verification of qualification to serve; seconded by Director Harty. Motion carried.
  - b. Election of Officers: Director Herman moved to elect officers of the Board as follows: Shaunna Berrian to serve as President, Michael Harty to serve as Vice President, and Kim Herman to serve as Secretary/Treasurer; seconded by Director Harty. Motion carried.
5. Public Comment: No members of the public were present for comment.
6. Consent Agenda: Director Herman moved to approve the Consent Agenda as follows:
  - a. Approval of the February 20, 2024 Board Meeting Minutes;
  - b. Approval of Payables for the Period January 1, 2024 through May 21, 2024; and
  - c. Consider Acceptance of Unaudited Financial Statements as of April 30, 2024, and the Schedule of Cash Position Updated as of April 30, 2024;seconded by Director Harty. Motion carried.
7. Financial Matters:

- a. Consider Appointment of Signers on District Accounts and Approvers for District Expenses: Director Herman moved to establish Shaunna Berrian and Kim Herman as signers on the District's accounts; seconded by Director Harty. Motion carried.
8. Legal Matters:
  - a. Review and Discuss Website Accessibility Memo and Template Statement: Mr. Ruland presented information regarding changes in statute and upcoming deadlines for accessibility on the District's website. Ms. Smith introduced the WSDM Website Accessibility Plan in brief. After discussion, Director Herman moved to approve the Website accessibility Plan as presented; seconded by Director Harty. Motion carried.
9. General Business:
  - a. Consider Approval of Statewide Internet Portal Authority (SIPA) Enrollment: Director Herman moved to authorize enrollment in the SIPA Portal with approval of the Eligible Governmental Entity Agreement, the Security Policy Agreement, and the Registration Agreement as presented; seconded by Director Harty. Motion carried.
  - b. Consider Approval of Engineering Proposal: Director Herman moved to approve the engagement with The Connection Group for cost certification; seconded by Director Harty. Motion carried.
10. Development Update:
  - a. No updates were provided.
11. Adjournment: The Board unanimously adjourned the meeting at 1:22 p.m.
  - a. Next Regular Board Meeting – August 29, 2024, at 1:00 p.m. via teleconference.

Accepted,

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By: Secretary

THESE MINUTES ARE APPROVED AND ADOPTED AS THE OFFICIAL MINUTES OF THE ELLSTON PARK METROPOLITAN DISTRICT MAY 21, 2024, BOARD OF DIRECTOR MEETING.



**ELLSTON PARK METROPOLITAN DISTRICT  
PAYMENT REQUEST  
6/18/2024  
GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
CEGR Law	87-335567	5/31/2024	\$ 5,377.00	
WSDM District Manager	7983	4/30/2024	\$ 1,389.25	
<b>TOTAL</b>			<b>\$ 6,766.25</b>	

Eastern Colorado Bank as of 6/18	\$ 322.00
6/18 Draw	\$ (6,766.25)
Funds needed for 6/18 Draw	\$ (6,444.25)

**ELLSTON PARK METROPOLITAN DISTRICT  
PAYMENT REQUEST  
7/22/2024  
GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
CEGR Law	87-3035567	6/30/2024	\$ 699.00	
WSDM District Manager	8066	6/30/2024	\$ 986.85	
<b>TOTAL</b>			<b>\$ 1,685.85</b>	

Eastern Colorado Bank as of 7/22	\$ 322.00
7/22 Draw	\$ (1,685.85)
Funds needed for 7/22 Draw	\$ (1,363.85)

**ELLSTON PARK METROPOLITAN DISTRICT  
PAYMENT REQUEST  
8/20/2024  
GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
CEGR Law	53124	5/31/2024	\$ 5,377.00	
CEGR Law	63024	6/30/2024	\$ 699.00	
CEGR Law	73124	7/31/2024	\$ 383.56	
WSDM District Manager	353	7/31/2024	\$ 1,238.90	
<b>TOTAL</b>			<b>\$ 7,698.46</b>	

Eastern Colorado Bank as of 8/20	\$ 10,322.00
8/20 Payables	\$ (7,698.46)
Balance after Payables	\$ 2,623.54

**ELLSTON PARK METROPOLITAN DISTRICT  
PAYMENT REQUEST  
9/23/2024  
GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>
CEGR Law	83124	8/31/2024	\$ 104.00
USI Insurance Services, LLC	5197754	9/3/2024	\$ 100.00
USI Insurance Services, LLC	5216641	9/18/2024	\$ 100.00
WSDM District Manager	397	8/31/2024	\$ 1,059.10
<b>TOTAL</b>			<b>\$ 1,363.10</b>

Eastern Colorado Bank as of 9/23	\$ 676.45
Past Due Payables	\$ (7,698.46)
9/23 Payables	\$ (1,363.10)
Needed to Fund Payables	\$ (8,385.11)

**ELLSTON PARK METROPOLITAN DISTRICT  
PAYMENT REQUEST  
11/19/2024  
GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
CEGR Law	93024	9/30/2024	\$ 920.00	
CEGR Law	103124	10/31/2024	\$ 1,466.00	
CEGR Law	73124	7/31/2024		
USI Insurance Services, LLC	5197754	9/3/2024		
USI Insurance Services, LLC	5216641	9/18/2024		
WSDM District Manager	453	9/30/2024	\$ 1,170.03	
WSDM District Manager	493	10/31/2024	\$ 1,847.05	
<b>TOTAL</b>			<b>\$ 5,403.08</b>	

Eastern Colorado Bank Balance	\$ 676.45
Past Due Payables	\$ (9,061.56)
Current Payables	\$ (5,403.08)
<b>Needed to Fund Payables</b>	<b>\$ (13,788.19)</b>



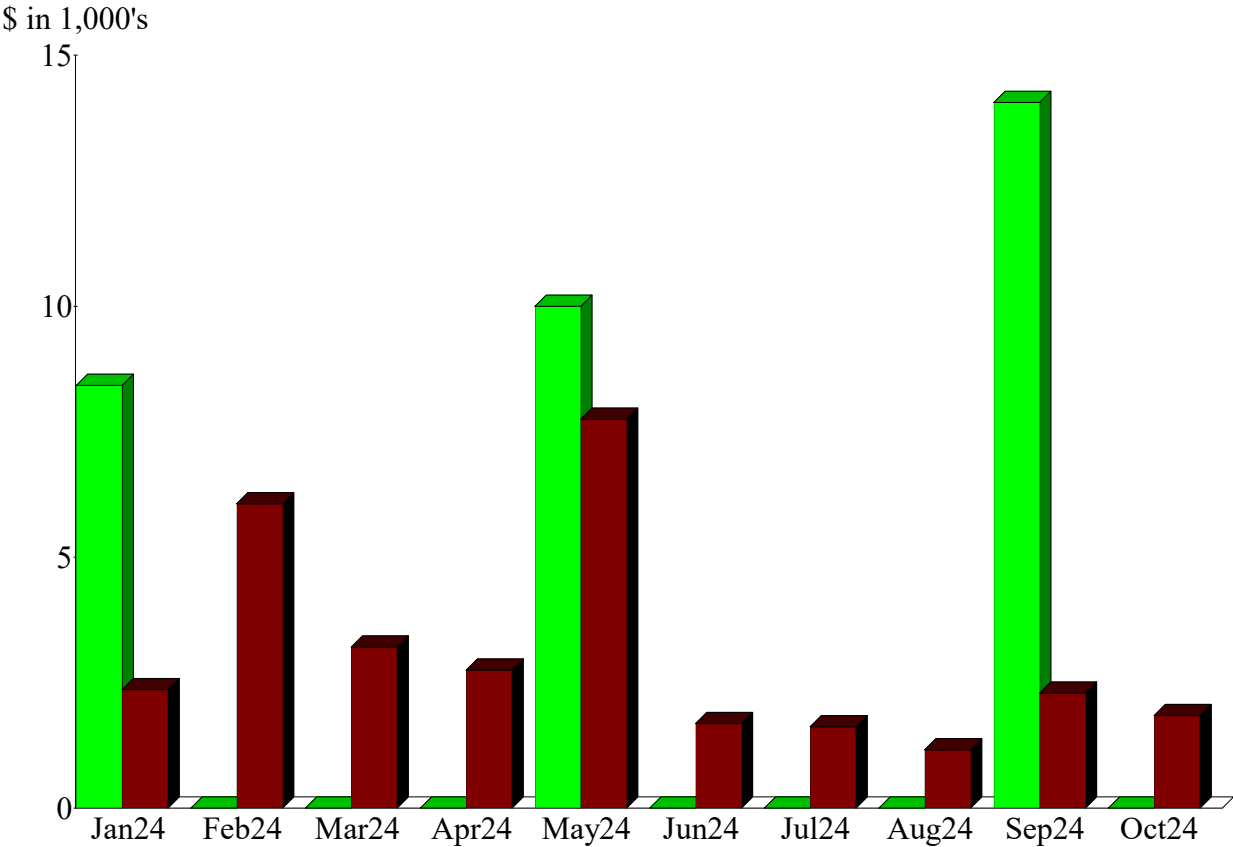
**Ellston Park Metropolitan District**  
**Balance Sheet**  
**As of October 31, 2024**

	Oct 31, 24
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Eastern Colorado Bank	676.45
<b>Total Checking/Savings</b>	676.45
Accounts Receivable	
Accounts Receivable	14,061.56
<b>Total Accounts Receivable</b>	14,061.56
<b>Total Current Assets</b>	14,738.01
<b>TOTAL ASSETS</b>	<b>14,738.01</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	12,998.64
<b>Total Accounts Payable</b>	12,998.64
<b>Total Current Liabilities</b>	12,998.64
<b>Total Liabilities</b>	12,998.64
<b>Equity</b>	
Net Income	1,739.37
<b>Total Equity</b>	1,739.37
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>14,738.01</b>

# **Ellston Park Metropolitan District** **Profit & Loss Budget vs. Actual** January through October 2024

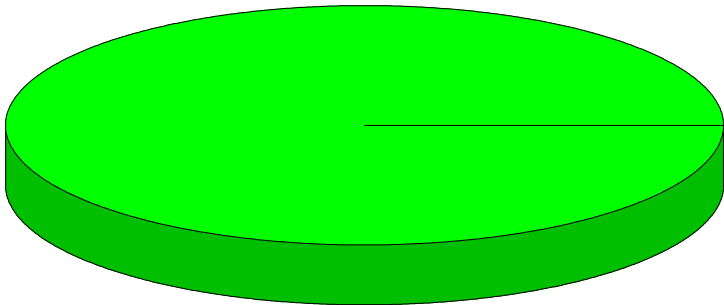
	TOTAL				
	<u>Oct 24</u>	<u>Jan - Oct 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
Developer Advance - O&M	0.00	32,486.76	42,250.00	-9,763.24	76.89%
<b>Total Income</b>	<u>0.00</u>	<u>32,486.76</u>	<u>42,250.00</u>	<u>-9,763.24</u>	<u>76.89%</u>
<b>Expense</b>					
<b>General &amp; Administrative</b>					
Accounting/Management	0.00	0.00	1,000.00	-1,000.00	0.0%
District Management	1,847.05	18,529.83	20,000.00	-1,470.17	92.65%
Insurance	0.00	200.00	1,250.00	-1,050.00	16.0%
Legal	0.00	12,017.56	20,000.00	-7,982.44	60.09%
<b>Total General &amp; Administrative</b>	<u>1,847.05</u>	<u>30,747.39</u>	<u>42,250.00</u>	<u>-11,502.61</u>	<u>72.78%</u>
<b>Total Expense</b>	<u>1,847.05</u>	<u>30,747.39</u>	<u>42,250.00</u>	<u>-11,502.61</u>	<u>72.78%</u>
<b>Net Ordinary Income</b>	<u>-1,847.05</u>	<u>1,739.37</u>	<u>0.00</u>	<u>1,739.37</u>	<u>100.0%</u>
<b>Net Income</b>	<u><u>-1,847.05</u></u>	<u><u>1,739.37</u></u>	<u><u>0.00</u></u>	<u><u>1,739.37</u></u>	<u><u>100.0%</u></u>

Income and Expense by Month  
January through October 2024



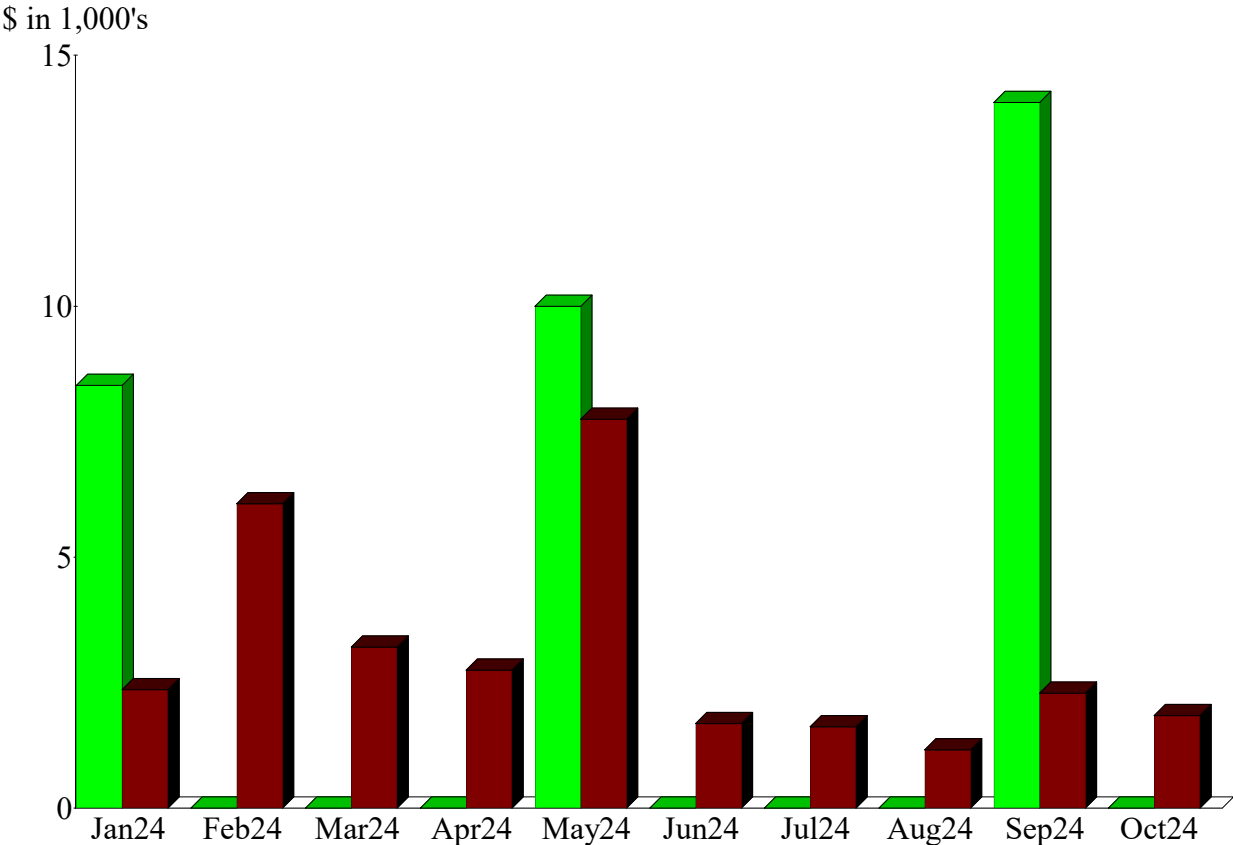
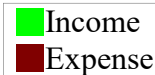
Income Summary  
January through October 2024

Developer Advance - O&M	100.00%
Total	\$32,486.76



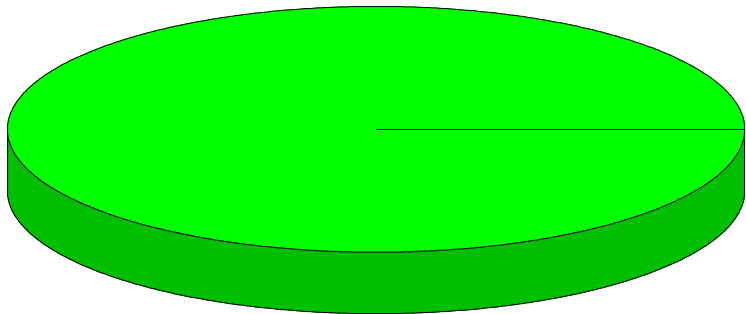
By Account

Income and Expense by Month  
January through October 2024



Expense Summary  
January through October 2024

General & Administrative	100.00%
Total	\$30,747.39



By Account



[illegible]

Mike Harty  
Kim Herman

WHEREAS, § 32-1-903(1), C.R.S., requires that the Board shall meet regularly at a time and in a place to be designated by the Board; and

WHEREAS, 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, pursuant to § 24-10-115, C.R.S.; and

WHEREAS, §§ 32-1-901(2) and 32-1-902(2), C.R.S., require 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 (the “**Division**”); and

WHEREAS, in accordance with § 24-10-115, C.R.S., the Board is given the authority to obtain insurance to insure the District against all or any part of the District’s liability; and

WHEREAS, § 32-1-306, C.R.S. requires the District to maintain a current, accurate map of its boundaries and shall provide for such map to be on file with the County Assessor, County Clerk and Recorder and the Division on or before January 1<sup>st</sup> of each year; and

WHEREAS, § 32-1-809, C.R.S., requires that the District, between November 16<sup>th</sup> and January 15<sup>th</sup> of the subsequent year, provide notice to the eligible electors of the District (the “**Transparency Notice**”), which notice shall contain the following information:

- The address and telephone number of the principal business office;
- The name and business telephone number of the manager or other primary contact person;
- The names of and contact information for members of the board, the name of the board chair, and the name of each member whose office will be on the ballot at the next regular special district election;
- The times and places designated for regularly scheduled meetings of the board during the year, and the place where notice of board meetings is posted pursuant to § 24-6-402(2)(c) C.R.S.;
- The current mill levy, and total ad valorem tax revenue received during the last year;
- The date of the next regular special district election of board members;
- The procedure and time to submit a self-nomination form for election to the board;
- Information on the procedures to request permanent absentee voter status; and
- The address of any website on which the special district’s election results will be posted.

The Transparency Notice shall be filed with the Division, Board of County Commissioners, County Assessor, County Treasurer and County Clerk and Recorder of

each county in which the special district is located, and with the governing body of any municipality in which the special district is located, and shall be provided to electors in one or more of the following ways:

- Mailing the notice separately to each household where one or more eligible electors of the special district resides;
- Including the notice as a prominent part of a newsletter, annual report, billing statement, letter, voter information card or other notice sent by the special district to the eligible electors;
- Posting the information on the official website of the special district if there is a link to the district's website on the official website of the Division;
- For any district that is a member of the Special District Association, by mailing or electronically transmitting the notice to the Special District Association, which shall post the notice on its website.

WHEREAS, § 29-1-205, C.R.S. requires that within 30 days after receiving a written request from the Division, the District shall provide the Division with a current list of all contracts in effect with other political subdivisions; and

WHEREAS, 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

WHEREAS, in accordance with § 39-5-128(1), C.R.S. the District shall certify its mill levy with the Board of County Commissioners on or before December 15<sup>th</sup>; and

WHEREAS, in accordance with § 32-1-207(3)(c), C.R.S., the District shall electronically file an annual report for the preceding calendar year with the City, County Clerk and Recorder, State Auditor and the Division of Local Government on or before October 1st; unless the requirement is otherwise requested by an earlier date by the City; and

WHEREAS, in accordance with § 32-1-903(6)(a), C.R.S., any metropolitan district that was organized after January 1, 2000, that has residential units within its boundaries, shall conduct an annual meeting in addition to any other Board meetings held, at which annual meeting the Board shall not take any official action and shall include (i) a presentation regarding the status of the public infrastructure projects within the District and outstanding bonds, if any; (ii) a review of unaudited financial statements; and (iii) an opportunity for members of the public to ask questions of the District; and

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

WHEREAS, § 32-1-104.8, C.R.S., requires the District to record a Special District Disclosure Document and a map of the boundaries of the District with the County Clerk and Recorder at the time of recording any decree or order organizing a special district or including additional property in a special district; and

WHEREAS, 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 application for 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 file an application for 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

WHEREAS, 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 by November 1<sup>st</sup>; and

WHEREAS, in accordance with § 24-12-103, C.R.S., a person designated by the District shall have the power to administer all oaths or affirmations of office and other oaths or affirmations required to be taken by any person upon any lawful occasion; and

WHEREAS, 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 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

WHEREAS, special district directors are governed by § 32-1-902(3), C.R.S., which requires such directors to disqualify himself/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

WHEREAS, § 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

WHEREAS, in accordance with the Workers' Compensation Act of Colorado, §§ 8-40-101 – 8-47-101, *et seq.*, C.R.S., the District is required to carry workers' compensation coverage for its employees, but the Board members may opt out of such coverage by the methods prescribed in the Workers' Compensation Act of Colorado; and

WHEREAS, the Board desires to continue engagement of general counsel for the District to assist with providing legal services and to assist with the operation of the District; and

WHEREAS, the Board desires to continue engagement of an accountant and management for the District to assist with providing financial services and to assist with the financial operations and to manage the affairs 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(3)(d), C.R.S.; and

WHEREAS, concerning the public records of the District, § 24-72-202(2), C.R.S. defines “Official Custodian” to mean and include any officer or employee of any political subdivision of the state who is responsible for the maintenance, care, and keeping of public records, regardless of whether the records are in his or her actual personal custody and control. The maintenance, care and keeping of public records shall be in accordance with the Colorado Special District Records Management Manual; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ELLSTON PARK METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO AS FOLLOWS:

1. The Board determines that each director shall not receive compensation for services as directors.
2. The Board designates the *Gazette* 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 determines to hold regular meetings on the [first] \_\_\_\_ day of every month at .
4. The Board directs the District’s management to obtain proposals and/or renewals for insurance, as applicable, 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 the District’s management 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.
5. The Board directs the District’s management to obtain proposals and/or renewals for insurance, as applicable, to insure the District against all or any part of the District’s liability, in accordance with §§ 24-10-115, *et seq.*, C.R.S. The Board directs the

District's accountant to cause to be paid the annual SDA membership dues, agency fees and insurance premiums, as applicable, in a timely manner.

6. The Board directs the District's management to maintain a current, accurate boundary map and shall provide for such map to be on file with the Division, with the County Assessor and with the County Clerk and Recorder on or before January 1<sup>st</sup>.

7. The Board directs the District's management to provide the Transparency Notice to the eligible electors of the District, the Board of County Commissioners of the County, County Assessor, County Treasurer, County Clerk and Recorder, the Division, City and the Special District Association between November 16<sup>th</sup> and January 15<sup>th</sup> of the subsequent year.

8. The Board directs the District's management to prepare and file with the Division, within 30 days after receiving a written request from the Division, a current list of all contracts in effect with other political subdivisions.

9. The Board designates the District's accountant to serve as the budget officer, and to submit a proposed budget to the Board by October 15<sup>th</sup> for the following year, and, in cooperation with management, 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<sup>th</sup>; and to file the approved budgets and amendments thereto with the proper governmental entities in accordance with the Local Government Budget Law of Colorado.

10. The Board directs the District's management to prepare and electronically file the annual report with the City, the County Clerk and Recorder, State Auditor and Division on or before October 1<sup>st</sup> or earlier if required by the City.

11. The Board directs the District's management to arrange for the conduct of the annual meeting to be held immediately prior to the meeting at which the annual budget hearing will be conducted, and to arrange for the posting of the agenda notice. If such meeting is not to be held virtually, but solely in person, such meeting shall be held at a physical location that does not exceed five (5) miles from the boundaries of the District.

12. The Board directs the District's 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 1<sup>st</sup>, if applicable.

13. The Board directs the District's management to provide the Special District Disclosure Document and a map of the District's boundaries to the County Clerk and Recorder, for recording, at the same time an inclusion order is recorded.

14. The Board directs the District's accountant to: (i) obtain proposals for auditors to be presented to the Board, (ii) to cause an audit of the annual financial statements of the District to be prepared and submitted to the Board on or before June 30; and (iii) to cause the audit to be filed with the State Auditor by July 31<sup>st</sup>, or by the filing deadline permitted under any extension thereof, all in accordance with §§ 29-1-603(1) and 29-1-606, C.R.S. Alternatively, if warranted by § 29-1-604, C.R.S., the Board directs the District's accountant to apply for and obtain an audit exemption from the State Auditor on or before March 31<sup>st</sup> in accordance with § 29-1-604, C.R.S.

15. The Board directs the District's accountant to prepare the mill levy certification form and directs the District's accountant to file the mill levy certification form with the Board of County Commissioners on or before December 15<sup>th</sup>.

16. The Board directs the District's management to prepare the Unclaimed Property Act report and forward the report to the State Treasurer by November 1<sup>st</sup>, if there is property presumed abandoned and subject to custody as unclaimed property, in accordance with §§ 38-13-110, C.R.S.

17. The Board directs the District's management to monitor and maintain the District's website, in accordance with § 32-1-104.5, C.R.S. and comply with website accessibility standards, in accordance with § 24-34-802, C.R.S.

18. The Board hereby designates, in addition to any officer of the District, Sarah H. Luetjen as a person with the power to administer all oaths or affirmations of office and other oaths or affirmations required to be taken by any person upon any lawful occasion.

19. The Board directs the District's general counsel to prepare and file with the City Council of the City, if requested, the quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.

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

President/Chair of the Board -  
Secretary/Treasurer –  
Assistant Secretary –

21. The Board directs the District's general counsel to file conflict of interest disclosure forms provided by Board members with the Secretary of State annually. At the discretion of general counsel, transactional conflict of interest disclosures shall be filed 72 hours prior to regular and special meetings of the Board, when applicable, or at a Board member's request. In addition, written disclosures required to be filed with the governing body in accordance with § 18-8-308, C.R.S., shall be deemed filed with the Board when filed with the Secretary of State.

22. The Board extends the current indemnification resolution to allow the resolution to continue in effect as written.

23. In accordance with § 8-40-202(1)(a)(I)(B), C.R.S., the Board hereby waives workers' compensation coverage for individual Board members by opting that the individual Board members not be deemed employees as that term is defined in the Workers' Compensation Act of Colorado, and directs legal counsel to file a statement with the Division of Workers' Compensation in the Department of Labor and Employment for the State of Colorado at least forty-five (45) days before the start of the policy year in order to effect such waiver of coverage.

24. The Board continues the engagement of Cockrel Ela Glesne Greher & Ruhland, P.C., as general counsel for the District.

25. The Board continues the engagement of WSDM LLC to provide accounting and management services for the District.

26. The Board designates the District's management to serve as the official custodian of public records and to follow the Colorado Special District Records Retention Schedule, as adopted by the District.

WHEREUPON, the motion was seconded by Director \_\_\_\_\_ and upon vote, unanimously carried. The Chair declared the motion carried and so ordered.

ADOPTED AND APPROVED THIS 3<sup>rd</sup> DAY OF DECEMBER, 2024.

ELLSTON PARK METROPOLITAN  
DISTRICT

By: \_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Secretary

**CERTIFICATION**

I, \_\_\_\_\_, Secretary of the Board of Directors of the Ellston Park Metropolitan District, El Paso County, Colorado do hereby certify that the attached and foregoing Resolution is a true copy from the records of the proceedings of the Board of Directors of the Ellston Park Metropolitan District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, at El Paso County, Colorado, this 3<sup>rd</sup> day of December, 2024.

\_\_\_\_\_  
Secretary



**ELLSTON PARK METROPOLITAN DISTRICT**

**RESOLUTION DESIGNATING THE  
OFFICIAL CUSTODIAN OF RECORDS AND ADOPTING AN AMENDED AND  
RESTATED  
POLICY ON RESPONDING TO OPEN RECORDS REQUESTS**

**December 2024**

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors (the “**Board**”) of the Ellston Park Metropolitan District (the “**District**”) is responsible for the management, control and supervision of all of the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(i), C.R.S., the Board has the authority to appoint an agent; and

WHEREAS, the Board has determined that it is appropriate to designate an official custodian of the District’s records for the protection of such records and in order to permit their inspection by persons entitled to examine and copy such records in an orderly fashion; and

WHEREAS, the Board has determined that it is appropriate to adopt a policy on responding to open records requests; and

WHEREAS, the Board fully supports, and complies with, all Federal and State of Colorado (“**State**”) laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (“**CORA**”), the Health Insurance Portability and Accountability Act of 1996 (“**HIPAA**”), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPAA; and

WHEREAS, it is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law; and

WHEREAS, public records are defined by CORA as all writings made or maintained by the District, regardless of the format or medium of the records, subject to certain exceptions and public records expressly include e-mail communications; and

WHEREAS, on November 28, 2023 the Board adopted a Public Records Request Policy (the “**Original Policy**”) and the Board now desires to adopt this Resolution to amend and restate the Original Policy in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Ellston Park Metropolitan District:

1. Official Custodian.

(a) The District's manager is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records of the District, except as provided herein.

(b) The Official Custodian shall have the authority to designate such agents as they shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this Resolution.

2. Policy on Responding to Open Records Request. The following are general policies concerning the release of records:

(a) All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of CORA or policies adopted by the Board in conformance with CORA.

(b) Every request to inspect and/or copy any District record (a "**Records Request**") shall be submitted to the Official Custodian in writing and be specific as to the information desired. If not submitted to the Official Custodian, any District employee or Board Member that receives the Records Request shall immediately send the Records Request to the Official Custodian. To assist the Official Custodian in responding to requests in a timely and complete manner, the Official Custodian may require records requests to be submitted on a form developed by the Official Custodian.

(c) If any question arises as to the propriety of fully complying with a Records Request, the Official Custodian shall immediately forward it to the District's legal counsel.

(d) The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to make records available for inspection in whole or in part, the District's legal counsel will so notify the Official Custodian, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law.

(e) If the District's legal counsel determines the District is not permitted by Federal or State law to make records available for inspection in whole or in part, the District's legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

(f) Following the denial of a request for record, upon receipt of the required written notice from the requesting individual that he or she will seek relief from the District Court, the Official Custodian will attempt to meet in-person or speak by telephone with the requesting individual. District personnel are encouraged to utilize all possible means to attempt to resolve the dispute during this time period and will provide a written summary of the District's position at the end of that period to the requestor and to the Board.

(g) No phone or in-person conference is required if the written notice indicates that the requestor needs access to the record on an expedited basis.

(h) Pursuant to CORA, all records must be made available for inspection within 3 working days from the Official Custodian's receipt of the request, unless extenuating circumstances exist. The deadline may be extended by 7 working days if extenuating circumstances exist and the requesting party is notified of the delay within 3 working days of the Official Custodian's receipt of the request. The Official Custodian may set the time during normal office hours and the place for records to be inspected, and require that the Official Custodian or a delegated employee be present while the records are examined.

(i) A public record stored in a digital format that is neither searchable nor sortable will be provided in a digital format. A public record stored in a digital format that is searchable and/or sortable will be provided in such digital format, unless (1) the public record is in a searchable or sortable format and producing the record in the requested format would violate the terms of any copyright or licensing agreement between the District and a third party; (2) producing the record would result in the release of a third party's proprietary information; (3) after making reasonable inquiries, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format; or (4) if the Official Custodian would be required to purchase software or create additional programming functionality in its existing software to remove the information. Altering an existing digital public record, or excising fields of information that the Official Custodian is either required or permitted to withhold under this subsection, does not constitute the creation of a new public record under Section (2)(i)(4) of this Resolution.

(j) The Custodian may charge the following fees (collectively, the "**Fees**") for responding to a Records Request:

(i) Printouts, photographs, and copies, when requested, will be provided at a cost of \$0.25 per standard page, and at the actual costs of production for any non-standard page (the "**Copying Fee**"). A standard page shall mean an 8.5-inch by 11-inch black and white copy.

(ii) When it is impractical to make the copy, printout, or photograph of the requested record at the place where the record is kept, the Official Custodian may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities and the cost of providing the requested records will be paid by the person making the request (the "**Outside Copying Fee**").

(iii) If a copy, printout or photograph of a public record is necessary or requested to be provided in a format other than a standard page, the costs will be assessed at the actual cost of production (the "**Production Fee**").

(iv) If data must be manipulated in order to generate a record in a form not otherwise used by the District, such data manipulation will be assessed at the actual costs to the District (the "**Manipulation Fee**"); however, the District is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the District.

(v) The cost for transmitting the requested records will be charged at the actual cost of such delivery (the “**Transmission Fee**”). Transmission Fees will not be charged for transmitting any record via electronic mail, when requested.

(vi) When the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires more than 1 hour of staff and/or consultants’ time, the Custodian may charge a research and retrieval fee not to exceed \$41.37 per hour, or the maximum amount allowed by the Executive Committee of the State Legislative Council at the time of the request, whichever is greater (the “**Research and Retrieval Fee**”).

(vii) If any requested records are protected by a privilege (for example, but not limited to, the work product or attorney-client privileges) the District may charge the actual costs of creating a privilege log identifying the privileged records (the “**Privilege Fee**”). If legal assistance or review is necessary to create the privilege log, the Privilege Fee may include the actual costs for such legal assistance.

(k) If the estimated Fees to produce the records exceeds \$100, the District may require a 50% deposit of the estimated Fees prior to commencing work to produce the records. Regardless of whether a deposit is required, payment (by check made payable to the District) of all Fees, including all actual costs exceeding the estimated amount, must be made prior to the time of inspection or release of the final work product or copies.

(l) No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Official Custodian after consultation with the District’s legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in CORA.

(m) Any increases in the Fees set forth above, including without limitation the Research and Retrieval Fee, shall be effective immediately upon posting on the District’s website.

3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

4. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board.

[Remainder of Page Intentionally Left Blank]

The foregoing Resolution was approved and adopted this 3<sup>rd</sup> day of December, 2024.

ELLSTON PARK METROPOLITAN DISTRICT

By: \_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Secretary



## ELLSTON PARK METROPOLITAN DISTRICT

### A RESOLUTION CALLING FOR THE 2025 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, Ellston Park Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, the terms of office of Directors Herman and Harty and three vacancies expire after the successors are elected at the regular special district election to be held on May 6, 2025 (“**Election**”) and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the “**Act**”) and the Colorado Local Government Election Code (the “**Code**”) (the Act and the Code being referred to jointly as the “**Election Laws**”), the Election must be conducted to elect two (2) Directors to serve for a term of four years and three (3) Directors to serve for a term of two years.

NOW, THEREFORE, be it resolved by the Board of Directors of Ellston Park Metropolitan District in El Paso County, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 6, 2025, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At that time, two (2) Directors may be elected to serve a four-year term and three (3) Directors to serve a two-year term.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Designated Election Official shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official at the address designated in the Mail Ballot Plan.

3. The District’s Board of Directors (the “**Board**”) hereby designates Sarah H. Luetjen as the Designated Election Official for the conduct of the Election on behalf of the District and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall provide the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

4. Self-Nomination and Acceptance forms are available from the Designated Election Official via email: [sluetjen@cegrlaw.com](mailto:sluetjen@cegrlaw.com). All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2025, nor later than the close of business on Friday, February 28, 2025.

5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on March 4, 2025, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than March 3, 2025, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

6. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

7. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

9. The provisions of this Resolution shall take effect immediately.

ADOPTED this 3<sup>rd</sup> day of December, 2024.

ELLSTON PARK METROPOLITAN  
DISTRICT

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary



**Ellston Park Metropolitan District  
2025 BUDGET  
GENERAL FUND**

	2023 ACTUAL	2024 ACTUAL 9/26/2024	2024 PROJECTED	2024 BUDGET	2025 BUDGET
<b>GENERAL FUND BEGINNING BALANCE</b>	-	-	-	-	2,050
<b>REVENUES</b>					
PROPERTY TAX REVENUE	\$ -	\$ -	\$ -	\$ -	\$ -
SPECIFIC OWNERSHIP TAXES	\$ -	\$ -	\$ -	\$ -	\$ -
DEVELOPER ADVANCE	\$ 10,000	\$ 32,487	\$ 42,250	\$ 42,250	\$ 50,000
INTEREST INCOME	\$ -	\$ -	\$ -	\$ -	\$ -
MISCELLANEOUS INCOME	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL REVENUES</b>	\$ 10,000	\$ 32,487	\$ 42,250	\$ 42,250	\$ 50,000
<b>TOTAL FUNDS AVAILABLE</b>	\$ 10,000	\$ 32,487	\$ 42,250	\$ 42,250	\$ 52,050
<b>EXPENDITURES</b>					
ACCOUNTING	\$ -	\$ -	\$ -	\$ 1,000	\$ -
AUDIT	\$ -	\$ -	\$ -	\$ -	\$ -
DIRECTORS' FEES	\$ -	\$ -	\$ -	\$ -	\$ -
INSURANCE/SDA DUES	\$ -	\$ 200	\$ 200	\$ 1,250	\$ 100
LEGAL	\$ -	\$ 11,098	\$ 20,000	\$ 20,000	\$ 20,000
DISTRICT MANAGEMENT	\$ 10,000	\$ 15,513	\$ 20,000	\$ 20,000	\$ 30,000
TREASURER'S FEES (1.5%)	\$ -	\$ -	\$ -	\$ -	\$ -
CONTINGENCY	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL EXPENDITURES</b>	\$ 10,000	\$ 26,810	\$ 40,200	\$ 42,250	\$ 50,100
<b>ENDING FUND BALANCE</b>	-	<b>5,676</b>	<b>2,050</b>	-	<b>1,950</b>
ASSESSED VALUE	328,960	389,950		389,950	390,220
MILL LEVY	0.000	0.000		0.000	0.000

## ELLSTON PARK METROPOLITAN DISTRICT

### RESOLUTION TO ADOPT 2025 BUDGET

WHEREAS, the Board of Directors (the “**Board**”) of Ellston Park Metropolitan District (the “**District**”) has appointed a budget committee to prepare and submit a proposed 2025 budget to the Board at the proper time; and

WHEREAS, such budget committee has submitted the proposed budget to the Board on or before October 15, 2024 for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with law, the budget was open for inspection by the public at a designated place, and a public hearing was held on December 3, 2024, and interested electors were given the opportunity to file or register any objections to the budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, enterprise, reserve transfer and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution (“**TABOR**”) and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever decreases may have been made in the revenues, like decreases were made to the expenditures so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Ellston Park Metropolitan District:

1. That estimated expenditures for each fund are as follows:

General Fund:	\$	50,100
Total	\$	50,100

2. That estimated revenues are as follows:

<u>General Fund:</u>	
From unappropriated surpluses	\$2,050
From fund transfers	\$0
From sources other than general property tax	\$50,000
From general property tax	\$0
Total	<u>\$52,050</u>

3. That the budget, as submitted, amended and herein summarized by fund, be, and the same hereby is, approved and adopted as the budget of the District for the 2025 fiscal year.

4. That the budget, as hereby approved and adopted, shall be certified by the Treasurer and/or President of the District to all appropriate agencies and is made a part of the public records of the District.

## TO SET MILL LEVIES

WHEREAS, the amount of money from property taxes necessary to balance the budget for general operating expenses is \$0; and

WHEREAS, the 2024 valuation for assessment of the District, as certified by the County Assessor, is \$390,220.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Ellston Park Metropolitan District:

1. That for the purpose of meeting all general operating expenses of the District during the 2025 budget year, there is hereby levied a property tax, inclusive of the mill levy for refunds and abatements, of 0.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District to raise \$0.

2. That the Treasurer and/or President of the District is hereby authorized and directed to immediately certify to the County Commissioners of El Paso County, Colorado, the mill levies for the District as hereinabove determined and set, or as adjusted, if necessary, upon receipt of the final (December) certification of valuation from the county assessor in order to comply with any applicable revenue and other budgetary limits.

## TO APPROPRIATE SUMS OF MONEY

WHEREAS, the Board has made provision in the budget for revenues in an amount equal to the total proposed expenditures as set forth therein; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any inter-fund transfers listed therein, so as not to impair the operations of District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Ellston Park Metropolitan District that the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purposes stated in the budget:

General Fund:	\$50,100	
Total		\$50,100

Adopted this 3<sup>rd</sup> day of December, 2024.

ELLSTON PARK METROPOLITAN DISTRICT

By: \_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Secretary



## **CERTIFICATION OF BUDGET**

TO: THE DIVISION OF LOCAL GOVERNMENT

This is to certify that the budget, attached hereto, is a true and accurate copy of the budget for Ellston Park Metropolitan District, for the budget year ending December 31, 2024, as adopted on December 3, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of Ellston Park Metropolitan District, El Paso County, Colorado, this 3<sup>rd</sup> day of December, 2024.

---

Chair



**WSDM – District Managers**  
614 N Tejon St  
Colorado Springs Colorado  
Phone: (719) 447-1777  
Fax: (719) 867-4013  
Website: wsdistricts.co



## **ELLSTON PARK METROPOLITAN DISTRICT**

Re: Management Contract 2025

Dear sir/madame:

We are pleased to present this continued management services agreement for the Ellston Park Metropolitan Districts “the District”. By signing below the District accepts this engagement for ongoing Management Services.

### **Scope of Services**

We will engage in the day-to-day management of the District at the direction of its board of directors. Specifically, we will undertake those areas of responsibility listed in “Exhibit A.” We will perform these services in the most professional and efficient manner possible, per the scope of services “Exhibit B”.

### **Service Fee**

Based upon the scope of work for the District, we will provide all the applicable services for a monthly fee of not to exceed \$4,000 per month. This sum represents our best estimate of the number of hours of work required for the management of the District. We will invoice for our services on a monthly basis, and they will be due within 30 days of invoice. Invoices 60 days or older will accumulate 1% financing charges compounded monthly.

### **Hourly Rates**

Principal	\$ 225.00
Senior Manager	\$ 180.00
Senior Accountant	\$ 190.00
Assistant Manager	\$ 150.00
Bookkeeper	\$ 75.00
Administrative/ Supporting Staff	\$ 50.00
Website Administration	\$ 50.00
*Closing request fee – collected at the closing from title company	\$ 100.00

### **Disclosure**

From time to time during our discussions with potential new clients we may be asked to provide a dossier regarding our services. We would love to be able to mention our work for you. Please let us know if you would like for us to not disclose our services to the District.

### **Renewal/ Termination**

This agreement shall be for one year in duration effective on 01/01/2025. If either WSDM or the District wishes to terminate the management agreement, 30 days of notice shall be provided in writing. In the event that no notice is provided by either party this agreement shall renew automatically for 1 year. Should any adjustments be needed regarding any portion of this agreement, we will consult with you and formalize those changes in writing.

- Signature page to follow -

Thank you for the opportunity. Please contact us if you have any questions about our engagement.

Respectfully,

Approved:

\_\_\_\_\_

\_\_\_\_\_

Rebecca Harris, President/ CEO

Ellston Park Board President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT - A

### Designation of WSDM responsibilities

	WSDM	Legal	Other
<b><u>Board Meetings</u></b>			
Meeting Agenda	X		
Meeting Support Materials	X		
Board Meeting Posting/Notice	X		
Meeting Minutes	X		
Annual Posting of Meetings	X		
Annual Set of Resolutions		X	
(Admin, notice, online, fees, budget, CORA, election, etc.)			
Filing Conflicts		X	
<b><u>Budgets</u></b>			
Budget Hearing Advertisement		X	
Draft Budget Distributed	X		
Annual State Reporting	X	X	
Mill Levy Certification	X	X	
<b><u>Legal Notices</u></b>			
Drafting		X	
Review/Approval		X	
Record		X	
Inclusions/Exclusions Process	X	X	
<b><u>Elections</u></b>		X	
<b><u>Reporting</u></b>			
Budget Development and Filing	X	X	
Debt Notice	X		
Quinquennial Finding	X		
Annual Report – County/ City	X		
Annual Report - State	X		
Annual Map Filing	X		
Transparency Notice (SDA, etc.)	X		
Non-rated Public Securities Report	X		
Agent Address/Notification	X		
Unclaimed Property Report	X		
<b><u>Insurance</u></b>			
Renewal	X		
<b><u>Finance/ Bookkeeping</u></b>			

General Accounting Services	X		
Budget Reporting and Management	X		
Accounts Payable/Receivable	X		
Audit/Audit Exemption	X		
Monthly Financial Reporting	X		
Bond Issuance Support	X	X	
Bank Relationships	X		
Bond Continuing Disclosure Report	X	X	

**Billing Services**

Regular Billing	X		
Collections	X	X	
Maintain/Publish Fees and Charges	X	X	

**Covenant Enforcement**

Enforcement of Violations	X		
Customer Service	X		
Application of Fines	X		
Reviews of Architectural Improvement Plans	X		

**Customer Service**

Point of Contact	X		
Website Management	X		

## EXHIBIT - B

### SCOPE OF SERVICES:

#### Management Services

1. Meeting and Reporting Services – WSDM will provide the following services:
  - a. Coordinate Board meetings, prepare and distribute meeting agenda. Preparation, filing and posting of legal notices required in conjunction with the meeting.
  - b. Ensure meeting notices are properly and timely posted.
  - c. Contact Board members 72 hours prior to a scheduled meeting to ensure a quorum will be present. In the event of a cancelation of a meeting, contact and advise all parties of the cancelation and any changes to the meeting date, time and place, if available.
  - d. Meeting packets will be distributed by U.S. Mail and/or email, as determined by the Board
  - e. Prepare for and attend regular and special meetings of the Board.
  - f. Draft, revise and finalize the minutes of the meeting and circulate for review and comment to ensure all statutory requirements have been met.
  - g. Prepare and maintain a record of all Board members, consultants and vendors. Direct and oversee all service providers, consultants and employees.
  - h. Prepare and make annual compliance filings (but not judicial filings) with the various State and County officials, as required. Coordinate review and approval of annual compliance filings with the attorney.
  - i. Respond to inquiries made by various officials, property owners or consultants in a timely and professional manner.
  - j. Set up and maintain the official records of the District and service as official custodian for same pursuant to the Colorado Open Records Act.
  - k. Monitor requirements pertaining to HB 1343 (Illegal Aliens).
  - l. Insurance administration, including evaluating risks, comparing coverage, process claims, completing applications, monitoring expiration dates, processing routine written and telephone correspondence. Ensure that all District contractors and subcontractors maintain required coverage for the District's benefit. Obtain quotes for insurance annually.
2. Elections – Aid Designated Election Official (DEO) for district elections with familiarity with various laws, including, but not limited to the Special District Act, the Colorado Local Government Election Code, the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, and Article X, § 20 of the Colorado Constitution ("TABOR").
3. Construction Oversight – we may provide extensive construction management. Our current experience principals have funded and managed over \$100,000,000 in public infrastructure including roads, water, wastewater, electric, gas, telecommunications and stormwater facilities.
4. Website Administration – extensive experience with creating and updating the District websites, specifically including the State Internet Portal Authority funded sites (SIPA). Or hosting the district website under [www.wsdistricts.co](http://www.wsdistricts.co).
5. Employee Management – management of full or part time employees including Operators in Responsible Control (ORC), field and operations employees, administrative employees, part time seasonal employees, Certified Pool Operators, etc. Maintain compliance with Human Resource aspects like; labor statutes, insurance, training, safety, etc. issues. Also, automated payroll services.
6. Covenant Enforcement and CCR Management – WSDM will provide the following services:
  - a. Management of Architectural Control Committees or Design Review Committees, including, but not limited to, coordination of meetings and preparation of meetings.
  - b. Community inspections and review of proposed improvements or architectural requests.
  - c. Provide enforcement of the recorded CCRs (Covenant, Conditions, and Restrictions) and Design Guidelines including, but not limited to, violation tracking and imposition of fines.

7. Insurance – WSDM will be the liaison for the annual insurance renewal and payment, as well coordination for any insurance claims, as needed, and complete the annual insurance audit to ensure the district is properly covered.
8. Inclusion/ Exclusions of Property – WSDM will provide, assistance with Legal Counsel, to coordinate any property inclusions into the District Boundaries or any property exclusions out of the District Boundaries. Determine property eligibility, present to the Board for approval, and file with proper local governing body.

### **Accounting and bookkeeping**

1. Standard Service – WSDM will provide the following services (with a Certified Public Accountant):
  - a. Accounting:
    - i. Prepare monthly, quarterly, and annual financial statements for the monthly meeting packets.
    - ii. Reconcile bank statements and trustee statements on a monthly basis.
    - iii. Coordinate bank account setup and maintenance of signature cards.
    - iv. Prepare and file Continuing Disclosure Notices with the Trustee and other required parties. Coordinate review with legal counsel.
    - v. Coordinate capital project draws and requisitions.
    - vi. Prepare and review all payments of claims prior to release to ensure funds are available.
    - vii. Monthly review email of all expenditures and coordinate preparation and distribution of same with the manager for the District to monitor the district is on track with the budget and appropriated expenditures.
  - b. Accounts Payable:
    - i. Receive and review invoices for accuracy and appropriateness for payment. Code the invoices in accordance with the budgeted line item.
    - ii. Prepare issuance of checks (or virtual checks) to be paid by the Board for monthly disbursement.
    - iii. Prepare funding requests, if required.
    - iv. Release checks to vendors when all approvals and funding have been received.
  - c. Accounts Receivable:
    - i. Process deposit of revenues
    - ii. Process bank charges and other miscellaneous accounts receivable matters.
  - d. Financial Projections:
    - i. Provide multi-year forecasting on Board request.
    - ii. Provide a Utility consumption versus rate analysis, and possible water loss calculations.
    - iii. Provide commercial billing and rate structure analysis.
  - e. Budgets:
    - i. Prepare annual budget and budget message for approval by the Board and coordinate with legal counsel for same.
    - ii. Prepare or assist in the preparation of supplemental and/or amended budgets and accompanying documents, if required.
    - iii. Prepare and assist in the compliance of filing the annual Budget, or amendment, as needed.
  - f. Conservation Trust Fund (Greater outdoor of Colorado - GoCo Funds) Management and associated compliance reporting.
  - g. Audits:
    - i. Obtain proposals for conducting the annual audit for consideration at budget hearing meeting. Proposals should be included in the meeting packet.
    - ii. Coordinate and participate in audit bids, engagements, fieldwork and audit draft review.
    - iii. Assist the auditor in performing the annual audit, to accomplish timely completion and filing by statutory deadline.
    - iv. Help present the Annual Audit for approval by the Board to be filed in compliance with State, local, and federal requirements.
    - v. Submit application to state requesting exemption from audit.
  - h. Bonds:
    - i. Monitor and comply with Bond documents, State Statute, and Auditing requirements.
    - ii. Transfer debt obligated funds to correct Reserve Funding accounts as applicable.
    - iii. Coordinate principal and interest payments as required by the governing documents.
    - iv. Coordinate with Bond counsel to issue bonds as directed by the Board of Directors

- v. Coordinate the proper compliance filing including but not limited to the DLG-30, etc.
- i. Developer Reimbursements/ Advances:
  - i. Coordinate with Developers to ensure all advances are received, tracked, or accounted for to fund the district as needed.
  - ii. Monitor and comply with Developer Reimbursement agreements and Auditing requirements
  - iii. Coordinate principal and interest payments required by the Reimbursement agreement

## **Billing and Collections**

1. Standard Services—WSDM may implement billing with either of two potential billing software systems for the residents, BILL billing software, or QuickBooks billing software—as seen applicable.
  - a. CUSI system is compatible with the Automatic Meter Reading (AMR), Badger Beacon systems as well as state of the art integration with direct payment options (Customer Web Portals, ACH, and Credit Card).
  - b. CINC system is compatible with direct payment options, customer account tracking, violation processing, and bank access.
2. Additional Standard Services will include:
  - a. Provide resolution of re-reads for meter reads, if necessary.
  - b. Customize billing system to download meter readings directly into accounting software to allow for automatic updates to customer accounts.
  - c. Produce and transmit customer invoices to a mailing facility or perform the mailing in house, whichever is more economical.
  - d. Process and make daily deposits of all receipts mailed directly to the billing company, as necessary.
  - e. Communicate with customers and transmit Automated Clearing House ("ACH") authorization forms allowing the District to initiate an ACH withdrawal of the customer bill directly from their checking or savings account. Initiate ACH batches using dual controls.
  - f. Coordinate and provide correspondence regarding terminations, delinquencies, payment plans and shut-off notices in compliance with the District's collection policies and in coordination with the District's legal counsel.
  - g. Process payoff requests from title company for closings and set up new ownership information.
  - h. Collect transfer fee due upon the transfer of an account or property.
  - i. Process payment arrangements for customers facing economic hardship at the direction of the Board.
  - j. Process and transmit delinquent notices.
  - k. Process shutoff notices and direct the District's operator to proceed with shutoff.
  - l. Certify delinquent accounts with the County, as applicable, in coordination with the District's legal counsel.
  - m. Coordinate processing of statements of liens with the District's legal counsel, and release of liens as accounts are paid current.
  - n. Respond to customer calls and inquiries in a timely and professional manner.
  - o. Track tap fee payments and coordinate with the Water Operator to provide installation of a new Tap for water utility.

## **Customer Service**

1. WSDM may provide customer service support by phone, email, social media, text messaging, and fax to help all customers with their inquiries, questions, or request for information.
2. WSDM will provide access to a 24-hour emergency number at 719-447-4840.
3. WSDM will collaborate with security teams and monitor any security camera's as needed.
4. All customer inquiries will have a response to them within 1 hour during regular business hours or immediately the following business day, if not an emergency.