

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

Second Amendment to the Operation and Maintenance Fee

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. Pursuant to its Service Plan and Article 1, Title 32 of the Colorado Revised Statutes, the District is responsible for the ownership, operation, maintenance, and construction of facilities to benefit properties within its boundaries (the “**Improvements and Services**”); and
- C. Pursuant to § 32-1-1001(1)(j), C.R.S., the District is authorized to impose and from time to time increase or decrease its fees, rates, tolls, charges, penalties, delinquency charges, and interest for services, programs, or facilities provided, including the provision of Improvements and Services; and
- D. The District previously adopted the Resolution of the Board of Directors of East Bend Metropolitan District Regarding the Imposition of Operation and Maintenance Fee (“**Resolution 2022-06-01**”) and a subsequent Amended and Restated Resolution of Resolution of the Board of Directors of East Bend Metropolitan District Regarding the Imposition of Operation and Maintenance Fee (“**Resolution 2022-08-02**”) that impose a fee on each residential dwelling unit to meet the District’s costs of providing the Improvements and Services (the “**Operation and Maintenance Fee**”); and
- E. The District has analyzed its current Operation and Maintenance Fee in light of the District’s costs associated with providing the Improvements and Services; and
- F. The District has determined it is necessary and in the best interest of the District and its residents to increase the Operations and Maintenance Fee in accordance with the Denver-Aurora-Lakewood’s Consumer Price Index (“**CPI**”); and
- G. The Operation and Maintenance Fee is reasonable and rationally related to the costs of providing the Improvements and Services.

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

1. Commencing January 1, 2024, and continuing until changed, the Operation and Maintenance Fee shall automatically increase on an annual basis by the same rate of increase to the Denver-Aurora-Lakewood’s CPI, as published by the U.S. Bureau of Labor Statistics for the 12-month period ending in July of the prior year.

2. The funds generated through this Resolution are fees imposed at a rate reasonably calculated to defray the costs of the Improvements and Services and is not a tax.

3. This Resolution is a legislative measure of the District, which may be modified only by formal resolution or amendment thereof by the Board of Directors of the District.

4. Except as modified in this Resolution of the Board of Directors of East Bend Metropolitan District – Second Amendment to the Operation and Maintenance Fee the Resolution 2022-08-02 remains in full force and effect.

Approved and adopted this 20th day of December,
2023.

EAST BEND METROPOLITAN DISTRICT

Jeffrey Kutzer
Jeffrey Kutzer (Feb 12, 2024 17:35 MST)
Jeffrey Kutzer, Chair, Board of Directors

Attest:

Eric Kubly
Eric Kubly (Feb 14, 2024 07:31 MST)
Secretary/Assistant Secretary, Board of
Directors









EBMD - Resolution re Operation and Maintenance Fee FINAL 12.20.2023 4895-3789-3783 v.2

Final Audit Report

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