

MINUTES OF A JOINT SPECIAL MEETING OF THE
BOARDS OF DIRECTORS

OF

MURPHY CREEK METROPOLITAN DISTRICT NOS. 1, 2, 4
& 5

Held: November 11, 2020, at 1:00 P.M.

Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders, issued by the Colorado Department of Health and Environment (CDPHE), and the threat posed by the COVID-19 coronavirus, the meeting was held via teleconference.

ATTENDANCE

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

District No. 1

Brian Alpert
Harvey Alpert
Michael Alpert

District No. 2

Brian Alpert
Harvey Alpert
Michael Alpert

District No. 4

Brian Alpert
Harvey Alpert
Michael Alpert

District No. 5

Brian Alpert
Harvey Alpert
Michael Alpert

Also present were: Jennifer Gruber Tanaka, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; and Kimberly Johanns, Simmons & Wheeler, District Accountant.

**ADMINISTRATIVE
MATTERS**

Call to Order

The meeting was called to order.

Declaration of Quorum and
Confirmation of Director
Qualifications

Ms. Tanaka noted that a quorum for each of the Boards was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures
of Potential or Existing
Conflicts of Interest

Ms. Tanaka advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Tanaka reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72

hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Ms. Tanaka noted that a quorum was present and inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The Boards determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Combined Meetings The Districts are meeting in a combined Board meeting. Unless otherwise noted below, the matters set forth below shall be deemed to be the actions of the Murphy Creek Metropolitan District Nos. 1, 2, 4 and 5, collectively.

Excusal of Absences The Boards noted the absences of Mr. R. Alpert and Ms. Alpert. Upon motion of Mr. H. Alpert, seconded by Mr. B. Alpert, the Boards unanimously excused their absences.

Agenda Ms. Tanaka presented the Boards with the agenda for the meeting. Upon motion of Mr. H. Alpert, seconded by Mr. B. Alpert, the Boards unanimously approved the agenda as amended to remove item c under Consent Agenda.

PUBLIC COMMENT None.

CONSENT AGENDA The Boards were presented with the consent agenda items. Upon motion of Mr. H. Alpert, seconded by Mr. B. Alpert, the Boards unanimously took the following actions:

- a. Approved the Board Meeting Minutes from November 13, 2019 Joint Special Meeting (District Nos. 1, 2, 4, and 5)
- b. Ratified the Payment of Claims as of November 11, 2020 (\$13,961.76)
- c. Removed
- d. Accepted the Unaudited Financial Statements as of September 30, 2020
- e. Ratified the Notice of Termination of District Management Services with Summit Association Management
- f. Ratified Resolution No. 2020-04-01: Establishing an Electronic Signature Policy
- g. Adopted Resolution No. 2020-11-01: 2021 Joint Annual Administrative Resolution
- h. Adopted Resolution No. 2020-11-02: Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings

- i. Ratified the Independent Contractor Agreement with Aztec Consultants for Surveying Services
- j. Approved the Public Improvements Acquisition and Reimbursement Agreement with Murphy Creek, LLC (District No. 1)
- k. Approved the Funding and Reimbursement Agreement (Operations and Maintenance) with Murphy Creek, LLC (District No. 1)
- l. Approved the Renewal of Consultant and Contractor Agreements for 2021 (copies of all agreements available upon request; no changes in scope or fees unless otherwise noted. New Agreements to be signed with District as necessary):
 - i. WHITE BEAR ANKELE TANAKA & WALDRON for General Counsel Services
 - ii. Simmons & Wheeler, P.C., for Accounting Services

FINANCIAL MATTERS

Conduct Public Hearings on 2021 Budgets and Adoption of Resolution Nos. 2020-11-03 (District No. 1), 2020-11-04 (District No. 2), 2020-11-05 (District No. 4), 2020-11-06 (District No. 5): Adoption 2021 Budget, Imposing Mill Levy and Appropriating Funds

Mr. H. Alpert opened the public hearings on the 2021 budgets. Ms. Tanaka noted that notices of the public hearings were provided in accordance with Colorado law and noted that no written objections were received prior to the hearings. Ms. Johanns reviewed the budgets with the Boards. There being no public comments, Mr. H. Alpert closed the public hearings.

Upon motion of Mr. M. Alpert, seconded by Mr. H. Alpert, the Boards unanimously approved the budgets and adopted Resolution Nos. 2020-11-03 (District No. 1), 2020-11-04 (District No. 2), 2020-11-05 (District No. 4), 2020-11-06 (District No. 5): Adoption 2021 Budget, Imposing Mill Levy and Appropriating Funds.

Discuss and Consider Use of Bill.Com for Processing of District Claims

Ms. Johanns discussed bill.com with the Boards for the processing of the payment of claims.

Upon motion of Mr. M. Alpert, seconded by Mr. H. Alpert, the Boards unanimously approved the use of bill.com and directed Ms. Johanns to proceed accordingly. The Board authorized all directors to be signors on the account and designated Mr. M. Alpert as the primary.

LEGAL MATTERS

Conduct Public Hearing of Exclusion of Property from District No. 2 and Adoption

Mr. H. Alpert opened the public hearing on the exclusion from District No. 2. Ms. Tanaka noted that notice of the public hearing was published in accordance with Colorado law and noted that no

of Resolution No. 2020-11-07: Resolution and Order for Exclusion of Property (7.5 Acres from District No. 2 Boundaries)

written objections were received prior to the hearing. There being no public comments, Mr. H. Alpert closed the public hearing.

Upon motion of Mr. M. Alpert, seconded by Mr. B. Alpert, the Board of District No. 2 unanimously approved the exclusion and adopted Resolution No. 2020-11-07: Resolution and Order for Exclusion of Property (7.5 Acres from District No. 2 Boundaries).

Conduct Public Hearing on Inclusion of Property into District No. 1 and Adoption of Resolution No. 2020-11-08 (7.5 Acres from District No. 2 Boundaries)

Mr. H. Alpert opened the public hearing on the inclusion of property into District No. 1. Ms. Tanaka noted that notice of the public hearing was published in accordance with Colorado law and noted that no written objections were received prior to the hearing. There being no public comments, Mr. H. Alpert closed the public hearing.

Upon motion of Mr. M. Alpert, seconded by Mr. B. Alpert, the Board of District No. 1 unanimously approved the inclusion and adopted Resolution No. 2020-11-08 (7.5 Acres from District No. 2 Boundaries).

Conduct Public Hearing on Exclusion of Property from District No. 1 and Adoption of Resolution No. 2020-11-09: Resolution and Order for Exclusion of Property (18.5 Acres from District No. 1 Boundaries)

Mr. H. Alpert opened the public hearing on the exclusion from District No. 1. Ms. Tanaka noted that notice of the public hearing was published in accordance with Colorado law and noted that no written objections were received prior to the hearing. There being no public comments, Mr. H. Alpert closed the public hearing.

Upon motion of Mr. M. Alpert, seconded by Mr. B. Alpert, the Board of District No. 1 unanimously approved the exclusion and adopted Resolution No. 2020-11-09: Resolution and Order for Exclusion of Property (18.5 Acres from District No. 1 Boundaries).

Update Regarding District Website and Engagement of Heatherly Creative, LLC for Website Design Services

Ms. Tanaka noted that the Statewide Internet Portal Authority (“SIPA”) has been inundated with websites and has not yet created a website for the District. Ms. Tanaka presented the Boards with a proposal from Heatherly Creative, LLC for website design services as an alternative. The initial cost to set up the website, including hosting services, is approximately \$2,200. Afterwards, the costs are minimal for any updates and maintenance.

Upon motion of Mr. H. Alpert, seconded by Mr. M. Alpert, the Boards unanimously approved the engagement of Heatherly Creative, LLC for website design services.

Status of Collection Matters

Ms. Tanaka provided the Boards with an update on the outstanding collection matters. Currently there are 2 delinquent accounts totally \$7,107.15. Legal counsel will continue to pursue the collection of these accounts.

Middle Aurora Regional Improvement Authority (MARIA) and Proposed Infrastructure Projects

The Boards noted the City's intent to create the Middle Aurora Regional Improvement Authority (MARIA) and discussed the desired projects for consideration for MARIA funding, which projects have been passed along to the City.

OTHER BUSINESS

Next Meeting

The next regular meeting is scheduled for November 10, 2021, at 1:00 P.M.

ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes for the above-referenced meeting.

Brian Alpert

Brian Alpert (Jul 28, 2021 09:24 MDT)

Secretary for the Meeting