

MINUTES OF A JOINT SPECIAL MEETING OF THE  
BOARDS OF DIRECTORS

OF

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

Held: August 26, 2021, at 1:00 P.M.

**ATTENDANCE**

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

District No. 1

Tanya Alpert  
Michael Alpert  
Harvey Alpert  
Rodney Alpert

District No. 2

Tanya Alpert  
Michael Alpert  
Harvey Alpert  
Rodney Alpert

District No. 4

Michael Alpert  
Harvey Alpert  
Rodney Alpert

District No. 5

Tanya Alpert  
Michael Alpert  
Harvey Alpert  
Rodney Alpert

Also present were: Jennifer Gruber Tanaka, Esq., and Audrey Johnson, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Ashley Frisbie, WHITE BEAR ANKELE TANAKA & WALDRON, District manager; Kimberly Johans, Simmons & Wheeler, District Accountant; and Barry Talley, eligible elector for District No. 4.

**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 Absence                      The Boards noted the absences of Mr. B. Alpert. Upon motion of Mr. R. Alpert, seconded by Mr. H. Alpert, the Boards unanimously excused his absence.
- Agenda                                      Ms. Tanaka presented the Boards with the agenda for the meeting. Upon motion of Ms. T. Alpert, seconded by Mr. R. Alpert, the Boards unanimously approved the agenda as amended to remove items c and d under the Consent Agenda.

**PUBLIC COMMENT**                      None.

**DIRECTOR MATTERS**

- Appointment of Director (District No. 4)      Ms. Tanaka noted that there is currently a vacancy on the Board for District No. 4 and noted that Mr. Barry Talley is an eligible elector who is interested in serving on the Board. Upon motion of Mr. R. Alpert, seconded by Ms. Alpert, the Board of District No. 4 unanimously appointed Mr. Talley to the Board.
- Election of Officers (District No. 4)      Ms. Tanaka noted that with the resignation of Ms. Alpert from the Board of District No. 4, the Board needs to elect a President. Ms. Tanaka noted that the Board is required to have a President, Secretary and Treasurer. Upon motion of Mr. R. Alpert, seconded by Mr. M. Alpert, the Board unanimously elected the following officers:
- President: Rodney A. Alpert  
Secretary/Treasurer: Michael Alpert  
Assistant Secretary: Brian Alpert  
Assistant Secretary: Harvey Alpert  
Assistant Secretary: Barry Talley

## CONSENT AGENDA

The Boards were presented with the consent agenda items. Upon motion of Mr. R. Alpert, seconded by Ms. Alpert, the Boards unanimously took the following actions:

- a. Approved the Board Meeting Minutes from May 27, 2021, Joint Special Meeting (District Nos. 1, 2, 4, and 5)
- b. Ratified the Payment of Claims as of August 26, 2021 (\$22,076.91)
- c. REMOVED
- d. REMOVED
- e. Adopted Resolution Nos. 2021-08-01 (District No. 1), 2021-08-02 (District No. 2), 2021-08-03 (District No. 4), 2021-08-04 (District No. 5): Amended and Restated Resolution Concerning the Imposition of a Capital Facilities Fee
- f. Adopted Resolution No. 2021-08-05: Joint Resolution Designating The Location of Regular Meetings
- g. District No. 1 Matters
  - i. Approved the Termination of Independent Contractor Agreement with MMI Water Engineers
- h. District No. 2 Matters
  - i. Ratified the Engagement of TKH Associates, Inc. for Absorption and Pricing Analysis
  - ii. Ratified the Engagement of Sherman & Howard as Bond Counsel for 2021 Bond
  - iii. Ratified the Special Bond Fee Disclosure Letter with White Bear Ankele Tanaka & Waldron, P.C.
  - iv. Ratified the Engagement with Lewis Young Robertson and Burningham for 2021 Bond
  - v. Ratified the Engagement of Thompson Coburn, LLP as Disclosure Counsel for 2021 Bonds
  - vi. Ratified the Engagement of Piper Sandler as Underwriter for 2021 Bonds
- i. District No. 4 Matters
  - i. Ratified the Engagement of Spencer Fane LLP as Special Counsel for Termination Agreement (District No. 4)
  - ii. Ratified the Engagement of Sherman & Howard as Bond Counsel for 2021 Bond
  - iii. Ratified the Special Bond Fee Disclosure Letter with White Bear Ankele Tanaka & Waldron, P.C.
  - iv. Ratified the Engagement with Lewis Young Robertson and Burningham for 2021 Bond
  - v. Ratified the Engagement of Thompson Coburn, LLP as Disclosure Counsel for 2021 Bonds
  - vi. Ratified the Engagement of Piper Sandler as Underwriter for 2021 Bonds
  - vii. Approved the Independent Contract Agreement with

IDES for Cost Certification Services

**FINANCIAL MATTERS**

Discuss 2021 Bonds  
(District Nos. 2 and 4)

The Boards noted the intent to issue bonds by the end of the year for each District and discussed the proposed timing and status of each noting that draft bond documents have been circulated for review and comment by all parties.

**LEGAL MATTERS**

Public Hearing on Exclusion of Property from District No. 2 and Adoption of Resolution No. 2021-08-06: Resolution and Order for Exclusion of Property (108.933 Acres from District No. 2)

Mr. H. Alpert opened the public hearing on the exclusion of property from District No. 2. Ms. Tanaka reported that notice of the public hearing was published in accordance with Colorado law and no objections were received prior to the hearing. There being no public comment, the hearing was closed.

Upon motion of Ms. Alpert, seconded by Mr. R. Alpert, the Board unanimously approved the exclusion and adopted Resolution No. 2021-08-06: Resolution and Order for Exclusion of Property (108.933 Acres from District No. 2).

Public Hearing on Exclusion of Property from District No. 4 and Adoption of Resolution No. 2021-08-07: Resolution and Order for Exclusion of Property (148.928 Acres from District No. 4 Boundaries)

Mr. H. Alpert opened the public hearing on the exclusion of property from District No. 4. Ms. Tanaka reported that notice of the public hearing was published in accordance with Colorado law and no objections were received prior to the hearing. There being no public comment, the hearing was closed.

Upon motion of Mr. R. Alpert, seconded by Mr. M. Alpert, the Board unanimously approved the exclusion and adopted Resolution No. 2021-08-07: Resolution and Order for Exclusion of Property (148.928 Acres from District No. 4 Boundaries).

**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.

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Michael Alpert (Sep 14, 2021 10:05 MDT)  
Secretary for the Meeting