

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

MURPHY CREEK METROPOLITAN DISTRICT NO. 5

Held: May 11, 2022, at 3:00 P.M.

**ATTENDANCE**

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

Harvey Alpert  
Tanya Alpert  
Brian Alpert

Also present were: Jennifer Gruber Tanaka, Esq. and Audrey G. Johnson, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, District general counsel; Ashley B. Frisbie, WHITE BEAR ANKELE TANAKA & WALDRON, District Manager; 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 the Board 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 Board 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 that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest, if any, 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. Tanaka inquired into whether members of the Board 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 participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Excusal of Absence

The Board noted the absences of Mr. R. Alpert and Mr. M. Alpert.

Upon motion of Ms. Alpert, seconded by Mr. B. Alpert, the Board unanimously excused their absences.

Agenda

Ms. Tanaka presented the Board with the agenda for the meeting. Upon motion of Ms. Alpert, seconded by Mr. B. Alpert, the Board unanimously approved the agenda as presented.

**PUBLIC COMMENT**

None.

**LEGAL MATTERS**

Consider Approval of First Amendment to Public Improvements Acquisition and Reimbursement Agreement with Murphy Creek Development, Inc.

Ms. Tanaka presented the Board with the First Amendment to the Public Improvements Acquisition and Reimbursement Agreement with Murphy Creek Development, Inc. The Board requested that Ms. Johnson follow up with Ms. Altaras to confirm the definition of Yale improvements. Upon motion of Mr. B. Alpert, seconded by Ms. Alpert, the Board unanimously approved the agreement subject to confirmation of the definition of Yale improvements.

**FINANCIAL MATTERS**

None.

**OTHER BUSINESS**

Next Regular Meeting

The next regular meeting is scheduled for July 13, 2022 at 10:00 a.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 (Nov 4, 2022 12:05 MDT)

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Secretary for the Meeting

The foregoing minutes were approved by the Boards of Directors on the 26<sup>th</sup> day of July, 2022.