

MINUTES OF A JOINT SPECIAL MEETING OF THE BOARDS  
OF DIRECTORS

OF

MURPHY CREEK METROPOLITAN DISTRICT NOS. 1 & 2

Held: September 27, 2023, at 10:00 A.M.

*The meeting was held via teleconferencing.*

**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

District No. 2

Tanya Alpert  
Michael Alpert  
Harvey 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, Attorneys at Law, District Manager; Kimberly Johanns, Simmons & Wheeler, P.C., District Accountant; and Allison Altaras, Otten Johnson Robinson Neff + Ragonetti PC.

**ADMINISTRATIVE  
MATTERS**

Call to Order

The meeting was called to order.

Declaration of Quorum and  
Confirmation of Director  
Qualifications

Ms. Frisbie 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. Frisbie advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Frisbie 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 Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Ms. Frisbie 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 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 and 2, collectively.

Excusal of Absences The Boards noted the absences of Director R. Alpert and Director B. Alpert. Upon a motion duly made and seconded, the Boards unanimously excused their absences.

Agenda Ms. Frisbie presented the Boards with the agenda for the meeting. Upon motion of Mr. H. Alpert, seconded by Ms. Alpert, the Boards unanimously approved the agenda as presented.

**PUBLIC COMMENT** None.

**DIRECTOR MATTERS** None.

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

- a. Ratified Claims Payment (\$9,680.63) (District No. 1)
- b. Approved Claims as of September 27, 2023 (\$14,069.49) (District No. 1)
- c. Approved Partial Termination of Amended and Restated District Maintenance and Administrative Services Agreement by and among Murphy Creek Metropolitan District Nos. 1 & 2 and Yale Metropolitan District Nos. 1-3, subject to final legal comments

**LEGAL MATTERS**

Public Hearing on Inclusion of Property (9.841 Acres – Murphy Creek LLC) and Adoption of Resolution No. 2023-09-01: Resolution and Order for Inclusion of Property (9.841 Acres – Murphy Creek LLC) (District No. 2) Ms. Alpert opened the public hearing on the Petition for Inclusion of Property (9.841 Acres – Murphy Creek LLC). Ms. Frisbie noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Tanaka reviewed the Petition and Resolution and Order for Inclusion of Property (9.841 Acres – Murphy Creek LLC) with the Board of District No. 2. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 determined to grant the petition and adopt the resolution.

Public Hearing on Exclusion of Property (16.626 Acres – Murphy Creek LLC) and Adoption of Resolution No. 2023-09-02: Resolution and Order for Exclusion of Property (16.626 Acres – Murphy Creek LLC) (District No. 2)

Ms. Alpert opened the public hearing on the Petition for Exclusion of Property (16.626 Acres – Murphy Creek LLC). Ms. Frisbie noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Tanaka reviewed the Petition and Resolution and Order for Exclusion of Property with the Board of District No. 2. The Board of District No. 2 considered the factors to determine whether to grant or deny the petition for exclusion pursuant to Colorado law. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 determined to grant the petition and adopt the resolution for exclusion.

Public Hearing on Inclusion of Property (16.626 Acres – Murphy Creek LLC) and Adoption of Resolution No. 2023-09-03: Resolution and Order for Inclusion of Property (16.626 Acres – Murphy Creek LLC) (District No. 1)

Ms. Alpert opened the public hearing on the Petition for Inclusion of Property (16.626 Acres – Murphy Creek LLC). Ms. Frisbie noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Ms. Tanaka reviewed the Petition and Resolution and Order for Inclusion of Property (16.626 Acres – Murphy Creek LLC) with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 determined to grant the petition and adopt the resolution.

## **FINANCIAL MATTERS**

Discuss Status of Bond Issuance (District No. 2)

Ms. Tanaka provided the Boards with an update on the status of the bond issuance for District No. 2, noting that she will reach out to D.A. Davidson to let them know that boundary adjustments are in process and to request an update on timing for moving forward with the bond issuance.

## **OTHER BUSINESS**

Next Meeting

The next regular meeting is scheduled for November 8, 2023, 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.

*Michael Alpert*

Michael Alpert (Nov 17, 2023 09:20 MST)

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Secretary for the Meeting

The foregoing minutes were approved by the Boards of Directors on the 8<sup>th</sup> day of November, 2023.