

MINUTES OF A JOINT REGULAR MEETING OF THE
BOARDS OF DIRECTORS

OF

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

Held: November 8, 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
Rodney Alpert
Michael Alpert
Brian Alpert
Harvey Alpert

District No. 2

Tanya Alpert
Rodney Alpert
Michael Alpert
Brian Alpert
Harvey Alpert

District No. 4

Rodney Alpert
Michael Alpert
Brian Alpert
Harvey Alpert

District No. 5

Tanya Alpert
Rodney Alpert
Michael Alpert
Brian Alpert

Also present were: Jennifer Gruber Tanaka, Esq. and Audrey G. Johnson, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District General Counsel; Ashley B. Frisbie, WHITE BEAR ANKELE TANAKA & WALDRON, District Manager; and Kimberly Johans, Simmons & Wheeler, P.C., District Accountant.

**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, 2, 4, and 5, collectively.

Director Absences Director Barry Talley was absent. Following discussion, upon a motion duly made and seconded, the Board of District No. 4 unanimously excused his absence.

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

PUBLIC COMMENT None.

CONSENT AGENDA Ms. Frisbie reviewed the items on the consent agenda with the Boards. Ms. Frisbie advised the Boards that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon motion of Mr. B. Alpert, seconded by Mr. M. Alpert, the Boards unanimously took the following actions:

- a. Approved Minutes from July 25, 2023, Joint Special Meeting
- b. Approved Minutes from September 27, 2023, Joint Special Meeting (District Nos. 1 & 2)
- c. Ratified Claims Payment as of November 8, 2023 (\$28,000.12)
- d. Approved Claims as of November 8, 2023 (\$25,804.20)
- e. Accepted Unaudited Financial Statements as of June 30, 2023
- f. Adopted Resolution No. 2023-11-01: 2024 Joint Annual Administrative Resolution

- g. Renewal of Consultant and Contractor Agreements for 2024:
 - i. WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, for General Counsel and Management Services
 - ii. Simmons & Wheeler, P.C., for Accounting Services
 - iii. Independent District Engineering Services, LLC for Cost Certification Services (District Nos. 2 and 4)
 - iv. Heatherly Creative, LLC for Ongoing Website Maintenance
- h. Ratified Engagement of Wipfli LLP to Perform 2023 Audit (District Nos. 4 & 5)
- i. Approved Special Warranty Deed to City of Aurora for Right-of-Way Parcel Located along E. Jewell Avenue

FINANCIAL MATTERS

Public Hearings on 2023 Budget Amendments and Consider Adoption of Resolution No. 2023-11-02 (District No. 2); and Resolution No. 2023-11-03 (District No. 5): Amending Budget

The public hearing on the 2023 Budget Amendment for District No. 2 was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2023 Budget Amendment with the Board of District No. 2. Following discussion, motion of Mr. R. Alpert, seconded by Ms. Alpert, the Board of District No. 2 unanimously adopted the resolution amending the General Fund to \$22,500.

The public hearing on the 2023 Budget Amendment for District No. 5 was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2023 Budget Amendment with the Board of District No. 5. Following discussion, upon motion of Mr. R. Alpert, seconded by Ms. Alpert, the Board of District No. 5 unanimously adopted the resolution amending the Capital Fund to \$20,000 and the Debt Service Fund to \$786,000.

Public Hearings on 2024 Budgets and Consider Adoption of Resolution No.

The public hearing on the 2024 Budget for District No. 1 was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections

2023-11-04 (District No. 1); Resolution No. 2023-11-05 (District No. 2); Resolution No. 2023-11-06 (District No. 4); and Resolution No. 2023-11-07 (District No. 5): Adopting Budget, Certifying Mill Levy and Appropriating Funds Therefor

have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2024 Budget with the Board of District No. 1. Following discussion, upon motion of Mr. B. Alpert, seconded by Ms. Alpert, the Board of District No. 1 unanimously adopted Resolution No. 2023-11-04: Adopting the 2024 Budget, appropriating funds therefore, and imposing the mill levies, subject to any adjustments needed after receipt of the final assessed valuation.

The public hearing on the 2024 Budget for District No. 2 was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2024 Budget with the Board of District No. 2. Following discussion, upon motion of Mr. B. Alpert, seconded by Ms. Alpert, the Board of District No. 2 unanimously adopted Resolution No. 2023-11-05: Adopting the 2024 Budget, appropriating funds therefore, and imposing the mill levies, subject to any adjustments needed after receipt of the final assessed valuation.

The public hearing on the 2024 Budget for District No. 4 was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2024 Budget with the Board of District No. 4. Following discussion, upon motion of Mr. B. Alpert, seconded by Ms. Alpert, the Board of District No. 4 unanimously adopted Resolution No. 2023-11-06: Adopting the 2024 Budget, appropriating funds therefore, and imposing the mill levies, subject to any adjustments needed after receipt of the final assessed valuation.

The public hearing on the 2024 Budget for District No. 5 was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2024 Budget with the Board of District No. 5. Following discussion, upon motion of Mr. B. Alpert, seconded by Ms. Alpert, the Board of District No. 5 unanimously adopted Resolution No. 2023-11-07: Adopting the 2024 Budget, appropriating funds therefore, and imposing the mill levies, subject to any adjustments needed after receipt of the final assessed valuation.

Status of Bond Issuance
(District No. 2)

Ms. Tanaka and Mr. H. Alpert provided the Boards with an update on the status of the bond issuance for District No. 2, noting that market conditions will be reevaluated after the first of the year.

Consider Approval of
Engagement of Wipfli LLP
to Perform 2023 Audit
(District No. 1)

Ms. Johanns informed the Board of District No. 1 that a 2023 Audit will be needed. Following discussion, upon motion of Mr. H. Alpert, seconded by Ms. Alpert, the Board of District No. 1 unanimously approved the engagement of Wipfli LLP to perform the 2023 Audit, in the not-to-exceed amount of \$8,000.

LEGAL MATTERS

Status of Boundary
Adjustments

Ms. Tanaka provided the Boards with an update on the status of recent boundary adjustments, noting that her office is waiting on certified copies of the orders from the court, which will then be recorded with the county clerk and recorder.

Consider Approval of
Improvement Agreement by
and among Lennar
Colorado, LLC, District No.
1, and David and Jessica
Reed

Ms. Tanaka presented the Board of District No. 1 with the Improvement Agreement by and among Lennar Colorado, LLC, District No. 1, and David and Jessica Reed. Following discussion, upon motion of Mr. B. Alpert, seconded by Mr. M. Alpert, the Board of District No. 1 unanimously approved the agreement, subject to finalization.

OTHER BUSINESS

Next Meeting

The next regular meeting is scheduled for July 10, 2024, 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 (Jul 11, 2024 11:33 MDT)

Secretary for the Meeting

The foregoing minutes were approved by the Boards of Directors on the 10th day of July, 2024.