

MINUTES OF A JOINT SPECIAL MEETING OF THE BOARDS  
OF DIRECTORS

OF

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

Held: November 20, 2024, at 10:00 A.M. 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

Tanya Alpert  
Rodney Alpert  
Michael Alpert  
Brian Alpert

District No. 2

Tanya Alpert  
Rodney Alpert  
Michael Alpert  
Brian Alpert

District No. 4

Rodney Alpert  
Michael Alpert  
Brian Alpert  
Barry Talley

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; Kimberly Johans, Simmons & Wheeler, P.C., District Accountant; Michael Wolfersperger, Independent District Engineering Services, LLC; and Harvey Alpert.

**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 qualifications 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.

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

**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. R. Alpert, seconded by Ms. Alpert, the Boards unanimously took the following actions:

- a. Approved Minutes from October 2, 2024 Joint Special Meeting
- b. Ratified Claims Payment as of November 13, 2024: District No. 1 (\$31,387.37), District No. 4 (\$1,812.74), and District No. 5 (\$1,520.61)
- c. Approved Agreement with Heatherly Creative, LLC for Website Maintenance and Accessibility Services
- d. Approved First Amendment to Intergovernmental Agreement Regarding Payment of Reimbursements for Capital Expenses (District Nos. 1 and 2)
- e. Approved Second Amendment to Funding and Reimbursement Agreement (Operations and Maintenance) by and between District No. 1 and Murphy Creek, LLC
- f. Renewed Consultant and Contractor Agreements for 2025:
  - i. Simmons & Wheeler, P.C., for Accounting Services

- ii. Independent District Engineering Services, LLC for Cost Certification Services (District Nos. 2 and 4)
- iii. The Connexion Group, LLC for Cost Certification Services (District No. 5)

**FINANCIAL MATTERS**

Discuss Senate Bill 24-233 and HB 24B-1001 and TABOR Implications

Ms. Tanaka discussed Senate Bill 24-233 and HB 24B-1001 and TABOR Implications with the Boards.

Following discussion, the Board of District No. 4 determined not to proceed with a TABOR election at this time.

Following discussion, the Boards of District Nos. 1, 2, and 5 determined to move forward with a TABOR election in 2025.

It was noted that White Bear Ankele Tanaka & Waldron will not act as the Designated Election Official for the 2025 elections and that the Districts’ new general counsel will need to assist with the designation of a new Designated Election Official.

Public Hearing on 2024 Budget Amendment and Consider Adoption of Resolution No. 2024-11-01: Amending 2024 Budget (District No. 4)

The public hearing on the 2024 Budget Amendment 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 Amendment with the Board of District No. 4. Following discussion, upon motion of Mr. Talley, seconded by Mr. R. Alpert, the Board of District No. 4 unanimously adopted Resolution No. 2024-11-01: Amending the 2024 Capital Fund to \$40,000,000 and the 2024 Debt Service Fund to \$2,500,000.

Public Hearings on 2025 Budgets and Consider Adoption of Resolution No. 2024-11-02 (District No. 1); Resolution No. 2024-11-03 (District No. 2); Resolution No. 2024-11-04 (District No. 4); and Resolution No. 2024-11-05 (District No. 5): Adopting Budget, Certifying Mill Levy and

The public hearing on the 2025 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 have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Johanns reviewed the 2025 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. 2024-11-02: Adopting the 2025 Budget, appropriating funds therefore, and imposing the mill levies, subject receipt of the final assessed valuation.

Appropriating Funds  
Therefor

The public hearing on the 2025 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 2025 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. 2024-11-03: Adopting the 2025 Budget, appropriating funds therefore, and imposing the mill levies, subject to receipt of the final assessed valuation.

The public hearing on the 2025 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 2025 Budget with the Board of District No. 4. Following discussion, upon motion of Mr. Talley, seconded by Mr. B. Alpert, the Board of District No. 4 unanimously adopted Resolution No. 2024-11-04: Adopting the 2025 Budget, appropriating funds therefore, and imposing the mill levies, subject to receipt of the final assessed valuation.

The public hearing on the 2025 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 2025 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. 2024-11-05: Adopting the 2025 Budget, appropriating funds therefore, and imposing the mill levies, subject to receipt of the final assessed valuation.

Discuss Engagement of  
Auditor to Perform 2024  
Audits (District Nos. 1, 4,  
and 5)

Ms. Johanns discussed the engagement of an auditor to perform the 2024 Audits for District Nos. 1, 4, and 5 with the Boards. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 1, 4, and 5 unanimously approved the engagement of Wipfli LLP to perform the 2024 Audits, for District No. 1 in the amount of \$6,600, District No. 4 in the amount of \$6,600, and District No. 5 in the amount of \$6,900.

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 the PLOM has been posted and closing is currently scheduled for December 5, 2024.

## LEGAL MATTERS

Discuss May 2025 Election and Designation of Designated Election Official

This matter was discussed under Financial Matters.

Adoption of Resolution No. 2024-11-06: 2025 Joint Annual Administrative Resolution

Ms. Frisbie presented the Boards with Resolution No. 2024-11-06: 2025 Joint Annual Administrative Resolution. Following discussion, upon motion of Mr. B. Alpert, seconded by Ms. Alpert, the Boards unanimously adopted the resolution, subject to finalization once the Designated Election Official and additional person authorized to administer oaths or affirmations have been designated.

Adoption of Joint Amended and Restated Public Records Request Policy

Ms. Frisbie presented the Boards with the Joint Amended and Restated Public Records Request Policy. Following discussion, upon motion of Mr. B. Alpert, seconded by Mr. R. Alpert, the Boards unanimously adopted the policy, subject to finalization once the office of the custodian has been designated.

Adoption of Resolution No. 2024-11-07: Resolution Regarding Acceptance of District Eligible Costs (District No. 4)

Ms. Frisbie presented the Board of District No. 4 with Resolution No. 2024-11-07: Resolution Regarding Acceptance of District Eligible Costs. Following discussion, upon motion of Mr. B. Alpert, seconded by Mr. R. Alpert, the Board of District No. 4 unanimously adopted the resolution and associated Requisition No. 1, subject to finalization and adjustments as discussed.

## OTHER BUSINESS


Acknowledge Termination of Legal and Management Services by White Bear Ankele Tanaka & Waldron, effective December 16, 2024

The Boards acknowledged the termination of Legal and Management Services by White Bear Ankele Tanaka & Waldron, effective December 16, 2024. The Boards thanked Ms. Tanaka for her service.

## 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 (Nov 26, 2024 18:51 MST)  
Secretary for the Meeting