

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD JUNE 28, 2021

The special meeting of the Board of Directors of the Mountain Brook Metropolitan District (referred to hereafter as the "Board") was convened on Monday, the 28<sup>th</sup> day of June, 2021, at 9:00 a.m. Due to concerns regarding the spread of the coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the District Board meeting was held by Zoom. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Kevin Mulshine, President  
Kenneth Spencer, Treasurer  
Conley Smith, Secretary

##### Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc.

Alan Pogue, Esq.; Icenogle Seaver Pogue, P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Attorney Pogue noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Pogue requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Pogue noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes. It was noted that disclosure statements had been timely filed for all Directors.

#### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Ripko distributed for the Board's review and approval a proposed Agenda for the District's special meeting.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote unanimously carried, the agenda was approved, as presented.

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**Approval of Meeting Location:** The Board entered into a discussion regarding the requirements of §32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of the Coronavirus (Covid-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board Meeting was held by teleconference and via Zoom without any individuals (neither District representatives nor the general public) attending in person. The Board further noted that notice of this meeting format was duly posted and that they have not received any objections to the meeting format or any requests that the meeting format be changed by taxpaying electors within its boundaries.

**2021 SDA Conference:** Ms. Ripko discussed the SDA Conference with the Board, and noted the information concerning the details of the conference will be emailed to them once the information is available.

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**CONSENT AGENDA** **Consent Agenda:** The Board considered the following actions:

- Approve the Minutes of the April 26, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Spencer and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

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**PUBLIC COMMENTS** There were no public comments.

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### **FINANCIAL MATTERS**

**Claims:** There were no claims to review at this time.

**Financial Statements:** There were no financial statements to review at this time.

**2020 Application for Exemption from Audit:** The Board discussed the requirements for an audit.

Following review and discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified approval of the preparation and execution of the Application for Exemption from Audit for 2020.

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**2022 Budget Public Hearing:** The Board entered into discussion regarding setting the date for a Public Hearing to adopt the 2022 Budget.

Following discussion, upon motion duly made by Director Smith, seconded by Director Mulshine and, upon vote, unanimously carried, the Board determined to hold the public hearing to consider adoption of the 2022 Budget on October 25, 2021, at 9:00 a.m., via Zoom Meeting or at 700 Ken Pratt Blvd., Suite 113, Longmont, Colorado.

**District Accounts:** The Board entered into discussion regarding the District Accounts. It was noted all accounts are set up.

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### **LEGAL MATTERS**

**Intergovernmental Agreement (“IGA”) between the City of Longmont, Colorado and Mountain Brook Metropolitan District:** The Board reviewed an IGA between the City of Longmont, Colorado and Mountain Brook Metropolitan District.

Following discussion, upon motion duly made by Director Spencer, seconded by Director Mulshine and, upon vote, unanimously carried, the Board ratified approval of the IGA between the City of Longmont, Colorado and Mountain Brook Metropolitan District.

**Market Study:** The Board entered into discussion regarding the engagement of Zonda to conduct a market study.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Spencer and, upon vote, unanimously carried, the Board ratified approval of the engagement of Zonda to conduct a market study. The Board further authorized staff to proceed with the engagement of consultants needed to move forward with the bond.

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### **OTHER BUSINESS**

**District Website:** The Board entered into discussion regarding the District’s website. The Board directed Ms. Ripko to set up a website for the District.

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Spencer, and seconded by Director Mulshine, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting