

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD AUGUST 22, 2022

The regular meeting of the Board of Directors of the Mountain Brook Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, the 22nd day of August, 2022, at 9:00 a.m. The District Board meeting was held via 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.

Don Burchett; Planning Manager, City of Longmont

### 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 meeting.

Following discussion, upon motion duly made by Director Smith, seconded by Director Mulshine 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 Smith, seconded by Director Mulshine and, upon vote, unanimously carried, the Board determined this District Board Meeting was held via Zoom. The Board further noted that notice of this meeting format was duly posted and that it has not received any objections to the meeting format or any requests that the meeting format be changed by taxpaying electors within the District boundaries.

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

- Approve the Minutes of the June 27, 2022 Regular Meeting.

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

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

### **FINANCIAL MATTERS**

**Claims:** The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending Aug. 16, 2022
General	\$ 131,641.33
Debt	\$ -0-
Capital	\$ -0-
<b>Total</b>	<b>\$ 131,641.33</b>

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims, as presented.

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited quarterly financial statements of the District through the period ending June 30, 2022.

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Following review and discussion, upon motion duly made by Director Smith, seconded by Director Spencer and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2022.

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### LEGAL MATTERS

There were no legal matters to discuss at this time.

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### CAPITAL IMPROVEMENT MATTERS

**Bid Award Recommendation for Mountain Brook Filing 1 & 2 Subdivision Public Landscape Improvements:** The Board considered the Bid Award Recommendation for Mountain Brook Filing 1 & 2 Subdivision Public Landscape Improvements. No action was taken at this time.

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### OTHER BUSINESS


Following review and discussion, upon motion duly made by Director Spencer, seconded by Director Smith and, upon vote, unanimously carried, the meeting was continued to August 29, 2022 at 11:30 a.m.

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### ADJOURNMENT

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

Respectfully submitted,

By:   
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Secretary for the Meeting

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### 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.

### CAPITAL IMPROVEMENT MATTERS

Bid Award Recommendation for Mountain Brook Filing 1 & 2 Subdivision Public Landscape Improvements: The Board considered the Bid Award Recommendation for Mountain Brook Filing 1 & 2 Subdivision Public Landscape Improvements.

Mr. Mulshine reported that the District was unable to come to reasonable terms with the entity that submitted the proposal. No action was taken.

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### ADJOURNMENT

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

Respectfully submitted,

By: 

Secretary for the Meeting