

# RECORD OF PROCEEDINGS

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD MARCH 6, 2023

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 6th day of March, 2023, 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.

Tony Chacon; City of Longmont

Marcia Martin; City of Longmont

Don Burchett; 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’s meeting.

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

**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 Spencer, seconded by Director Spencer 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:**

- Review and approve the Minutes of the October 24, 2022 Regular Meeting and the December 20, 2022 Special Meeting.

Following review, upon motion duly made by Director Smith, seconded by Director Spencer and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

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**PUBLIC COMMENTS** There were no public comments at this time.

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**FINANCIAL MATTERS**

**Claims:** Ms. Wheeler reviewed with the Board the payment of claims as follows:

Fund	Period Ending March 4, 2023
General	\$ 122,698.97
Debt	\$ -0-
Capital	\$ -0-
<b>Total</b>	<b>\$ 122,698.97</b>

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

**Unaudited Financial Statements:** There were no unaudited financial statements at this time.

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**2022 Audit:** Ms. Wheeler reviewed with the Board the 2022 Audit Exemption Draft.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Spencer and, upon vote, unanimously carried, the Board authorized Ms. Wheeler to submit the 2022 Audit Exemption Draft to the state auditor.

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### **LEGAL MATTERS**

**Operation and Maintenance Fee Resolution No. 2023-03-01:** The Board reviewed an Operation and Maintenance Fee Resolution No. 2023-03-01.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Operation and Maintenance Fee Resolution No. 2023-03-01.

**Amenity Center Committee:** There was no action taken at this time.

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### **CAPITAL IMPROVEMENT MATTERS**

**Bid Award Recommendation for Mountain Brook:** There was no action taken at this time.

**Reimbursement Agreement and Construction Acceptance by the City of Longmont:** There was no action taken at this time.

**Requisition No. 6 Funds:** The Board discussed Requisition No. 6 of funds in the amount of \$5,111.25.


Following review and discussion by the Board, upon motion duly made by Director Mulshine, seconded by Director Spencer and, upon vote, unanimously carried, the Board authorized Requisition No. 6 of funds in the amount of \$5,111.25.

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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