

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD FEBRUARY 26, 2024

The Regular meeting of the Board of Directors of the Mountain Brook Metropolitan District (referred to hereafter as the “Board”) and upon noting that a quorum was present a meeting was convened on Monday, the 26th day of February, 2024, at 9:00 a.m. The District Board meeting was held at 700 Ken Pratt Blvd., Suite #113, Longmont, Colorado and via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Kenneth Spencer, Treasurer
Conley Smith, Secretary
Dale Bruns, Assistant Secretary

Following discussion, upon motion duly made by Director Spencer, seconded by Director Smith and, upon vote, unanimously carried, the absences of Directors Mulshine and Soloman were excused.

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; 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.

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ADMINISTRATIVE MATTERS

Agenda: Ms. Ripko distributed for the Board’s review and approval of the agenda for the District's meeting.

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

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 Smith 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 23, 2023 Regular Meeting and Statutory Annual 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.

PUBLIC COMMENTS

There were no public comments at this time.

FINANCIAL MATTERS

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

	Period Ending February 22, 2024
Total	\$43,247.30

Following discussion, upon motion duly made by Director Smith, seconded by Director Bruns and, upon vote, unanimously carried, the Board ratified approved the payment of claims through the period ending February 22, 2024, as presented.

Unaudited Financial Statements: Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending December 31, 2023.

Following discussion, upon motion duly made by Director Spencer, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the

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unaudited financial statements for the period ending December 31, 2023, as presented.

Application for Exemption from Audit for 2023: The Board discussed preparation, execution and filing of the Application for Exemption from Audit for 2023. It was noted that an Audit was needed. No action was taken at this time.

Reimbursement Request No. 2: The Board reviewed Reimbursement Request No. 2, and together therewith approval of the Resolution Accepting Public Improvements from Mountain Brook Partners, LLC Pursuant to the Improvement Acquisition, Advance and Reimbursement Agreement; Bill of Sale; Warranty Agreement; Assignment of Warranties; Engineer Cost and Design Certifications; Title Commitment; Accountant Certification; and Requisition No. 9.

Following discussion, upon motion duly made by Director Smith, seconded by Director Spencer and, upon vote, unanimously carried, the Board approved Reimbursement Request No. 2, and together therewith approval of the Resolution Accepting Public Improvements from Mountain Brook Partners, LLC Pursuant to the Improvement Acquisition, Advance and Reimbursement Agreement; Bill of Sale; Warranty Agreement; Assignment of Warranties; Engineer Cost and Design Certifications; Title Commitment; Accountant Certification; and Requisition No. 9.

LEGAL MATTERS

Temporary Construction Easement Agreement: The Board reviewed the Temporary Construction Easement Agreement with Mountain Brook Partners, LLC.

Following discussion, upon motion duly made by Director Spencer, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Temporary Construction Easement Agreement with Mountain Brook Partners, LLC.

Permanent Easement Agreement: The Board discussed the Permanent Easement Agreement regarding District Signage with Mountain Brook Partners, LLC.

Following discussion, upon motion duly made by Director Smith, seconded by Director Spencer and, upon vote, unanimously carried, the Board approved the Permanent Easement Agreement regarding District Signage with Mountain Brook Partners, LLC.

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**CAPITAL
IMPROVEMENT
MATTERS**

There were no capital improvement matters at this time.


OTHER BUSINESS

None.

ADJOURNMENT

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

Respectfully submitted,

By: 
_____ Secretary for the Meeting