

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MOUNTAIN BROOK METROPOLITAN DISTRICT HELD OCTOBER 28, 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 28th day of October, 2024, 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
Conley Smith, Assistant Secretary
Dale Bruns, Assistant Secretary
Mark Soloman, Assistant Secretary

Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc.

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

Don Burchett; Planning Manager for City of Longmont

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Ms. Ripko 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. Ms. Ripko requested that the Directors consider whether they had any additional conflicts of interest to disclose. Ms. Ripko 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.

PUBLIC COMMENTS

Homeowner mentioned website and letting residents know about the District website, meetings and Xpress bill pay.

ADMINISTRATIVE MATTERS

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

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

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 Soloman 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 August 26, 2024 Regular Meeting.
- Consider Approval of 2025 Annual Administrative Matters Resolution.
- Consider Approval of 2025 Meeting Resolution.
- Consider Approval of 2025 Election Resolution.

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

FINANCIAL MATTERS

Claims: Ms. Wheeler reviewed the payment of claims.

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

Unaudited Financial Statements and Cash Position Statement: Ms. Wheeler reviewed with the Board the unaudited financial statements.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Soloman and, upon vote, unanimously carried, the Board accepted the unaudited financial statements.

2024 Audit: The Board considered the engagement of Hiratsuka & Associates for preparation of 2024 Audit, in an amount not to exceed a \$200.00 increase.

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Following review and discussion, upon motion duly made by Director Smith, seconded by Director Mulshine and, upon vote, unanimously carried, the Board authorized the engagement of Hiratsuka & Associates for preparation of 2024 Audit, in an amount not to exceed a \$200.00 increase.

2024 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received and the President closed the public hearing.

Following review and discussion, upon motion duly made by Director Mulshine, seconded by Director Soloman and, upon vote, unanimously carried, the Board adopted Resolution No. 2024-10-02, Resolution to Amend 2024 Budget.

2025 Budget Hearing: The President opened the public hearing to consider the proposed 2025 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2025 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Mr. Wheeler reviewed the estimated year-end 2024 revenues and expenditures and the proposed 2025 estimated revenues and expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2024-10-03 to Adopt the 2024 Budget and Appropriate Sums of Money and to Set Mill Levies (for the General Fund at 38.606 mills and the Debt Service Fund at 16.098 mills, for a total of 54.704 mills). Upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2024. Mrs. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Douglas County and the Division of Local Government not later than December 10 2024. Mrs. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2025.

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LEGAL MATTERS

Fourth Amendment to Improvement Acquisition, Advance and Reimbursement Agreement between the District and Mountain Brooks Partner, LLC: The Board reviewed the Fourth Amendment to Improvement Acquisition, Advance and Reimbursement Agreement between the District and Mountain Brooks Partner, LLC.

Following discussion, upon motion duly made by Director Mulshine, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Fourth Amendment to Improvement Acquisition, Advance and Reimbursement Agreement between the District and Mountain Brooks Partner, LLC.

CAPITAL IMPROVEMENT MATTERS

None.

OTHER BUSINESS

December 23, 2024 Board Meeting: The Board deferred discussion at this time.

Proposal from Push Pedal Pull: The Board reviewed the Proposal from Push Pedal Pull for workout equipment.

Following discussion, upon motion duly made by Director Soloman, seconded by Director Mulshine and, upon vote, unanimously carried, the Board approved the Proposal from Push Pedal Pull for workout equipment.

Trash Can Enforcement: The Board discussed trash can enforcement and determined that no change was needed.


The Board acknowledged the new rate structure from SDMS and Altitude Community Law.

ADJOURNMENT

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

Respectfully submitted,

By: _____


Secretary for the Meeting