

# RECORD OF PROCEEDINGS

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE VILLAGES AT MURPHY CREEK METROPOLITAN DISTRICT NO. 1 HELD MARCH 31, 2021

A Special meeting of the Board of Directors (the “Board”) of the Villages at Murphy Creek Metropolitan District No. 1 (referred to hereafter as the “District”) was convened on Wednesday, March 31, 2021 at 2:30 p.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 meeting was held by conference call without any individuals (neither District representatives nor the general public) attending in person. The meeting was open to the public via conference call.

### ATTENDANCE

#### Directors In Attendance Were:

Richard A. Frank  
Marc L. Cooper

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Paula Williams, Esq.; McGeady Becher P.C.

Daniel Frank; Board Candidate

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Solin noted that a quorum was present and requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at the meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. No additional conflicts were disclosed.

### ADMINISTRATIVE MATTERS

Agenda: Mr. Solin reviewed with the Board a proposed Agenda for the District’s Special Meeting.

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Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Agenda for the District's Special Meeting was approved, as presented.

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

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper 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, the District's meeting was held by conference call. The Board further noted that notice of the time, date and conference bridge information was duly posted and that they have not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries.

**Resolution No. 2021-03-01, Resolution of Intent to Return to Active Status:** The Board considered adoption of a Resolution No. 2021-03-01, Resolution of Intent to Return to Active Status.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, Resolution No. 2021-03-01, Resolution of Intent to Return to Active Status, was approved. The Board directed the District's consultants to take all actions associated therewith.

**Eligible Governmental Entity Agreement ("EGE") by and between the District and the Statewide Internet Portal Authority of the State of Colorado ("SIPA"):** The Board discussed the EGE by and between the District and SIPA.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote unanimously carried, the Board approved the EGE by and between the District and SIPA.

**Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Locations and Designating Location for Posting of 24-Hour Notices:** The Board discussed Resolution No. 2021-03-02 of the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1; Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Location for Posting 24-Hour Notices.

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Mr. Solin reviewed the business to be conducted in 2021 to meet the statutory compliance requirements. The Board determined to meet on October 28, 2021, at 2:30 p.m., to be held at Centre Communities, Ltd., 7400 East Orchard Road #290-S, Greenwood Village, Colorado 80111.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-02 of the Board of Directors of the Villages at Murphy Creek Metropolitan District No. 1; Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Location for posting 24-Hour Notices. A copy of the resolution is attached hereto and incorporated herein.

**Resolution No. 2021-03-03 to Obtain Insurance Coverage Through the Colorado Special Districts Property and Liability Pool / Membership in the Special District Association:** Mr. Solin reviewed the statutory requirements for insurance coverage with the Board.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-03 to obtain insurance coverage through the Colorado Special Districts Property and Liability Pool and authorized membership in the Special District Association.

**Agency Services Agreement between the District and T. Charles Wilson Insurance Service:** The Board discussed the Agency Services Agreement between the District and T. Charles Wilson Insurance Service.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board approved the Agency Services Agreement between the District and T. Charles Wilson Insurance Service.

**§32-1-809, C.R.S. (Transparency Notice) Reporting Requirements, Mode of Eligible Elector Notification for 2021:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2021.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board determined to post the required transparency notice information on the Special District Association's website.

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**Consideration of Board Appointment After Publication of Notice of Vacancy:**

The Board discussed the vacancies on the Board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was made on March 18, 2021 in the Aurora Sentinel. No Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

As such, following discussion and upon motion duly made by Director Cooper, seconded by Director Frank to nominate Daniel Frank to fill a vacant Board term and, upon vote, unanimously carried, the Board appointed Daniel Frank to fill a vacancy on the Board of Directors. The Oath of Director was administered.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the following slate of officers were appointed:

President	Daniel Frank
Treasurer	Marc Cooper
Secretary	David Solin
Assistant Secretary	Richard Frank

**Engagement of Special District Management Services, Inc. as District Manager:** The Board entered into discussion regarding the engagement of Special District Management Services, Inc. as District Manager.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board approved the engagement of Special District Management Services, Inc. as District Manager.

**Engagement of First Bank for Banking Services:** The Board entered into discussion regarding the engagement of First Bank for Banking Services, and designating all Directors as signers on the account.

Following discussion, upon motion duly made by Director Cooper, seconded by Director Frank and, upon vote, unanimously carried, the Board approved the engagement of First Bank for Banking Services, and designated all Directors as eligible signers on the account.

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**McGeady Becher P.C. Document Retention Policy:** Attorney Williams presented to the Board an update to the McGeady Becher P.C. Document Retention Policy.

The Board approved the update and directed a copy of the approved, updated McGeady Becher P.C. Document Retention Policy be attached to the minutes of this meeting. Accordingly, a copy of the updated McGeady Becher P.C. Document Retention Policy is attached hereto and incorporated herein by this reference.

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**PUBLIC COMMENT** None.

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

- Approve the Minutes from the November 16, 2010 Regular Meeting.
- Ratify approval of adoption of Resolutions Calling May 2012, 2014, 2016, 2018 and 2020 Director Elections.
- Ratify approval of preparation, execution and filing of 2010 Application for Exemption from Audit.
- Ratify appointment of the District Accountant to prepare the 2021 Budget.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board ratified and/or approved, as appropriate, the Consent Agenda items.

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### **FINANCIAL MATTERS**

**2021 Budget Hearing:** The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2021 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 or public comments were received prior to this public hearing. The public hearing was closed.

Following review and discussion, the Board considered the adoption of the Resolution No. 2021-03-04 to Adopt the 2021 Budget and Appropriate Sums of Money. Upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Resolution was adopted, as discussed.

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Mr. Solin was authorized to transmit the Certification of Budget to the Division of Local Government. A copy of the adopted Resolution is attached to these Minutes and incorporated herein by this reference.

**2022 Budget Preparation:** The Board discussed the preparation of the 2022 Budget. Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare the 2022 Budget, and set the date for the budget hearing to be October 28, 2021, at 2:30 p.m., to be held at Centre Communities, Ltd., 7400 East Orchard Road #290-S, Greenwood Village, Colorado 80111.

### **LEGAL MATTERS**

**Aurora Regional Improvement Authority Agreement:** Attorney Williams discussed the status of the Aurora Regional Improvement Authority Agreement. No action was needed at this time.

**Operation Funding Agreement between the District and Jewell Developers, Inc.:** Attorney Williams reviewed with the Board an Operation Funding Agreement between the District and Jewell Developers, Inc.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board approved the Operation Funding Agreement between the District and Jewell Developers, Inc., as amended and subject to final Legal review.

**Public Hearing on the Inclusion of Approximately 40.206 Acres of Property owned by Harvest & Jewell, LLC:** The President opened the public hearing.

It was noted that publication of Notice stating that the Board would consider the inclusion of the property 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 this public hearing. No public comments were received and the public hearing was closed.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board approved the inclusion of property as described in the Petition. A copy of Resolution No. 2021-03-05 for Inclusion of Real Property is attached hereto and incorporated herein by this reference.

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**Resolution No. 2021-03-06 ; Resolution Regarding Colorado Open Records**

**Act Requests:** Attorney Williams reviewed with the Board Resolution No. 2021-03-06; Resolution Regarding Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-06; Resolution Regarding Colorado Open Records Act Requests.

**Resolution No. 2021-03-07; Resolution Regarding the Retention and Disposal of Public Records and Adopting a Public Records Retention Schedule:**

Attorney Williams reviewed with the Board Resolution No. 2021-03-07; Resolution Regarding the Retention and Disposal of Public Records and Adopting a Public Records Retention Schedule.

Following discussion, upon motion duly made by Director Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-03-07; Resolution Regarding the Retention and Disposal of Public Records and Adopting a Public Records Retention Schedule.

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**OTHER MATTERS**

The Board discussed imposition of a System Development Fee or Facilities Fee. No action was taken at this time.

The Board discussed District Maintenance and Covenant Control. It was determined that District Maintenance and Covenant Control will be performed through an agreement with the Homeowners Association (“HOA”).

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**ADJOURNMENT**

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

Respectfully submitted,

By: richard a. frank  
Secretary for the Meeting







**[SIGNATURE PAGE TO RESOLUTION ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND DESIGNATING LOCATION FOR 24-HOUR NOTICES]**

RESOLUTION APPROVED AND ADOPTED on March 31, 2021.

**VILLAGES AT MURPHY CREEK  
METROPOLITAN DISTRICT NO. 1**

By: richard a. frank  
President

Attest:



Assistant Secretary



3. The sums set forth as the total expenditures of each fund in the budget attached hereto as **Exhibit A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

**[SIGNATURE PAGE FOLLOWS]**


**[SIGNATURE PAGE TO RESOLUTION TO ADOPT BUDGET AND  
APPROPRIATE SUMS OF MONEY]**

RESOLUTION APPROVED AND ADOPTED on MARCH 31, 2021.

**VILLAGES AT MURPHY CREEK  
METROPOLITAN DISTRICT NO. 1**

By: richard a. frank  
President

Attest:

By:   
Assistant Secretary

# EXHIBIT A

## Budget

Villages At Murphy Creek Metropolitan District No. 1

Budget  
General Fund

*For The Year Ending December 31, 2021*

	<b>2021 Approved</b>
Beginning Funds Available	\$ -
Revenue	
Property Taxes	-
Specific Ownership Taxes	-
Developer Advance	50,000
Miscellaneous Income	-
Total Revenue	50,000
<b>Total Funds Available</b>	<b>\$ 50,000</b>
Expenditures	
Audit/Exemption	1,000
Election	-
Insurance	3,500
Accounting	8,000
Legal	15,000
Management	15,000
Miscellaneous	3,000
Contingency	3,000
Treasurer's Fees	-
<b>Total Expenditures</b>	<b>\$ 48,500</b>
Emergency Reserve	1,500
<b>Total Expenditures Requiring Appropriation</b>	<b>\$ 50,000</b>
<b>Ending Funds Available</b>	<b>\$ -</b>

I, Marc Cooper, hereby certify that I am the duly appointed Secretary of the Villages at Murphy Creek Metropolitan District No. 1, and that the foregoing is a true and correct copy of the budget for the budget year 2021, duly adopted at a meeting of the Board of Directors of the Villages at Murphy Creek Metropolitan District No 1 held on March 31, 2021.



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Secretary






(a) On and after the effective date of this inclusion (which shall be the date of recording of the Court Order approving the inclusion by the Clerk and Recorder of Arapahoe County, Colorado, unless otherwise specified in the Court Order), the Property shall be subject to the rules and regulations of the District, and the payment of any and all taxes, fees, rates and charges of the District.

Dated this 31st day of March, 2021.

**VILLAGES AT MURPHY CREEK  
METROPOLITAN DISTRICT NO. 1**

By: richard a. frank  
President

Attest:

  
Assistant Secretary

**EXHIBIT A**

Legal Description

**A PARCEL OF LAND BEING A PORTION OF THAT PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER B8090223 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER; SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00°02'41" WEST, A DISTANCE OF 2650.64 FEET;**

**THENCE SOUTH 00°02'41" WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTIER OF SECTION 29, A DISTANCE OF 819.82 TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER D0072972 IN SAID RECORDS;**

**THENCE, ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER D0072972, THE FOLLOWING FIVE (5) COURSES;**

- 1. SOUTH 89°57'19" EAST, A DISTANCE OF 275.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 915.00 FEET;**
- 2. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°59'53", AN ARC LENGTH OF 495.03 FEET;**
- 3. SOUTH 58°57'26" EAST, A DISTANCE OF 382.62 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 870.00 FEET;**
- 4. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°00'41", AN ARC LENGTH OF 470.89 FEET;**
- 5. SOUTH 89°58'08" EAST, A DISTANCE OF 200.03 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER B8090223;**

**THENCE SOUTH 00°01'43" WEST, ALONG SAID EAST LINE, A DISTANCE OF 779.65 FEET;**

**THENCE NORTH 89°57'16" WEST, A DISTANCE OF 1722.71 FEET TO A POINT ON SAID WEST LINE OF THE NORTHWEST QUARTER;**


**THENCE NORTH 00°02'41" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1231.55 FEET TO THE POINT OF BEGINNING.**

**CERTIFICATION**

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2021-03-05, Resolution of the Board of Directors of Villages at Murphy Creek Metropolitan District No. 1, Resolution for Inclusion of Real Property.

**VILLAGES AT MURPHY CREEK  
METROPOLITAN DISTRICT NO. 1**

Date: 04 / 01 / 2021

By:   
Assistant Secretary





- (a) Subject to inspection in the presence of the Official Custodian or the Official Custodian's designee;
- (b) Appropriately marked by the person making the request;
- (c) Copied after receipt of all required charges therefore; and
- (d) Delivered to the person requesting such records at the office of the Official Custodian within the statutory timeframe and after all charges have been paid.

Copies of public records of the District not picked up at the time set aside by the Official Custodian may be destroyed. In the event a person renews the request for the same public records of the District after failing to pick up previously requested copies, they will be charged for the costs of both records requests.


1. Only the Official Custodian (or designee of the Official Custodian) may copy public records of the District.
2. On behalf of the District, the Official Custodian reserves the right to seek a declaratory judgment, pursuant to Section 13-51-101, *et seq.* C.R.S., to determine if a large public records request may be exempted from the statutorily required response time.
3. The Official Custodian may establish such other reasonable regulations as are not inconsistent with this Resolution or with applicable Colorado law, as established and amended from time to time.

RESOLUTION ADOPTED AND APPROVED on March 31, 2021.

**VILLAGES AT MURPHY CREEK  
METROPOLITAN DISTRICT NO. 1**

By: richard a. frank  
President

Attest:

  
Assistant Secretary






RESOLUTION ADOPTED AND APPROVED on March 31, 2021.

**VILLAGES AT MURPHY CREEK  
METROPOLITAN DISTRICT NO. 1**


By: richard a. frank  
President

Attest:

  
Assistant Secretary

<b>TITLE</b>	Villages at Murphy Creek MD Nos. 1 and 2, Approved Documents
<b>FILE NAME</b>	Minutes - ...URPH2).pdf and 15 others
<b>DOCUMENT ID</b>	f75490f42d9f99a4ce7178c7e1181e32a0d7185f
<b>AUDIT TRAIL DATE FORMAT</b>	MM / DD / YYYY
<b>STATUS</b>	● Completed

## Document History

 SENT	<b>08 / 31 / 2021</b> 18:39:26 UTC	Sent for signature to Daniel Frank (dfrank@centregroup.com), Richard A. Frank (rfrank@centregroup.com) and David Solin (dsolin@sdmsi.com) from apadilla@sdmsi.com IP: 50.78.200.153
 VIEWED	<b>08 / 31 / 2021</b> 19:03:56 UTC	Viewed by Richard A. Frank (rfrank@centregroup.com) IP: 71.205.106.61
 SIGNED	<b>08 / 31 / 2021</b> 19:04:22 UTC	Signed by Richard A. Frank (rfrank@centregroup.com) IP: 71.205.106.61
 VIEWED	<b>08 / 31 / 2021</b> 21:18:43 UTC	Viewed by Daniel Frank (dfrank@centregroup.com) IP: 96.66.77.25
 SIGNED	<b>08 / 31 / 2021</b> 21:21:01 UTC	Signed by Daniel Frank (dfrank@centregroup.com) IP: 96.66.77.25

<b>TITLE</b>	Villages at Murphy Creek MD Nos. 1 and 2, Approved Documents
<b>FILE NAME</b>	Minutes - ...URPH2).pdf and 15 others
<b>DOCUMENT ID</b>	f75490f42d9f99a4ce7178c7e1181e32a0d7185f
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<b>STATUS</b>	● Completed

## Document History



**09 / 01 / 2021**  
17:31:57 UTC

Viewed by David Solin (dsolin@sdmsi.com)  
IP: 50.78.200.153



**09 / 01 / 2021**  
17:32:14 UTC

Signed by David Solin (dsolin@sdmsi.com)  
IP: 50.78.200.153



**09 / 01 / 2021**  
17:32:14 UTC

The document has been completed.