

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
**BROMLEY PARK METROPOLITAN DISTRICT NO. 2**  
(THE “DISTRICT”)  
HELD  
NOVEMBER 27, 2023

A regular meeting of the Board of Directors of the Bromley Park Metropolitan District No. 2 (referred to hereafter as the “Board”) was convened on Monday, November 27, 2023, at 11:00 a.m. The District Board meeting was held and properly noticed to be held via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

Directors in Attendance Were:

Joel Farkas (for a portion of the meeting)  
Joshua C. Rollins  
Douglas G. Hamilton  
Matthew L. Mooney

Also, In Attendance Were:

MaryAnn McGeady, Esq. and Timothy O’Connor, Esq.; McGeady Becher P.C.  
Lisa Johnson, Ashley Heidt and Shauna D’Amato; CliftonLarsonAllen LLP (“CLA”) – Management  
Paul Wilson and Lauryn Rodvold; CLA – Accountant  
Justin Hay; Stacklot L.L.C.  
Christopher Perdue; Strategic Site Designs, LLC  
Andrew Gaittens – Independent District Engineering Services, LLC (“IDES”)

### ADMINISTRATIVE MATTERS

**Call to Order:** The meeting was called to order at 11:03 a.m.

**Disclosure of Potential Conflicts of Interest:** The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. Attorney McGeady noted that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

**Quorum / Confirmation of Meeting Location / Posting of Notice / Agenda:**

## RECORD OF PROCEEDINGS

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The presence of a quorum was confirmed.

The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Hamilton, seconded by Director Mooney and, upon vote, unanimously carried, the Board determined to conduct the meeting via video/telephone conference through Microsoft Teams. The Board further noted that notice providing the Microsoft Teams attendance information was duly posted and that no objections or any requests that the means of hosting the meeting be changed by taxpaying electors within its boundaries were received.

**Agenda:** The Board reviewed the Agenda for the meeting. Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Mooney and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

**Public Comment:** There was no public comment.

### CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- Accept resignation of Director Anthony Tucker.
- Approval of minutes from the July 24, 2023 Regular Meeting.
- Authorize renewal of District's standard insurance and Special District Association (SDA) membership for 2024.
- Direct staff regarding compliance with Section 32-1-809, C.R.S. for 2024 (District Transparency Notice).
- Direct staff regarding compliance with Section 32-1-306, C.R.S. for 2023 (Annual Map Filing).
- Approve Master Service Agreement and related Statements of Work for 2024 Services between the District and CLA.
- Approve proposal for ongoing website administration in 2024 with Heatherly Creative, LLC.
- Ratify approval of 2022 Annual Report.
- Ratify approval of 2022 Audit Report.
- Adoption of Resolution No. 2023-11-01 Amending Policy on Colorado Open Records Act Requests.
- Authorize District Accountant to prepare and sign the DLG-70 Certification of Tax Levies form ("Certification") and direct District Accountant to file the Certification with the Board of County Commissioners and other interested parties.
- Consider appointment of District Accountant to prepare 2025 Budget.
- Consider approval of the engagement letter with Fiscal Focus Partners LLC to prepare the 2023 Audit.

## RECORD OF PROCEEDINGS

---

Ms. Johnson reviewed the Consent Agenda with the Board. Upon a motion duly made by Director Mooney, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved, ratified, or adopted, as appropriate, the Consent Agenda items.

### CAPITAL PROJECT MATTERS

#### **Report on Bond Closing and Available Project Funds:**

**Improvements to Homestead Farms Tract E and Brighton East Farms Tracts D and E:** Mr. Hay, Mr. Perdue and Mr. Gaittens presented the report related to improvements to be completed within the District with the Board, including the improvements that will be completed in the Tract E Park and the improvements that will be completed in the Tract D & E Park/Detention Pond. The Board anticipates a public bidding process. Mr. Hay also presented the Estimates of Costs and the estimated timeline for the projects. Director Farkas provided an overview of his discussions with the City of Brighton regarding these improvements to the Board.

Following the presentation, the Board discussed the reports and the bidding process.

#### **Consultant Proposals to Proceed with Projects:**

**Change Order No. 5 to the Service Agreement for Cost Verification Services with IDES (“IDES Change Order No. 5”):** Mr. Gaittens reviewed IDES Change Order No. 5 with the Board. Following review and discussion, upon a motion duly made by Director Rollins, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved IDES Change Order No. 5 for BEF Park engineering services in an additional amount not to exceed \$60,000.00.

**Change Order No. 6 to the Service Agreement for Cost Verification Services with IDES (“IDES Change Order No. 6”):** Mr. Gaittens reviewed IDES Change Order No. 6 with the Board. Following review and discussion, upon a motion duly made by Director Rollins, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved IDES Change Order No. 6 for Homestead Park engineering services in an additional amount not to exceed \$60,000.00.

**Change Order No. 7 to the Service Agreement for Cost Verification Services with IDES (“IDES Change Order No. 7”):** Mr. Gaittens reviewed IDES Change Order No. 7 with the Board. Following review and discussion, upon a motion duly made by Director Rollins, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved IDES

## RECORD OF PROCEEDINGS

---

Change Order No. 7 for the Homestead ROW and Wet Utility Improvements in an additional amount not to exceed \$60,000.00.

**Change Order No. 8 to the Service Agreement for Cost Verification Services with IDES (“IDES Change Order No. 8”)**: Mr. Gattens reviewed IDES Change Order No. 8 with the Board. Following review and discussion, upon a motion duly made by Director Rollins, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved IDES Change Order No. 8 for general engineering services in an additional amount not to exceed \$15,000.00.

**Change Order No. 2 to the Service Agreement for Project Management with Stacklot L.L.C. (“Stacklot Change Order No. 2”)**: Mr. Hay reviewed Stacklot Change Order No. 2 with the Board. Following review and discussion, upon a motion duly made by Director Rollins, seconded by Director Mooney and, upon vote, unanimously carried, the Board approved Stacklot Change Order No. 2 for Homestead Park improvements in the amount of \$60,000.00.

**Change Order No. 3 to the Service Agreement for Project Management with Stacklot L.L.C. (“Stacklot Change Order No. 3”)**: Mr. Hay reviewed Stacklot Change Order No. 3 with the Board. Following review, upon a motion duly made by Director Rollins, seconded by Director Mooney and, upon vote, unanimously carried, the Board approved Stacklot Change Order No. 3 for roadway improvements and minimal landscape architecture in the amount of \$5,000.00.

**Change Order No. 4 to the Service Agreement for Project Management with Stacklot L.L.C. (“Change Order No. 4”)**: Mr. Hay reviewed Stacklot Change Order No. 4 with the Board. Following review, upon a motion duly made by Director Rollins, seconded by Director Mooney and, upon vote, unanimously carried, the Board approved Stacklot Change Order No. 4 for the Brighton East Farms rotary park, detention improvements and irrigation design through completion of construction in the amount of \$120,000.00.

**Change Orders to the Service Agreement for Civil Engineering Services with Strategic Site Designs, LLC**: Mr. Perdue presented the following proposals:

**As-Built/Design Survey and Civil Construction Plans – Tracts D and E Park within Brighton East Farms, Filing 2 (“Proposal 1”)**: Mr. Hay reviewed Proposal 1

## RECORD OF PROCEEDINGS

---

with the Board. Following review, upon a motion duly made by Director Farkas, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved Proposal 1 in the amount of \$35,500.00 and authorized staff to prepare Change Order No. 1 under the Service Agreement for Civil Engineering Services with Strategic Site Designs, LLC.

**Sidewalks in Phase 2 of Homestead (“Proposal 2”)**: Mr. Hay reviewed Proposal 2 with the Board. Following review, upon a motion duly made by Director Farkas, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved Proposal 2 in the amount of \$17,000.00 plus Bond Assistance Labor (not to exceed an amount of \$4,000.00) and authorized staff to prepare Change Order No. 2 under the Service Agreement for Civil Engineering Services with Strategic Site Designs, LLC. The Board directed the consultants to proceed with the bid process for the park improvements.

**Tract E Park in Homestead Farms (“Proposal 3”)**: Mr. Hay reviewed Proposal 3 with the Board. Following review, upon a motion duly made by Director Farkas, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved Proposal 3 in the amount of \$25,500.00 and authorized staff to prepare Change Order No. 3 under the Service Agreement for Civil Engineering Services with Strategic Site Designs, LLC, relative to same.

### **Construction Updates:**

**Letter of Acceptance of Homestead Pond Located in Tract H of Homestead Subdivision Amendment No. 3 by Strategic Site Designs, LLC (“Letter of Acceptance”)**: Ms. Johnson reviewed the Letter of Acceptance with the Board. Following review, upon a motion duly made by Director Farkas, seconded by Director Rollins and, upon vote, unanimously carried, the Board acknowledged the Letter of Acceptance.

**Cost Certification Report No. 11 prepared by IDES**: Mr. Gattens reviewed Cost Certification Report No. 11 prepared by IDES with the Board. Following review, upon a motion duly made by Director Farkas, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved Cost Certification Report No. 11 prepared by IDES.

**Reimbursement of Certified Costs by Kings Co., LLC**: The Board

## RECORD OF PROCEEDINGS

---

determined that this item was not necessary.

### FINANCIAL MATTERS

**Approval and Ratification of Claims:** Mr. Wilson presented the claims to the Board. Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved the current claims and ratified approval of the prior claims in the adjusted amount of \$101,335.46.

**Unaudited Financial Statements, Schedule of Cash Position and Property Tax Summary:** Mr. Wilson presented the unaudited financial statements, schedule of cash position and property tax summary to the Board. Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Rollins and, upon vote, unanimously carried, the Board accepted the unaudited financial statements and schedule of cash position dated September 30, 2023 and updated as of October 17, 2023, and the property tax summary.

**Public Hearing on Amendment to 2023 Budget:** Director Farkas opened the public hearing to consider an amendment to the 2023 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2023 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 the public hearing.

No public comments were received, and the public hearing was closed.

It was noted that no amendment to the 2023 Budget was required.

**Public Hearing on 2024 Budget:** Director Farkas opened the public hearing to consider the proposed 2024 Budget and to discuss related issues.

It was noted that Notice stating that the Board would consider adoption of the 2024 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

The Board reviewed the estimated 2023 expenditures and the proposed 2024 expenditures.

Upon motion duly made by Director Hamilton, seconded by Director Rollins, and upon vote unanimously carried, the Board approved the 2024 Budget, as discussed, and considered adoption of Resolution No. 2023-11-02 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-11-03 to Set Mill Levies (7.000 mills in the General Fund and 48.000 mills in the Debt

## RECORD OF PROCEEDINGS

---

Service Fund, for a total mill levy of 55.000 mills), subject to the Final Assessed Valuation. Following discussion, upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of Adams and Weld County not later than January 10, 2024. District Counsel was directed to transmit the Certification of Budget to the Division of Local Government no later than January 31, 2024

HOA  
TRACT  
CONVEYANCE  
MATTERS

**Status of HOA Tract Conveyance(s):**

**Change Order No. 4 to the Service Agreement for Cost Verification Services with IDES (“IDES Change Order No. 4”):** Mr. Gaittens reviewed IDES Change Order No. 4 with the Board. Following review and discussion, upon a motion duly made by Director Rollins, seconded by Director Mooney, with a vote of yea from Directors Farkas, Rollins and Mooney, with Director Hamilton abstaining, the Board approved IDES Change Order No. 4 for tracts being transferred to the HOA in an additional amount not to exceed \$15,000.00.

**Authorization to Proceed with Conveyance of Certain Landscape Tracts to Brightside East Homeowners Association, Inc. (“BEF HOA”):** Attorney McGeady reviewed the status of the HOA Tract Conveyances with the Board. Director Hamilton inquired about potential tax liability for BEF HOA. Attorney McGeady noted that she would discuss with the attorney for BEF HOA. During the discussion, Director Farkas left the meeting.

Following discussion, upon a motion duly made by Director Rollins, seconded by Director Mooney, with a vote of yea from Directors Rollins and Mooney, with Director Hamilton abstaining, the Board authorized the conveyance of certain landscape tracts to BEF HOA, provided that the tract valuation is less than \$5 million. If the tract valuation is greater than \$5 million, the Board authorized staff to work with BEF HOA staff to complete the conveyance process.

**Authorization to Proceed with Conveyance of Certain Landscape Tracts to Parkside at Brighton East Farm Homeowners Association, Inc. (“Parkside HOA”):** Attorney McGeady reviewed the status of the HOA Tract Conveyances with the Board. Director Hamilton inquired about potential tax liability for Parkside HOA. Attorney McGeady noted that she

## RECORD OF PROCEEDINGS

---

would discuss with the attorney for Parkside HOA. Director Farkas was absent from the meeting during this discussion.

Following discussion, upon a motion duly made by Director Rollins, seconded by Director Mooney, with a vote of yea from Directors Rollins and Mooney, with Director Hamilton abstaining, the Board authorized the conveyance of certain landscape tracts to Parkside HOA provided that the tract valuation is less than \$5 million. If the tract valuation is greater than \$5 million, the Board authorized staff to work with Parkside HOA staff to complete the conveyance process.

OPERATIONS AND  
MAINTENANCE  
MATTERS

**Change Order No. 4 to the Service Agreement for Snow Removal Services with Brightview Landscape Services, Inc. for the 2023/2024 Season:**

Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved Change Order No. 4 to the Service Agreement for Snow Removal Services with Brightview Landscape Services, Inc. for the 2023/2024 season.

**Service Agreement for Landscape Services with Brightview Landscape Services, Inc. for 2024 Services:**

Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved the Service Agreement for Landscape Services with Brightview Landscape Services, Inc. for 2024 services in the amount of \$25,728.00.

OTHER BUSINESS

**Resolution Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices:**

Ms. Johnson reviewed Resolution No. 2023-11-04 Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices with the Board. Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Rollins and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-11-04 Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices and determined that 2024 Board Meetings will be held on the fourth Monday in July and November at 11:00 a.m., to be held virtually.

**Insurance Discussion:**

**Cyber Security and Increased Crime Coverage:** Ms. Johnson reviewed the District's insurance coverage with the Board. Following review and discussion, upon a motion duly made by Director Hamilton, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved the cyber security and increased crime coverage, with an increase to \$250,000.00 and bound the worker's compensation coverage.



## RECORD OF PROCEEDINGS

---

**Insurance Committee:** The Board determined the establishment of an insurance committee was not necessary.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Hamilton, seconded by Director Mooney and, upon vote, unanimously carried, the Board adjourned the meeting at 1:11 p.m.

Respectfully submitted,

By   
Secretary for the Meeting

DocuSigned by:  
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