

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BROMLEY PARK METROPOLITAN DISTRICT NO. 2 (THE “DISTRICT”)
HELD
JULY 22, 2024

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, July 22, 2024, at 11:00 a.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Joel Farkas, President
Douglas G. Hamilton, Treasurer (for a portion of the meeting)
Joshua Rollins, Secretary
Matthew Mooney, Assistant Secretary

Also, In Attendance Were:

Lisa Johnson, Ashley Heidt, Shauna D’Amato; CliftonLarsonAllen LLP (“CLA”) – Management
Paul Wilson; CLA – Accounting
MaryAnn McGeady, Esq. and Timothy O’Connor, Esq.; McGeady Becher P.C.
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 11:00 a.m.

Disclosures 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. Directors Mooney and Rollins confirmed that they sit on the Board of Brighton East Farms

Homeowners Association (“BEF HOA”) and Director Hamilton confirmed that he sits on the Board of the Parkside at Brighton East Farms Homeowners Association (“Parkside HOA”).

Quorum / Confirmation of Meeting Location / Posting of Notice:

Ms. Johnson confirmed the presence of a quorum.

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, and upon motion duly made by Director Farkas, seconded by Director Rollins, and upon vote unanimously carried, it was determined to conduct the meeting at the above-stated date, time and location. It was further noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District’s boundaries have been received.

Designation of 24-Hour Posting Location:

Following discussion, upon motion duly made by Director Farkas, seconded by Director Rollins, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24 hours prior to each meeting on the District website: <https://bromleyparkmd2.com/>. If the District website is unavailable, notice will be posted at the following location: aluminum pump cover located at the northwest corner of 40th Avenue and Harvest Lane.

Agenda:

The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Farkas, seconded by Director Rollins, and upon vote unanimously carried, the Board approved the Agenda, as amended and excused the absence of Director Hamilton.

Public Comment:

There was no public comment.

CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- Approval of minutes from the November 27, 2023 Regular Meeting.
- Ratify Change Order No. 1 to the Service Agreement for Civil Engineering Services with Strategic Site Designs, LLC.
- Ratify Change Order No. 2 to the Service Agreement for Civil Engineering Services with Strategic Site Designs, LLC.
- Ratify Change Order No. 3 to the Service Agreement for Civil Engineering Services

with Strategic Site Designs, LLC.

Following review and discussion, upon a motion duly made by Director Farkas, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved, and/or ratified approval, as appropriate, the Consent Agenda items.

CAPITAL PROJECT MATTERS

Construction Updates:

Mr. Perdue provided construction updates to the Board.

Cost Certification Report No. 12 prepared by IDES (“Report No. 12”):

Mr. Gaittens reviewed Report No. 12 with the Board. Following review and discussion, upon a motion duly made by Director Farkas, seconded by Director Hamilton and, upon vote, unanimously carried, the Board approved Report No. 12, subject to receipt of proofs of payment.

City of Brighton Position on Road Improvement versus Park Improvement Project Priorities:

Director Farkas noted that he will be attending a Brighton City Council meeting on August 6, 2024 where a discussion item relating to the application to amend the Developer Agreement is on the Agenda.

Provide Direction As to How to Respond to Same:

Director Rollins and Director Hamilton noted they could post an announcement on the BEF HOA and Parkside HOA websites to inform the community of the City Council meeting and encourage them to attend.

Report on Bond Closing and Available Project Funds:

Improvements to Homestead Farms Tract E and Brighton East Farms Tracts D and E:

A summary of the costs incurred to date will be provided to the Board at the next meeting. Attorney McGeady inquired into which District consultant was tracking project costs versus bond proceeds. Director Farkas requested that Mr. Wilson provide a report on this information to present at the next Board meeting.

Status on other projects within the District:

This item was discussed during the Construction Updates item.

HOA TRACT CONVEYANCE MATTERS

Quitclaim Deed Between the District and Brighton East Farms Homeowners Association, Inc.:

Attorney McGeady reviewed the Quitclaim Deed between the District and Brighton East Farms Homeowners Association, Inc. 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 ratified approval of the Quitclaim Deed between the District and Brighton East Farms Homeowners Association, Inc.

Final Steps to Completion of Tract Conveyance Project:

Attorney McGeady noted that three of the four tracts at issue are owned by the Developer, and one is owned by the District. One of the three tracts owned by the Developer is bisected by the Parkside HOA and the BEF HOA. Director Rollins indicated that the BEF HOA would be willing to work with the Parkside HOA to negotiate terms on how to maintain this tract.

Fencing Repair:

Following discussion, the Board authorized the District to pay for the fencing repairs and directed District Counsel to prepare a Service Agreement for Fence Repairs with 4 Seasons Property Services, LLC.

Project Direction to Staff:

Director Rollins confirmed that he will work with the BEF HOA to begin conversations with Parkside HOA regarding these tract matters.

Status of Conveyance to Parkside at Brighton East Farms Homeowners Association, Inc.

The item was discussed under the items above.

FINANCIAL MATTERS

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.

Following discussion, upon motion duly made by Director Hamilton, seconded by Director Farkas, and upon vote unanimously carried, the Board adopted Resolution No. 2024-07-01 to Amend the 2023 Budget.

2023 Audit:

Mr. Wilson reviewed the 2023 Audit with the Board. Following discussion, upon motion duly made by Director Farkas, seconded by Director Rollins, and upon vote unanimously carried, the Board approved the 2023 Audit, subject to final legal review and receipt of a clean opinion, and authorized execution of the Representations Letter.

Current and Prior Claims:

Mr. Wilson presented the claims for the period of November 22, 2023 through July 17, 2024 to the Board. Following review and discussion, upon a motion duly made by Director Farkas, seconded by Director Rollins and, upon vote, unanimously carried, the Board approved the current claims and ratified approval of the prior claims for the period of November 22, 2023 through July 17, 2024 in the adjusted amount of \$235,519.78.

Unaudited Financial Statements and Cash Position Schedule, 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 Farkas and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements for period ending June 30, 2024, the Schedule of Cash Position dated June 30, 2024 and updated as of July 16, 2024, and the Property Tax Summary.

OPERATIONS AND MAINTENANCE MATTERS

None.

LEGAL MATTERS

None.

MANAGER MATTERS

Website Accessibility:

Ms. Johnson and Attorney McGeady reviewed the statutorily required documents posted on website and remediation services 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 posting of the Technology Accessibility Statement, designating CLA as the compliance coordinator and authorizing them to obtain a proposal for a document remediation vendor.

OTHER BUSINESS


Cost Sharing Agreements:

Director Rollins discussed the District's current cost share agreements with BEF HOA and Parkside HOA. Following discussion, Director Rollins and Director Hamilton confirmed they would reach out to counsel for BEF HOA and Parkside HOA for their opinions.

ADJOURNMENT

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

Respectfully submitted,

By 
 Secretary for the Meeting

DocuSigned by:
Joel Farkas
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