

**BROADWAY PARK NORTH  
METROPOLITAN DISTRICT NOS. 1, 2 AND 3**

450 E. 17<sup>th</sup> Avenue, Suite 400

Denver, CO 80203

Phone: 303-592-4380

<https://www.broadwayparkmd.com>

**NOTICE OF REGULAR MEETING AND AGENDA**

<b><u>Board of Directors District Nos. 1 and 2</u></b>	<b><u>Board of Directors District No. 3</u></b>	<b><u>Office</u></b>	<b><u>Term Expires</u></b>
Daniel Cohen	Daniel Cohen	President	May, 2027
Chris Waggett	Chris Waggett	Secretary	May, 2027
Donna Chan	Donna Chan	Treasurer	May, 2025
James Frank	James Frank	Assistant Secretary	May, 2025
Warren Cohen	Vacancy	Assistant Secretary	May, 2025

**DATE:**           **November 2, 2023**

**TIME:**           **9:00 a.m.**

**LOCATION:**   **601 S. Broadway, Suite N  
Denver, CO 80209  
and VIA ZOOM**

**1. To attend via Zoom Videoconference, use the following link:**

<https://us02web.zoom.us/j/87068823952?pwd=OFNteUQvb1FkMnpVVjRXZDIHR3pRQT09>

**2. To attend via telephone, dial 1-719-359-4580 and enter the following additional information:**

- a. Meeting ID: 870 6882 3952**
- b. Passcode: 459601**

**I. ADMINISTRATIVE MATTERS**

A.     Confirm quorum and present disclosures of potential conflicts of interest.

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B.     Approve agenda; confirm location of meeting, posting of meeting notices and designate 24-hour posting location.

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C.     Public Comment.

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- D. Review and consider approval of minutes from the September 13, 2023 special meeting (enclosures).
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- E. Discuss business to be conducted in 2024 and location (**virtual and/or physical**) of meetings. Schedule regular meeting dates and consider adoption of Resolution Establishing Regular Meeting Dates, Time, and Location, and Designating Posting Location for 24-Hour Notices (enclosure). [suggested dates are July 24, 2024 and November 13, 2024 at 9:00 a.m.]
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- F. Insurance discussion (enclosures):
- i. Cyber Security and Increased Crime Coverage.
  - ii. Establish Insurance Committee to make final determinations regarding insurance, if necessary.
  - iii. Authorize renewal of District insurance and Special District Association (SDA) membership for 2024.
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## **II. CAPITAL IMPROVEMENTS / OPERATIONS & MAINTENANCE**

- A. **[District No. 1]** Discuss Rules and Regulations for Bayer Square and authorize necessary actions in connection therewith.
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- B. **[District No. 1]** Discuss 2024 Plaza Maintenance and consider approval of Change Order No. 4 to Service Agreement for Alameda Station Transit Plaza Maintenance between District No. 1 and CFPM, LLC, if necessary.
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- C. **[District No. 1]** Discuss District services for 2024 and consider approval of necessary service agreements for related services.
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**III. LEGAL MATTERS**

- A. **[District No. 1]** Discuss status of lawsuit: Consolidated Electrical Distributors, Inc. v. PPFAs MLI Broadway Park, LLC, Broadway Park North Metropolitan District No. 1, et. al., Case No. 2023CV032758, District Court, City and County of Denver, Colorado (the “CDI Lawsuit”) and authorize necessary actions in connection therewith. **Convene in executive session pursuant to Section 24-6-402(4)(b), C.R.S. to receive legal advice related to the CDI Lawsuit (if necessary).**
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- B. Discuss the Broadway Park Community Authority Establishment Agreement by and among Broadway Park North Metropolitan District Nos. 1-3 and Broadway Park South Metropolitan District Nos. 1-4 and organizing the Broadway Park Community Authority pursuant to Section 23-1-203.5, C.R.S.
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- C. **[District No. 1]** Discuss and consider approval of an Operation Funding Agreement between District No. 1 and D4 Urban, LLC for fiscal year 2024, if necessary.
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- D. Discuss requirements of Section 32-1-809, C.R.S., (District Transparency Notice) and direct staff regarding compliance for 2024 (post on SDA and District websites).
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- E. Discuss and consider adoption of Resolution Amending Policy on Colorado Open Records Act Requests (enclosure).
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**IV. FINANCIAL MATTERS**

- A. **[District No. 1]** Ratify authorization to open FirstBank operating account, authorize Directors D. Cohen and Chan as signers on the account (with all checks requiring two signatures) and authorize necessary actions associated therewith.
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- B. Ratify authorization to open COLOTRUST Savings Accounts and authorize necessary actions associated therewith.
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- C. Discuss and authorize use of Bill.com and appoint Directors D. Cohen and Chan as reviewers of invoices.
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- D. Review and accept unaudited financial statements (to be distributed).
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- E. **[District Nos. 1 and 2]** Review Engineer's Report of Cost Verification #14 prepared by Martin/Martin, Inc., consider acceptance of verified costs under report, and authorize reimbursement pursuant to Facilities Funding and Acquisition Agreement (to be distributed).
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- F. **[District No. 2]** Authorize and approve requisition of funds pursuant to the Limited Tax General Obligation Refunding and Improvement Bonds, Series 2020 and authorize necessary actions in conjunction therewith.
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- G. **[District No. 3]** Consider the appointment of CliftonLarsonAllen LLP to prepare and file the 2023 Audit Exemption Application.
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- H. **[District Nos. 1 and 2]** Consider the engagement of Schilling & Company, Inc. to perform the 2023 Audits in the amounts of \$5,100 and \$4,400, respectively (same cost as 2022 Audit services).
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- I. Discuss negotiations with the City and County of Denver regarding retention of revenues generated from Regional Mill Levy.
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- J. Discuss 2024 Budgets (enclosures – preliminary AVs and draft budgets).
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**V. OTHER MATTERS**

- A. Acknowledge Annual Meeting pursuant to the Service Plans and publication of Notice regarding same.
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**VI. ADJOURNMENT**

**A special meeting is scheduled for November 15, 2023 at 1:00 p.m. via Zoom.**