



**BOARD OF EDUCATION**  
Tom Green, President  
Mandy Thomas, Vice President  
Melinda Carbajal, Director  
Ashley Conn, Director  
Annie Jensen, Director  
Starr Trujillo, Director  
Rachel Wilhelm, Director

**BOARD OF EDUCATION  
27J SCHOOLS**

**December 13, 2023  
7:00 p.m. Regular Meeting  
Note: Only regular meeting of the month  
Lois Lesser Board and Conference Room  
1850 Egbert Street  
Suite 120  
Brighton, CO 80601**

**A livestream link will be available at [www.sd27j.org](http://www.sd27j.org)**

**BOARD OF EDUCATION MISSION STATEMENT**

The Board of Education is committed to the School District's overall success and improvement. The central focus of all meetings and discussions will be on establishing, monitoring, and supporting the District's goals. We will actively engage all segments of our community in this ongoing focus and provide an instructional program to assure that our students meet or exceed the highest and most rigorous standards.

**AGENDA**

**1. CALL TO ORDER** President Green

All matters noticed on this agenda, in any category, may be considered for action as listed. Any item not so noticed may not be considered. Items listed on this agenda may be considered in any order, at the discretion of the chairperson.

**2. PLEDGE OF ALLEGIANCE** President Green

**ROLL CALL FOR ATTENDANCE (Policy Reference: 2.C)** President Green

**3. COMMITMENT TO GOVERNING STYLE** President Green

The Board will govern lawfully, observing Policy Governance principles, with an emphasis on (a) outward vision rather than internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of Board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) governing proactively rather than reactively.

**4. APPROVAL OF AGENDA** President Green

Recommended motion: "Move to approve the agenda dated December 13, 2023 as presented."

**ROLL CALL FOR VOTE (Policy Reference: 2.C)**

President Green

**5. BOARD OF EDUCATION RECOGNITIONS**

President Green

The Board of Education would like to recognize the following staff and community members for being named the 27J Schools Santa’s Helpers.

**Classified:**

- Maria Campos-Haupt - Secretary at Northeast Elementary
- Yesenia "Jessie" Canales - Nutrition Services Roaming Manager for All Schools
- Michelle Rice - Chromebook & Library Paraprofessional at Brighton High School
- Darryl Stadler - Bus Driver at Transportation

**Certified:**

- Molly Biel - K/1 Gifted and Talented Teacher at Pennock Elementary
- Cody Clark - Principal at Riverdale Ridge High School
- Laurie Mcpherson - School Counselor at South Elementary
- Marissa Mink - Music Teacher, Community Liaison, Attendance Support at Stuart Middle School

**Groups:**

The 27J Technology Client Services Technicians: Clayton Knodel, Robert Smart, Alec Smith, John Kish, Frank Vidales, Jeremy McTaggart, Matthew Pitts, Steve Brewer, Ruben Huidobro, Greg Martin and Desirae Deherrera

The Instructional Coach Team at Vikan Middle School: Brandon Carroll, Elisabeth Patch, and Kayce Calcote

**Community:**

- Dewayne Stelljes - Wayne's Electric
- Stephanie Aldrich - Platte Valley Medical Center

A brief reception will occur at this time to honor the award winners.

**6. STUDENT ADVISORY COUNCIL MONTHLY REPORT**

Dr. Fiedler

Members of the student advisory council will present information regarding school activities.

**7. 2022 MILL LEVY OVERRIDE OVERSIGHT COMMITTEE PRESENTATION**

President Green

The Board of Education will be presented with the report from the 2022 Mill Levy Override Oversight committee. Committee Chairperson Kristi Donovan will present the report.

Recommended motion: “Move to accept the report from the 2022 Mill Levy Override Oversight committee as presented.”

**ROLL CALL FOR VOTE (Policy Reference: 2.C)**

President Green

**8. SUPERINTENDENT’S REPORT**

Dr. Fiedler

Superintendent Dr. Chris Fiedler will report on activities throughout the District.

## 9. MATTERS OF PUBLIC COMMENT

President Green

The Board will now hear public comment on the following topics that have been indicated on the sign-in sheet. A reminder that this Board meeting is a business meeting held in public not a public meeting. The Board hears public comment to learn about the preferences and concerns of our community. Therefore, tonight we will listen. We are prohibited by state law to take any action on the items because law requires formal public notice prior to any action on an agenda item. During our next meeting, if appropriate, we will consider your comments in our discussion, and we will ask that the Superintendent attempt to find an answer for any of your questions by that time.

The Board welcomes the comments of our community members, but to ensure that everyone will have an opportunity to participate, we have a few ground rules we ask you to follow:

- Anyone intending to address the Board should sign the speaker sign-in sheet. I will call speakers in the order in which they signed in.
- Speakers' comments are limited to three minutes.
- If more than one person wishes to speak on the same topic, we ask that the speaker limit their comments to only new information. We ask that you do not repeat views already expressed by other speakers, although we cannot prevent you from doing so.
- We ask you to refrain from making complaints or negative comments against individual students or District employees; however, we cannot prevent you from doing so. Such complaints and comments should be addressed first at the classroom or school level, and then if still unresolved, to the Superintendent.
- Disturbing good order by inappropriate language or gestures is grounds for removal from the meeting.

We thank you in advance for your participation tonight.

## 10. CONSENT AGENDA (Policy References: 2.C)

President Green

All matters listed under Consent Agenda are operational matters about which the Board has governing policies, implementation of which is delegated to the Superintendent. They will be enacted in one motion by category in the order listed below. There will be no discussion of these items prior to the time the Board of Directors vote on the motion, unless members of the board, staff or public, request specific items to be discussed separately and/or removed from this section.

Any member of the public who wishes to discuss Consent Agenda items should notify the President of the Board at the time requested and be recognized by invitation of the President to address the Board.

- a. Approval of Board of Education minutes dated November 8, 2023 Study Session and Regular Meeting and November 29, 2023 Special Meeting (Enclosures)
- b. Approval of personnel items on memorandum dated December 5, 2023 (Confidential Enclosures)

Recommended Motion: "Move to approve the consent agenda as presented."

## ROLL CALL FOR VOTE (Policy Reference: 2.C)

President Green

## 11. GOVERNANCE PROCESS THAT SUPPORTS OUR GLOBAL GOALS

President Green

- a. Ownership Linkage – Members: Director Thomas and other member vacant
- b. Board Education – Members: Director Conn and Director Thomas
- c. Board Committees
  - i. Facility Planning Advisory Committee – Member: Director Green
  - ii. Capital Facility Fee Foundation – Members: Director Conn, Director Green, and other member vacant
  - iii. Rocky Mountain Risk – Member: vacant
  - iv. The 27J Believers – Members: Director Green and Director Thomas
  - v. Commerce City and School District 27J Use Tax Committee – Members: Director Green and other member vacant
  - vi. 2021 Bond Oversight Committee – Members: Director Conn and Director Thomas
  - vii. 2022 Mill Levy Override Oversight Committee – Members: Director Thomas and other member vacant
  - viii. Brighton Youth Commission – Member: Vacant
- d. Other Matters of Information for the Board

Note- Vacancies will be filled and new assignments will be made as soon as possible.

**12. EXPECTATIONS OF THE BOARD (Policy Reference 4.E)**

Dr. Fiedler

- a. Board acts to accept/reject the following reports due/submitted since last meeting. (ADDENDUM “A”) None at this time.
- b. Superintendent Dr. Chris Fiedler will present the Expectation of the Board Report through 3.I Board Awareness and Support. (Separate Enclosure)

Recommended motion: “Move to accept the Expectations of the Board Report through 3.I Board Awareness and Support as conveying reasonable interpretation of the executive limitations.”

**ROLL CALL FOR VOTE (Policy Reference: 2.G.1)**

President Green

c. Policy Review Schedule

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>i. December 13, 2023</li> <li>ii. January 24, 2024</li> <li>iii. February 28, 2024</li> <li>iv. March 13, 2024</li> <li>v. April 24, 2024</li> <li>vi. May 22, 2024</li> <li>vii. June 12, 2024</li> <li>viii. August 28, 2024</li> <li>ix. September 25, 2024</li> <li>x. October 23, 2024</li> <li>xi. November 13, 2024</li> </ul> | <ul style="list-style-type: none"> <li>3.I Board Awareness and Support</li> <li>3.C Treatment of Faculty/Staff/Volunteers</li> <li>3.D Internal Financial Condition and Activities</li> <li>3.D External Financial Condition and Activities</li> <li>1.1 Graduation Rate</li> <li>1.2 Post Secondary Readiness (3E’s)</li> <li>3.B Treatment of Parents/Guardians</li> <li>1.4 School Social Emotional Learning Dashboard (Good Humans)</li> <li>3.G Compensation &amp; Benefits</li> <li>3.E Asset Protection</li> <li>3.A Treatment of Students/Public</li> <li>3.F Financial Planning/Budgeting</li> <li>3.0 Global Executive Constraint</li> <li>1.3 School Academic Dashboard</li> <li>3.J Charter Schools</li> <li>3.D Financial Condition &amp; Activities Internal</li> <li>3.H Emergency Executive Succession</li> </ul> |
|--|---|

### 13. UTILTY EASMENT TO UNITED POWER

President Green

The Board will consider approving a Grant of Easement to United Power, Inc. to construct, operate and maintain electrical service as described in the enclosure. (Enclosure and the vicinity map is a separate enclosure)

Recommended Motion... “Move to approve a Grant of Easement to United Power, Inc. to construct, operate and maintain electrical service as described and authorize the Superintendent or his designee to conduct final negotiations, if necessary, and execute all required documents.”

**ROLL CALL FOR VOTE (Policy Reference: 2.G.1)**

President Green

### 14. ACCEPTANCE OF SECOND CREEK FARMS LAND DEDICATION

President Green

The Board will consider accepting the dedication of the Second Creek Farms land from the City of Commerce City. (Enclosure and the vicinity map is a separate enclosure)

Recommended Motion: “Move to accept the land dedication legally described as Lot 1, Second Creek Farm Filing No. 1, Amendment No. 2, A Replat of Lot 1, Block 7, Second Creek Farm, Filing No. 1, Amendment No. 1, Located in the Southeast Quarter of Section 21, Township 2 South, Range 66 West of the Sixth Principal Meridian, City of Commerce City, County of Adams, State of Colorado; in compliance with C.R.S. 22-32-110(1)(a).”

**ROLL CALL FOR VOTE (Policy Reference: 2.G.1)**

President Green

### 15. SCHEDULE OF MEETINGS

January 10, 2024	5:30 p.m. Linkage Meeting or Planning Session Lois Lesser Board and Conference Room 1850 Egbert Street, Suite 120 Brighton, CO 80601
January 24, 2024	5:30 p.m. Study Session 7:00 p.m. Regular Meeting Lois Lesser Board and Conference Room 1850 Egbert Street, Suite 120 Brighton, CO 80601
January 30, 2024	5 <sup>th</sup> Tuesday Joint Meeting with City Council Members Time, Location and Host are to be determines.
February 14, 2024	Meeting Canceled when Board calendar was approved
February 28, 2024	5:30 p.m. Study Session 7:00 p.m. Regular Meeting Lois Lesser Board and Conference Room 1850 Egbert Street, Suite 120 Brighton, CO 80601

### 16. BOARD MEETING EVALUATION

The quarterly meeting evaluation will be presented. President Green will determine who will present the evaluation.

**17. CLOSING COMMENTS**

**18. ADJOURNMENT**

Date of Notice: December 5, 2023

Date Due	Policy No.	Policy Title	Frequency	Date Submitted	Date of Board Action	Accepted	Not Accepted	Comments Conditions

**BOARD OF EDUCATION  
27J SCHOOLS**

**November 8, 2023  
Study Session Minutes**

Dinner was provided.

1. Call to order: 6:15 p.m.

Director Conn, Director Green, Director Thomas, Director Vigil, and Director Worth were present for the entire study session.

2. Swearing-In and Seating of Appointed Board Member Process
3. Land Sale Current Status
4. Agenda Review
5. Adjourn: 6:56 p.m.



**BOARD OF EDUCATION  
27J SCHOOLS**

**November 8, 2023**

**Regular Meeting Minutes**

**Note: Only regular meeting of the month**

A livestream link was available at [www.sd27j.org](http://www.sd27j.org)

**1. CALL TO ORDER:** 7:05 p.m.

**2. PLEDGE OF ALLEGIANCE**

Director Conn, Director Green, Director Thomas, Director Vigil, and Director Worth were present for the entire meeting.

**3. COMMITMENT TO GOVERNING STYLE**

President Worth read the following statement: The Board will govern lawfully, observing Policy Governance principles, with an emphasis on (a) outward vision rather than internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of Board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) governing proactively rather than reactively.

**4. APPROVAL OF AGENDA**

Motion by Director Conn, seconded by Director Vigil to approve the agenda dated November 8, 2023 as presented. Roll Call Vote: all ayes

**5. CERTIFICATION OF DIRECTOR DULY APPOINTED**

The Board of Education certifies that the following candidate has been duly appointed to their respective district. The appointment was designated at the Special Board of Education Meeting on November 2, 2023.

DIRECTOR DISTRICT 2 for a term to be completed November 2025: Starr Trujillo

Motion by Director Green, seconded by Director Thomas to certify the appointment of Starr Trujillo as Director for District 2 for a term to be completed November 2025. Roll Call Vote: all ayes

**6. OATH OF OFFICE**

The Honorable Municipal Judge Brian Bowen administered the Oath of Office to the newly appointed Board of Education member that was selected at the November 2, 2023 special meeting.

A brief reception occurred at 7:10 p.m. to honor Director Trujillo. The meeting reconvened at 7:23 p.m., and Director Trujillo took her seat at the dais. All previous Board members that were present remained present.

## 7. STUDENT ADVISORY COUNCIL MONTHLY REPORT

Members of the student advisory council presented information regarding school activities.

## 8. SUPERINTENDENT'S REPORT

Superintendent Dr. Chris Fiedler reported on activities throughout the District.

## 9. MATTERS OF PUBLIC COMMENT

Name	In/Out of District	Topic
Virginia Guzman	In District	Support of Director Trujillo's Appointment
MeNena Delvillar	In District	Support of Director Trujillo's Appointment
Leon Thornton	In District	Suggest Board Policy Supporting Homeschool Students
Valerie Escatel	In District	Support of Director Trujillo's Appointment
Kathy Gustad	In District	Support of Director Trujillo's Appointment
Brittany Ackerson	In District	Support of Director Trujillo's Appointment
Ernesto Lopez	In District	Support of Director Trujillo's Appointment
Lynn Baca	In District	Support of Director Trujillo's Appointment

A full recording of the public comments are available at [www.sd27j.org](http://www.sd27j.org)

## 10. CONSENT AGENDA

Motion by Director Trujillo, seconded by Director Vigil to approve the consent agenda as presented. Roll Call Vote: all ayes

- a. Approval of Board of Education minutes dated October 25, 2023 Study Session and Regular Meeting and November 2, 2023 Special Meeting
- b. Approval of personnel items on memorandum dated November 2, 2023

## 11. GOVERNANCE PROCESS THAT SUPPORTS OUR GLOBAL GOALS

- a. Ownership Linkage – Members: Director Thomas and Director Vigil: No report
- b. Board Education – Members: Director Conn and Director Thomas: No report
- c. Board Committees
  - i. Facility Planning Advisory Committee – Member: Director Green: No meeting has occurred since the last Board meeting.
  - ii. Capital Facility Fee Foundation – Members: Director Conn, Director Green, and Director Worth: No meeting has occurred since the last Board meeting.
  - iii. Rocky Mountain Risk – Member Director Worth: No meeting has occurred since the last Board meeting.
  - iv. The 27J Believers – Members: Director Green and Director Thomas: The next awards will be distributed at the December 13, 2023 Board meeting.
  - v. Commerce City and School District 27J Use Tax Committee – Members: Director Green and Director Worth – No meeting has occurred since the last Board meeting.
  - vi. 2021 Bond Oversight Committee – Members: Director Conn and Director Thomas: No meeting has occurred since the last Board meeting.

- vii. 2022 Mill Levy Override Oversight Committee – Members: Director Thomas and Director Worth – No meeting has occurred since the last Board meeting.
- viii. Brighton Youth Commission – Member – Director Worth reported that the commission members are planning for their National League of Cities Conference.
- d. Other Matters of Information for the Board – None

**12. EXPECTATIONS OF THE BOARD**

- a. Board acts to accept/reject the following reports due/submitted since last meeting. (ADDENDUM “A”) None at this time.
- b. Superintendent Dr. Chris Fiedler presented the Expectation of the Board Report through 3.H Emergency Executive Succession.

Motion by Director Thomas seconded by Director Green accept the Expectations of the Board Report through 3.H Emergency Executive Succession as conveying reasonable interpretation of the executive limitations. Roll Call Vote: all ayes

- c. Policy Review Schedule

- |                       |  |
|-----------------------|--|
| i. November 8, 2023   | 3.H Emergency Executive Succession                           |
| ii. December 13, 2023 | 3.I Board Awareness and Support                              |
|                       | 3.D External Financial Conditions & Activities               |
| iii. January 24, 2024 | 3.C Treatment of Faculty/Staff/Volunteers                    |
|                       | 3.D Internal Financial Condition and Activities              |
| iv. February 28, 2024 | 1.1 Graduation Rate  |
|                       | 1.2 Post Secondary Readiness (3E’s)                          |
|                       | 3.B Treatment of Parents/Guardians                           |
| v. March 13, 2024     | 1.4 School Social Emotional Learning Dashboard (Good Humans) |
|                       | 3.G Compensation & Benefits                                  |
| vi. April 24, 2024    | 3.E Asset Protection   |
| vii. May 22, 2024     | 3.A Treatment of Students/Public                             |
| viii. June 12, 2024   | 3.F Financial Planning/Budgeting                             |
| ix. August 28, 2024   | 3.0 Global Executive Constraint                              |
| x. September 25, 2024 | 1.3 School Academic Dashboard                                |
|                       | 3.J Charter Schools  |
| xi. October 23, 2024  | 3.D Financial Condition & Activities Internal                |

**13. COMPREHENSIVE HIGH SCHOOL #4 DOCUMENT AUTHORIZATION RESOLUTION**

The Board considered approving Resolution Number Five 2023-2024 authorizing the Superintendent or his designee to execute all documents required for the design and construction of Comprehensive High School #4.

The resolution was read by Director Thomas.

Motion by Director Vigil, seconded by Director Conn to approve Resolution Number Five, 2023-2024, authorizing the Superintendent or his designee to execute all documents required for the design and construction of Comprehensive High School #4. Roll Call Vote: all ayes

#### **14. SCHEDULE OF MEETINGS**

- November 29, 2023 7:00 p.m. Tentative Swearing-In Ceremony  
Lois Lesser Board and Conference Room  
1850 Egbert Street, Suite 120  
Brighton, CO 80601  
Dependent upon the election certification by the counties
- December 6, 2023 7:00 p.m. Tentative Swearing-In Ceremony  
Lois Lesser Board and Conference Room  
1850 Egbert Street, Suite 120  
Brighton, CO 80601  
Dependent upon the election certification by the counties
- December 7-9, 2023 Colorado Association of School Boards (CASB) Winter Conference  
The Broadmoor Hotel  
1 Lake Avenue  
Colorado Springs, CO 80906
- December 13, 2023 5:30 p.m. Study Session  
7:00 p.m. Regular Meeting  
Lois Lesser Board and Conference Room  
1850 Egbert Street, Suite 120  
Brighton, CO 80601

#### **15. BOARD MEETING EVALUATION**

The next quarterly meeting evaluation will be presented at the December 13, 2023 meeting.

**16. CLOSING COMMENTS:** Welcome to Director Trujillo.

**17. ADJOURNMENT:** 8:57 p.m.

**BOARD OF EDUCATION  
27J SCHOOLS**

**November 29, 2023  
Special Meeting Minutes  
Swearing-In Ceremony and Officer Elections**

A livestream link was available at [www.sd27j.org](http://www.sd27j.org)

**1. CALL TO ORDER: 7:04 p.m.**

**2. PLEDGE OF ALLEGIANCE**

Director Conn, Director Green, Director Thomas, Director Vigil, and Director Worth were present for the entire meeting. Director Trujillo was absent from the entire meeting.

**3. APPROVAL OF AGENDA**

Motion by Director Thomas, seconded by Director Vigil to approve the agenda dated November 29, 2023 as presented. Roll Call Vote: all ayes

**4. RECOGNITION OF OUTGOING DIRECTORS**

The Board of Education honored Director Mary Vigil and Director Lloyd Worth for their commitment and dedication to the 27J Schools community by serving on the Board of Education.

**5. CERTIFICATION OF DIRECTORS DULY ELECTED**

The Board of Education certified that the following candidates have been duly elected to their representative districts:

DIRECTOR DISTRICT 1 for a FOUR YEAR TERM: Tom Green  
DIRECTOR DISTRICT 3 for a FOUR YEAR TERM: Melinda Carbajal  
DIRECTOR DISTRICT 6 for a FOUR YEAR TERM: Annie Jensen  
DIRECTOR DISTRICT 7 for a FOUR YEAR TERM: Rachel Wilhelm

Motion by Director Conn, seconded by Director Thomas to certify the results of the November 7, 2023 election as received from Adams County, Broomfield County and Weld County. Roll Call Vote: all ayes

**6. OATH OF OFFICE**

The Honorable Brian N. Bowen, Commerce City Municipal Judge, administered the Oath of Office to the newly elected Board of Education Directors. Director Carbajal, Director Jensen, and Director Wilhelm took their places at the dais.

## **7. ELECTION OF BOARD OF EDUCATION OFFICERS**

The Board of Education is required to elect officers of the Board within fifteen days after receiving the official abstract of votes and certified election results. At such meeting, the incumbent president of the Board shall preside until a successor has been elected and qualified. [C.R.S. 22-32-104 (1)]

Nominations were made for the president of the Board.

Motion by Director Conn, seconded by Director Carbajal to nominate Director Tom Green as president of the Board of Education to serve for a two-year term.

No other nominations were made.

Roll Call Vote: all ayes.

Past President Worth exited the dais and Board President Green presided over the remainder of the meeting.

Nominations were made for the vice-president of the Board.

Motion by Director Jensen, seconded by Director Conn to nominate Director Ashley Conn as vice-president of the Board of Education for a two-year term. Roll Call Vote: Director Carbajal – no, Director Conn – yes, Director Green – yes, Director Jensen – yes, Director Thomas – no, Director Wilhelm – no. Motion failed to pass by majority.

Motion by Director Wilhelm, seconded by Director Carbajal to nominate Director Mandy Thomas as vice-president of the Board of Education for a two-year term. Roll Call Vote: all ayes

Motion by Director Thomas, seconded by Director Carbajal to nominate the administrative assistant to the superintendent as the secretary of the Board of Education for a two-year term. The secretary is an ex-officio officer of the Board of Education. Roll Call Vote: all ayes

Motion by Director Wilhelm, seconded by Director Jensen to nominate the chief financial officer of district as the treasurer of the Board of Education for a two-year term. The treasurer is an ex-officio officer of the Board of Education. Roll Call Vote: all ayes

## **8. ADJOURNMENT: 7:32 p.m.**



**GOVERNING POLICY OF  
THE BOARD OF EDUCATION  
Policy 4.E – MONITORING SUPERINTENDENT PERFORMANCE**

*(Accepted 8-24-10)*

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*Management Limitations*  
3.I Board Awareness and Support

To: Board of Education

From: Dr. Chris Fiedler, Superintendent

Re: Expectations of the Board Report – Management Limitations – 3.I Board Awareness and Support

I hereby present my Expectations of the Board Report on our Management Limitations – 3.I Board Awareness and Support, in accordance with the monitoring schedule as set forth in Board policy. I certify the information in this report is true. (Separate Enclosure)

Signed:

A handwritten signature in blue ink, appearing to read 'C. Fiedler', written in a cursive style.

Date: December 13, 2023

Dr. Chris Fiedler  
Superintendent  
27J Schools

## Board of Education Agenda Item

**Board Meeting of:** Dec. 13, 2023

**Subject:** Approval of a Grant of Utility Easement to United Power

**Status of Item:** Action

**Time Needed:** 10 Minutes

### PERTINENT FACTS:

- The City of Brighton intends to widen Bridge Street adjacent to the Educational Service Center located at
- The project will require the relocation and undergrounding of certain electric and communication utility lines, owned by United Power, within the District's property and outside of the City of Brighton's right-of-way.
- The requested easement is located adjacent to the south side of the ESC and under current paved and landscaped surfaces.
- United Power is requesting a 10' by 129' perpetual easement for the installation and maintenance of these lines.
- Installation work will be done concurrently with the street improvements and will not additionally impact the use of the District's property.
- No compensation has been requested for this easement.
- Staff is recommending approval of the perpetual easement.
- The Grant of Easement and a vicinity map are attached for your reference.
- The School District's legal counsel has reviewed and approved the Grant of Easement documents.

### Board Policy or C.R.S. regarding this item:

C.R.S. 22-32-110(1)(e) – Board of Education – Specific Powers – To sell and convey district property...

**Originator:** Terry Lucero, Chief Operating Officer



## **GRANT OF EASEMENT**

School District No. 27-J, GRANTOR (whether one or more), whose address is 11701 Potomac Street, Henderson, CO 80640, in consideration of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, grants and conveys unto UNITED POWER, INC., GRANTEE, whose address is 500 Cooperative Way, Brighton, Colorado 80603, its successors and assigns, a non-exclusive ten foot (10') wide perpetual easement (the "Easement") and the right to construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair and remove electrical and communications facilities and all fixtures and devices appurtenant thereto (the "Facilities"), which appurtenances expressly include communication lines and equipment directly related to Grantee's operation of the Facilities, as may from time to time be necessary for the operation of the electrical line, on, over, under, and across the following described property (the "Property") in the County of Adams, State of Colorado to-wit:

### **Easement description as set forth in Exhibit "A" attached hereto and incorporated herein by reference.**

The Facilities may be underground and may include, but shall not be limited to, poles, cables, conduits, wire, conductors, transformers, manholes and supports of whatever materials, including braces, guides, and other fixtures or devices used or useful in connection therewith. When practicable, the underground Facilities shall be installed via boring. If there is any open cutting or open ground, Grantee shall erect temporary fencing or other reasonable protective measures to prevent harm to third-parties.

Grantee shall have the right of ingress and egress, over and across the Easement described in Exhibit "A" to survey, construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair and remove utility, electrical and communications facilities and all fixtures and devices appurtenant thereto, and the right to remove any objects inside the Easement that are unreasonably interfering therewith, including but not limited to, the trimming of trees and bushes as may be necessary.

Grantee shall have, for no more than six (6) months following the start date of this construction, a limited temporary right to make reasonable use of Grantor's lands directly adjacent to the Easement, up to fifty feet (50') on either side of the Easement's centerline, during initial construction, maintenance, improvement, inspection, repairs and removal of the Facilities (the "Temporary Construction Easement"). However, if Grantee has completed its use of the Temporary Construction Easement prior to the six month period, and so states in writing, then the Temporary Construction Easement shall immediately terminate.

Grantor reserves the right to occupy, use, enjoy, and landscape said Easement for all purposes not inconsistent with the rights granted to Grantee so long as said use does not damage or interfere with the Grantee's Facilities. Grantor reserves and retains the right to convey, plat and/or dedicate similar rights and easements, as well as other types of rights and easements, to other persons or entities Grantor may deem proper, providing such other uses and conveyances do not unreasonably affect Grantee's use of the Easement. Grantor shall not plant any tree or bush within the Easement without the prior written approval of Grantee. Grantor shall not install, or permit the installation of, any buildings or permanent structures or facilities of any kind on, over, under, or across said Easement without the prior written approval of Grantee. Notwithstanding anything herein to the contrary, Grantee acknowledges that the Property is currently in use, including but not limited to use as an office, and Grantee agrees not to unreasonably interfere with Grantor's, and Grantor's successors' and assigns' use, maintenance, and repair of the Property and its improvements in its currently existing manner, or as it may similarly be used in the future.

Upon completion of construction, or after any other period of use of the Easement by Grantee, Grantee shall restore the surface of Grantor's property to better or as near as reasonably practicable the same level and condition as existed prior to construction. Grantee shall remove all debris and trimmings from the Easement and Temporary Construction Easement and shall maintain the Easement free from trash, litter, and debris. Grantee's obligation to restore the Easement and Temporary Construction Easement property shall expressly include any pavement or improvements modified or damaged by Grantee's activities.

Each and every one of the benefits and burdens of this Grant of Easement shall run with the land and shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the parties hereto. The rights of Grantee hereunder may be exercised by its employees, licensees, contractors and permittees.

Grantee shall defend, with counsel of Grantor's choice, indemnify, and hold harmless Grantor, its affiliates and the officers, directors, board members, officers, representatives, employees and agents of both, from any and all claims for personal injury to Grantor's personnel or damage to Grantor's property or to the property of Grantor's personnel, occurring as a result of Grantee's activities described herein, howsoever caused.

Grantee shall defend, with counsel of Grantor's choice, indemnify, and hold harmless Grantor, its affiliates and the officers, directors, board members, officers, representatives, employees and agents of both, from and against any and all claims, causes of action, liens, damages, losses, demands, actions, debts, liabilities, costs and expenses, including but not limited to attorneys' fees incurred, arising out of or resulting from the use of the Easement or Temporary Construction Easement by Grantee and such persons acting on Grantee's behalf, excepting however, such claims, liabilities or damages caused by the gross negligence or willful misconduct of Grantor.

The rights granted to Grantee may not be assigned, in whole or in part, without the express written consent of Grantor, which consent will not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, Grantee may assign this Agreement, in whole or in part, without the consent of Grantor, to any (i) entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control of, Grantee, (ii) entity to whom Grantee has assigned all or substantially all of its assets, or (iii) to any bank, financing institution or other lender, or groups thereof, pursuant to the terms of any financing or security agreements or deeds of trust.

Grantee shall comply in all respects, at its sole cost, with all federal, state, and local laws, rules, and regulations.

Grantee shall maintain or shall cause to be maintained, in full force and effect throughout the term of this Agreement, at its sole cost and expense, the insurance described below:

- a. Worker's Compensation in accordance with the benefits afforded by the statutory Worker's Compensation Acts applicable to the state, territory or district of hire, supervision or place of accident. Policy limits for worker's compensation shall not be less than statutory limits and for employer's liability one million dollars (\$1,000,000) each accident, one million (\$1,000,000) disease each employee, and one million dollars (\$1,000,000) disease policy limit.
- b. Commercial General Liability Insurance including bodily injury, death, property damage, independent contractors, products/completed operations, contractual, and personal injury liability, with a limit of \$1,000,000 per occurrence and in the annual aggregate.
- c. Commercial Automobile Insurance covering owned, hired, rented, and non-owned automotive equipment with a limit of \$1,000,000 per accident.
- d. Excess Umbrella Liability Insurance coverage in excess of the terms and limits of insurance specified in 1a, b, and c above with a combined limit of \$5,000,000 per occurrence.
- e. Upon execution of this Agreement and at each annual renewal thereafter for the term of this Agreement, Grantee shall furnish Grantor a certificate of insurance evidencing the coverage required herein.
- f. To the extent allowed by law, Grantee shall include Grantor as an additional insured under the policies required above, but only to the extent of Grantee's indemnification obligations hereunder.

If, at any time after seven (7) years from the date hereof, Grantee should fail to construct the Facilities, this Agreement shall terminate and revert to Grantor, Grantor's heirs, legal representatives, successors and assigns, provided, however, that any period of time that Grantee is unable to exercise its rights granted hereunder because of Force Majeure shall not be considered part of the period. Force Majeure shall be any event beyond the reasonable control of Grantee.

The venue for any dispute arising from this Grant of Easement shall be in the courts of Adams County, Colorado.

Unless special provisions are listed below and/or attached, the above constitutes the entire agreement between the parties and no additional or different oral representation; promise or agreement shall be binding on any of the parties with respect to the subject matter of this Grant of Easement.

SIGNED AND SEALED BY GRANTOR this \_\_\_\_ day of \_\_\_\_\_, 2023.

**GRANTOR:  
SCHOOL DISTRICT NO. 27J**

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

STATE OF COLORADO            )  
  )  
COUNTY OF \_\_\_\_\_        )

**ACKNOWLEDGMENT**

This record was acknowledged before me on \_\_\_\_\_, 2023

by \_\_\_\_\_ as \_\_\_\_\_ of

**School District No. 27J.**

\_\_\_\_\_  
(Notary's official signature)

\_\_\_\_\_  
(Commission Expiration)

## Board of Education Agenda Item

**Board Meeting of:** December 13, 2023

**Subject:** Acceptance of Land Dedication

**Status of Item:** Action

**Time Needed:** 5 Minutes

### **PERTINENT FACTS:**

- As part of its continuing efforts to identify and secure future school sites, District staff has negotiated and acquired the dedication of a 10.03 acre site in the Second Creek Farm subdivision in Commerce City.
- The Board of Education, by resolution, originally requested the dedication of the site from Commerce City on September 22, 2020.
- The site has recently been created by the subdivision of a school/park site owned by Commerce City and previously dedicated by Second Creek Holdings, L.L.C.
- The property is generally located at the northeast east corner of 88<sup>th</sup> Avenue and Telluride Street in Commerce City.
- Subject to a future decision by the Board of Education, the site may become the location for the Capstone Academy Charter School.
- In compliance with Board policy 3.E.7, the Board has previously received information regarding this dedication.
- Maps of the proposed dedication are included for your reference
- In order to formalize the dedication staff is asking the Board of Education accept this dedication.

### **Board Policy or C.R.S. regarding this item:**

C.R.S. 22-32-110(1)(a) – Board of Education – Specific Powers – To take and hold in the name of the district...

Board Asset Protection Policy 3.E.7 – The Superintendent will not allow the Board to be unaware of the acquisition... of real estate... without providing information for discussion prior to a final decision being made.

**Originator:** Terry Lucero, Chief Operating Officer

	<b>METHOD</b>	<b>FREQUENCY</b>	<b>SCHEDULE</b>
3.D - Financial Condition & Activities	Internal	Semi - Annually	January & October
	External	Annually	December
3.C - Treatment of Faculty/Staff/Volunteers	Internal	Annually	January
1.1 - Graduation Rate	Internal	Annually	February
1.2 - Post Secondary Readiness (3E's)	Internal	Annually	February
3.B - Treatment of Parents/Guardians	Internal	Annually	February
3.G - Compensation & Benefits	Internal	Annually	March
1.4 – School SEL Dashboard (Good Humans)	Internal	Annually	March
3.E - Asset Protection	Internal	Annually	April
3.A - Treatment of Students/Public	Internal	Annually	May
3.F - Financial Planning/Budgeting	Internal	Annually	May (Remained in June due to State Budgeting Timeline 2023)
3.0 - Global Executive Constraint	Internal	Annually	August
1.3 –School Academic Dashboard	Internal	Annually	September
3.J - Charter Schools	Internal	Annually	September
3.H - Emergency Executive Succession	Internal	Annually	November
3.I - Board Awareness & Support	Internal	Annually	December
	Direct Inspection	Annually	December