**RECORD OF PROCEEDINGS MINUTES OF THE REGULAR MEETING**

**OF THE BOARD OF DIRECTORS OF FALLBROOK VILLAS METROPOLITAN DISTRICT**

**HELD:**

Thursday, the 21st day of November, 2024 at 5:30 p.m. via telephone and videoconference.

# ATTENDANCE:

A regular meeting of the Board of Directors (the “Board”) of the Fallbrook Villas Metropolitan District (the “District”), Adams County, State of Colorado, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

KimNichelle Rivera, President, (2022-2025) Jolene Simon, Treasurer (2023-2027) Kaitlyn Stroud, Secretary (2022-2025)

Todd Geist, Director (2023-2025) Robert Bullion, Director (2022-2025)

Also in attendance were Judy Simonson, Nicki Simonson, and Rebecca Hill of Simonson & Associates, Inc.

# AGENDA & ADMINISTRATIVE MATTERS:

* 1. Call to Order: It was noted for the record that a quorum was present of the Board for the purpose of conducting a meeting and the meeting was called to order at 5:38p.m.
  2. Agenda and Meeting Location: The meeting location and agenda were approved upon motion by Director T. Geist and second by Director J. Simon with one amendment by Director T. Geist to add an agenda item regarding transparency under Management and Maintenance Matters. Director T. Geist was being disruptive and was given a first verbal warning and muted per the meeting guidelines outlined on the agenda.
  3. Public Comment: Director T. Geist was unmuted and commented that he was disappointed in the Board’s decision to hire EDI for snow removal citing service issues over the summer with landscaping.
  4. Minutes – October 23, 2024: The minutes of the special meeting held on October 23, 2024 were approved upon motion by Director K. Rivera and second by Director J. Simon. Director T. Geist opposed.

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# MANAGEMENT & MAINTENANCE MATTERS:

* 1. Transparency: Director T. Geist voiced his concerns about receiving no responses to his communications regarding pet stations not being regularly emptied and the high water bills for the year due to sprinkler over-runs.
  2. Maintenance Report: Most items listed on this report are on hold until 2025 due to lack of funds. These items will be revisited once funds are available in 2025.
  3. Landscaping Update: Director R. Bullion provided some information regarding sprinkler issues he observed during 2023 when there was a different landscaping company under contract. That along with the fact that the current landscaping contractor (EDI) was initially working without zone maps, could account for some of the water usage discrepancy. Ms. N. Simonson reported that the sprinklers were blown out for the end of the season. EDI has also been retained for snow removal services for the 2024-2025 season and has a 2” trigger point for snow removal. They are also working on a new landscaping proposal for the 2025 season. Ms. N. Simonson confirmed that there is no legal requirement to bid out contracts every year if the dollar amount is under $120,000 (*§32-1- 1001(1)(d)(I), C.R.S.; HB23-1023).*

# BUDGET MATTERS:

Director J. Simon made a motion to open the Budget Hearing which was approved upon second by Director K. Rivera. Director T. Geist opposed.

* 1. Approve 2025 Budget: Ms. J. Simonson gave a high level overview of the 2025 draft budget. During Ms. J. Simonson’s presentation, Director T. Geist became increasingly disruptive, and was expelled from the meeting per the guidelines outlined in the agenda for typing offensive language into the group chat. Ms. J. Simonson’s presentation then resumed regarding the 2025 budget items, and she answered any questions. Director J. Simon then moved to approve the 2025 Budget subject to the final assessed valuation of the District from Adams County. The motion was approved upon second by Director K. Rivera.
  2. Approve 2024 Resolution No. 4 - Adopt Budget: Director K. Rivera made a motion to approve Resolution No. 4 to Adopt Budget as amended to change the Secretary name to Director K. Stroud and subject to the District’s final assessed valuation. The motion was approved upon second by Director R. Bullion.
  3. Approve 2024 Resolution No. 5 - Appropriate Sums of Money: Director J. Simon made a motion to approve Resolution No. 5 as amended to change the Secretary name to

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Director K. Stroud and subject to the District’s final assessed valuation. The motion was approved upon second by Director K. Rivera.

* 1. Approve Resolution No. 6 – Set 2025 Mill Levy: Director J. Simon made a motion to approve Mill Levy Resolution No. 6 as amended to change the Secretary name to Director K. Stroud and subject to the District’s final assessed valuation. The motion was approved upon second by Director K. Rivera.
  2. Approve 2025 Budget Message: The 2025 Budget Message was approved upon motion by Director J. Simon and second by Director K. Rivera.

Ms. N. Simonson then closed the Budget Hearing.

# FINANCIAL MATTERS:

* 1. Review Accounts Receivable Report: The Board reviewed and discussed the accounts receivable report, and it was noted that all liens had been filed with Adams County Treasurer and Clerk and Recorder for outstanding special assessments previously not collected for 2023. These will now be collected by Adams County Treasurer in the homeowners’ property taxes in 2025. Two homeowners have credits on their accounts which will be refunded.
  2. Approve Disbursements for November 1, 2024 through November 30, 2024: The Board reviewed and discussed the check register presented. Director J. Simon moved to approve the disbursements for the period from November 1, 2024 through November 30, 2024. The motion was approved upon second by Director K. Rivera.

# LEGAL MATTERS:

* 1. Review Attorney Rates and Approve New Legal Representation: Discussion was held surrounding the new attorney selection and Ms. N. Simonson answered any questions. Director J. Simon made a motion to approve Dietz & Davis as new legal counsel, and it

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was approved upon second by Director K. Rivera. Ms. N. Simonson confirmed that notice will be provided to Spencer Fane per contract requirements.

1. **EXECUTIVE SESSION:** No Executive Session was required.

# OTHER BUSINESS:

Meeting Time Change: Director J. Simon made a motion to move the monthly meetings to 6pm to make it more accessible to people that work outside the home. The motion was approved upon second by Director K. Rivera.

# ADJOURNMENT:

There being no further business to come before the Board of the District and upon motion duly made by Director J. Simon and second by Director K. Rivera, and upon unanimous vote, the meeting was adjourned at 6:47 p.m.

The foregoing minutes constitute a true and correct copy of the minutes of the above-referenced meeting and have been approved by the Board of Directors of the Fallbrook Villas Metropolitan District.

Kaitlyn Stroud, Secretary