

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
FALLBROOK VILLAS METROPOLITAN DISTRICT**

HELD:

Thursday, the 29th day of June, 2023 at 3:00 p.m. via telephone and videoconference.

ATTENDANCE:

The 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)
Richard Vogt, Director (2023-2027)
Jacqueline Phillips, Secretary (2023-2025)
Todd Geist, Director (2023-2025)

Also in attendance were Lisa K. Mayers, of Spencer Fane LLP, Melissa Kupferer of Advance HOA, Rebecca Hill of Simonson & Associates, Inc., and Nicholas Meyers and Mike Olson of BrightView Landscaping Services (“BrightView”).

CALL TO ORDER:

It was noted for the record that a quorum was present of the Board for the purpose of conducting a regular meeting, and on behalf of the Board of the District, Director K. Rivera called the meeting to order at 3:03 p.m.

DISCUSS AND CONSIDER APPROVAL OF RECORDING MEETINGS:

Director K. Rivera requested that all Board meetings be recorded. Discussion ensued. Following discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board approved the motion and directs that all Board meetings will be recorded.

APPROVAL OF AGENDA AND MEETING LOCATION:

Director K. Rivera made a motion to amend the agenda to add an item at the beginning of the meeting to “Request a Vote of No Confidence as to Director Geist.” Following discussion, upon motion made, seconded, and vote carried 4 to 1 with Director T. Geist opposed, the agenda was amended to include the requested item.

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MOTION FOR VOTE OF NO CONFIDENCE AS TO DIRECTOR GEIST

Director K. Rivera presented a vote of no confidence as to Director T. Geist which included a request that Director T. Geist voluntarily resign from the Board, second by Director R. Vogt. Discussion ensued. Director T. Geist opposed the action and stated that he would not voluntarily resign from the Board. No further action was taken.

PUBLIC COMMENT:

None.

APPROVAL OF MINUTES:

The Board reviewed the minutes of the special meeting held on March 24, 2023. Upon motion duly made, seconded and upon vote unanimously carried the Board approved the minutes, as presented, and authorized the Board President to execute the minutes as constituting a true and correct record of the proceedings of the meeting.

FINANCIAL ITEMS:

- a. Consider Ratification and Approval of Payment of Claims. Ms. J. Simonson presented the claims to the Board. The Board reviewed and discussed. It was noted that Legal Counsel and the District Accountants invoices remained unpaid. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board ratified the paid claims.
- b. Consider Ratification of Check Register from October 2022 to June 2023. Ms. J. Simonson presented the District's check register from October 2022 to June 2023 to the Board. The Board reviewed and discussed. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board accepted the new claims to be paid as funds on hand allow.
- c. Consider Acceptance of Financial Statements. Ms. J. Simonson presented the financial statements and discussed with the Board. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board accepted the financial statements, as presented.

ATTORNEY ITEMS:

- a. Discuss May 2, 2023 Election Results and Acknowledgement of Oaths of Office. Ms. Mayers presented the 2023 Regular Election results to the Board. The Board acknowledged the election results and verified the Board's Oaths of Office were completed

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and filed with the County Clerk and Recorder, Division of Local Government, and District Court.

- b. 2023 Legislative Update. Ms. Mayers presented the 2023 legislative memorandum and provided an update on Proposition HH to the Board. Discussion ensued regarding mill levies and the Board further discussed Proposition HH. No action was taken.

DIRECTOR ITEMS:

Representatives from BrightView Landscaping Services requested the opportunity to address the Board. Nicholas Meyers, BrightView Supervisor, addressed his concerns regarding confrontation among residents in the community and his crew. He discussed concerns with the safety of BrightView's employees. The Board noted that copies of videos of confrontations are kept on file.

Discussion ensued regarding landscaping work not completed or that is getting done. Mike Olson addressed landscaping issues raised by the Board. It was further discussed that some services are to be performed in the Spring, which include aeration, fertilization, and spraying emergent weeds. Work to be performed in Summer and Fall include care of native plants. The matter of pruning rose bushes was discussed.

The Board discussed the notice from the City of Thornton regarding fines for the condition of native areas. BrightView and the Board discussed scheduling a walk-through of the District property for July 3, 2023.

- a. Discuss and Consider Approval of Recording Board Meetings. The Board discussed this item at the beginning of the meeting.
- b. Review and Consider Approval of Vehicle Violation Letter. The Board reviewed the draft Vehicle Violation Letter. Discussion ensued. Following discussion and upon motion duly made, seconded and vote unanimously carried, the Board approved the draft violation letter template.
- c. Discuss Maintenance Responsibilities per Section 5.1 of the Declaration. No discussion and no action was taken.
- d. Discuss and Modifications or Additions to the Code of Conduct. No discussion and no action was taken.
- e. Discuss Code of Conduct Violations. Director T. Geist made a motion to rescind the Code of Conduct regarding emails sent to members of the community. Marion "Mike" Hammer submitted CORA requests. There was no second, motion failed.

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- f. Discuss Colorado Open Records Act Matters (“CORA”). The Board discussed. No action was taken. Director T. Geist commented that the record custodian was not timely in responding.
- g. Discuss Landscaping Concerns. The Board discussed earlier in the meeting with BrightView.
- h. Discuss Community Behavior with Landscaping Crews. The Board discussed earlier in the meeting with BrightView.
- i. Discuss Dog Stations. The Board discussed the dog stations. It was noted that one dog station box was not working properly. The box will be fixed by BrightView.
- j. Discuss Center Median. The Board discussed issues related to the center median. Director T. Geist will review ownership records and assemble a spreadsheet of ownership of areas in which there are questions.
- k. Discuss Tree Lawn Responsibilities. The Board discussed the tree lawn responsibilities. Director T. Geist will review ownership records and assemble a spreadsheet of ownership regarding responsibilities related to the tree lawns.
- l. Communications with Vendors. The Board discussed their communications with District vendors. Discussion ensued regarding that the restrictions on communication were intended to keep costs down and not to lose vendors. No action was taken.
- m. Community Cleanup. The Board discussed a waiver for a community cleanup day.

ADVANCE HOA/MANAGEMENT ITEMS:

- a. Review and Consider Approval of the BrightView Proposal for Weed Treatment. Ms. Kupferer discussed the BrightView Proposal for Weed Treatment with the Board. It was noted that a single spray costs \$415.93. Discussion ensued. Upon motion made, seconded and vote unanimously carried with one vote opposed, the Board approved the BrightView Proposal, subject of cost to not exceed \$415.93.
- b. Discuss and Consider Approval of Tree Stake Removal Proposal. The Board discussed the Tree Stake Removal Proposal. Discussion ensued regarding removal by the community to save money. Director K. Rivera and Director J. Simon had discussed turning the project into a volunteer project. They offered to remove the stakes but not until there is a clear definition of what tree lawns are owned by the District as they will only remove the stakes on community property. Director T. Geist indicated he was currently working on the map to identify the District’s property. No action was taken on the proposal

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- c. Discuss Tree Replacement in Common Areas. The Board discussed replacing common area trees. The Board tabled and may consider in 2024.
- d. Discuss Native Grass Maintenance. Item was discussed earlier in the meeting by BrightView representatives.
- e. Discuss Mulch Refresh in Common Landscape Areas. The Board discussed and confirmed the mulch refresh was completed by volunteers at no cost to homeowners.
- f. Discuss Painting Fence on District Fire Station Lot. The Board discussed various areas of fencing and the need for painting. Discussion ensued regarding questions of ownership and maintenance responsibilities. Tabled for further research and discussion.
- g. Discuss Lot Fence Staining. The Board discussed various areas of fence staining. The Board raised questions regarding ownership and maintenance responsibilities. Tabled for further research and discussion.
- h. Discuss Payment Plan Request for Account 2333323. The Board discussed the payment plan request for account 2333323. Following discussion and upon motion duly made, seconded and vote unanimously carried the Board approved the payment plan.
- i. Discuss Design Review Request for Account 2124742. The Board discussed the design variance. Following discussion and upon motion duly made, seconded and upon vote unanimously carried, the Board approved the design variance, with the condition that owner is to remove the improvement when the current owner sells the property.
- j. Discuss Operations Fee – Letter to Board. The Board discussed the operations fee and letter to the Board. No action was taken.
- k. Discuss Erosion and Sump Pump Discharge. The Board discussed and plans to review further with BrightView.
- l. Discuss Violations – Jackson Street. The Board discussed the violations on Jackson Street. It was noted that BrightView will assist the Board with responding to the City of Thornton.
- m. Discuss Fine Waiver Request for Account 2124683. The Board reviewed the fine waiver request. The Board discussed. Following discussion and upon motion made, seconded and vote unanimously carried, the Board agreed to waive the fine if owner replaces the tree within 30 days.

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- n. Discuss Account Aging Report. Ms. Kupferer provided a management report to the Board. The Board discussed. No action was taken.
- o. Discuss Violation Report. Ms. Kupferer provided a management report to the Board. The Board discussed. No action was taken.
- p. Discuss Management Report. Ms. Kupferer provided a management report to the Board. The Board discussed. No action was taken.

OTHER BUSINESS:

- a. Discuss Board Member Issues. The requests of Marion “Mike” Hammer were discussed, persons in contact with this gentleman were asked to refer him directly to Legal Counsel for follow up.


EXECUTIVE SESSION:

Not necessary.

ADJOURNMENT:

There being no further business to come before the Board of the District and upon motion duly made, seconded and upon vote unanimously carried, the meeting was adjourned at 5:17 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.

DocuSigned by:

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President to the Board