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

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

**HELD:**

Thursday, the 19th day of December, 2024 at 6:00 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, and Nicki Simonson, of Simonson & Associates, Inc. and Karl Kumli, District legal counsel with Dietz and Davis, P.C.

# 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 6:20p.m.
  2. Agenda and Meeting Location: The meeting location and agenda were approved upon motion by Director T. Geist and second by Director K. Stroud with one amendment by Director T. Geist to add an agenda item regarding transparency within the District under Management and Maintenance Matters.
  3. Public Comment: Director K. Rivera opened the public comment section. She noted that a flyer had been distributed within the district and she wanted to reassure homeowners that the flyer was not authorized by the Metro District and no special assessment was being issued. Katy Wiedmann thanked the Board for approving her roof replacement. There being no further comments, Director K. Rivera closed the public comment section.
  4. Minutes – November 21, 2024: The minutes of the regular meeting held on November 21, 2024 were approved upon motion by Director J. Simon and second by Director R. Bullion. Director T. Geist abstained.

**Meeting Minutes**

Fallbrook Villas Metropolitan District December 19, 2024

Page 2

# MANAGEMENT & MAINTENANCE MATTERS:

* 1. Discuss City of Thornton Code Ordinances for Snow and Ice: Ms. Nicki Simonson wanted to bring to everyone’s attention that the City of Thornton’s ordinance states that snow must be removed within 24 hours of the last accumulation**.** Our contract with EDI does include holiday rates. Ms. Nicki Simonson will follow up with the City of Thornton regarding the 2” requirement and confirm where on the map that applies within the District. Director K. Stroud asked if the District could be sued if someone was hurt due to a delay in snow removal. Mr. Karl Kumli stated he would do some quick research and circle back before the end of the meeting with some information.
  2. Update on Safety Grant Reimbursement: Ms. Nicki Simonson submitted the playground repair invoices for a safety grant reimbursement from the District’s insurance company. She just received confirmation that the safety grant was approved, and the District will be reimbursed approximately $1,600 for the repairs.
  3. Transparency: Director T. Geist voiced his concerns again regarding what caused the District’s high water bill for the year and why nothing has been done about it. He would like to see if the Metro District can recoup funds from EDI. Director T. Geist called for Director K. Rivera to resign from the Board stating she was the root cause of him not being included in communication. Director T. Geist was given a first warning for interrupting Director K. Rivera when she responded, stating she was not resigning from the Board. Director K. Rivera went on to explain that EDI was a new vendor and was still learning how to effectively service the District.

Mr. Karl Kumli reported back on Director K. Stroud’s question regarding possible liability for a delay in snow removal. There is under Colorado law a partial waiver of sovereign immunity, meaning you could be sued and might be held liable for a dangerous and particular accumulation of snow, ice, sand or gravel being found to constitute a dangerous condition on the surface of a public roadway when the entity (meaning the District) fails to use existing means available to it for removal or mitigation of such accumulation and when the public entity had actual notice through the proper official responsible for the roadway and had a reasonable time to act. There is also a provision waiving sovereign immunity if the snow condition physically interferes with public access on walks leading to a public building. There does have to be a dangerous condition and a failure to remediate the dangerous condition.

# FINANCIAL MATTERS:

* 1. Review Accounts Payable Report: Ms. Nicki Simonson presented the aged payable report in lieu of a check register noting that there were no invoices past due for the District. An accounts receivables report was not provided as there will be no changes until lien funds

**Meeting Minutes**

Fallbrook Villas Metropolitan District December 19, 2024

Page 3

are received from property taxes in the spring. If a homeowner does make a payment, an updated accounts receivable report will be provided. Simonson & Associates will continue to provide the Board quarterly financial statements.

* 1. Audit Engagement Letter: Ms. Nicki Simonson presented the Schilling & Company Engagement Letter that was approved upon motion by Director J. Simon and second by Director K. Rivera.

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

# OTHER BUSINESS:

Simonson & Associates 2025 Management & Accounting Contract: Director T. Geist asked Mr. Karl Kumli if he had reviewed the Simonson & Associated contract, and he stated he had not. The Board then discussed that they would like it reviewed by legal, and that it was missing the rate sheet which Ms. Nicki Simonson then shared on her screen. After further discussion, Director K. Rivera made a motion to approve the Simonson & Associates contract, with the attached rate sheet, and fixing any typographical errors. The motion was then approved upon second by Director K. Stroud. Director T. Geist was opposed.

# ADJOURNMENT:

There being no further business to come before the Board of the District and upon motion duly made by Director T. Geist and second by Director J. Simon, and upon unanimous vote, the meeting was adjourned at 7:50 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