

**RECORD OF PROCEEDINGS  
OF THE REGULAR MEETING OF THE  
FALLBROOK VILLAS METROPOLITAN DISTRICT**

**HELD:** Tuesday, June 3, 2021, at 11:00 a. m., via telephone conference in light of the COVID 19 Pandemic.

**ATTENDANCE:**

A regular meeting of the Board of Directors of Fallbrook Villas Metropolitan District 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:

Kent Pedersen (by phone)  
Jennifer Waiton (by phone)  
Debra Hessler (by phone)  
Alexander Ray (by phone)  
Jack Beckwith (by phone)

Also, present: District Counsel Lisa Mayers, Spencer Fane, LLP; John Simmons, Simmons and Wheeler (by phone); Angela Elliott and Don Cullen, District Managers (by phone) and various members of the public (by phone).

**CALL TO ORDER:**

On behalf of the Board, District Counsel Mayers noted that a quorum was present, and the meeting was called to order at 11:01 a.m.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

The Board noted that disclosure statements had been filed on behalf of the members of the Board of Directors with the Office of the Colorado Secretary of State and with the Board of Directors of the District. Upon motion duly made, seconded and unanimously carried, the Board directed that said disclosures be incorporated herein.

**APPROVAL OF MINUTES:**

The Board reviewed the minutes of the regular meeting held by the Board of Directors of Fallbrook Villas Metropolitan District on November 24, 2020. Following discussion and upon motion duly made, seconded and unanimously carried, the Board approved the minutes as presented and authorized Director Pedersen to execute the minutes as constituting a true and correct record of the proceedings of the meeting.

**FINANCIAL MATTERS:**

**Ratify Payment of Claims.** District Accountant Simmons provided a detailed report on payment of operation expenses. The Board received the Payment of Claims, check #'s 1169 through #2015, totaling \$40,648.44 for claims paid through March 2021 for ratification and current payment of claims, check #'s 2016 through #2024 in the amount of \$41,547.53 for claims in May 2021.

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Following discussion, on motion duly made by Director Pedersen, seconded by Director Beckwith, upon vote and unanimously carried, the Board approved the ratification of claims through March 2021 in the amount of \$40,648.44 and approved the current payment of claims in the amount of \$41,547.53.

Financial Statements. District Accountant Simmons distributed the March 31, 2021 Financial Statements and walked the Board through the financials. The General Fund as of March 31, 2021, was \$-0-, this fund is funded by the Developer with Developer advances of \$14,718, as of March 31, 2021. As of end of March 31, 2021, the Capital fund balance was \$7,065.00 and \$352,152 in the Debt Service Fund.

Following discussion, upon motion duly by Director Pedersen, seconded by Director Beckwith, upon vote and unanimously carried, the Board accepted the financial statement as presented District.

Conduct Public Hearing on Proposed Amendment to 2020 Budget and Consider Adoption of Resolution to Adopt the Amended 2020 Budget.

District Accountant Simmons discussed the Amended to 2020 Budget was not necessary. No action taken.

Review and Accept 2020 Audit.

District Accountant Simmons had not received the 2020 draft Audit, prepared by Stratagem.

District Accountant Simmons will circulate the draft Audit for Board and District Counsel review. Once the review has been approved and a clean opinion from auditors, District Accountant Simmons will file the Audit and the Board will ratify the 2020 Audit at the November meeting.

**LEGAL MATTERS:** District Counsel Mayers summarized the proposed bill:

1. Districts are required to provide the call for nominations in 2 of 5 ways: publication; mailing; inclusion in newsletter or billing statement; posting on a website; or physically posting.
2. Districts organized after January 1, 2000, are required to set up and maintain a website by January 1, 2022.
3. Districts organized after January 1, 2000, are required to file an annual report by September 1 for preceding year
4. Provide homeowners with a disclosure notice including anticipated fee and tax amounts to newly constructed residences .
5. Prohibition of Dominant eminent domain powers without written resolution from jurisdiction which the property to be condemned is in.

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District Counsel Mayers further discussed the bill is still pending and will be effective 90 days after the Governor signs or at the January 2022 session.

**DIRECTORS ITEMS:**

**Discussion and possible action on Resolution Concerning Imposition of an Operation Fee:**

Discussion of an Operations Fee was recommended. Based on budget short falls, prior experience in similar community, amounts of both \$70 and \$55 were suggested. Director Kent Pedersen requested a detailed analysis of both current needs, estimated cost for operations 2021 and 2022 to be submitted by Teleos management before any additional discussions by board to take place. Don Cullen agreed to take on the task and deliver to BOD. Task tabled for later discussion.

**MANAGER ITEMS:**

**2021 Posting Place:**

District Manager Cullen noted that at the first meeting of the year special districts are required by statute to identify an official posting location for notices of meetings of the Board of Directors.

District Manager Cullen suggested to the Board the posting place is to be on the website of [www.fallbrookvillas.com](http://www.fallbrookvillas.com) and the backup for posting at the park off 141<sup>st</sup> Avenue should the website be down. The homeowners requested the notices be posted at the park off 141<sup>st</sup> in addition to the website.

Homeowners on call requested that hard copies be delivered to each homeowner for notification. District Manager Cullen agreed to look into an alternative in addition to just posting at public site as well as Website. Will try to accommodate homeowner request for hard copies as a possible distribution.

Following discussion and upon motion duly made by Director Pedersen, seconded by Director Hessler, upon vote and unanimously carried, the Board approved the 2021 posting places.

District Manager Cullen reported on the Spring landscape walk with Metco and discussed current condition of dead trees and landscape issues. A full report will be provided to Board.

Detention pond cleaning and acceptance of detention pond (Tract E) needs to be coordinated with Board, Teleos, and Metco.

Currently City of Thornton has contacted both Lennar and Teleos to resolve City of Thornton concern regarding drainage cleanout. District Manager Cullen has met with Kurt

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Vanetta (COT Engineer) to identify exact draining issue. Director Debra Hessler will forward notification that clean out in detention pond has been completed.

**OTHER BUSINESS:** None

**PUBLIC COMMENT:**

Homeowners Todd Geist and Shawn Williams

- Request that detailed financials be made available for their review (requested that they be sent complete report listing operation expenses)
- Homeowners are asking for an opportunity to comment on any additional fee increase prior to board meeting.
- Requested that direct notification regarding ongoing District Business be made available to them (other than website, newspaper posting, and alternate public site posting)
- Homeowners expressed concerns about dead trees, claim that they were assured that trees would be replaced and were still under warranty.
- Homeowners insist that they were told that concrete, sidewalk, and landscape issues were going to be replaced / repaired. Homeowner Mr. Geist will forward emails and communications regarding those conversations.
- Homeowners are frustrated with the operations costs, are against any additional operation fees to cover landscape, snow removal costs.
- Homeowners are demanding access to a detailed agenda, financial reporting, and meeting information.
- Homeowners had specific concerns regarding landscape on their property. Management asked them to provide offline so more time could be focused on their specific home elements (minimum landscape, planting caring for trees, grass on their property, etc.)

**ADJOURNMENT:**

There being no further business to come before the Board of Directors at this time, upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 12:30 pm.

The foregoing minutes constitutes a true and correct copy of the minutes of the meeting held on June 3, 2021 and was approved by the Board of Directors of the Fallbrook Villas Metropolitan District.

DocuSigned by:  
Respectfully Submitted,  
*Rent Pedern*  
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President  
*Debra Elliott*  
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Secretary for the Meeting

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

**HELD:** Thursday, November 4, 2021 at 11:00 a.m., via teleconference

**ATTENDANCE:**

The special meeting of the Board of Directors of the Fallbrook Villas Metropolitan District, Adams County, 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:

Kent Pedersen, Chairman of the Board/President, (2018-2022)  
Debra Hessler, Secretary (2020-2023)  
Jennifer Thornbloom, Treasurer (2018-2022)  
Alexander Ray, Assistant Secretary, (2020-2023)  
Jack Beckwitt, Assistant Secretary, (2018-2022)

Also in attendance were Angela Elliott and Don Cullen of Teleos Management Group, Lisa K. Mayers, Esq. of Spencer Fane LLP, and members of the public.

All Board members and consultants appeared via teleconference.

**CALL TO ORDER:**

It was noted for the record that a quorum was present and the meeting was called to order at 11:02 a.m.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:**

Ms. Mayers noted that general disclosure statements had been filed on behalf of certain members of the Board of Directors with the Office of the Colorado Secretary of State and with the Secretary of the District. The Board directed that said disclosures be incorporated herein. The Board further noted that transactional disclosures had been filed with the office of the Colorado Secretary of State regarding agenda items for this meeting. Upon motion duly made, seconded and unanimously carried, the Board directed that said disclosures be incorporated herein.

**APPROVAL OF MINUTES:**

Upon motion duly made, seconded and upon vote unanimously approved, the Board approved the Minutes of the June 3, 2021 meeting as presented.

## **FINANCIAL MATTERS:**

Review and Ratify the Approval of the Payment of Claims. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved the ratification of the claims as presented.

Financial Report Ending September 30, 2021. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved the report as presented.

2022 Budget. It was reported that proper publication had been made in order for the District to conduct a public hearing on 2022 budget. The public hearing was opened. Following public comment, the public hearing was closed.

The Board reviewed the 2022 budget. Discussion ensued. Following discussion of the proposed budget Ms. Mayers presented for the Board's consideration a form of resolution indicating the adoption of the budget as shown and appropriation of the funds as shown. Upon motion duly made, seconded and upon vote unanimously carried, the Board (1) approved and adopted the 2022 budget as presented, (2) approved and adopted the mill levy as indicated within said Resolution, (3) authorized the President and the Secretary to sign the necessary documentation, and (4) directed that the Certification of the Tax Levies be submitted to the County of Adams by the accountant no later than December 15, 2021, and for general counsel to file the adopted budget with the Division of Local Government prior to January 31, 2022. The Board further directed that the Resolution adopting the 2022 budget be attached to these minutes and incorporated herein by this reference.

2021 Budget Amendment. It was reported that proper publication had been made in order for the District to conduct a public hearing on the 2021 budget amendment. The public hearing was opened. Following public comment, the public hearing was closed.

The Board reviewed the 2021 budget amendment. Upon motion duly made, seconded and upon vote unanimously carried, the Board approved the 2021 budget amendment as presented.

## **LEGAL MATTERS:**

Exclusion from Worker's Compensation Coverage. Ms. Mayers presented the resolution to the Board. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved the resolution as presented.

Election Resolution. Ms. Mayers presented the resolution to the Board. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved the resolution as presented.

## **DIRECTOR MATTERS:**

None.

**MANAGEMENT MATTERS:**

2022 Meeting Dates/Times. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved scheduling the 2022 regular meetings for May 10 and November 8 with the time to be determined.

2022 Administrative Resolution. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved Resolution as presented.

Consider Ratification of 2021-2022 Snow Removal Contract. Upon motion duly made, seconded and upon vote unanimously approved, the Board approved the ratification of the contract as presented.

2022 Landscape Committee. Discussion ensued. The Board discussed formation of a landscape committee to provide input on landscape issues in the community, the Board also authorized Ms. Elliott to solicit interest from residents for serving on the committee.

**OTHER BUSINESS:**

None.

**PUBLIC COMMENT:**

Comments were taken from the public.

**ADJOURNMENT:**

There being no further business to come before the Board and upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

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

DocuSigned by:  
  
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Secretary to the Board