**NOTICE AND AGENDA FOR THE REGULAR MEETING OF THE BOARD OF DIRECTORS**

**OF FALLBROOK VILLAS METROPOLITAN DISTRICT**

A Regular Meeting of the Board of Directors of the Fallbrook Villas Metropolitan District will be held at 6:00 p.m., Thursday, January 16, 2025, via telephone and videoconference. The call- in number is (669) 444-9171 or Meeting ID is 461 381 5754, passcode 6743379. The agenda is as follows:

1. Agenda & Administrative Matters
   1. Call to Order
   2. Approve Agenda
   3. Public Comment (limited to three minutes per person)
   4. Approve Minutes: December 19, 2024
   5. Approve Sunshine Resolution No. 1
2. Election Matters
   1. Approve Designated Election Resolution No. 2
3. Executive Session as Needed Pursuant to C.R.S. Section 24-6-402(4)(b) and

(e) (if necessary)

1. Other Business

**DISTRICT MEETINGS ARE OPEN TO THE PUBLIC**

*Attendees: whether members of the public or the Board of Directors, will not engage in obscene gestures, shouting, profanity, or other disruptive behavior. If attendees become disruptive, they will be muted, expelled from the meeting and/or fined/sanctioned.*

(Next Meeting Date: February 20, 2025 at 6:00 p.m.)

**The Fallbrook Villas Metropolitan District Board of Directors:**

KimNichelle Rivera Term Expires 2025

Jolene Simon Term Expires 2027

Kaitlyn Stroud Term Expires 2025

Todd Geist Term Expires 2025

Robert Bullion Term Expires 2027

**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.

1. **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.
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.

1. **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

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.
2. **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

**RESOLUTION SPECIFYING THE LOCATION WHERE NOTICES OF PUBLIC MEETINGS AT WHICH FORMAL ACTION**

**MAY BE TAKEN ARE TO BE POSTED**

**2025 Resolution No. 1**

WHEREAS, Colo. Rev. Stat. §24-6-402(2)(c) establishes open meeting requirements for local public bodies, which are part of the State's "Sunshine Act;" and

WHEREAS, the Fallbrook Villas Metropolitan District wishes to comply with these provisions of law by designating an area where its notices of public meetings are to be posted.

NOW, THEREFORE, BE IT RESOLVED BY THE FALLBROOK VILLAS METROPOLITAN DISTRICT, THAT:

Notices designating the time and place for a regular or special meeting shall be posted pursuant to the State's "Sunshine Act," on the District’s website, [www.fallbrookvillas.com](http://www.fallbrookvillas.com/), no less than twenty-four hours prior to such meeting; and

In the event of exigent or emergency circumstances in which a notice of meeting cannot be posted on the District’s website, the notice of meeting shall be posted at the pavilion located at the intersection of E. 141st Avenue and Jackson Street, Thornton, Colorado no less than twenty-four hours prior to such meeting; and

The regular meetings of the District will be held via telephone and videoconference. The call-in number is (669) 444-9171 or Meeting ID is 461 381 5754, passcode 6743379.

ADOPTED, this 16th day of January, 2025.

FALLBROOK VILLAS METROPOLITAN DISTRICT

ATTEST:

By: KimNichelle Rivera, President

Kaitlyn Stroud, Secretary

**RESOLUTION**

**APPOINTING A DESIGNATED ELECTION OFFICIAL AND AUTHORIZING DESIGNATED ELECTION OFFICIAL**

**TO CANCEL ELECTION**

**2025 Resolution No. 2**

32-1-804(2), 1-13.5-513, 1-11-103(3) C.R.S..

**WHEREAS,** pursuant to 32-1-804(2), C.R.S., the Board of Directors of the Fallbrook Villas Metropolitan District, Adams County, Colorado is authorized to designate a Designated Election Official to exercise the authority of the Board in conducting the election, and

**WHEREAS,** pursuant to 1-13.5-513, C.R.S., the Board can authorize the Designated Election Official to cancel the election upon certain conditions;

**NOW THEREFORE,** be it resolved by the Board of Directors of the Fallbrook Villas Metropolitan District, Adams County, Colorado that:

1. The Board hereby names Daniel Rubin as the Designated Election Official for the regular special district election scheduled for the 6th day of May, 2025.
2. The Board hereby authorizes and directs the Designated Election Official, if the only matter before the electors is the election of persons to office, to cancel said election and declare the candidates elected, if at the close of business on the sixty-third day before the election there are not more candidates than offices to be filled, including candidates filing affidavits of intent to run as write-in candidates.
3. The Board further authorizes and directs the Designated Election Official to publish and post a Notice of Cancellation of Election on the District's website, and in the offices of the Designated Election Official, the County Clerk and Recorder of each county in which the district is located, and file it with the Division of Local Government. The Designated Election Official shall also notify the candidates that the election was cancelled and that they are elected by acclamation.
4. Pursuant to C.R.S. 1-11-103(3) and 1-13.5-513(1)&(4), if the DEO has cancelled the election, the DEO or district will file this resolution, together with the Notice of Cancellation, with the Division of Local Government.

ADOPTED and APPROVED, this 16th day of January, 2025, by the Board of Directors of the Fallbrook Villas Metropolitan District, Adams County, Colorado.

ATTEST: FALLBROOK VILLAS METROPOLITAN DISTRICT

By:

Kaitlyn Stroud, Secretary KimNichelle Rivera, President