

## RECORD OF PROCEEDINGS

### OF THE REGULAR MEETING AND BUDGET HEARING OF THE FALLBROOK VILLAS METROPOLITAN DISTRICT

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

**ATTENDANCE:**

A regular meeting and budget hearing 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 videoconference)  
Jennifer Thornbloom (by videoconference)  
Debra Hessler (by videoconference)  
Jack Beckwitt (by videoconference/phone)  
Alexander Ray (by videoconference/phone)

Also, present by videoconference/phone: District Counsel Lisa Mayers, Spencer Fane, LLP (by videoconference); Angela Elliott and Don Cullen, District Managers, Teleos Management (by videoconference); and members of the public (by videoconference).

**CALL TO ORDER:**

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

**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 JUNE 3, 2021 REGULAR MEETING MINUTES:**

The Board reviewed the minutes of the special meeting held by the Board of Directors of Fallbrook Villas Metropolitan District on June 3, 2021. Following discussion and upon motion duly made by Director Kent Pedersen, seconded by Director Jack Beckwitt, 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.** The Board received the Payment of Claims, check #'s 2016 through #2046, totaling \$73,381.08 for claims paid through October 2021 for ratification.

Following discussion, on motion duly made by Director Jack Beckwitt, seconded by Director Kent Pedersen, upon vote and unanimously carried, the Board approved the ratification of claims through October 2021, in the amount of \$73,381.08.

**Financial Statements.** District Accountant Simmons distributed the September 30, 2021, Financial Statements and walked the Board through the financials. The General Fund as of September 30, 2021, was \$1,559 and has been funded by the Developer with advances of \$19,200, as of this date. As of end of September 30, 2021, the Capital Fund balance was \$7065 and \$359,724 in the Debt Service Fund. Most of the property taxes have been collected and Lennar advanced \$19,200 to the District.

Following discussion, upon motion duly made by Director Kent Pedersen, seconded by Director Jennifer Thornbloom, upon vote and unanimously carried, the Board accepted the financial statements as presented.

**Conduct Public Hearing on the proposed 2022 Budget and consider adoption of Resolutions to adopt the 2022 Budget, Set Mill Levies and Appropriate Sums of Money.** Upon motion duly made by Director Kent Pedersen, seconded by Director Jack Beckwitt, upon vote and unanimously carried, the Board authorized District Counsel Mayers to open the public hearing

On behalf of the Board, District Counsel Mayers opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that the publication of Notice stating that the Board would consider adoption of the budget and the date, time and place of the public hearing was placed in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

District Accountant Simmons discussed that the assessed valuation had increased to \$4,250,300. HE continued to give a brief overview of 2022 budget.

Public commented on mill levy not increasing and if landscaping and snow removal can be sent out to bid for 2022.

No further comments were made, and upon motion duly made by Director Kent Pedersen, seconded by Director Jack Beckwitt, and upon vote unanimously carried, the public hearing and the public hearing was closed.

Following discussion, the Board considered the Resolution to adopt the 2022 Budget, Set Mill Levies and Appropriate Sums of Money.

Upon motion duly made by Director Kent Pedersen, seconded by Director Jack Beckwitt, and upon vote, unanimously carried, the District (1) approved the 2022 budget as presented, (2) approved the appropriation and expenditure of funds as detailed therein, (3) approved and adopted a mill levy of 79.787 mills to be certified by the District for collection in 2022, (4) authorized Director Kent Pedersen as President to sign the necessary documentation, and (5) directed District Accountant Simmons to submit the

certification of tax levy to the Board of County Commissioners of Jefferson County no later than December 15, 2021 and District Manager to file the 2022 budget with the Division of Local Government prior to January 30, 2022.

**Conduct Public Hearing on the Amendment to the 2021 Budget.** Upon motion duly made, seconded, and upon vote unanimously carried, the Board directed District Counsel Mayers to open the public hearing.

On behalf of the Board, District Counsel Mayers opened the public hearing to consider amending the 2021 Budget and discuss related issues.

It was noted that the publication of Notice stating that the Board would consider a second amendment to the budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

District Accountant Simmons discussed the General Fund will need to be amended from \$103,469 to \$110,000.

No further comments were received, and the public hearing was closed.

Upon motion duly made by Director Pedersen, seconded by Director Thornbloom, and upon vote unanimously carried, the Board moved to amend the 2021 General Fund from \$103,469 to \$110,000.

**LEGAL MATTERS:**

**Consider the adoption of Resolution providing Directors Exclusion of Workers Compensation Coverage.**

District Counsel Mayers discussed this Resolution is annually adopted and deems the board members are not employees of the District.

Following discussion, upon motion duly made by Director Kent Pedersen , seconded by Director Jack Beckwitt upon vote and unanimously carried, the Board adopted the Resolution Excluding Workers Compensation Coverage.

**Consider Adoption of Resolution calling for 2022 Regular Election.**

District Counsel Mayers discussed the upcoming election May 3, 2022, and following discussion, upon motion duly made Director Jack Beckwitt, seconded by Director Kent Pedersen and upon vote, the Board adopted the 2022 Regular Election Resolution and appointed Chanda Thomsen as the Designated Election Official.

**DIRECTORS ITEMS:** none

**MANAGERS ITEMS:**

Manager's report was included in meeting packet and no questions were asked of Management regarding the report.

**2022 MEETING DATES:**

Manager Elliott suggested to the Board meeting dates for 2022 be held on May 10, 2022 following the election and on the 2<sup>nd</sup> Tuesday. (Manager Elliott noted that the new Board Members to take Oath of Office at this scheduled meeting) June (June 3) and November (November 8); at Manager Elliott also mentioned that New Board Members could call Special Meetings if needed.

Following discussion and upon motion duly made Director Kent Pedersen, seconded by Director Jack Beckwitt and unanimously carried, the Board approved the 2022 meeting dates.

**ADMINISTRATIVE RESOLUTION:** Manager Elliott presented the Resolution concerning 2022 Annual Administrative Matters for Manager, Accountant and Legal Counsel to perform certain tasks on a recurring basis in the operation of the District.

Following discussion and upon motion duly made by Director Pedersen, seconded by Director Jack Beckwitt, upon vote and unanimously carried, the Board adopted the 2021 Administrative Resolution.

**Ratify 2021-2022 Snow Removal contract**

Following discussion and upon motion duly made by Director Kent Pedersen, seconded by Director Jack Beckwitt, upon vote and unanimously carried, the Board ratified the 2021-2022 Snow Removal Contract with Metco.

Director Debra Hessler requested that Manager Cullen meet with Snow service provider to identify snow routes, request the installation of markers/ large Pins to guide or warn snowplows of landscape areas.

**Discussion on 2022 landscaping contract and ad hoc committee.**

Manager Elliott discussed Manager Cullen will obtain landscape proposals for the 2022 season and the ad hoc committee can review and decide.

Manager Elliott recommended the creation of Landscape Committee (group compiled of homeowner's and resident within Fallbrook Villas) Multiple homeowners requested information at this time. It was noted that a notification would be posted on District Website as well as follow up with individual homeowners attending meeting. Group could begin as soon as Jan 2022. First item to review is RFPs for 2022 landscape contract. Board agreed that the formation of this committee would be very helpful and allow homeowners input. Homeowners were identified at meeting to contact Mr. Cullen to participate on landscape ad hoc committee.

**OTHER BUSINESS:** None

**PUBLIC COMMENT:**

Homeowner Todd Geist requested that the Meeting minutes be corrected. Listed complaints with ongoing management, complaints about landscape, costs and overall concerns with budgeted items. Cited complaints about covenants not being followed or

enforced. Voiced concerns regarding the DRC review process. Claims DRC (management company) allowed Solar company to install rooftop solar panels on to his property without permission. Although later stated that issue had been resolved.

Homeowner Debra McCray – seeking additional information for upcoming board election. Wanted to discuss an Operations Fee, consider a change in landscape service provider, voiced concerns about snow removal asked why sidewalks were shoveled and not removed with a snow blower. Also expressed interest in joining the Community Landscape Committee. Also asked what newspaper district posts information (Northglenn/ Thornton Sentinel Paper)

Homeowner Chuck 14054 Harrison St. voiced concerns with current landscape company use of equipment (should use smaller cutters, trimmers, to maintain small front yard landscape areas. Voiced concerns about concrete repairs, tree care/replacement.

Homeowner (name not heard over loud ongoing complaints and interruptions from another homeowner) regarding the posting procedures for meetings? Why we were still using newspapers, asked about the completion of concrete repair in common areas, along sidewalks, and in park.

Homeowner stated that more homeowners need to be involved in the process to manage. Not to just complain but need to attend meetings and become aware of community.

Homeowner Alex asked for status of ongoing concrete repairs, park repairs, broken sprinklers, some areas in park are always soaked muddy and watered for long periods of time, Wants to see mulch and rock replaced in planter areas in park and common areas.

**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 12:22 p.m.

The foregoing minutes constitutes a true and correct copy of the minutes of the meeting held on November 4, 2021, and was approved by the Board of Directors of the Fallbrook Villas Metropolitan District.

Respectfully Submitted,

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President

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Secretary for the Meeting