

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

HELD: Tuesday, May 17, 2022 at 10:30 a.m.
via teleconference and in person at Trail Winds Recreation Center,
13495 Holly Street, Thornton, Colorado 80602

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:

Deborah Makray, President, (appointed 2022)
Todd Geist (elected 2022-2025)
KimNichelle Rivera (elected 2022-2025)
Vacancy
Vacancy

Also in attendance were Shawn Williams, Jolene Simon, Melissa Kupferer of Advance HOA (via teleconference), Lisa K. Mayers, Esq. of Spencer Fane LLP (via teleconference), and members of the public.

CALL TO ORDER:

It was noted for the record that a quorum was present and the meeting was called to order by Ms. Makray at 10:33 a.m.

APPROVAL OF AGENDA AND MEETING LOCATION:

Upon motion of Mr. Geist and second by Ms. Rivera, meeting agenda was approved. The Board discussed finding another public location for future meetings because the recreation center charges for use of its facilities. The Board discussed possible locations including Anythink Library and the Fire Station, Ms. Rivera will follow up on alternate locations.

ADMINISTER OATHS/ELECT BOARD OFFICERS:

The three sitting Board members had their Oaths administered prior to the meeting. The Board appointed Ms. Williams to the Board and her Oath was administered by Ms. Makray. Another resident in attendance at the meeting, Jolene Simon, agreed to be appointed to the remaining

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vacancy. Ms. Simon has experience with finance and budgeting matters. The Board appointed Ms. Simon and her Oath was administered by Ms. Makray. Ms. Simon will complete the necessary paperwork for her appointment after the meeting. Ms. Makray asked that the Board members introduce themselves. At the suggestion of Ms. Mayers, the Board deferred election of officers until the next meeting when the entire Board will be able to vote on the officer positions.

PUBLIC COMMENT:

The Board discussed some matters that were not on the meeting agenda. The matters included questions regarding homeowners parking on the streets (determined to be a City of Thornton issue), and landscaping done by Lennar and issues related to tree and shrub replacement, sprinkler heads, and remaining warranties. The Board also discussed the status of outstanding bills and Ms. Makray's efforts to work with AdvanceHOA to pay past due bills and the need for additional information on the accounting process to get bills paid in a timely manner.

APPROVAL OF MINUTES:

The Board discussed that the minutes for the November 4, 2021 meeting had not yet been corrected (per the prior Board's discussion) and requested that corrected minutes be posted to the website. Upon review of the April 4, 2022 minutes, the Board requested that future minutes contain more detailed information about the proceedings. Upon motion duly made by Mr. Geist, seconded by Ms. Makray and upon vote unanimously approved, the Board approved the minutes of the April 4, 2022, as amended.

FINANCIAL MATTERS:

The Accountants were not present at the meeting and no financial report was given. The Board was advised that Simmons & Wheeler provides accounting services to the District and they may be contacted for information and questions related to financial matters. Mr. Geist agreed to reach out to Simmons & Wheeler following the meeting to request current financial information. Simmons & Wheeler will be invited to the next meeting to provide an accounting report and to discuss the processes for handling the District's accounts. The Board would also like an itemized list of expenditures for each meeting going forward.

ATTORNEY ITEMS:

Ms. Mayers discussed the preparation and correction of minutes. She will prepare corrected versions of the November 2021 and April 2022 minutes for posting on the District's website. The Board discussed the preparation of minutes for future meetings and Ms. Rivera agreed to prepare the minutes for Board review.

DIRECTOR MATTERS:

The Board reviewed the contract for sprinkler system repairs to be made by Metco. The Board determined it was best to have Metco make the repairs since they are familiar with the sprinkler

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system and had already bid the project, and ratified the prior decision for Metco to make these repairs. The Board compared the bids from LMI, Metco and Brightview for future landscape services. Shultz was not able to submit a proposal. Following discussion of the reasons for not having Metco continue, the Board on motion of Mr. Geist and second by Ms. Rivera, unanimously approved proceeding with the Brightview proposal. Brightview proposes using the right sized equipment for the community. The Board will work with Ms. Kupferer to ensure that the landscaping work is being performed per the contract. Also missing is maintenance of the filtration system of the water retention pond. Pet waste stations were not included in the proposals. All of the locked boxes are broken and will need to be repaired or replaced. Snow removal is a separate contract. A future snow removal contract needs to spell out the services very clearly, whether front walks, driveways, porches, etc. are part of the contract or homeowner responsibility.

ADVANCE HOA:

Ms. Kupferer provided a manager's report to the Board. Ms. Kupferer discussed the history of irrigation repairs and answered questions from Ms. Makray and Mr. Geist regarding the work done and status of payment. As soon as the final irrigation repairs are completed by Metco, the system can be turned on. Once the landscaping has been fully assessed, Ms. Kupferer will provide the Board with the recommendations of the landscape contractor. Ms. Kupferer asked for two Board members to walk with to address landscape warranty issues. Ms. Kupferer reported that Lennar is getting information regarding the concrete contractor to address sprinklers damaged by the concrete work. A question regarding rental restrictions was asked. The Declaration does not contain rental restrictions. AdvanceHOA does not maintain rental records. Ms. Mayers noted that it is difficult to amend the Declaration because it requires an affirmative vote of 67% of the owners. There was a question as to whether renters are aware that they are responsible for the front portion of the lots. Mr. Geist noted that homeowners are responsible for weeding and feeding their properties. Ms. Kupferer discussed site visits and many trash can violations. Ms. Makray is presently the only member on the Design Review Committee, no other residents have expressed interest. Ms. Kupferer will send another eblast to find committee members. There was discussion regarding reporting covenant violations to the Board without specific identification of residents during the public meeting. Violations will be reported by property address. The District's website was discussed. The District website is maintained by contractor Pueblo Web Design. AdvanceHOA also maintains a website to which Ms. Kupferer can post District business.

OTHER BUSINESS:

Newly appointed Board members were asked to return their paperwork to Spencer Fane so it could be filed with the proper authorities and the Board members formally seated before the next meeting.

ADJOURNMENT:

There being no further business to come before the Board and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 12:03 p.m.

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There being no further business to come before the Board and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 12:03 p.m.

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.



President