

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

HELD: Monday, October 17, 2022 at 10:00 a.m.
via WebEx Videoconference

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:

KimNichelle Rivera, President, (2022-2025)
Shawn Williams, Director (2022-2025)
Jolene Simon, Treasurer (2022-2023)
Rich Vogt (2022-2023)
Vacancy

Also in attendance were Melissa Kupferer of Advance HOA, Lisa K. Mayers, Esq. of Spencer Fane LLP, John Simmons of Simmons & Wheeler, and a number of 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. Rivera at 10:05 a.m.

APPROVAL OF AGENDA AND MEETING LOCATION:

Upon motion and second, the meeting location and agenda were approved.

PUBLIC COMMENT:

Mr. Geist discussed the timing of the response to his recent CORA request. He also spoke about the City's abatement project, the ownership of Tracts in the community, the lawn care schedule, snow removal and obtaining bids for the same.

APPROVAL OF MINUTES:

The Board reviewed and upon motion by Ms. Rivera, second by Ms. Simon, approved the minutes for the July 27, 2022 meeting as presented.

RECORD OF PROCEEDINGS

Fallbrook Villas Metropolitan District

October 17, 2022

Page 2

FINANCIAL MATTERS:

Mr. Simmons reviewed the payment of claims. The claims presented were, upon motion by Ms. Simon and second by Ms. Rivera, ratified by unanimous vote of the Board. Mr. Simmons reported that September financial statements were not yet available so no financial reports were reviewed. Mr. Simmons explained the mill levy calculation to the Board and how and why it differed from the Service Plan provisions. Mr. Simmons also discussed and reviewed the District's audit report. He noted that the 2021 audit had been filed and was a "clean opinion," which is a good report for the District. The Board had not yet received a copy of the 2021 audit report, so the Board reserved taking any action on the 2021 audit until each Director had an opportunity to review. Ms. Mayers stated that acceptance of the 2021 audit report would be added to the next meeting agenda. Mr. Simmons also reviewed the draft budget, but the Board did not yet have a copy of the draft budget. Mr. Simmons noted that the Board will need to conduct a public hearing on the proposed 2023 budget and that adjustments can be made at that time when the budget is fully reviewed and analyzed by the Board. Mr. Simmons agreed to deliver a copy of the draft 2023 budget following the meeting.

ATTORNEY ITEMS:

Ms. Mayers reported on the status of the Tract transfers from Lennar. Prior to the meeting, she has supplied copies of the transfer deeds and assessor records to Ms. Rivera. She noted that there are a couple of Tracts that still show as being owned by Lennar, despite that conveyance deeds had been recorded. The Board directed Spencer Fane to contact the Assessor and/or Clerk and Recorder to correct the ownership records. Ms. Mayers then discussed the status of the abatement reimbursement and the fact that the Tracts had been transferred and the District had been contacted by the City regarding the need for maintenance/repair prior to the abatement. With respect to the plat maps and ownership of areas, Ms. Mayers referred the Board to the Plat and the fact that District Tracts surround most of the exterior of the community. A note on the Plat also states that adjacent property owners are responsible for maintenance and repair of areas immediately adjacent to their properties. Ms. Mayers suggested that members of the Board obtain a copy of the Plat and walk the community to determine the location of Tracts as depicted on the Plat versus individual residential lots which are also depicted. Ms. Mayers advised that since the District now owns the Tracts which contain the retention ponds, the District will be responsible for maintenance of the retention ponds and the Board should consult with its landscape contractor regarding maintenance and a maintenance schedule. Mr. Vogt agreed to follow up with the landscape contractor on the maintenance issues.

DIRECTOR MATTERS:

The Board discussed retention of a new accounting firm. Ms. Mayers had previously supplied the Board with references to companies that provide accounting services to special districts. Mr. Vogt asked about questions to ask accounting firms, the scope of services provided, and requested a copy of the Simmons & Wheeler engagement letter as a sample of the services needed. Tree replacement and sidewalk repairs performed by Lennar last fall were discussed and Ms. Kupferer

RECORD OF PROCEEDINGS

Fallbrook Villas Metropolitan District

October 17, 2022

Page 3

Ms. Kupferer provided the information that she had on the issue. The Board discussed efficiencies for having meeting minutes prepared to save some expense. The Board asked Ms. Mayers to prepare and circulate initial draft minutes and the Board would supplement the draft with additional details from the meeting. The Board also discussed parking enforcement within the community. Ms. Mayers advised that the District may enforce parking restrictions on any areas it owns, including roads and gravel/rock areas at the end of each street. The Board discussed purchasing signs to address parking issues and Ms. Kupferer advised that she can assist with purchasing signs.

ADVANCE HOA:

Ms. Kupferer provided a manager's report to the Board. The annual calendar of meetings has an incorrect date that needs to be corrected. She discussed the covenant enforcement and fine process. Once the enforcement performed by Advance HOA has been exhausted, files will be referred to Spencer Fane for further enforcement. The discussion of the Brightview proposal and contract was tabled for discussion at the next Board meeting so that a representative of Brightview could be present. The condition of the retaining wall was discussed. Some volunteers have been reassembling the wall but not making the repairs permanent. The Board discussed with legal counsel the ability to continue the repairs.

OTHER BUSINESS:

None

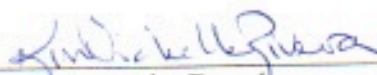
EXECUTIVE SESSION:

None

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 12:04 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.


Secretary to the Board