

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

HELD:

Tuesday, the 11th day of July, 2024 at 6:00 p.m. via telephone and videoconference.

ATTENDANCE:

The special 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)
Todd Geist, Director (2023-2025)
Robert Bullion, Director (2022-2025)

Also in attendance were Judy Simonson, Nicki Simonson, and Rebecca Hill of Simonson & Associates, Inc.

1. AGENDA & ADMINISTRATIVE MATTERS:

- a. Call to Order: It was noted for the record that a quorum was present of the Board for the purpose of conducting a special meeting and the meeting was called to order at 6:02p.m.
- b. Agenda and Meeting Location: The meeting location and agenda were approved upon motion by Director K. Rivera and second by Director J. Simon with the following agenda amendments. The Audit discussion will be moved to Item 2, to consider the attending Auditor’s time, and Director T. Geist has requested to add two items of discussion, communication and maintenance.
- c. Public Comment: Ms. N. Simonson reviewed the code of conduct. Director T. Geist asked for clarification on why the code of conduct was being read to which Ms. N. Simonson responded it was approved at a previous Board meeting. Ms. N. Simonson then opened the public comment section.

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- a. Director T. Geist voiced concerns that he feels information is withheld from him and he has to gather information regarding the District on his own.
- b. A homeowner asked for clarification on the incentive plan that the roofing contractor EcoShield was offering if they were to replace a roof in the community. This is explained in section 3e.
- c. Another homeowner asked about the possibility of installing a French drain near the sidewalk at 141st Avenue due to the ice dam that forms there in the winter. She stated she had sent Ms. N. Simonson an email regarding the issue. Ms. N. Simonson says she will follow up with the homeowner.
- d. A homeowner asked that some of the previously tabled items be addressed, such as tree trimming, loose bricks in planters, and signs installed at the end of dead end roads. She said she, along with other homeowners, would like to see some study sessions implemented that had been mentioned at prior Board meetings to discuss how to cut costs within the District. She also stated that roof replacement color standards should be on file with the original builder and the Design Review Committee and could someone reach out to Lennar to get the approved color palettes.
- e. A homeowner asked how to handle a situation where only one homeowner wants to replace their side of a shared roof. The community covenants address this scenario.
- f. Another homeowner spoke up on behalf of the community to encourage others to make time and contribute where you can. She also stated that any ongoing conflict between Board members should not be shared with homeowners.

Ms. N. Simonson then closed the public comment section.

- d. Consider New Board Member: Director T. Geist moved to appoint Kaitlyn Stroud to the Board of Directors which was approved upon second by Director K. Rivera.
- e. Minutes, March 19, 2024: The Board then reviewed and discussed the minutes of the regular meeting held on March 19, 2024. The minutes were then approved upon motion by Director K. Rivera and second by Director J. Simon.

2. AUDIT PRESENTATION:

Ms. D. Schilling reported there were no difficulties completing the audit. She thanked Simonson & Associates and Treasurer, Jolene Simon, for their cooperation. Schilling & Company audited the District through fiscal year end 2023. Schilling & Company's opinion offered is that the financials present fairly the financial position of the District. Ms. D. Schilling reviewed with the Board the financial statements she considered in rendering her opinion. The District's 2023 audit and representation letter was approved

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upon motion by Director J. Simon and second by Director K. Rivera. It was noted that the audit will be filed with the State of Colorado no later than July 31, 2024.

3. MANAGEMENT AND MAINTENANCE MATTERS:

- a. Playground Repair Proposal. Director J. Simon moved to approve the proposal submitted for the slide to be replaced. The motion was approved upon second by Director K. Rivera. Also included in the contract proposal was information regarding woodchip depth not meeting the required 9 inches. The Board has asked for additional quotes for just material and will revisit this item in the fall to potentially budget for next year. Ms. Nicki Simonson also presented the Board with options for a glass box/literature rack and playground rule signs that could be installed at the playgrounds as additional informational/safety measures, both of which will be deferred to a later date to review cheaper options and discuss whether the Board wants to include in the budget.
- b. Appointment of Design Review Committee (DRC) Members. The appointment of four DRC members (Pilar Johnson, Brittany Dvorak, Amy Vander Ploeg and KimNichelle Rivera) was approved upon motion by Director T. Geist and second by Director K. Rivera.
- c. Discuss Walkthrough and Violation Procedures. Discussion was held surrounding the general covenant warning and violation procedures. Director J. Simon explained to homeowners that boundaries are being verified and District trees and bushes were being addressed for replacement, if necessary. The Board wanted to express that they were working on keeping up the appearance of the community in addition to encouraging homeowners to do the same. Homeowners receiving warnings or violations were asked to call into Simonson & Associates to make arrangements if they are unable to rectify an issue in a timely manner.
- d. Backflow Testing. Testing of the backflow preventor is a yearly requirement. Ms. Nicki Simonson will coordinate this testing which can now only be done by a certified plumber per a new Colorado law that recently went into effect.
- e. EcoShield Exteriors Community Service Fund. There was some discussion surrounding this fund and further conversation ensued. This company has offered the community a \$150 donation to use toward the District's items such as playground refurbishment, planting trees, landscaping, basically anything to improve the community as a whole for anyone that uses them to replace their roof. Neither Fallbrook Villas Metropolitan District nor individual Board members are sponsoring/encouraging or discouraging anyone to use these services, it is just being brought to the attention of homeowners to let them know the community incentive is out there.

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- f. Landscape Enhancement Agreement. The Board discussed the deteriorating landscaping on the first median when you enter the community from Colorado Boulevard onto E. 141st Street. Several homeowners have expressed displeasure with the way it looks, especially the edging coming up. Director T. Geist would like to see plants replaced and hold off on adding rock. Director K. Rivera moved to approve the enhancement agreement as originally presented, including new plants and rock. Director J. Simon seconded the motion, however it was not approved with two opposed.
- g. New Website Update. Ms. R. Hill had a zoom call with the new website hosting company (Streamline), and they will begin transitioning to the new site as soon as the previous host has been paid and offboarded.
- h. Discuss New Legal Representation. Ms. Nicki Simonson will be meeting with a couple of legal firms to discuss the Metro District's needs and providing information at the next Board meeting.

4. BUDGET MATTERS:

- a. 2023 Supplementary Budget Amendment. Director K. Rivera made a motion to open the budget hearing which was approved upon second by Director J. Simon. Ms. Judy Simonson explained that the District's 2023 budget was exceeded by \$5,662 and a Supplementary Budget was needed to increase the budget by that amount. At the recommendation of the District's auditor, just one line item of the budget needed to be changed to balance the budget, so the accounting line item was increased by \$5,662.
- b. Resolution No. 2 to Amend 2023 Budget. Director J. Simon then moved to approve the Resolution To Amended 2023 Budget, increasing the General Fund budget from \$179,815 to \$185,477 and appropriating such sums from the revenues of the district. The motion was approved upon second by Director K. Rivera with one objection.

5. FINANCIAL MATTERS:

- a. Approve Ratification of March 1, 2024 through June 30, 2024 Disbursements: The Board reviewed and discussed the check register presented. Director J. Simon moved to ratify the approval of the disbursements for the period from March 1, 2024 to June 30, 2024. It was approved upon second by Director R. Bullion.
- b. Approve July 1, 2024 through July 31, 2024 Disbursements: Director J. Simon then moved to approve the check register for the period from July 1, 2024 to July 31, 2024. It was approved upon second by Director K. Rivera.

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- c. Review audited December 31, 2023 Financial Statements: Director J. Simon moved to approve the audited December 31, 2023 Financial Statements prepared by Simonson & Associates. The motion was approved upon second by Director K. Rivera.
- d. Review unaudited draft May 31, 2024 Financial Statements: Director J. Simon moved to approve the May 31, 2024 unaudited Financial Statements. The motion was approved upon second by Director K. Rivera.
- e. Update on Delinquent Customers and Collecting Fees: There are approximately 10 homeowners that haven't paid their special assessment. If they don't pay by November, a lien against property taxes will be filed in Adams County.


6. OTHER BUSINESS:

- a. Added by Director T. Geist - Communication. Director T. Geist stated he was not consulted regarding the newsletters that have been sent out from the Fallbrook Villas manager's Gmail account. He was advised that these newsletters are put together personally by KimNichelle Rivera and Jolene Simon and sent out to all homeowners for informational purposes at their request. The newsletters are not currently a Board produced document.
- b. Added by Director T. Geist - Maintenance. Director T. Geist asked for a maintenance list. Simonson & Associates already has an internal maintenance list that they will re-format to make suitable for reporting to the Board.

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 8:33 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.

Signed by:

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KimNichelle Rivera, President