

MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
FALCON HIGHLANDS METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
August 19, 2024

A special meeting of the Board of Directors of the Falcon Highlands Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, August 19, 2024 at 5:30 p.m., at the Falcon Fire Protection District Station #3, 7030 Old Meridian Road, Peyton, Colorado 80831. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Tonia Joyner, President  
Curtis O. Fletcher, Director  
Joshua Whittle, Director  
Ainsley Lyra Sinclair, Director  
Robert Aamodt, Director

Also, In Attendance Were:

Josh Miller, Korben Heim and Carrie Bartow, CliftonLarsonAllen LLP (“CLA”)  
Barb Vander Wall, Esq.; Seter Vander Wall & Mielke, P.C.  
John McGinn and Ryan Mangino; RESPEC  
Lizzie Geitzenauer, Kyle Geitzenauer, Kayla Higbee, Cristina Welch and Chris X;  
Members of the Public

ADMINISTRATIVE MATTERS

**Call to Order and Agenda:**

The meeting was called to order at 5:33 p.m. by Director Joyner. The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

**Declaration of Quorum/Director Qualifications/Disclosure items:**

A quorum was confirmed. Attorney Vander Wall reviewed the rules of disclosures and distributed disclosure forms for the new Board members to complete.

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior

to this meeting in accordance with statute. It was noted by Attorney Vander Wall that disclosures of potential conflicts of interest were filed with the Secretary of State for Directors Joyner and Whittle, and no additional conflicts were disclosed at the meeting.

**July 8, 2024 regular Board meeting minutes:**

Following review, upon a motion duly made by Director Fletcher, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the July 8, 2024 regular Board meeting minutes, as amended.

**EXECUTIVE SESSION**

**Open Session (approximately 7:30 p.m.)**

Attorney Vander Wall reviewed the process and procedure for holding an Executive Session.

Upon a motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote, unanimously carried, the Board entered into Executive Session at 5:40 p.m. for the purpose of consultation with legal counsel concerning operation of the underdrain system and Ground Water Commission and Upper Black Squirrel Groundwater Management District requirements and discussion of related matters subject to negotiation with El Paso County pursuant to C.R.S. § 24-6-402(4)(b) and (e).

Upon a motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote, unanimously carried, the Board exited from Executive Session at 7:27 p.m.

No action was taken.

**FINANCIAL MATTERS**

**Previous claims and current claims:**

Ms. Bartow reviewed the claims with the Board. Discussion ensued regarding Director fees, bill.com access for the Board to review invoices and bank account authorization. This item was tabled to the next meeting.

**Unaudited Financial Statements, Cash Position Schedule and Property Tax Schedule:**

Ms. Bartow reviewed the Unaudited Financial Statements, Cash Position Schedule and Property Tax Schedule with the Board. Discussion ensued regarding the budget-to-actual information and contingency line item. Following discussion, upon a motion duly made by Director Fletcher, seconded by Director Joyner and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements, Cash Position Schedule and Property Tax Schedule, as presented.

### **Request for Extension of Time for File 2023 Audit:**

Ms. Bartow reviewed the Request with the Board. Following review, upon a motion duly made by Director Joyner, seconded by Director Sinclaire and, upon vote, unanimously carried, the Board ratified approval the Request for Extension of Time to File the 2023 Audit.

### **MANAGER MATTERS**

#### **Public Comment:**

Cristina Welch asked about the truck activity along Rolling Thunder Way. She also inquired about the mole/vole/ground critter population control. Mr. Miller noted that the District is able to perform this pest control along with the mosquito control, but would need Board direction.

Chris X asked about the swearing in ceremony of the new directors as there was no ceremony held because the directors were sworn in separately. He expressed concerns that the public was not more involved as they wanted to personally attend.

Kyle Geitzenauer discussed action on his property to attempt to minimize the impact to the drain line to underdrain and the excavation quotes he sent to Mr. Miller for review. Mr. Miller asked for clarification of items without the costs proposed in order to present it to the Board.

Kayla Higbee congratulated and thanked the new Board members and asked about the project at the power station and batteries being installed.

#### **Manager Report:**

Mr. Miller reported that the native grass mowing is occurring this week. The discussions/negotiations with El Paso County are ongoing. He noted the Rolling Thunder repaving is on hold until the County and District items are resolved.

#### **Statutorily required documents posted on the website and consider remediation services:**

Mr. Miller and Attorney Vander Wall reviewed the new website accessibility requirements with the Board. The recommendation was to remediate the minimum required documents and then review other documents as necessary for public viewing based on the cost of remediation. The Board directed staff to obtain additional information on remediation and website improvements.

## ENGINEER MATTERS

### **Engineer Report:**

Mr. McGinn reviewed the report included in the meeting packet. Discussion ensued regarding the sulfur scent due to Denver Basin water left in the line for an extended period of time and was then quickly aerated. Mr. McGinn discussed the water tank recoat/rehab project and the cost.

### **Update on groundwater compliance:**

Mr. Miller reported the work is ongoing.

## LEGAL MATTERS

### **Acknowledge the results of the July 17, 2024 Recall Election:**

The Board acknowledged the Recall Election results. Attorney Vander Wall reviewed the Board member terms and the 2025 election.

### **Appointment of officers:**

Upon a motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote, unanimously carried, the Board appointed the following slate of officers:

Tonia Joyner, President  
Ainsley Lyra Sinclare, Secretary  
Robert Aamodt, Treasurer  
Joshua Whittle, Assistant Secretary  
Curtis O. Fletcher. Assistant Secretary

## DIRECTOR MATTERS

None.

## OTHER BUSINESS

### **Scheduling of statutory Annual Meeting:**

Mr. Miller and Attorney Vander Wall discussed the required annual meeting and topics for discussion. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Aamodt and, upon vote, unanimously carried, the Board requested holding a separate meeting from the regular meeting and authorized scheduling the annual meeting to be held on a Monday, but not the Monday of the regular meeting.

## ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote, unanimously carried, the meeting was adjourned at 9:18 p.m.