

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FALCON HIGHLANDS METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
July 8, 2024

A regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, July 8, 2024 at 5:30 p.m., at the Falcon Fire Protection District Station #3, 7020 Old Meridian Road, Peyton, Colorado 80831. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Tonia Joyner, President
Timothy Dickey, Secretary
Joshua Whittle, Director
Leo Schumacher, Director

Erin Ganaway, Treasurer/Assistant Secretary, was absent and excused.

Also, In Attendance Were:

Josh Miller and Carrie Bartow, CliftonLarsonAllen LLP (“CLA”)
Barb Vander Wall, Esq.; Seter Vander Wall & Mielke, P.C.
Dave Shay, Debbi Shay, Myre Hales, Ainsley Sinclair, Bob Aamodt and Mrs. Aamodt;
Members of the Public

ADMINISTRATIVE MATTERS

Call to Order and Agenda:

The meeting was called to order at 5:30 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 Schumacher and, upon vote, unanimously carried, the Board approved the Agenda, as presented and excused the absence of Director Ganaway.

Declaration of Quorum/Director Qualifications/Disclosure items:

Attorney Vander Wall confirmed the presence of a quorum.

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 all directors, and no additional conflicts were disclosed at the meeting.

EXECUTIVE SESSION

Upon a motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board entered into Executive Session at 5:31 p.m. for the purpose of consultation with legal counsel and discussion of matters subject to negotiation with El Paso County concerning the underdrain system pursuant to C.R.S. § 24-4-402(4)(b) and (c).

Upon a motion duly made by Director Joyner, seconded by Director Schumacher and, upon vote, unanimously carried, the Board exited from Executive Session at 6:15 p.m.

No action was taken.

CONSENT AGENDA

May 13, 2024 regular Board meeting minutes:

Previous claims and current claims:

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

Following discussion, upon motion duly made by Director Joyner, seconded by Director Schumacher and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

MANAGER MATTERS

Public Comment:

Bob Aamodt shared concerns on the transparency and distribution of meeting enclosures. Attorney Vander Wall provided options that are available to request the meeting materials and suggested using the website as a means moving forward.

Debbie Shay had questions and concerns with the mowing. Mr. Miller highlighted delays due to rain and equipment issues. He confirmed the mowing is in process and is to be completed by July 12th. Using the website to better engage the public was suggested.

Mr. Aamodt also detailed concerns with water and sulphur odor he recently experienced. Mr. Miller and Mr. Mangino will connect with WHMD and report back on any concerns.

Manager Report:

Mr. Miller provided an update on operations, the underdrain, compliance issues that face the District and the need to present to the public and Board at a future meeting. The details will include financial plans and possible solutions to fund the open items that face the District.

ENGINEER MATTERS

Engineer Report:

Mr. Miller and Attorney Vander Wall presented the report received from Mr. Mangino.

Update on groundwater compliance:

Attorney Vander Wall provided details and highlighted recent progress that has been made in meeting with the County and the need for ongoing conversation into the future.

Agreement for Engineering Services between the District and W.W. Wheeler & Associates, Inc. for review of underdrain system data, perform analysis, and completion of replacement plan within Upper Black Squirrel Designated Groundwater Basin and Upper Black Squirrel Creek Groundwater Management District:

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board ratified approval of the Agreement for Engineering Services between the District and W.W. Wheeler & Associates, Inc. for review of underdrain system data, perform analysis, and completion of replacement plan within Upper Black Squirrel Designated Groundwater Basin and Upper Black Squirrel Creek Groundwater Management District.

LEGAL MATTERS

Resolution adopting Digital Accessibility Policy and Designating Compliance Coordinator:

Attorney Vander Wall provided details regarding the Resolution. Following discussion, upon a motion duly made by Director Joyner, seconded by Dickey and, upon vote, unanimously carried, the Board approved the Resolution adopting Digital Accessibility Policy and Designating Compliance Coordinator.

Update regarding Recall Election:

Attorney Vander Wall provided an update.

FINANCIAL MATTERS

Conduct Public Hearing to consider Amendment of the 2023 Budget; Consider adoption of Resolution to Amend the 2023 Budget:

Director Joyner opened the public hearing to consider an amendment to the 2023 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2023 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 the public hearing.

No public comments were received. Director Joyner closed the public hearing.

Ms. Bartow provided the details emending the 2023 Debt Service Fund. Following discussion, upon motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2023 Budget.

2023 Audit:

Mr. Bartow provided details of the 2023 Audit to the Board. Following discussion, upon motion duly made by Director Joyner, seconded by Director Schumacher and, upon vote, unanimously carried, the Board accepted the 2023 Audit, subject to a final clean and unqualified opinion and legal review, and authorized execution of the Representations Letter.

2023 Audit Extension:

Ms. Bartow provide details of the 2023 Audit Extension to the Board. Following discussion, upon motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the 2023 Audit Extension.

DIRECTOR MATTERS

The Board asked about the roadway improvements and any commitment from the County on timing. Mr. Miller noted the work was on the list but not yet scheduled. It is unlikely that the County will proceed until the underdrain issues are resolved.

OTHER MATTERS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Whittle, seconded by Director Joyner and, upon vote, unanimously carried, the meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Signed by:
Ainsley Lynn Sinclair
By _____
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Secretary for the Meeting