

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FALCON HIGHLANDS METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
September 9, 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, September 9, 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
Robert Aamodt, Treasurer
Joshua Whittle, Assistant Secretary

The absence of Director Fletcher and Director Sinclair were excused

Also, In Attendance Were:

Josh Miller and Carrie Bartow, CliftonLarsonAllen LLP (“CLA”)
Barb Vander Wall, Esq.; Seter Vander Wall & Mielke, P.C.
John McGinn; RESPEC
Kyle Geitzenauer, Elizabeth Geitzenauer, Leslie Byzewski, Jason Pestcoe, Renee Kimble,
Michael X, Myra Hales, Debra Chase, Tony Porter; and other 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 Whittle and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

Declaration of Quorum/Director Qualifications/Disclosure items:

A quorum was confirmed. Upon a motion duly made by Director Aamodt, seconded by Director Joyner, the Board excused the absence of Directors Fletcher and Sinclair. 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, and no

additional conflicts were disclosed at the meeting.

August 19, 2024 special Board meeting minutes:

Following review, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board approved the August 19, 2024 special Board meeting minutes, as presented. Mr. Miller noted that Director Sinclaire had reached out regarding the minutes and those can be addressed at the next meeting.

Public Comment:

Board members and consultants introduced themselves to the public.

FINANCIAL MATTERS

Previous claims and current claims:

Ms. Bartow reviewed the claims with the Board. Director Aamodt noted that he has not yet received access to bill.com and wants the opportunity to review the broader detail before approving claims. Ms. Bartow will follow up and request access. The prior two periods of District claims will be brought back to the October meeting for approval.

Cash Position Schedule and Property Tax Schedule:

Ms. Bartow reviewed the Cash Position Schedule and Property Tax Schedule with the Board. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board accepted the Cash Position Schedule and Property Tax Schedule, as presented.

MANAGER MATTERS

Manager Report:

Mr. Miller presented the Manager's Report to the Board.

Proposal from Beers Construction for underdrain work:

Director Aamodt asked about bid procedures and legal requirements. Attorney Vander Wall provided details and highlighted that this work relates to operations and maintenance services and is not capital in nature. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Aamodt and, upon vote, unanimously carried, the Board approved the proposal from Beer Construction for underdrain work with a combined not to exceed amount (with UMI) of \$75,000.00 for cleanout work and raised cleanouts along Rolling Thunder. It was noted that there are estimated to be 10 cleanouts in this area.

Proposal from UMI for underdrain work:

The Board noted that this topic was covered as part of the Beers underdrain work authorization.

Proposal from Allyant to remediate documents on the website:

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board approved the proposal from Allyant in a not to exceed amount of \$3,000.00 to remediate all documents on the website to date.

ENGINEER MATTERS

Engineer Report:

Mr. McGinn reviewed the report included in the meeting packet.

Falcon Highlands Metropolitan District water system and schedule site visit of plants:

Mr. McGinn provided a high-level review of the system, its components and function. Further details will be provided on a site visit to all sites on September 24th at 5:30 p.m. The site visit will start at the water treatment plant.

LEGAL MATTERS

Service Agreement between the District and Landscape Endeavors, Inc. for 2024-2025 Snow Removal:

Attorney Vander Wall and Mr. Miller provided details of the agreement and its history. Following discussion, upon a motion duly made by Director Aamodt, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the Service Agreement between the District and Landscape Endeavors, Inc. for 2024-2025 snow removal services.

DIRECTOR MATTERS

Director Aamodt asked about conflicts of interest disclosure criteria, procedures for having business items addressed and procurement of services.

OTHER BUSINESS

There were no other items of business presented at this time.

EXECUTIVE SESSION

Upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board entered into Executive Session at 7:15 p.m. for the purpose of consultation with legal counsel concerning underdrain system operations, groundwater compliance issues, discussion of related matters subject to negotiation with

El Paso County, and fee negotiations with Woodmen Hills Metropolitan District, pursuant to C.R.S. § 24-6-402(4)(b) and (e).

The Board exited from Executive Session at 8:33 p.m.

No action was taken.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Joyner, the Board adjourned the meeting 8:35 p.m.