

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FALCON HIGHLANDS METROPOLITAN DISTRICT
HELD
MARCH 11, 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, March 11, 2024 at 5:30 p.m. The District Board meeting was held at the Falcon Fire Department Community Room, 7030 Old Meridian Road, Peyton, Colorado, 80831 as well as virtually via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Tonia Joyner, President
Erin Ganaway, Treasurer/Assistant Secretary
Joshua Whittle, Director

Also, In Attendance Were:

Josh Miller, Korben Heim and Carrie Bartow; CliftonLarsonAllen, LLP (“CLA”)
Beth Dauer, Esq.; Seter & Vander Wall, P.C.
Kayla Higbee, Chris Higbee, Debby Shay, Dave Shay, Elizabeth Geitzenauer, Myra Hayes, Lawrence Wilson, Susanne Pestcoe, Jason Pestcoe, Geno Gagliardi, Deborah Drapeau, Ron Drapeau, Donna Greene, Robert Aamodt, Cristina Welch, and other Members of the public

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Upon a motion duly made by Director Joyner, the Board called the meeting to order at 5:36 p.m.

The Board reviewed the agenda. Following review, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board approved the agenda, as presented.

Quorum, Director Qualifications, Disclosure Items: It was noted that a quorum of the Board was present. Upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board excused the absence of Director Dickey and Director Schuhmacher. 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 regarding 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 that

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disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors; no additional conflicts were disclosed.

CONSENT AGENDA

The Board considered the following items under the Consent Agenda:

- February 12, 2024 regular Board meeting minutes.
- Previous Claims and Current Claims.

Upon a motion duly made by Director Joyner, seconded by Director Ganaway and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

FINANCIAL MATTERS

Schedule of Cash Position and Property Tax Schedule: Ms. Bartow reviewed the Schedule of Cash Position and Property Tax Schedule with the Board. She discussed the audit timeline, noting it will be starting in May. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Ganaway and, upon vote, unanimously carried, the Board accepted the Schedule of Cash Position and Property Tax Schedule, as presented.

MANAGER MATTERS

Public Comment: None at this time.

Manager Report: Mr. Miller provided an update of the underdrain work to date and the status of new work. He noted there is new pumping through the drain lines, and cleanouts were raised at two locations for future access. Mr. Miller reported the cleaning was generally successful. Further exploration of the Indian Echo and Antelope Meadows areas is to start next week with Beers Construction. Mr. Miller noted there have been two attempts to locate the cleanout around or near 7746 Antelope Meadows, but were unsuccessful. Excavation work may be needed at this location as well. Mr. Miller noted the snow removal service has been regular. He also reported the sound wall issue is ongoing.

Phase 3 Underdrain Excavation and Repair Agreement between the District and Beers Construction: Mr. Miller reviewed the Agreement with the Board. Discussion ensued regarding the cost and work schedule being impacted by the incoming weather. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Ganaway and, upon vote, unanimously carried, the Board ratified approval of the Phase 3 Underdrain Excavation and Repair Agreement between the District and Beers Construction.

Resolution Regarding Authority to Enter into Contracts and Expenditure of Funds Regarding the Mitigation of Underdrain System Failure: Mr. Miller and Ms. Dauer reviewed the Resolution with the Board.

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Discussion ensued.

Ms. Welch requested corrections for Sections B and C and requested Section D be removed entirely.

Mr. Aamodt noted concerns for property owners being protected and requested removal of all of the recitals of the Resolution.

Mr. Pestcoe inquired about the District's position regarding the underdrain maintenance and ownership into the future.

The Board discussed the public feedback and suggested corrections from the public to the Resolution. Following discussion, the Board and legal counsel agreed to leave Section B as drafted, correct the year in Section C and remove Section D in its entirety.

Upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board adopted the Resolution Regarding Authority to Enter into Contracts and Expenditure of Funds Regarding the Mitigation of Underdrain System Failure, subject to legal counsel making the approved changes.

ENGINEERING
MATTERS

Engineer Report: Mr. Miller reviewed the report that was enclosed in the packet. No action was taken.

LEGAL MATTERS

None.

DIRECTOR
MATTERS

None.

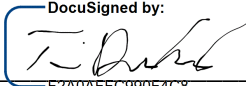
OTHER BUSINESS

Mr. Miller discussed the need for an Executive Session prior to the next meeting.

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 at 6:28 p.m.

Respectfully submitted,

By  _____
Secretary