

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FALCON HIGHLANDS METROPOLITAN DISTRICT
HELD
NOVEMBER 14, 2022

A regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 14, 2022, at 5:30 p.m. The District Board meeting was held at 7464 Antelope Meadows Circle, Peyton, CO (the District’s Water Treatment Plant) and via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Tonia Joyner, President
Timothy Dickey, Secretary
Kevin Haas, Treasurer

Also, In Attendance Were:

Krista Baptist, Korben Heim and Carrie Bartow; CliftonLarsonAllen, LLP
Barbara Vander Wall, Esq.; Seter & Vander Wall, P.C.
Ryan Mangino; JDS-Hydro Consultants, LLC

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Joyner called the meeting to order at 5:34 p.m.

The Board reviewed the agenda for the meeting. Following discussion, and upon a motion duly made by Director Joyner, seconded by Director Haas 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. 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 by Ms. Vander Wall that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors; no additional conflicts were disclosed.

Public Comment: None.

Resolution Regarding 2023 Annual Administrative Matters: Following review and discussion, upon a motion duly made by Director Joyner, seconded

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by Director Haas and, upon vote, unanimously carried, the Board adopted the Resolution Regarding 2023 Annual Administrative Matters, subject to changing the meeting dates from monthly to every other month.

2023 Insurance Renewal: Ms. Baptist reviewed the 2023 Insurance Renewal with the Board. Following review, upon a motion duly made by Director Haas, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the 2023 Insurance Renewal and authorized membership in the Special District Association for 2023.

Other: None.

CONSENT AGENDA

October 10, 2022 Regular Board Meeting Minutes:

Previous Claims and Current Claims:

September 30, 2022 Unaudited Financial Statements:

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

FINANCIAL MATTERS

Public Hearing to Consider Amendment of the 2022 Budget: The Board opened the public hearing to consider the amendment of the 2022 Budget at 5:50 p.m.

It was noted that publication of Notice stating that the Board would consider amendment of the 2022 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.

The Board closed the public hearing at 5:51 p.m.

Ms. Bartow reviewed the 2022 Budget amendment with the Board and advised that an amendment to the Debt Service Fund is needed due to the bond refinancing. Following review, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the amendment of the 2022 Budget and adopted the Resolution to Amend the 2022 Budget, as presented.

Public Hearing on the Proposed 2023 Budget and Adoption of Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution to Set Mill Levies: The Board opened the public hearing to consider the proposed 2023 budget at 5:52 p.m.

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It was noted that publication of Notice stating that the Board would consider adoption 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.

The public hearing was closed at 5:53 p.m.

Following discussion, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the proposed 2023 budget and adopted the Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and adopted the Resolution to Set Mill Levies, as presented.

Board Member to Sign the DLG-70 Certification of Tax Levies: Following discussion, upon a motion duly made by Director Joyner, seconded by Director Haas and, upon vote, unanimously carried, the Board appointed Ms. Bartow to sign the DLG-70 Certification of Tax Levies.

Engagement Letter with Dazzio & Associates to Prepare the 2022 Audit: Ms. Bartow reviewed the Engagement Letter with Dazzio & Associates with the Board. Following review, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board engaged Dazzio & Associates to prepare the 2022 Audit.

Other: None.

LEGAL MATTERS

District 2022 Revenue Bonds: Ms. Vander Wall reviewed the District 2022 Revenue Bonds with the Board, noting the bond are not likely to close this year. Discussion ensued. No action was taken.

Colorado Family and Medical Leave Act (FAMLI): Ms. Vander Wall reviewed the Colorado Family and Medical Leave Act with the Board.

Public Hearing to Consider Participation in the FAMLI Program: The Board opened the public hearing to consider participation in the FAMLI Program at 6:01 p.m.

No public comments were received.

The Board closed the public hearing at 6:02 p.m.

Resolution Regarding FAMLI Program/Decline Participation: Following review, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board adopted the

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Resolution to Decline Participation in the FAMLI Program.

IGA Termination with Woodmen Hills Metropolitan District: Ms. Vander Wall reviewed the termination of the IGA with Woodmen Hills Metropolitan District. She reported she is waiting on a new IGA draft from Woodmen Hills Metropolitan District. The Board discussed. No action taken.

Resolution Calling a Regular Election for Directors on May 2, 2023, DEO and DEO to Perform All Tasks Required for the Conduct of a Mail Ballot Election: Ms. Vander Wall reviewed the Resolution Calling a Regular Election for Directors on May 2, 2023 with the Board. Following review and discussion, upon a motion duly made by Director Joyner, seconded by Director Haas and, upon vote, unanimously carried, the Board adopted the Resolution Calling a Regular Election for Directors on May 2, 2023, appointed Catherine Bright as the Designated Election Official and authorized the DEO to perform all tasks required for the conduct of a mail ballot election.

District Materials and Equipment: Ms. Vander Wall reviewed the disposition of District materials and equipment with the Board. She stated that there are no requirements, but recommended some best practices to dispose, sell, or auction District materials. Following discussion, the Board directed Legal Counsel and CLA to proceed with the disposal and/or sale of some District materials.

Other: None.

MANAGER MATTERS

Manager Report: Ms. Baptist and Mr. Heim reviewed the Manager Report with the Board, including an update on billing numbers, signage regarding trespassing and dumping waste, and sound wall repair. The Board discussed. No action taken.

CliftonLarsonAllen LLP Statements of Work for 2023: Ms. Baptist reviewed the CLA Statements of Work for 2023 with the Board. Following review, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen LLP Statements of Work for 2023, as presented.

Other: None.

ENGINEERING MATTERS

Engineer Report: Mr. Mangino reviewed the Engineer Report and future projects with the Board. No action taken.

Bids For New Water Pump: Mr. Mangino provided an update on the bids for a new water pump, stating that a bid form is in progress. No action was taken.

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Other: None.

DIRECTOR
MATTERS

Other: None.

EXECUTIVE
SESSION

Executive session pursuant to Section 24-6-402(4)(a), (b) and (e), C.R.S. regarding the receipt of legal advice related and matters subject to negotiation in (1) IGA with Woodmen Hills Metro District; and (2) the purchase, acquisition, transfer or sale of real property and/or water rights, and the development of negotiating positions: This item was tabled.

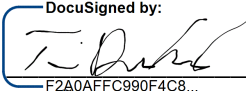
OTHER BUSINESS

Other: None.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Joyner adjourned the meeting at 6:41 p.m.

Respectfully submitted,

By  _____
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Secretary