

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE FALCON HIGHLANDS METROPOLITAN DISTRICT

HELD: Monday, January 10, 2022, at 5:30 p.m. at 7464 Antelope Meadows Circle, Peyton, Colorado. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the public was asked to attend via Microsoft Teams. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

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

##### Also, In Attendance Were:

Krista Baptist, Josh Miller, Seef Le Roux, and Carrie Bartow;  
CliftonLarsonAllen, LLP  
Ryan Mangino; JDS-Hydro Consultants, Inc.  
Barbara Vanderwall: Seter & Vander Wall, P.C.

#### ADMINISTRATIVE MATTERS

**Call to Order and Approve Agenda:** It was noted that a quorum of the Board was present. The special meeting of the Board of Directors of the Falcon Highlands Metropolitan District was called to order at 5:31 p.m.

The Board reviewed the agenda for the meeting. Following discussion, and upon motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the agenda, as presented.

Following discussion, and upon motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board excused the absence of Director Dickey.

**Declaration of Quorum / Director Qualifications / Disclosure Items:** 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.

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**Community Comment:** None.

**CONSENT AGENDA**

**Review and Consider Approval of Minutes from the November 8, 2021 Special Board Meeting**

**Review and Consider Acceptance of Unaudited Financial Statements as of November 30, 2021**

**Review and Consider Ratification of Previous Claims and Approval of Current Claims**

Following discussion, and upon motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the consent agenda items as presented.

**FINANCIAL MATTERS**

**Other:** None.

**LEGAL MATTERS**

**Legal Report:** Ms. Vanderwall provided a general update to the Board.

**Update regarding Status of Settlement Agreement Performance; Bond Refinance and Enterprise Bond Bonds:** Ms. Vanderwall provided a general update to the Board.

**Approval of First Amendment to Settlement Agreement regarding BLH Litigation – Extension of Time to Complete Terms of Agreement to February 28, 2022:** Following discussion, and upon motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the First Amendment to Settlement Agreement regarding BLH Litigation – Extension of Time to Complete Terms of Agreement to February 28, 2022.

**MANAGER MATTERS**

**Manager's Report:** Mr. Miller provided an update to the Board.

**DIRECTORS MATTERS**

**Other:** None.

**ENGINEERING MATTERS**

**Engineering Report:** Mr. Mangino provided an update to the Board. No action was taken at this time.

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EXECUTIVE  
SESSION

**Section 24-6-402(4)(a), (b) and (e), C.R.S. regarding (1) the receipt of legal advice related to litigation in BLH #1, LLC and BLH #3, LLC v. Falcon Highlands Metropolitan District, et al., El Paso County District Court No. 2019 CV 31830 and (2) settlement of claims with El Paso County and Cygnet Land, LLC:** The Board entered into Executive Session at 6:17 p.m. The Board adjourned Executive Session and reconvened into regular session at 7:09 p.m.

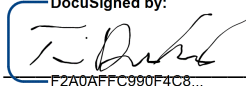
OTHER BUSINESS

**Other:** None.

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 Dickey, and upon vote unanimously carried, the Board adjourned the meeting at 7:11 p.m.

Respectfully submitted,

By  \_\_\_\_\_  
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Secretary