

# RECORD OF PROCEEDINGS

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

HELD: Monday, November 9, 2020, 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 Hass, Treasurer  
Tim Dickey, Secretary

#### Also, In Attendance Were:

Jeffrey Erb\*; Seter & Vander Wall, P.C.  
Josh Miller, Chelsea Gondeck\*, and Carrie Bartow\*; CliftonLarsonAllen, LLP  
John McGinn\*; Ryan Mangino\*; JDS-Hydro Consultants, Inc.  
Debbie Shay, Homeowner  
Unknown Number 719-290-5319, Homeowner

[\*Participating virtually via telephone or computer via Microsoft Teams.]

### ADMINISTRATIVE MATTERS

#### Call to Order and Approve Agenda:

Director Joyner noted that a quorum of the Board was present and called the special meeting of the Board of Directors of the Falcon Highlands Metropolitan District to order at 5:32 p.m.

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

#### 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 Erb 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

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meeting.

### Community Comment:

Community comments were made inquiring the community message board issues. There was a discussion on the use of District boards for sharing information on food trucks. It was decided this would not continue. There was a question about vehicles and boats parked along the street. This will be addressed with the El Paso County and Sheriff's office.

### CONSENT AGENDA

Review and Consider Acceptance of Unaudited Financial Statements as of September 30, 2020.

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

Review and Consider Approval of Minutes from the September 14, 2020 Special Board Meeting.

The Board reviewed the Financial Statements, Claims, and Minutes of the September 14, 2020 special meeting. Following discussion, 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

Review and consider Approval of Engagement Letter with Dazzio & Associates, P.C. for 2020 Audit:

Following discussion, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the engagement of Dazzio & Associates, P.C. to perform the 2020 audit.

Conduct Public Hearing to Consider Amending 2020 Budget; Consider Adopting Resolution Amending 2020 Budget, if necessary:

It was determined that an amendment to the District's 2020 budget was not needed.

Conduct Public Hearing to Consider Adoption of the 2021 Budget, Appropriate Expenditures, and Certify Mill Levy; Consider Adoption of Resolution to Adopt 2021 Budget, Appropriate Expenditures and Certify Mill Levy:

Chairman Joyner opened the public hearing on the District's 2021 budget, at 5:55 p.m.

Ms. Bartow reviewed the budget with the Board. The Board discussed park improvements and county improvements throughout the District as well as management of weeds at the park. There was no public comment on the budget. Chairman Joyner closed the hearing.

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Following discussion, upon a motion duly made by Director Joyner, seconded by Director Hass and, upon vote, unanimously carried, the Board approved the Resolution to Adopt the 2021 Budget, Appropriate Funds, and Set the Mill Levy.

### LEGAL MATTERS

#### Legal Report:

Mr. Erb reviewed the legal report with the Board.

#### Conduct a Public Hearing Regarding 2020 Delinquent Accounts and Approve Resolution Regarding Certification of Delinquent Accounts for Collections:

Following discussion, upon a motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board opened the public hearing at 6:01 p.m. Ms. Bartow reviewed the delinquent accounts with the Board. Hearing no public comment, upon a motion duly made by Director Hass, seconded by Director Joyner and, upon vote, unanimously carried, the Board closed the public hearing at 6:02 p.m. Upon a motion duly made by Director Hass, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the Resolution Regarding Certification of 2020 Delinquent Accounts.

### MANAGER MATTERS

#### Manager's Report:

Mr. Miller reviewed the Manager's Report with the Board.

#### Operations Report:

Mr. Miller reviewed the operations report with the Board.

#### Review and Consider Approval of 2021 Fee Schedule with No Change from 2020:

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Hass and, upon vote, unanimously carried, the Board approved the 2021 fee schedule, noting that there were no changes proposed from the 2020 schedule.

### ENGINEERING MATTERS

#### Engineering Report:

Mr. Mangino reviewed and discussed the engineering report with the Board.

### EXECUTIVE SESSION

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Haas and, upon vote, unanimously carried, the Board approved the motion to enter into executive session at 6:36 p.m., pursuant to Section 24-6-402(4)(a), (b) and (e), C.R.S. for the purposes 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) the purchase, acquisition, transfer or sale of real property and/or water rights, and the development of negotiating positions.

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The Board returned into open session at 6:50 p.m. and noted that no action had been taken in executive session.

### OTHER BUSINESS

The board discussed potential representation on the Pikes Peak Area Council.

### Confirm Quorum for Next Board Meeting:

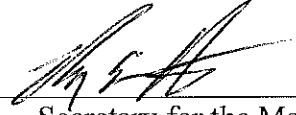
The next Board meeting is scheduled for Monday, January 11, 2021. The management team will reach out to confirm the quorum should the meeting be necessary.

### ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 6:53 p.m.

Respectfully submitted,

By



Secretary for the Meeting