

## 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, July 12, 2021, 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  
Tim Dickey\*, Secretary  
Kevin Haas, Treasurer

##### Also, In Attendance Were:

Barbara Vander Wall\*; Seter & Vander Wall, P.C.  
Krista Baptist, Josh Miller\*, Seef Le Roux\*, and Carrie Bartow\*;  
CliftonLarsonAllen, LLP  
John McGinn\*; JDS-Hydro Consultants, Inc.

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

#### 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 Joyner, seconded by Director Haas 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 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.

**Community Comment:** None.

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### CONSENT AGENDA

**Review and Consider Approval of Minutes from the March 8, 2021 Special Board Meeting**  
**Review and Consider Acceptance of Unaudited Financial Statements as of March 31, 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:** Ms. Bartow informed the Board that the audit is underway and that there will be an extension filed.

### LEGAL MATTERS

**Legal Report:** Ms. Vander Wall provided a general update to the Board regarding the current status of outstanding items being monitored.

**Settlement Agreement and Related Documents for BLH#1, LLC and BLH#3, LLC v. Falcon highlands Metropolitan District:** Ms. Vander Wall provided an update on the proposed litigation settlement and the terms and provisions of the settlement agreement. Following further discussion, upon motion duly made by Director Haas, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the Settlement Agreement and Related Documents for BLH#1, LLC and BLH#3, LLC v. Falcon highlands Metropolitan District.

**Engagement with MuniCap, Inc.:** Following discussion, upon motion duly made by Director Haas, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the engagement of MuniCap, Inc. to serve as the Districts financial advisor related to the anticipated 2021 Refinance Bonds and 2021 Enterprise Bonds.

### MANAGER MATTERS

**Manager's Report:** Mr. Miller provided an update to the Board on outstanding District matters. He advised on the status of maintenance activities, meter replacement proposal, and an update on the park project. Director Haas suggested putting the park project scope on the District's website. Director Dickey proposed that the District install monumentation signage for the District; it was discussed that this may be considered in 2022 after the District considers its budget. Director Joyner inquired about federal and state fund availability to cover some of the District's expenses, from COVID relief funds and potential infrastructure funds.

### DIRECTOR MATTERS

**ATV use on District Land:** Director Haas discussed the use of ATV's on District land. He agreed to review locations where fencing or bollards may be an option.

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### ENGINEERING MATTERS

**Engineering Report:** Mr. McGinn reviewed and discussed the engineering report with the Board. He noted that the District has a tank inspection coming up, which may be funded with bond proceeds. All 3 wells are up and running. There are some changes to reporting requirements with the State. The Board discussed the installation of fan ventilation in the well housing; Mr. Miller noted that he is working on this item.

**Resolution Establishing Engineering Construction Standards and Specs:** Following discussion, upon motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board adopted the Resolution Establishing Engineering Construction Standards and Specs.

### EXECUTIVE SESSION

The Board did not enter into Executive Session at this meeting.

### OTHER BUSINESS

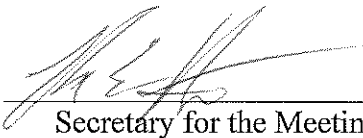
**Confirm Quorum for the Next Regular Meeting:** The next Board meeting is scheduled for Monday, September 13, 2021. The management team will reach out to confirm the quorum should the meeting be necessary.

The Board discussed making more information available to its residents and the public through its website, which could include a District newsletter, a park update, pictures, fact sheets, etc. Mr. Miller stated that his office is working on enhancements to the District's website.

### 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 7:08 p.m.

Respectfully submitted,

By   
Secretary for the Meeting