

**NOTICE AND AGENDA
REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
FALLBROOK VILLAS METROPOLITAN DISTRICT**

NOTICE IS HEREBY GIVEN that the Board of Directors of **Fallbrook Villas Metropolitan District**, Adams County, Colorado, will hold a regular meeting on Thursday, June 29, 2023, at 3:00 p.m., or as soon thereafter as possible, via telephone and videoconference as noted below. The meeting is being held for the purpose of addressing those matters set out in the agenda below as the same may be amended at the meeting, and for the purpose of conducting such other business as may properly come before the Board. The meeting is open to the public.

Date: Thursday, June 29, 2023
Time: 3:00 p.m.
Zoom: <https://spencerfane.zoomgov.com/j/1611632616?pwd=WFVKNFYcXRheG1IalZOSXpXSTFvdz09>
Call-In Number: (669) 254 - 5252
Meeting ID: 161 163 2616
Passcode: 233480

AGENDA

BOARD OF DIRECTORS

KimNichelle Rivera, President, (2022-2025)
Jackie Phillips, Secretary, (2023-2025)
Jolene Simon, Treasurer, (2023-2027)
Rich Vogt, Director, (2023-2027)
Todd Geist, Director, (2023-2025)

Attendees: whether members of the public or the Board of Directors, will not engage in obscene gestures, shouting, profanity, or other disruptive behavior. If attendees become disruptive, they will be muted, expelled from the meeting and/or fined/sanctioned.

1. Call to Order
2. Approval of the Agenda and Meeting Location
3. Public Comment (limited to three minutes per person)
4. Consider for Approval the Minutes of the Special Meeting held on March 24, 2023
5. Financial Matters
 - a. Consider Ratification of Payment of Claims
 - b. Consider Ratification of Check Register from October 2022 to June 2023
 - c. Consider Acceptance of Financial Statements

6. Attorney Items
 - a. Discuss May 2, 2023 Election Results and Acknowledgement of Oaths of Office
 - b. 2023 Legislative Update

7. Director Items
 - a. Discuss and Consider Approval of Recording Board Meetings
 - b. Review and Consider Approval of Vehicle Violation Letter
 - c. Discuss Maintenance Responsibilities per Section 5.1 of the Declaration
 - d. Discuss Modifications or Additions to the Code of Conduct
 - e. Discuss Code of Conduct Violations
 - f. Discuss Colorado Open Records Act Matters
 - g. Discuss Landscaping Concerns
 - h. Discuss Community Behavior with Landscaping Crews
 - i. Discuss Dog Stations
 - j. Discuss Center Median
 - k. Discuss Tree Lawn Responsibilities
 - l. Communications with Vendors
 - m. Community Cleanup

8. Management Items
 - a. Review and Consider Ratification of Davey Tree Expert Services Quote
 - b. Review and Consider Approval of the BrightView Proposal for Weed Treatment
 - c. Discuss and Consider Approval of Tree Stake Removal Proposal
 - d. Discuss Tree Replacement in Common Areas
 - e. Discuss Native Grass Maintenance
 - f. Discuss Mulch Refresh in Common Landscape Areas
 - g. Discuss Painting Fence on District Fire Station Lot
 - h. Discuss Payment Plan Request for Account 2333323
 - i. Discuss Design Review Request for Account 2124742
 - j. Discuss Operations Fee - Letter to Board
 - k. Discuss Erosion and Sump Pump Discharge
 - l. Discuss Violations - Jackson Street

9. Other Business
 - a. Discuss Board Member Issues

10. Executive Session as Needed Pursuant to C.R.S. Section 24-6-402(4)(b) and (e) (if necessary)

11. Adjournment/Continuation

**RECORD OF PROCEEDINGS
MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF
FALLBROOK VILLAS METROPOLITAN DISTRICT**

HELD:

Friday, the 24th day of March, 2023 at 2:00 p.m. via telephone and videoconference.

ATTENDANCE:

The special meeting of the Board of Directors (the “Board”) of the Fallbrook Villas Metropolitan District (the “District”), Adams County, State of Colorado, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

KimNichelle Rivera, President, (2022-2025)
Shawn Williams, Director (2022-2025)
Jolene Simon, Treasurer (2022-2023)
Richard Vogt (2022-2023)
Jacqueline Phillips (2022-2025)

Also in attendance were Lisa K. Mayers, of Spencer Fane LLP, Melissa Kupferer of Advance HOA, Nicki Simonson of Simonson & Associates, Inc., and members of the public.

CALL TO ORDER:

It was noted for the record that a quorum was present of the Board for the purpose of conducting a special meeting, and on behalf of the Board of the District the meeting was called to order at 2:00 p.m.

APPROVAL OF AGENDA AND MEETING LOCATION:

Upon motion duly made, seconded, and upon vote unanimously carried, the meeting location and agenda were approved by the Board, as amended.

CODE OF CONDUCT:

The Board discussed modifications or additions needed to the Code of Conduct. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board approved amendments to the Code of Conduct, with changes as discussed.

PUBLIC COMMENT:

None.

APPROVAL OF MINUTES:

The Board reviewed the minutes of the special meeting held on January 4, 2023. Upon motion duly made, seconded and upon vote unanimously carried the Board approved the minutes, as presented, and authorized the Board President to execute the minutes as constituting a true and correct record of the proceedings of the meeting.

APPOINTMENT OF OFFICERS:

The Board discussed appointing Director J. Phillips as Board Secretary. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board appointed Director J. Phillips to serve as Board Secretary.

FINANCIAL ITEMS:

- a. Consider ratification and approval of payment of claims. Ms. Simonson presented the claims to the Board. The Board discussed. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board ratified the claims.
- b. Financial report. Ms. Simonson presented the financial statements, debt amounts and discussed the reasons for a Fee Resolution with the Board. Discussion ensued regarding preparing a letter to residents. Following discussion and upon motion duly made, seconded and upon vote of four in favor and one abstention, the motion carried with the Board approving the Fee Resolution and imposition of fee.

SCHILLING & COMPANY AUDIT SERVICES PROPOSAL:

The Board reviewed and discussed the Schilling & Company audit services proposal. Following discussion and upon motion duly made, seconded and upon vote unanimously carried, the Board approved the proposal, as presented.

ATTORNEY ITEMS:

None.

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DIRECTOR ITEMS:

- a. Discuss Amendment to 2022 and 2023 Budget. The Board discussed amendments to the 2022 and 2023 budgets. Tabled. No action was taken.
- b. Review and Discuss Adams County Designated Residential Parking Districts Ordinance. The Board reviewed the Adams County Designated Residential Parking Districts Ordinance. Ms. Mayers advised the ordinance is not applicable to the property or the District because it applies only to unincorporated areas of Adams County, the District is in the City of Thornton. Ms. Mayers advised the Board that the City owns streets and governs activities on the streets, not the District.
- c. Review and Consider Approval of Landscaping Contract. The Board reviewed the various landscaping bids. Discussion ensued. Following discussion and upon motion duly made, seconded and upon vote unanimously carried, the Board approved the BrightView landscaping contract, as presented.
- d. Discuss and Address Debt Amounts and Adoption of Fee Resolution. The Board discussed the debt amounts and adoption of a Fee Resolution earlier in the meeting.
- e. Discuss Management Inspector's Tasks in the Community. The Board discussed the management inspector's tasks in the community. No action was taken.
- f. Discuss Maintenance Responsibilities per Section 5.1 of the Declaration. The Board discussed the maintenance responsibilities per Section 5.1 of the Declaration. No action was taken.
- g. Discuss Steps to Reserve Park Pavilion. The Board discussed a policy for park pavilion reservations. The Board directed legal counsel to prepare a resolution for reservations for the Pavilion which is to be managed by AdvanceHOA Management.
- h. Discuss Playground Safety Checks on Equipment. The Board discussed playground equipment safety inspections. Following discussion and upon motion duly made, seconded and upon vote unanimously carried the Board approved obtaining a safety inspection in an amount to not exceed \$500.00 for Spring 2023 inspection.
- i. Discuss Playground Signage for Homeowner Use. The Board discussed displaying playground signage for homeowner use. No action was taken.
- j. Discuss Modifications or Additions to the Code of Conduct. The Board discussed modifications and/or additions to the Code of Conduct earlier in the meeting.

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ADVANCE HOA:

- a. Management Report. Ms. Kupferer provided a management report to the Board. The Board discussed. No action was taken.

OTHER BUSINESS:

None

EXECUTIVE SESSION:

Not necessary.

ADJOURNMENT:

There being no further business to come before the Board of the District and upon motion duly made, seconded and upon vote unanimously carried, the meeting was adjourned at 4:16 p.m.

The foregoing minutes constitute a true and correct copy of the minutes of the above-referenced meeting and was approved by the Board of Directors of the Fallbrook Villas Metropolitan District.

President to the Board

FALLBROOK VILLAS METROPOLITAN
DISTRICT

CERTIFICATE OF ELECTION

IT IS HEREBY CERTIFIED that at the regular biennial election of the Fallbrook Villas Metropolitan District held on Tuesday, May 2, 2023, which election was canceled, the following persons were elected by acclamation to the office of Director for the term indicated:

Jolene Simon
4-year term (2023 – 2027)

Richard Vogt
4-year term (2023 – 2027)

Todd Geist
2-year term (2023 – 2025)

Jacqueline Phillips
2-year term (2023 – 2025)

IN WITNESS WHEREOF, I have hereunto set my hand this
2nd day of May, 2023.

Katie Stahl
Designated Election Official



Memorandum

TO: Clients and Other Interested Parties
FROM: Spencer Fane, LLP
RE: 2023 Legislative Update
DATE: May 15, 2023

This year's legislative session recently ended. Below is a summary of key bills that may affect your local government in several ways. Keep in mind this is just a summary. If you have any questions about how a law may affect your organization, please do not hesitate to reach out to us to discuss further.

The following bills may or may not have been signed by the Governor at the time of drafting, but all are expected to be signed or become law.

HB23-1017: *Concerning Improvements to the Electronic Sales and Use Tax Simplification System*

The bill directs the Department of Revenue to make changes to the Electronic Sales and Use Tax system to make it easier for retailers to submit information on sales and use revenue. While the bill does not change how procedures function, it is hoped the system will lead to increased use taxes being remitted to districts.

HB23-1023: *Concerning the Dollar Amount of a Special District Contract that Requires Notice for Bids*

The Act changes C.R.S. § 32-1-1001(d)(l) to increase the threshold for public notice of bids for contracts entered into by a district from \$60,000 to \$120,000. The Act also creates a new provision to increase this threshold based on inflation every five years beginning July 1, 2028.

HB23-1032: *Concerning Civil Action Remedy Provisions for Civil Rights Violations of Persons with Disabilities*

The Act modifies existing law to clarify that a person must first exhaust available administrative remedies before filing a discrimination or unfair practice claim lawsuit related to employment practices, housing practices, or discriminatory advertising. The Act also prohibits an individual with a disability from being excluded from participation in or denied the benefits of services, programs, or activities provided by a place of public accommodation. Lastly, the Act requires that, in some lawsuits, an individual with a disability may be entitled to a court order requiring compliance with the provision violated in addition to actual monetary damages or a statutory fine.

[Limited Applicability] HB23-1057: *Concerning a Requirement that Certain Public Buildings Have Restrooms with Amenities for All Genders*

The bill requires that after January 1, 2024, any newly built public building or public building undergoing a public restroom built or owned by certain governmental entities (**which we believe include BIDs or GIDs governed by Title 31 but not special districts under Title 32**), the renovation must:

- Provide a non-gendered single-stall restroom or a non-gendered multi-stall restroom when the restroom is accessible to the public;
- Ensure that any single-stall restroom is not gender specific;

- Allow for the use of multi-stall restrooms by the general public if certain facility features are met under the International Plumbing Code and the Colorado Fuel Gas Code; and
- Requires new signage for such restrooms.

The bill also requires that these restrooms also have at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom, in each gender-specific restroom if only gender-specific restrooms are available, and in each non-gendered single-stall or multi-stall restroom. In addition, each baby changing station must be cleaned with the same frequency as the restroom or room where the station is located. The bill further provides requirements for changing station signage.

HB23-1062: *Concerning the Authority of a Metropolitan District to Levy a Sales Tax with Voter Approval for the Purpose of Providing Parks or Recreational Facilities or Programs*

The Act updates the current statutory authority for metropolitan districts to levy a sales tax to now allow sales taxes to be levied for and spent on parks or recreational facilities or programs within the district's boundaries.

HB23-1075: *Concerning Evacuation and Clearance Time Modeling in Wildfire Risk Areas of the State*

Creates a study run by the Office of Emergency Management to study the efficacy and feasibility of technology to assist with evacuation and clearance and time modeling, and the feasibility of requiring developers to perform evacuation and clearance time modeling for proposed developments in wildlife risk areas.

HB23-1076: *Concerning Workers' Compensation and Changing Certain Benefits*

While the bill provides for a number of changes to the workers' compensation structure, as relevant to special districts, the bill makes changes that may increase workers' compensation costs. Specifically, the bill increases the time limit for medical impairment benefits based on mental impairment from 12 weeks to 36 weeks. The bill also eliminated the option for an employee to petition the Division of Worker's Compensation for a replacement prosthetic device after the initial device was furnished. Lastly, the bill increases the threshold which, if above the threshold, a contingent attorneys' fee award related to workers' compensation claims is presumptively unreasonable.

HB23-1105: *Concerning the Creation of Task Forces Related to HOAs and Metropolitan Districts*

The bill creates task forces related to HOAs and Metropolitan Districts. The metropolitan district task force will study metropolitan district boards' tax levying authority and practices, foreclosure practices, and communications with homeowners. The metropolitan district task force will also consider the HOA task force's findings and conclusions as they relate metropolitan districts. The HOA task force will study issues related to homeowners' rights in a HOA, including the HOAs' fining authority and practices, foreclosure practices, and communications with homeowners. The bill also requires **HOAs and metropolitan districts to notify each owner of the existence of the task force before the relevant task force holds its first meeting.**

HB23-1255: *Concerning Preemption of Local Regulations Limited the Number of Building Permits Issued for Development*

The bill states that several governmental entities have laws restricting the growth of residential housing. The bill then declares that the state has an interest in encouraging housing growth statewide, and because of this, preempts any existing governmental entity housing growth restriction, and forbids the enactment or enforcement of any future local housing growth restriction, unless the governmental

entity has experienced a disaster emergency, has developed or amended land use plans or land use laws covering residential development or the residential component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources. A governmental entity that has experienced a disaster emergency, has developed or amended land use plans or land use laws covering residential development or the residential component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources may implement a growth-cap for up to 24 months in a 5-year period.

HB23-1259: *Concerning Provisions of the Open Meetings Law for an Executive Session*

The bill amends the open meetings law related to executive sessions by stating that pro se parties successfully bringing challenges to how executive sessions were held cannot recover costs or attorneys' fees related to their challenge.

HB23-1284: *Concerning Modifications to the Property Tax Deferral Program*

The bill expands the current property tax deferral program to include income-creating properties or properties where all liens and mortgages are greater than 90 percent of the actual value of the property if the owner seeking the deferral is at least 65 years old, called into military service, or is the surviving spouse of an owner that was at least 65 years old or called into military service.

SB23-002: *Concerning Seeking Federal Authorization for Medicaid Reimbursement for Services Provided by a Community Health Worker*

The bill authorizes the State to seek federal authorization from the Centers for Medicare and Medicaid services to provide Medicaid reimbursement for Community Health Worker services.

SB23-013: *Concerning Resources for Fire Investigations*

The Act creates a Fire Investigation Fund to investigate the causes and origins of fires in the state and funds costs related to fire investigations, including those costs associated with providing support to local fire departments and reimbursing fire investigators not employed by the division.

SB23-017: *Concerning Additional Uses of Paid Sick Leave*

The Act expands what an employee may use paid sick leave for to include:

- Care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care; or
- Grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member; or
- Evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence.

SB23-036: *Concerning Veterans with a Disability Property Tax Exemption Requirements*

The Act changes the requirement for where a Veteran with a disability may apply for a property tax exemption from the Colorado Department of Veterans and Military Affairs to the Veteran's county tax assessor.

[Limited Applicability] SB23-053: Concerning Restrictions on Nondisclosure Agreements that Affect Government Employees

The bill prohibits counties, cities and counties, municipalities, school districts, and any of their departments, institutions, or agencies (but does not seem to cover employees or consultants of metropolitan districts) from making it a condition of employment that an applicant for employment or current or past employee execute a non-disclosure agreement unless the non-disclosure agreement is to prevent disclosure of:

- The employee's identity, facts that might lead to the discovery of the employee's identity, or factual circumstances relating to the employment that reasonably implicate legitimate privacy interests held by the employee who is a party to the agreement if the employee elects to restrict such disclosure; or
- Data, information, including personal identifying information, or matters that are required to be kept confidential by federal law or regulations, the state constitution, or state law or rules; or
- Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a contractor or prospective contractor of the employee's employer during the procurement process or while the contractor is providing goods or services to the employee's employer if the protection of such information is needed to ensure successful procurement or provision of the goods or services; or
- Information bearing on the specialized details of security arrangements or investigations; or
- Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by an employer's current or prospective customer, contractor, lessee, lessor, business partner, or affiliate; or
- Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a purchaser or seller of property that is engaged in negotiations or under contract with the employer.

SB23-058: Concerning the Job Application Fairness Act

Starting July 1, 2024, the Act prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance at or date of graduation from an educational institution on an initial employment application. However, an employer may request an individual to verify compliance with age requirements imposed pursuant to or required by:

- A bona fide occupational qualification pertaining to public or occupational safety; or
- A federal law or regulation; or
- A state or local law or regulation based on a bona fide occupational qualification.

SB23-105: Concerning Ensuring Equal Pay for Equal Work

The Act requires the Director of the Division of Labor Standards and Statistics to investigate complaints regarding wage inequity and order compliance and relief. The Act also requires an employer to:

- For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity;
- For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and

- For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.

SB23-108: *Concerning Temporary Reductions in Property Taxes Due*

The Act allows a local government to provide temporary property tax relief through temporary property tax credits or mill levy reductions and later eliminate the credits or restore the mill levy without violating TABOR. To qualify, the temporary reduction in property taxes must be annually renewed by the local government.

SB23-110: *Concerning Transparency for Metropolitan Districts*

- For a proposed metropolitan district that submits a service plan on or after January 1, 2024, the Act requires the service plan to include a cap on the maximum mill levy and a cap on the maximum debt that may be issued by the metropolitan district.
- Beginning in the 2023 calendar year, the Act requires the board of a metropolitan district to hold an annual “town hall” meeting if the metropolitan district was organized after January 1, 2000, has residential units within its boundaries, and is not in inactive status. This meeting is an opportunity for members of the public to ask questions about the metropolitan district. No formal action may be taken at the meeting. Further, metropolitan districts will be required to include a public comment period at their budget hearing meeting to provide further opportunity for the public to provide formal, public comment.
- The Act specifies that prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying specified criteria regarding the interest rate of the debt.
- The Act requires the seller of residential real property that is located within a metropolitan district to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission-approved seller's property disclosure.

SB23-111: *Concerning Public Employees’ Workplace Protection*

The Act extends certain workplace protections to employees of special districts, including the right to:

- Discuss or express views regarding public employee representation or workplace issues;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and
- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

The Act also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted under the Act.

SB23-172: *Concerning Protections for Colorado Workers Against Discriminatory Employment Practices*

The Act modifies existing law to include new protections related to harassment, including:

- Adding protections from discriminatory or unfair employment practices for individuals based on their "marital status";
- Specifying that in harassment claims, the alleged conduct need not be severe or pervasive to constitute a discriminatory or unfair employment practice;
- For the purposes of the exception to otherwise discriminatory practices for an employer that is unable to accommodate an individual with a disability who is otherwise qualified for the job, eliminating the ability for the employer to assert that the individual's disability has a significant impact on the job as a rationale for the employment practice;
- Specifying the requirements for an employer to assert an affirmative defense to an employee's proven claim of unlawful harassment by a supervisor;
- Specifying the requirements that must be satisfied for a nondisclosure provision in an agreement between an employer and an employee or a prospective employee to be enforceable; and
- Requiring an employer to maintain personnel and employment records for at least 5 years and, with regard to complaints of discriminatory or unfair employment practices, to maintain those records in a designated repository.

SB23-175: *Concerning the use of TIFs by Downtown Development Authorities*

The Act modifies current law for TIF arrangements with a term of 30 years with the option for one 20-year extension. For property tax revenue only, the bill creates the option for additional 20-year extension periods during which an authority may use a TIF arrangement if the governing body of the municipality extends the period by ordinance. The first additional extension period may begin upon the expiration of the original 50-year period. For the 20-year extension periods, the default split of the incremental revenue is continued unless the municipality and all of the other governmental entities reach an alternative agreement. Additionally, the Act states that during the 20-year extension period, the base year revenue is recalculated every year. The Act also allows a municipality and an authority to enter into an intergovernmental agreement through which the municipality may delegate to the board of the authority the power to incur debt and to pledge money in a special fund of the municipality for the payment of the debt.

SB23-183: *Concerning the Elimination of the Requirement that a Local Government Obtain Voter Approval to Provide Certain Communications Services*

The Act:

- Eliminates the requirement that a local government hold an election before providing or before operating a facility to provide cable television, telecommunications, or broadband internet services to subscribers;
- Eliminates the requirement that a local government hold an election to enter into a private partnership to allow a private provider to use local government facilities in connection with the private provider offering cable television service, telecommunications service, broadband internet service, or middle mile infrastructure; and

- Specifies that a local government may provide middle-mile infrastructure, which is broadband infrastructure that does not connect directly to an end-user location.

SB23-286: *Concerning Improving Public Access to Government Records*

The bill makes changes to the "Colorado Open Records Act" (CORA) and to record retention requirements for state agencies by:

- Modifying the definition of "public records" and "electronic communication",
- Specifying the method of transmitting records by the custodian to the requester,
- Allowing a custodian to deny a requester's right to inspect certain records on the grounds that it would be contrary to public interest,
- Specifying that the final report of the investigation of an elected official's sexual harassment is a public record with limited exceptions,
- Specifying limitations on per-page fees charged by custodians for records provided in a digital or electronic format, and
- Requiring a custodian to allow different forms of payment for fees or deposits associated with the requests, and
- Requiring additional retention requirements for electronic communications sent to or received by an officer or employee of state agencies.

SB23-303: *Concerning a Reduction in Property Taxes¹*

The Act requires the secretary of state to refer a ballot issue to voters for the November 2023 election that asks voters whether property taxes should be reduced and that seeks voter approval to retain and spend excess state revenues that will be used to backfill some of the reduced property tax revenue. Most of the Act only becomes effective if the voters approve the ballot issue.

Beginning with the 2023 property tax year, the Act includes a limit on specified property tax revenue for local governments—excluding those that are home rule and school districts—that is equal to inflation above the property tax revenue from the prior property tax year (limit). A local government may establish a temporary property tax credit, which does not change the gross mill levy, that is up to the number of mills necessary to prevent the local government's property tax revenue from exceeding the limit. Alternatively, the governing board may approve a mill levy that would cause the local government to exceed the limit, if the governing board approves the mill levy at a public meeting that meets certain criteria.

Modifies the assessed value of lodging property and all nonresidential property, excluding agricultural property and renewable energy production property and property that is not under a vacant land subclass for upcoming years as follows:

- 27.85% for the 2024 through 2026 property tax years;
- 27.65% for the 2027 and 2028 property tax years;

¹ This bill was passed late in the Legislative Session and was rushed through the General Assembly. As a result, there is confusion regarding the overall effect of the bill. This summary is what was provided by the General Assembly and may be changed after the date of this memo. Further, a vast majority of the bill is slated to be part of a ballot issue in the November 2023 election.

- 26.9% for the 2029 and 2030 property tax years; and
- 25.9% or 26.9% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest increases from the 2030 to 2031 property tax years (revenue increases).

Further, the Act reduces the assessment rate for agricultural property, excluding renewable energy agricultural land, and renewable energy property is from 29% to:

- 26.4% for the 2025 through 2030 property tax years; and
- 25.9% or 26.4% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest revenue increases.

The assessment rate for renewable energy agricultural land, is reduced from 29% to 21.9% for the 2024 through 2032 property tax years.

Under the Act, beginning with the 2033 property tax year, all of the temporary valuation reductions expire and the valuation of all nonresidential real property is 29% of the actual value of the property.

The Act changes the assessed valuation residential property in upcoming years as follows:

- For multi-family residential real property, the valuation is reduced from 6.8% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount; and
- For all other residential real property, the valuation is reduced from an estimate of 6.98% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.

For the 2025 through 2032 property tax years:

- For multi-family residential real property and primary residence real property, including multi-family primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the actual value minus the lesser of \$40,000 or the alternate amount;
- For qualified-senior primary residence real property, including multi-family qualified-senior primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the amount equal to the actual value minus \$140,000 or the alternate amount; and
- For all other residential real property, the assessment rate is reduced from 7.15% 6.7 %.

Beginning with the 2033 property tax year, all of the temporary valuation reductions expire and the valuation of all residential real property is 7.15% of the actual value of the property.

The Act also establishes that all of the temporary reductions in valuation for residential and nonresidential property created in the Act are contingent on the state's ability to retain and spend state surplus up to a cap without violating TABOR. If, for any reason, excluding a legislative enactment by the General Assembly, the State is not permitted to retain and spend this money, then the temporary reductions in the Act do not apply.

The cap is set out as follows:

For the 2023-24 fiscal year, the cap is equal to the excess state revenues cap for the prior fiscal year, adjusted for inflation plus 1% and population changes. Thereafter, the cap is equal to the cap for the prior fiscal year, adjusted for inflation plus 1% and population changes. The

cap is also annually adjusted for the qualification or disqualification of enterprises and debt service changes.

If the general assembly does not enact assessment rates for the 2033 property tax year that are the same or lower than the assessment rates for the 2032 property tax year described above, then the cap is reduced to be equal to the excess state revenues cap, and the state will retain \$0 under this authority beginning with the 2031-32 fiscal year. Thereafter, the general assembly may partially or wholly restore the cap without additional voter approval if the general assembly enacts valuation reductions equal to or greater than those for the 2032 property tax year.

The Act also creates the residential subclass of primary residence real property for owner-occupiers and establishes administrative procedures related to the classification that are based on the procedures for the homestead exemption, with those procedures expanded to treat civil union partners like spouses.

The Act also creates the residential subclass of qualified-senior primary residence real property, which is a property with an owner-occupier who previously qualified for the senior homestead exemption for a different property and who does not qualify for the exemption for the current property tax year.

The Act modifies the mechanism in which the State reimburses local governmental entities for property tax revenue lost as a result of the reductions in valuation enacted in Senate Bill 22-238 by:

- Specifying that the amount of revenue lost for a property tax year is based on a local governmental entity's mill levy for the 2022 property tax year, excluding specified mills;
- Including the additional property tax revenue reductions that result from the Act in the backfill for the 2023 property tax year;
- Eliminating the maximum amount of the backfill for the 2023 property tax year that is a refund of excess state revenues;
- Extending the backfill for the 2024 through 2032 property tax years for the valuation reductions in the Act, but making a local governmental entity that has an increase in real property total valuation of 20% or more from the 2022 property tax year ineligible for the backfill;
- Creating the local government backfill cash fund, which includes a \$128 million general fund transfer, and requiring the money from the fund to be used to backfill revenue to local governments beginning with the 2024 property tax year;
- Beginning with the 2024 property tax year, proportionally reducing the amount that each eligible local government receives, if necessary to avoid exceeding the total amount that is identified as being available for the backfills statewide;
- Clarifying how local governmental entities, which are now defined, are treated if their boundaries are in more than one county for purposes of the backfill; and
- Requiring the state treasurer to reduce a backfill as necessary to avoid a local governmental entity exceeding its constitutional fiscal year spending limit.

SB23-304: *Concerning Changes to Property Tax Valuation Practices*

The Act changes what a property tax assessor must consider in assessing the value of properties to include:

- The current use;



- Existing zoning and other governmental land use or environmental regulations and restrictions;
- Multi-year leases or other arrangements affecting the use of or income from real property;
- Easements and reservations of record; and
- Covenants, conditions, and restrictions of record.

Beginning January 1, 2024, the Act requires certain counties to use an alternative procedure to determine objections and protests of property tax valuations in any year of general reassessment of real property that is valued biennially.

The Act clarifies that the assessor is required to provide a taxpayer the primary method and rates the assessor used to value the property when requested by the taxpayer.

Dear Homeowner,

If you are the owner of the boat parked in the parking lot behind the residence, please contact Melissa at AHOA immediately (contact information below). Per the covenants recreational vehicles of any kind are not permitted to be parked on the property:

8.7 Vehicular Parking, Storage and Repairs

(a) No house trailer, camping trailer, boat trailer, hauling trailer, boat or accessories thereto, truck (rated larger than 1 ton), self-contained motorized recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored in the Project, unless such parking or storage is within a garage or is suitably screened from view in accordance with the Rules and Regulations, except that any such vehicle may be otherwise parked as a temporary expedient for loading, delivery, or emergency. This restriction, however, shall not restrict (i) trucks or other commercial vehicles which are necessary for construction or for the maintenance of any portion of the Project or any Improvements located thereon or (ii) fire and emergency service vehicles.

* * *

(c) If the Metropolitan District determines that a vehicle is parked in violation of subsections (a) or (b) of this Section or Section 8.22 below, then a written notice describing said vehicle shall be delivered personally or by certified mail to the owner thereof (if such owner can be reasonably ascertained) or shall be conspicuously placed upon the vehicle (if the owner thereof cannot be reasonably ascertained), and if the vehicle is not removed within a reasonable time thereafter, as determined by the Metropolitan District in its discretion from time to time, the Metropolitan District shall have the right to remove the vehicle at the sole expense of the owner thereof.

From the date of delivery of this letter, if the boat is not removed and/or contact made with AHOA within seven (7) days, steps will be taken to have the vehicle removed. Please do not delay. You can contact Melissa at AHOA at 303-482-2213 x283 to address this continuing covenant violation.

Thank you for your attention to this matter.

Sincerely,

FALLBROOK VILLAS METROPOLITAN DISTRICT

CODE OF CONDUCT

FOR USE OF THE

FALLBROOK VILLAS METROPOLITAN DISTRICT

The following Code of Conduct has been developed to ensure a safe, friendly and respectful place for residents, property owners, guests and staff to gather in the spirit of cooperation, relaxation, good will, fun and friendly competition and recreation.

The Code of Conduct differs from Rules and Regulations in that it addresses behavior that is acceptable and unacceptable and describes the consequences for engaging in behavior that is generally deemed unacceptable. The Code of Conduct is intended to ensure that all residents, property owners, guests, vendors and consultants (accountants, attorneys, managers, etc.) can expect to be treated with respect and dignity while enjoying the District's facilities, services and other events sponsored by the District, including Board activities and communications, recreation areas, and playgrounds. By entering the District's facilities, all residents and guests are deemed to have given their consent to be bound by the provisions below, including the penalties imposed for offenses.

ALL residents, guests and staff using facilities and services owned or provided by the Fallbrook Villas Metropolitan District, including but not limited, parks and open space, sidewalks and trails, and other recreation facilities in the Fallbrook Villas community, are expected to conduct themselves in a manner that:

- ▶ Creates an environment and culture that is reflective of personal integrity and respect. The integrity, honesty and respect are expected to be followed whether on or at the District property, parks and open space, trails, or when using any other District-owned facilities or services.
- ▶ Creates an environment and culture that is reflective of the personal integrity and respect. Integrity, honesty and common courtesy are expected to be followed whether at District sponsored events and meetings, at the parks and open space, trails, or when using any other District-owned facilities or services.
- ▶ Free from discrimination or harassment of any kind.
- ▶ Refrain from using obscenities and loud boisterous behavior which is inappropriate for children and respectable taste. District facilities, meetings and services are family friendly, and behavior must be appropriate for all ages.
- ▶ Shows the utmost respect and dignity to fellow residents, property owners, guests, vendors and consultants whenever present on District facilities or attending District events of any kind.
- ▶ Does not damage the character, integrity, good will, property, or community standing (local and/or the broader community) of the District, facilities, residents or guests.

▶ Adheres to ALL District rules, regulations, guidelines and pronouncements, including but not limited to:

▶Declaration of Covenants

▶Design Guidelines

▶Rules and Regulations

▶Park and Trail Rules

▶Policies

Any other District Facilities or Amenity's Rules and Regulations

▶ Does not damage or detract from the appearance, maintenance and upkeep of the community and District facilities.

▶ Demonstrates an understanding that residents, property owners, and guests have no authority to instruct vendors or consultants regarding job performance and duties. Similarly, understand that the Board of Directors, working together with management, is responsible for instructing the vendors and consultants regarding job performance and duties.

▶ Does not create unnecessary strife and divisiveness for residents, property owners, guests, vendors or consultants, through denigrating or abusive language, tone, volume or otherwise.

▶ Does not misrepresent one's identity, position, or authority to others.

▶ Abides by all state and local laws and regulations, including prohibitions with respect to the possession of any illegal drugs and weapons on District property.

▶ No bullying, threatening behavior, harassment, cursing, inappropriate language, malicious conduct, arguing with others or interrupting of individuals speaking will be tolerated. Harassment is defined as behavior that annoys persistently or creates an unpleasant or hostile situation, especially by uninvited and unwelcome verbal or physical conduct. Harassment may include intimidation, bullying, and threatening or coercive behavior, and conduct as described in Colorado Revised Statutes Section 18-9-111.

▶ Residents should expect that all owners will have the right to quiet enjoyment of their properties, free from abusive or harassing behavior, either verbal or physical, and free from any form of intimidation or aggression directed at other residents, guests, occupants, invitees, or directed at the District, District management, and other agents, employees or vendors.

▶ No person shall misrepresent one's identity, position or authority with respect to District-related matters. No representative of the District shall abuse his or her position of authority when dealing with residents, the general public, local government officials or vendors or consultants serving the District.

ENFORCEMENT

In addition to any other remedies available to the Board of Directors and management as contained in the District's governing documents, any individual found by the Board of Directors and management to be in violation of the Code of Conduct will:

- ▲ Be warned verbally upon the First Offense.
- ▲ Be issued a written warning upon the Second Offense (warnings are cumulative and specific to the individual), however suspension from District facilities and/or services is possible at any time dependent upon the severity of the Offense.
- ▲ Be automatically suspended from use of District facilities and/or services and event attendance upon a Third Offense or in the discretion of the Board of Directors and management.
- ▲ Be financially responsible for damages caused to property.
- ▲ Offenders will not be refunded any amounts paid for use of District facilities or property.
- ▲ For meetings of the Board of Directors, the following shall also be applicable:
 - ▶ Meetings of the Board of Directors are open to the public and the agenda typically includes, but is not required to include, a public comment session. The right to address the Board of Directors is a privilege and not a right and abuse of the privilege may result in revocation of the privilege.
 - ▶ A person engaging in disruptive behavior during a meeting of the Board of Directors will receive an initial verbal warning to refrain from disrupting the meeting. Warnings are issued by members of the Board. Upon a second warning, the disruptive individual will be expelled from the meeting either electronically or physically at the direction of the Board of Directors. Should the offender refuse to leave the meeting or continue to engage in disruptive behavior, the Board of Directors may take appropriate action, including but not limited to summoning law enforcement, imposing fines against the disruptive individual, and adjourning the meeting to a later time.
 - ▶ Meeting agendas shall contain the following advisement:

Attendees may not engage in obscene gestures, shouting, profanity, or other disruptive behavior. If an attendee becomes disruptive, the Board of Directors may expel the attendee from the meeting, impose fines or other sanctions, in the discretion of the Board.

PRESIDENT'S
CERTIFICATION:

The undersigned, being the President and Secretary of the Fallbrook Villas Metropolitan District, certify that the foregoing Code of Conduct was adopted by the Board of Directors of the District, at a duly called and held meeting of the Board of Directors, to be effective on December 1, 2022, and was subsequently amended by the Board of Directors of the District, at a duly called and held meeting of the Board of Directors, effective March 24, 2023, and in witness thereof, the undersigned have subscribed their names.

FALLBROOK VILLAS METROPOLITAN DISTRICT

By: Kim Michelle Pesta
President

By: Jolene M. Simon
Treasurer



2023 Annual Plant Health Care Program

Fallbrook Villas Metro District
304 Inverness Way S Ste 490
Englewood, CO 80112-5826

Thank You

We know there are no shortcuts
to solid relationships!

Satisfaction Guaranteed

With the DaveyCareSM Guarantee, if you are not satisfied with the care you received, we will work with you to resolve any potential service issues. Please visit our website for terms and conditions.

Quote number: 1394 / 30245384 / NEV

Quote date: December 22, 2022

Contract number:

Account number: 8084608

Please reply by: January 31, 2023



Want to learn more
about your Annual PHC
Program Proposal?
Scan for Details

Return Address:
THE DAVEY TREE EXPERT COMPANY
4601 GLENCOE ST.
DENVER CO 80216-6418

Mail To:

FALLBROOK VILLAS METRO DISTRICT
C/O SIMMONS & WHEELER
304 INVERNESS WAY S STE 490
ENGLEWOOD, CO 80112-5826

PRIOR YEAR'S SERVICES that should be performed again for 2023

These services will not be performed without your approval. Please sign and return one copy of this contract. If you do not wish to take any of these services, please contact our office in writing.

	Service Period	Price	Sales Tax	Total Price
Irrigation				
Deep Root Watering <i>Deep Root Watering for ALL front yard and common area trees.</i>	January	\$775.00		\$775.00
Deep Root Watering <i>Deep Root Watering for ALL front yard and common area trees.</i>	March	\$775.00		\$775.00
Deep Root Watering <i>Deep Root Watering for ALL front yard and common area trees.</i>	November	\$775.00		\$775.00
Deep Root Watering <i>Deep Root Watering for ALL front yard and common area trees.</i>	December	\$775.00		\$775.00
Total Investment		\$3,100.00	\$0.00	\$3,100.00

ADDITIONAL SERVICES that will benefit your property for 2023

We recommend these additional services but will not perform them without your approval. If you wish us to provide any of these additional services, please check the box alongside the service(s), sign and return one copy of this contract.

	Service Period	Price	Sales Tax	Total Price
Fertilization/SoilCare				
<input type="checkbox"/> Deep Root Fert w/ArborGreenPRO (1yr) <i>Deep Root Fertilization for ALL front yard and common area trees only.</i>	Jan - Jun	\$1,067.00		\$1,067.00
Irrigation				
<input type="checkbox"/> Deep Root Watering <i>Deep Root Watering for ALL front yard and common area trees.</i>	February	\$775.00		\$775.00
Total Investment		\$1,842.00	\$0.00	\$1,842.00

The Davey Tree Expert Company
4601 Glencoe St.
Denver, CO 80216-6418

Phone: (720) 440-8733 **Arborist** ISA Certified Arborist RM-7031A
Fax: (303) 469-9505 **Credentials:**

Your Arborist: **Steve Schopp**
Steve.Schopp@davey.com

Authorizing Client's Signature: _____

Date: _____

Pre-Service Call First Request:

- Do not call first, do the work as scheduled (this is our default).
- Call first, please leave a message
- Call first, verbal confirmation required
- Email an alert, do the work as scheduled
- Please contact me regarding: _____

Please confirm the contact information we have on file:
Home Phone:
Work Phone: (303) 482-2213 ext. 206
Mobile Phone:
Email: Kyle.Dollar@AdvanceHOA.com

If you would like to automatically charge your credit card or bank account as services are completed, please visit payments.davey.com to use our online payment system.

Continued on next page...

Proposal for Extra Work at Fallbrook Villas Metro Distric

Property Name	Fallbrook Villas Metro Distric	Contact	KimNichelle Rivera
Property Address	14071 Harrison St. Thornton, CO 80602	To	Fallbrook Villas Metro District
		Billing Address	PO Box 2830 Evergreen, CO 80439
Project Name	Fallbrook Villas_Native weed spray		
Project Description	Native weed spray throughout community		

Scope of Work

QTY	UoM/Size	Material/Description	Unit Price	Total
1.73	ACRE	One time native weed spray throughout community.	\$240.42	\$415.93

For internal use only

SO# 8124626
JOB# 400600504
Service Line 130

Total Price \$415.93

THIS IS NOT AN INVOICE

This proposal is valid for thirty (30) days unless otherwise approved by Contractor's Senior Vice President
12570 E. 39th Ave, Denver, CO 80239 ph. (303) 288-2701 fax (303) 288-2715

TERMS & CONDITIONS

1. The Contractor shall recognize and perform in accordance with written terms, written specifications and drawings only contained or referred to herein. All materials shall conform to bid specifications.
2. Work Force: Contractor shall designate a qualified representative with experience in landscape maintenance/construction upgrades or when applicable in tree management. The workforce shall be competent and qualified, and shall be legally authorized to work in the U.S.
3. License and Permits: Contractor shall maintain a Landscape Contractor's license, if required by State or local law, and will comply with all other license requirements of the City, State and Federal Governments, as well as all other requirements of law. Unless otherwise agreed upon by the parties or prohibited by law, Customer shall be required to obtain all necessary and required permits to allow the commencement of the Services on the property.
4. Taxes: Contractor agrees to pay all applicable taxes, including sales or General Excise Tax (GET), where applicable.
5. Insurance: Contractor agrees to provide General Liability Insurance, Automotive Liability Insurance, Worker's Compensation Insurance, and any other insurance required by law or Customer, as specified in writing prior to commencement of work. If not specified, Contractor will furnish insurance with \$1,000,000 limit of liability.
6. Liability: Contractor shall not be liable for any damage that occurs from Acts of God defined as extreme weather conditions, fire, earthquake, etc. and rules, regulations or restrictions imposed by any government or governmental agency, national or regional emergency, epidemic, pandemic, health related outbreak or other medical events not caused by one or other delays or failure of performance beyond the commercially reasonable control of either party. Under these circumstances, Contractor shall have the right to renegotiate the terms and prices of this Contract within sixty (60) days.
7. Any illegal trespass, claims and/or damages resulting from work requested that is not on property owned by Customer or not under Customer management and control shall be the sole responsibility of the Customer.
8. Subcontractors: Contractor reserves the right to hire qualified subcontractors to perform specialized functions or work requiring specialized equipment.
9. Additional Services: Any additional work not shown in the above specifications involving extra costs will be executed only upon signed written orders, and will become an extra charge over and above the estimate.
10. Access to Jobsite: Customer shall provide all utilities to perform the work. Customer shall furnish access to all parts of jobsite where Contractor is to perform work as required by the Contract or other functions related thereto, during normal business hours and other reasonable periods of time. Contractor will perform the work as reasonably practical after the Customer makes the site available for performance of the work.
11. Payment Terms: Upon signing this Agreement, Customer shall pay Contractor 50% of the Proposed Price and the remaining balance shall be paid by Customer to Contractor upon completion of the project unless otherwise, agreed to in writing.
12. Termination: This Work Order may be terminated by the either party with or without cause, upon seven (7) workdays advance written notice. Customer will be required to pay for all materials purchased and work complete to the date of termination and reasonable charges incurred in demobilizing.
13. Assignment: The Customer and the Contractor respectively, bind themselves, their partners, successors, assignees and legal representative to the other party with respect to all covenants of this Agreement. Neither the Customer nor the Contractor shall assign or transfer any interest in this Agreement without the written consent of the other provided, however, that consent shall not be required to assign this Agreement to any company which controls, is controlled by, or is under common control with Contractor or in connection with assignment to an affiliate or pursuant to a merger, sale of all or substantially all of its assets or equity securities, consolidation, change of control or corporate reorganization.
14. Disclaimer: This proposal was estimated and priced based upon a site visit and visual inspection from ground level using ordinary means, at or about the time this proposal was prepared. The price quoted in this proposal for the work described, is the result of that ground level visual inspection and therefore our company will not be liable for any additional costs or damages for additional work not described herein, or liable for any incidents/accidents resulting from conditions, that were not ascertainable by said ground level visual inspection by ordinary means at the time said inspection was performed. Contractor cannot be held responsible for unknown or otherwise hidden defects. Any corrective work proposed herein cannot guarantee exact results. Professional engineering, architectural, and/or landscape design services ("Design Services") are not included in this Agreement and shall not be provided by the Contractor. Any design defects in the Contract Documents are the sole responsibility of the Customer. If the Customer must engage a licensed engineer, architect and/or landscape design professional, any costs concerning these Design Services are to be paid by the Customer directly to the designer involved.

15. Cancellation: Notice of Cancellation of work must be received in writing before the crew is dispatched to their location or Customer will be liable for a minimum travel charge of \$150.00 and billed to Customer.

The following sections shall apply where Contractor provides Customer with tree care services:

16. Tree & Stump Removal: Trees removed will be cut as close to the ground as possible based on conditions to or next to the bottom of the tree trunk. Additional charges will be levied for unseen hazards such as, but not limited to concrete brick filled trunks, metal rods, etc. If requested mechanical grinding of visible tree stump will be done to a defined width and depth below ground level at an additional charge to the Customer. Defined backfill and landscape material may be specified. Customer shall be responsible for contacting the appropriate underground utility locator company to locate and mark underground utility lines prior to start of work. Contractor is not responsible damage done to underground utilities such as but not limited to, cables, wires, pipes, and irrigation parts. Contractor will repair damaged irrigation lines at the Customer's expense.
17. Waiver of Liability: Requests for crown thinning in excess of twenty-five percent (25%) or work not in accordance with ISA (International Society of Arboricultural) standards will require a signed waiver of liability.

Acceptance of this Contract

By executing this document, Customer agrees to the formation of a binding contract and to the terms and conditions set forth herein. Customer represents that Contractor is authorized to perform the work stated on the face of this Contract. If payment has not been received by Contractor per payment terms hereunder, Contractor shall be entitled to all costs of collection, including reasonable attorneys' fees and it shall be relieved of any obligation to continue performance under this or any other Contract with Customer. Interest at a per annum rate of 1.5% per month (18% per year), or the highest rate permitted by law, may be charged on unpaid balance 15 days after billing.

NOTICE: FAILURE TO MAKE PAYMENT WHEN DUE FOR COMPLETED WORK ON CONSTRUCTION JOBS, MAY RESULT IN A MECHANIC'S LIEN ON THE TITLE TO YOUR PROPERTY

Customer

	Board President
Signature	Title
Kim Nichelle Rivera	May 19, 2023
Printed Name	Date

BrightView Landscape Services, Inc. "Contractor"
Account Manager

	May 19, 2023
Signature	Title
Michael Olson	May 19, 2023
Printed Name	Date

Job #:	400600504	
SO #:	8124626	Proposed Price: \$415.93

Example of trees needing replaced - in tract Y



Native Grass

[Home](#) / [Community Information](#) / [Common Area Landscaping](#) / [Native Grass](#)

The District no longer performs annual mowing of the native grass (except along the edge of sidewalks).

[Read about the rationale for our no-mow policy.](#)

One of the things that makes Colorado a uniquely attractive residential destination, is the beauty of its native landscapes. Most of our metropolitan areas are considered a zone 5 high mountain prairie, where certain plants and landscape features will grow much better than others, like the native grasslands that can be found in undeveloped areas, as well as many Metropolitan Districts and Master Planned Communities.

Native grasses are used both to create a microcosm of Colorado's beauty in our communities and conserve a precious natural resource – water. Due to the vastness of many of the residential landscapes in Districts, native grasses are used in areas where other turf species are not practical, because of their maintenance requirements and water consumption needs. Like other landscape features, native grasses must be cared for properly to promote their growth, health, and appearance.

The advantage of utilizing native grasses in our District is that with a little help, they will grow in Colorado's unique conditions. The most important aspect of developing and nurturing native is the maintenance program that follows the seeding and development stage. Many people look at a newly seeded native area and see an unkempt landscape. In reality, what you are seeing is an early stage of native grass development. These grasses are not meant to be watered or cut regularly, like bluegrass. They need to be allowed to progress and spread naturally, using strategic mowing, weeding and irrigation. Their proper maintenance is all about timing.

Time to establish: 3 to 7 years

After seeding and germination have occurred, bare spots are expected in the native grass. **Native grass takes approximately 3-7 years to fill in. This process occurs by avoiding mowing the native grass until after it has dropped its seed into the bare spots.**



Native grasses germinate and develop when the soil is cooler, in the spring and fall. To “go to seed” these grasses must grow seed heads and spread. Often this is weather dependent, but usually this process occurs through April, May and early June, and again in late September, October and into November.

‘Beauty band’ mowing. It is District (and developer) maintenance policy to mow ‘beauty bands’ along sidewalks. The band is one mower width (approximately 4 feet).

Weed Spray Application. Newer, or less full, native areas should never have pre-emergent (preventative herbicide applications to keep weeds that have not yet become visible from proliferating) applications performed. These treatments can kill native grasses, preventing growth and germination. Instead applications of post-emergent (controlling weeds that have already surfaced) weed control are best.

For newly seeded areas, and those that are still developing, less weed control is required. Unfortunately, this means that undesirable weeds will be present, and will have to be accepted while the native grass develops. Spot spraying of native weeds can be performed at this time, which targets weeds, and reduces the risk to desirable native. As native areas develop and improve, additional post-emergent applications can be performed. Generally this means two applications per year. The District has added a third weed spray application during 2022.

Older, full, established native can be treated with well-timed pre-emergent applications in the late spring, and can be coupled with a post emergent application in the mid to late summer.

Irrigation is temporary. As with any plant or turf, appropriate irrigation and soil conditions conducive to plant establishment will improve their success. Adding amended soil when developing new native will significantly increase success, and watering at this stage is also important. Once native areas are established, watering can be reduced, and in many cases, eliminated. This can take 3 to 7 years, but once established the native will thrive on natural precipitation, and the cost of irrigating it, eliminated.

By treating native delicately and understanding what is needed for it to develop and thrive, Districts throughout Colorado have enjoyed the tremendous beauty that was intended for them. Few will dispute the impressive appearance that well-established native grasses display on a breezy day. Like many things, patience is key, and gaining the commitment of the community to follow a well-defined maintenance program will offer the results that lead to an enjoyable open space filled with native grasses.

[Report an Issue](#)

INSPIRATION™

Calendar Exterior Modifications Report an Issue
© 2023 Inspiration Metropolitan District. All Rights Reserved.
Designed and Powered by Tree Ring Digital

From:
To: [Melissa Kupferer](#)
Subject: Re: Account 2333323
Date: Thursday, June 1, 2023 11:22:41 AM

Hi Melissa,

I would like to divide this up into 5 payments if possible. I would appreciate the payment arrangements and you requesting this at the Board meeting on 6/29. Thank you!

From: Melissa Kupferer <melissa.kupferer@advancehoa.com>
Sent: Thursday, June 1, 2023 1:49 PM
To:
Subject:

Stephanie,

The full amount is due by 7/31/23. If you would like to request payment arrangements you will need to let me know what term you are requesting and I will present it to the Board at the meeting on 6/29 for review.

Thank you,

Melissa Kupferer | Director of Management Services

PO Box 370390
Denver, CO 80237
(303) 482-2213 x283 | (303) 495-5895 fax
www.advancehoa.com

Confidential & Proprietary to Advance HOA Management, Inc. This email and any files attached with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error delete this message and notify the sender. If you are not the named recipient you should not disseminate, distribute or copy this email or any attachment.

From:
Sent: Wednesday, May 31, 2023 1:54 PM
To: Melissa Kupferer <melissa.kupferer@advancehoa.com>
Subject:

Hi Melissa!

I'm sorry for my delayed response-I have been on vacation so just getting back into the swing of things.

I went on line and set up my account. I am now trying to set monthly scheduled payments for

the \$500 operation fee but it keeps saying the amount due is \$500 or I have to fill in the amount. Can I divide the \$500 up throughout the year or does it have to be a one time payment?

Thanks so much!

Design Review Request

Submit to:

Advance HOA Management, Inc.
P.O. Box 370390
Denver, CO 80237
clientservices@advancehoa.com (preferred method)
303-495-5895 fax

PLEASE PROVIDE ALL THE FOLLOWING ITEMS WITH THIS COMPLETED APPLICATION:

DETAILED DRAWING TO SCALE SHOWING PLACEMENT, MATERIALS & DIMENSIONS OF ALL ITEMS TO BE INSTALLED. *Incomplete submissions will not be reviewed and will delay the approval of your application.*

Note that it may take up to 30 days for your application to be processed and approved. **

Name:

Address:

Account 2124742

Email:

Home #:

Painting

Landscaping

Deck/Patio/Slab

Fencing

Other: Cat Enclosure

Completion Date: _____

Description of Improvement. Include diagram, picture, colors, drawing, brochure, types of materials, dimensions or other information that will be helpful to understanding your request.

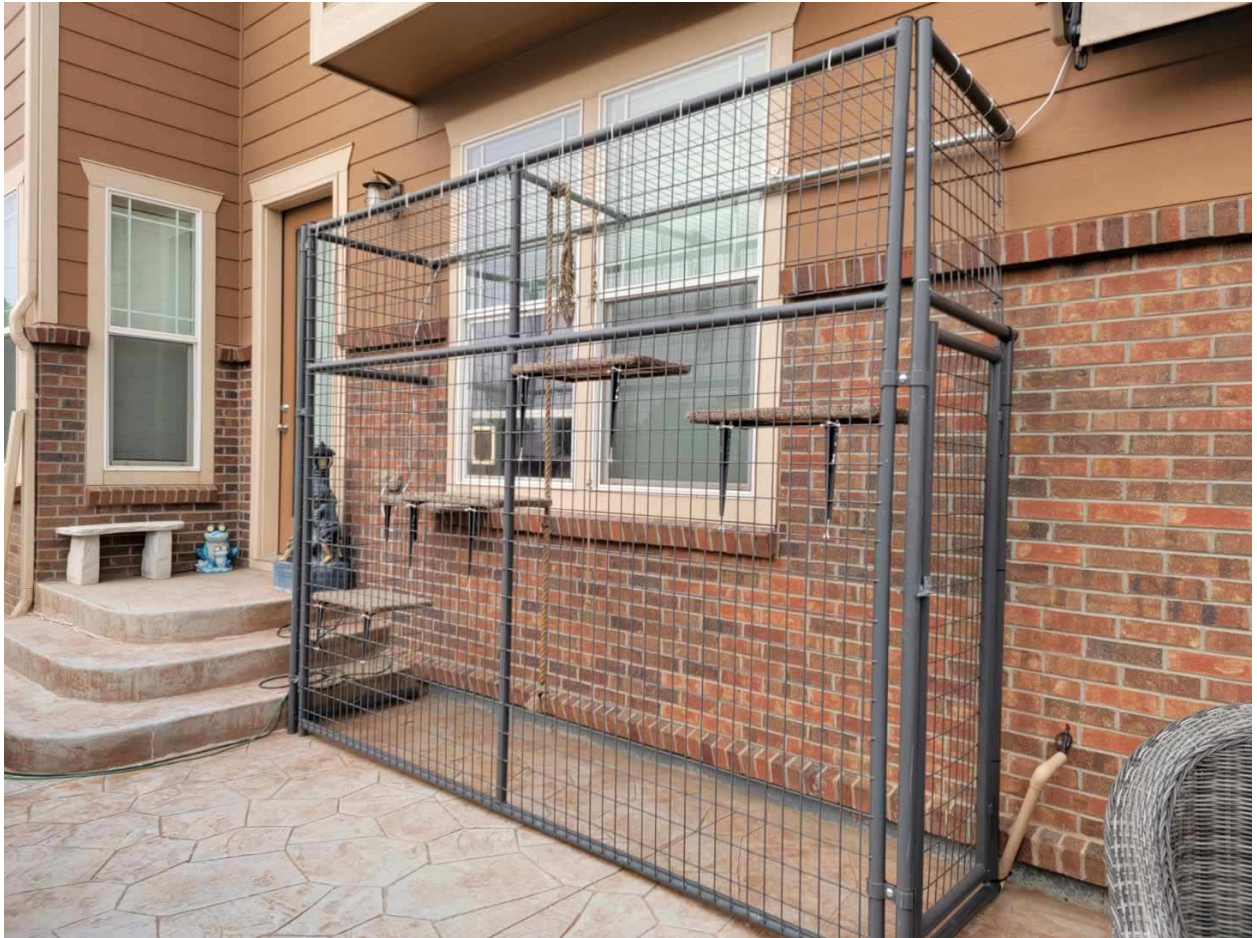
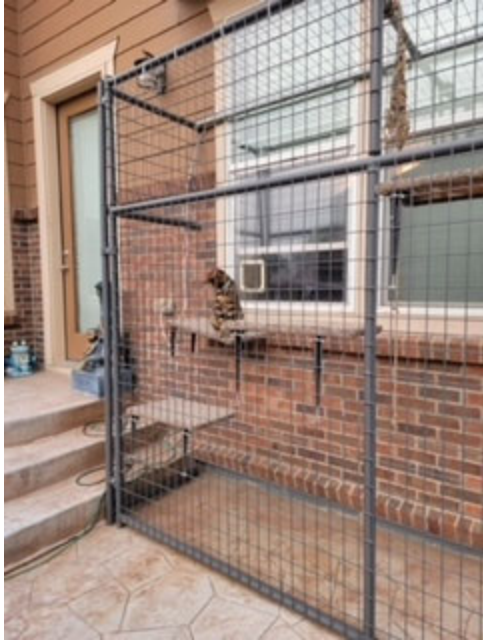
Height: 8 Ft Width: 10 Ft Depth: 2 Ft Cat enclosure is made of metal. It is removable. The enclosure is to ensure my pet is safe and secure and not in the streets. This allows him a space to enjoy the outdoors without the freedom of roaming the streets. The color of the enclosure is dark gray. please see pics attached to the email.

I understand that approval of the Association is required in advance to proceed. I also understand that the approval does not constitute approval of the local City/County building departments and that a Building Permit may be required. I agree to complete all proposed improvements promptly after receiving approval. I understand that any change in drainage and elevation must not negatively impact neighboring properties. I understand that any change in drainage and elevation may affect builder warranties and are not the responsibility of the HOA and must contact the builder directly for verification.

Date: 5/22/2023

Signature: _____

** Approval time period can vary depending on your community. Please refer to your Governing Documents.



From: [Robert Bullion](#)
To: [Melissa Kupferer](#)
Subject: Operations Fee
Date: Friday, April 21, 2023 12:21:55 PM

This letter is addressed to the Board also.

I am finding it rather presumptive on your part to expect the owners of Fallbrook Villas to pony up more than \$55,000 with a brief and insufficient explanation as to why. These properties were purchased with the stipulation that any homeowner fees would be paid out of our property taxes. A recent letter indicated mill levys would be used to provide the taxes. HOA dues are defined as "The term "homeowners association (HOA) fee" refers to an amount of money that must be paid by certain types of residential property owners every month to their homeowners associations (HOAs). These fees are collected to assist the association with **maintaining** and improving properties". You are in essence sending us a bill for home owners dues which are suppose to be paid out of property taxes. You should also provide the proper financial documents to support the claims made in the notice. This is just common business practice.

There are some residents that live on fixed incomes in the community who may not be able to afford this type of lump sum expenditure. What alternatives are being offered to them.

Once I see financial documents that show what took place I will be happy to provide some suggestions on possible ways to save money.

Robert Bullion

From: [Client Services](#)
To: [Melissa Kupferer](#)
Subject: FW: Spring Reminders
Date: Thursday, April 13, 2023 7:24:01 AM
Attachments: ~WRD0875.jpg

Please let us know if you have any additional questions or concerns.

Have a great day,

Client Services



PO Box 370390
Denver, CO 80237
(303) 482-2213 | (303) 495-5895 fax
www.advancehoa.com



AD

We'd like to make sure you are satisfied with your experience with Advance HOA Management. If you were not, please give us the opportunity to make it right for you.

[SATISFIED](#)

[NOT SATISFIED](#)

Thank you for your feedback! – The Advance HOA Management Team.

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From: Jenny
Sent: Wednesday, April 12, 2023 5:28 PM
To: Client Services <clientservices@advancehoa.com>
Subject: Re: Spring Reminders

I live by the walkway in the cul de sac on Jackson St. (14196). Will you be doing anything about the drainage from my sump pump to the "natural" area and walkway there. It has caused erosion and deterioration of the walkway. It also causes ice buildup there in the winter. Also, are there any plans to landscape that area outside my fence or fill it in with rocks? I ask at least once a year and nothing has been done. The weeds are terrible during the summer and are not addressed by the

lawn service.

Jenny

From: Fallbrook Villas MD <no-reply@eunify.net>

Sent: Wednesday, April 12, 2023 5:01:16 PM

To:

Subject: Spring Reminders



Dear Fallbrook Villas MD Homeowners,

Spring is in the air and it's time to start preparing for summer. Below are a few reminders.

Architectural Requests: All exterior improvements (including lighting) must receive approval from the Design Review Committee prior to commencement of the work.

1. The required design review form is attached and can also be found on your community website. Please attach diagrams, plot plans, paint samples and pictures where applicable. Please review the Design Review Guidelines.
2. Submit your request in one of two ways.
 1. Submit through the community website. Log into your account at <https://www.advancehoa.com/homeowner-login.html> and click on 'ARC Plans' under the Account Info portion of the home screen. Click 'Add New.' Enter your title, type, description and click next. Add your form and supporting documents. Click 'Submit Application for Review.' If you do not click this button, your application is not submitted.
 2. Email your form and documents to ClientServices@advancehoa.com. We will upload your request into the system and you will be able to see the status of your request via the community website.
3. The community manager will review your request and submit it to the Committee for Review. If additional information is required, the community manager will reach out to you. The Committee will provide a decision within 30 days of receiving the fully completed request.

Covenant Reminders: Please see attached the HOAs rules and regulations. Below are a few key reminders as we move into the summer months.

- Yard Maintenance: Please ensure yards are in a neat and weed-free condition. All plantings

and turf are to be well maintained at all times.

- Owners are responsible for fertilizing, weed control and aeration of the turf in their front yards.
- Landscape Maintenance: Maintain shrubbery, plantings, flower beds and trees in the front and back yards and tree lawns. This includes all maintenance of shrubs and trees, i.e. pruning and feeding.
- Trash Cans: Must be stored out of view from the street and neighboring property. Cans must be restored by the end of day on trash day.
- Pets: As a reminder, all pet owners are to clean up their pet's waste. If you witness this activity, please report to the community manager and/or contact the local pet authorities.
- Pets are to be on a leash at all times when outside of private lot fences.

For more information about your community covenants, rules and regulations, please refer to your community website.

We hope that you enjoy the Spring and Summer months and thank you for your cooperation in keeping your community beautiful and a great place to live.











