

**TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT
NOTICE OF SPECIAL BOARD MEETING AND AGENDA**



Tuesday, November 26, 2024, at 11:00 AM (MST)

This meeting will be held via teleconferencing and can be joined through the directions below:

Please join meeting from your computer, tablet or smartphone.

<https://video.cloudoffice.avaya.com/join/736115993>

You can also dial in using your phone.

United States: +1 (213) 463-4500

Access Code: 736115993

Public Invited to Attend

Board of Director	Title	Term Expiration
Jennifer Mullins	President	May 2027
Raymond O’Sullivan	Treasurer	May 2027
Jack Wallace Mason	Vice President	May 2025
David Talbot	Secretary	May 2025
Vacant	-	May 2027

AGENDA

- 1. Call to Order**
- 2. Declaration of Quorum/Director Qualifications/Reaffirmation of Disclosures**
- 3. Approval of Agenda**
- 4. Director Matters**
 - a. Consider Appointment of Qualified Individuals**
 - b. Election of Officers**
- 5. Consent Agenda Items**
 - a. Approve Special Board Meeting Minutes from November 19, 2024 (enclosed)**
 - b. Approve Town Hall Meeting Minutes from November 19, 2024 (enclosed)**
- 6. Financial Matters**
- 7. Management Matters**
- 8. Legal Matters**
 - a. Consider adoption of Resolution Calling Election (enclosure)**
- 9. Public Comment (Items not on the Agenda Only. Comments are limited to 3 minutes per person and taken in the order in which they appear)**

10. Other Business

11. Adjourn





**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT
HELD November 19, 2024, AT 2:00 PM.**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Tuscan Foothills Village Metropolitan District was held on Tuesday, November 19, 2024, at 2:00 PM, via video teleconference.

Attendance

In attendance were Directors:

Raymond O’Sullivan, Excused
Jack Wallace Mason
Jennifer Mullins
Dave Talbot

Also in attendance were:

Jakrapong Pattamasaevi, WSDM Managers
Brenda Juarez, WSDM Managers
J Smith, resident
Ken Bartley, resident

1. Call to Order: Mr. Pattamasaevi called the meeting to order at 2:10 PM.
2. Declaration of Quorum/Director Qualifications/ Disclosure Matter: Mr. Pattamasaevi declared a quorum was present and confirmed that the director qualifications and filings of disclosures were made previously.
3. Consider Appointment of Dave Talbot to the Board of Directors: Mr. Pattamasaevi informed the board that Mr. Talbot was qualified and eligible. Ms. Mullins moved to appoint Mr. Talbot to the Board of Directors, seconded by Mr. Mason. The motion carried unanimously.
4. Election Officers: Mr. Mason moved to appoint Mr. Talbot as Secretary, seconded by Ms. Mullins. Motion carried unanimously.
5. Approval of the Agenda: Mr. Pattamasaevi presented the Agenda as amended by adding discussion regarding the French Drain and the Payables to the Agenda; seconded by Director Mason. Motion carried unanimously.
6. Consent Agenda Items: (These items are considered to be routine and will be approved by one motion. There will be no separate discussion of these items unless requested, in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda)
 - a. Approval of Board Meeting Minutes from the special meeting on September 16, 2024
 - b. Acceptance of Unaudited Financial Statements
 - c. Adoption of Amended and Restated Public Records Request Policy
 - d. Ratify 2023 Annual Report

e. Ratify 2023 Audit

After the Board reviewed the September 16, 2024, meeting minutes, unaudited financials, public record policy, and the 2023 annual report and audit, Mason moved to approve all Consent Agenda items, seconded by Ms. Mullins. Motion carried unanimously.

7. Financial Matters:

- a. Conduct Public Hearing on Proposed 2025 Budget. Public hearing was open at 2:15 p.m. There were no members of the public present. Public hearing was closed.
 - i. Consider adoption of the 2025 Budget Resolution: Mr. Pattamasaevi presented the budget and discussed incomes and expenditures. Mr. Pattamasaevi advised budget may be revised as needed. After review, Ms. Mullins moved to approve the proposed budget, seconded by Mr. Mason. Motion passed unanimously.

8. Management Matters

- a. Review and consider approval of the Brightview 2025 Engagement letter: Mr. Pattamasaevi encouraged District to keep the current landscaper. After review, Mr. Mason moved to approve the Brightview 2025 Engagement letter, seconded by Ms. Mullins. Motion passed unanimously.
- b. Review 2025 Insurance coverage documents: Mr. Pattamasaevi advised of the increase in the cost of insurance and that it will continue to do so as more assets are accepted.

9. Legal Matters:

- a. 2024 Legislative Update: Mr. Pattamasaevi advised reported that new legislation was passed that limited increases in property taxes for districts to 5.25%.
- b. Discuss 2025 Meeting Dates: After discussion, the Board decided to have the mandated annual budget meeting and to meet virtually every month, the third Tuesday at 2:00 p.m. as needed.
- c. Consider adoption of 2025 Annual Administrative Resolution: As directed by the board, the Board meetings for 2025 were established. In addition, Mr. Pattamasaevi noted that Legal counsel recommended the District to waive the 5.25% tax limit imposed on increases in property taxation. After review, Board decided to table review the legislation with legal counsel prior to decision to waive the 5.25 % tax limit. Mr. Pattamasaevi noted he will set up a meeting with the District and legal counsel to discuss the ramifications of the waiver. Mr. Mason moved to adopt the 2025 Annual Administrative resolution, seconded by Ms. Mullins. Motion carried unanimously.
- d. Consider adoption of Resolution Calling Election: Mr. Pattamasaevi reported that 2025 is an election year. At Board's direction, Rebecca Harris was designated as the Designated Election Official. Mr. Pattamasaevi noted that an election occurs when there is a vacancy on the Board, and in such event all seats are up for the election. Adoption of the call for election resolution tabled until after discussion with counsel regarding the 5.25% limit issue.
- e. Consider adoption of Resolution Adopting an Accessibility Policy and Designating a Compliance Officer: Mr. Pattamasaevi presented the resolution advising that WSDM is working diligently towards ADA compliance with the District's website and documents on the website. Ms. Mullins moved to approve the adoption of Resolution Adopting an Accessibility Policy and Designating a Compliance Officer, seconded by Mr. Mason. Motion carried unanimously.
- f. Consider approval of WSDM Engagement: After review, Ms. Mason moved to approve WSDM Engagement, seconded by Mr. Mason. Motion carried unanimously.
- g. Consider approval of BiggsKofford 2025 Audit Engagement letter: Mr. Pattamasaevi advised annual audit is mandatory due to the District having a bond, and the audit fee is

standard. After review, Ms. Mullins moved to approve the BiggsKofford 2024 Audit Engagement letter, seconded by Mr. Mason. Motion carried unanimously.

10. Public Comment: (Items not on the Agenda Only.) No public comment.

11. Other Business: French Drain Agenda and Payables:

- a. French drain extension: Mr. Pattamasaevi advised the proposal was for the drain extension and for the wall and advised the Board to engage Brightview. Ms. Mullins moved to accept the proposal, seconded by Mr. Mason. Motion passed unanimously.

12. Adjournment: The Board unanimously adjourned the meeting at 2:56 p.m.

Approved,

District Officer



**RESOLUTION OF BOARD OF DIRECTORS
CALLING ELECTION**

TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT

§§ 32-1-804, 1-1-111(2), 1-13.5-511, and 1-13.5-1101, C.R.S.

At a meeting of the Board of Directors (the “**Board**”) of the Tuscan Foothills Village Metropolitan District (the “**District**”), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, the District is located entirely within El Paso County, Colorado (the “**County**”); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding a regular election on May 6, 2025, for the purpose of electing directors and submitting ballot issues to eligible electors of the District, and desires to take all actions necessary and proper for the conduct thereof (the “**Election**”); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto, and shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the “**Designated Election Official**”) to exercise authority of the Board in conducting the Election.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of electing directors and presenting certain ballot issues to the electorate. The Election shall be conducted as an independent mail ballot election in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S.

2. The Board names Ashley B. Frisbie as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the County and shall be primarily responsible for ensuring the proper conduct of the Election. The Board authorizes the Designated Election Official to take all action necessary or appropriate to effectuate the provisions of this resolution including, but not limited to, certifying and recertifying the ballot pursuant to § 1-13.5-511, C.R.S.

3. Without limiting the foregoing, the following specific determinations also are made:
- a. The Board hereby determines that: in addition to emailing to each registered elector at the email address provided by the county (or if no email is provided, by mailing to the household of each registered elector), notice of the call for nominations will be provided by posting on the District's website.
 - b. The Board hereby authorizes and directs general counsel to the District to oversee the general conduct of the Election and authorizes and directs the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Board in conducting the Election, including, but not limited to, causing the call for nominations; appointment, training and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.
 - c. The Board hereby authorizes and directs the Designated Election Official to certify before March 7, 2025, the following ballots issues in substantially the form hereinafter set forth. Such ballot issues shall be submitted to the eligible electors of the District at the Election. The following ballot issues shall be placed on the ballot for the Election and such ballot issues shall read substantially in the form as follows:

SHALL TUSCAN FOOTHILLS VILLAGE METROPOLITAN DISTRICT WAIVE THE 5.25% PROPERTY TAX LIMIT IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-1702, C.R.S., IN ALL FUTURE PROPERTY TAX YEARS AND BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND THE FULL AMOUNT OF ALL TAXES, TAX INCREMENT REVENUES, TAP FEES, PARK FEES, FACILITY FEES, SERVICE CHARGES, INSPECTION CHARGES, ADMINISTRATIVE CHARGES, GIFTS, GRANTS OR ANY OTHER FEE, RATE, TOLL, PENALTY, INCOME OR CHARGE AUTHORIZED BY LAW OR CONTRACT TO BE IMPOSED, COLLECTED OR RECEIVED BY THE DISTRICT IN FISCAL YEAR 2025 AND IN EACH FISCAL YEAR THEREAFTER, SUCH AMOUNTS TO CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND BE COLLECTED, RETAINED AND SPENT BY THE DISTRICT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S. IN ANY SUBSEQUENT YEAR, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE DISTRICT'S REVENUES OR EXPENDITURES AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER

REVENUES THAT MAY BE COLLECTED, RETAINED AND SPENT BY
THE DISTRICT?

YES: _____ NO: _____

4. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election.

5. The Board hereby ratifies any and all actions taken to date by general counsel and the Designated Election Official in connection with the Election.

6. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

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ADOPTED NOVEMBER 19, 2024.

DISTRICT:

**TUSCAN FOOTHILLS VILLAGE
METROPOLITAN DISTRICT NO**, a quasi-
municipal corporation and political subdivision of
the State of Colorado

By: _____
Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Resolution Calling Election