



**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING
Thursday, August 17, 2023**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District was held in the board room and via Zoom/Telephone in the Heather Gardens Clubhouse at 2888 S. Heather Gardens Way, Aurora, Arapahoe County, Colorado, on Thursday, August 17, 2023, at 1:00 P.M.

PLEDGE OF ALLEGIANCE: The Board recited the Pledge of Allegiance.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 P.M. on Thursday, August 17, 2023. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Vice President Eloise Laubach, Secretary Robin O'Meara, Treasurer Rita Effler, and Director Craig Baldwin.

BOARD MEMBERS ABSENT: None.

GUESTS PRESENT: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C., five members of the Heather Gardens Association ("the Association", or "the HGA") Board, Lynn Donaldson with Heather 'n Yon, and approximately 27 members of the public were present.

PRESIDENT'S REPORT: President Taylor noted that the primary goal of the Board is to increase community participation and improve transparency, and to only keep confidential matters required by law to be confidential. During the meetings, the public has the right by law to comment before the Board takes action. During public comment, the Board has attempted to answer questions and be more interactive than required by law. A very few have abused this informal give-and-take to frustrate the meetings. As a result, starting today, there will be a more formal procedure for all Board and committee meetings. All Zoom attendees will be muted at the beginning of the meetings. When a director raises a motion for discussion, after a second, the Directors will discuss the matter first. At the appropriate time, and before the Board takes any action, the public will be asked for comment. Any member of the public wishing to comment shall raise their hand, whether in the boardroom or on Zoom. After the speaker is recognized, they will have 5 minutes to speak. The Board President may respond first. Then, any director may respond if they choose; no response is required under the law. At the end of the meeting, the Board will hear public comments relevant to the District in the same manner. This procedure is being implemented so that meetings are orderly and to give all in the community an equal right to be heard. Copies of these procedures are available for the Board and anyone who needs to implement them.

FINANCIAL REPORTS: The Board received a copy of the July Financial Report from Management. Treasurer Effler commented that the Golf Course is doing very well and commended them. Director Baldwin commented that he is a member of the Budget and Finance Committee, and they discussed the 2024 budget development schedule for the

last week of September to get approval. The timeline will be Monday, September 25, and Tuesday, September 26, from 9:00 a.m. to approximately 3:00 p.m. to discuss the Association's 2024 budget and Wednesday, September 27, to discuss the District's 2024 budget. President Taylor commented that the Audit/Finance Committee will review the budget development schedule in their meeting and then bring it to the Board for approval. President Taylor reported that the Board had an opportunity last week to provide the input they wanted for the 2024 budget at their Tuesday and Wednesday study sessions, which went well, and he said he foresees no issues with approving the schedule.

REPORTS OF DIRECTORS, COMMITTEES, AND PROFESSIONAL CONSULTANTS:

Audit/Finance Committee: The Audit/Finance Report was distributed to the Board during the meeting as it was not included in the packet. President Taylor asked the Board to review. There were no questions or comments.

Clubs and Activities Committee: The Board received a copy of the Clubs and Activities report. There were no questions or comments.

Clubhouse Committee: The Board received a copy of the Clubhouse Report. There were no questions or comments.

Foundation Committee: The Board received a copy of the Foundation Report. Vice President Laubach reported that she received the final reports for all the projects that requested funding, and they all came in under budget. There were no questions or comments.

Restaurant Committee: The Board received a copy of the Restaurant Report. There were no questions or comments.

Recreational Vehicle (RV) Committee: The Board received a copy of the RV Report. Chair Forrest McClure reported that the installation of light poles was canceled. The Committee will need to begin re-evaluating and assessing various alternatives for additional lighting in the RV Lot. The matter will be discussed in the September 11th meeting. There were no questions or comments.

Chief Executive Officer (CEO) Report: The Board received a copy of the CEO's Statement of Work (SOW). CEO Rea was not able to attend today's meeting.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- a) **Approval of the Clubhouse Committee Procedure Memorandum:** Motion made by Treasurer Effler and seconded by Director Baldwin and passed unanimously as amended with the changes to Article III, item 2 as shown below:

2. **Hours of Operation.** The Clubhouse and appurtenant properties (excluding swimming pools) are open year-round, except Thanksgiving, Christmas, and New



Heather Gardens

METROPOLITAN DISTRICT

Year's Day. Hours of operation are 6:00 a.m. to 9:00 p.m., Monday through Saturday and 7:00 a.m. to 7:00 p.m. on Sundays. The hours of the operations may not be changed without the approval of the District's Board, provided however, in the event of an emergency, Management may adjust the hours of operations with the concurrence of the Board president, or in the Board president's absence, another Board member.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors, upon recommendation of the Clubhouse Committee, approve the Procedure Memorandum approved by the Clubhouse Committee on August 8, 2023.

Explanatory Comment: The Clubhouse Committee has been approved as a separate standing committee of the HGMD.

Note: President Taylor commented that a separate document includes the proposed class fee schedule increased by \$5 for 2024. The fee schedule was attached in the previous Procedure Memorandum ("PM"), but due to the fee schedule changing more often than the PM, it will be removed from the PM and in a separate document.

- b) **Approval to Assess ADA Compliance:** Motion made by Treasurer Effler and seconded by Director Baldwin and passed unanimously.

Text of Motion: Based upon the recommendation of the Clubhouse Committee, I move that the Heather Gardens Metropolitan District Board of Directors direct Management to complete an assessment of District facilities for Americans with Disabilities Act ("ADA") compliance, specifically access to the outdoor swimming pool and lift, and prepare a plan with costs to bring the District into compliance with ADA if there are deficiencies.

Explanatory Comment: Residents reported other residents having extreme difficulty exiting the indoor pool area to the outdoor pool. There are other entry doors that are not handicapped accessible. The management agreement states the Association will "manage the affairs and Properties of the District in full compliance with the requirements of all applicable laws."

- c) **Approval to Change Keypad Codes:** Motion made by Treasurer Effler and seconded by Director Baldwin and passed unanimously as amended to change the codes quarterly rather than monthly.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors, upon the recommendation of the Clubhouse Committee, direct the District's Agent to change the keypad code quarterly on all Clubhouse keypad locks on the last business day and immediately upon completion, inform Clubhouse staff and HGMD Directors via email of the new code.

Explanatory Comment: The purpose is to prevent non-residents from accessing District facilities without paying fees and to control trespassing.

- d) **Approval to Install a 50th Anniversary Time Capsule and Plaque:** Motion made by Director Baldwin and seconded by Vice President Laubach and passed unanimously.

Text of Motion: Based on the recommendation of the Clubs and Activities Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve the installation of a Heather Gardens 50th Anniversary Time Capsule and Plaque within the unpaved circle in front of the Heather Gardens Clubhouse near the military monument. All costs will be paid for by Heather Gardens 50th Anniversary funds.

Explanatory Comment: This will coincide with the 50th Anniversary, September 15, 2023, celebration theme of "Here's to the next 50." Contents will include but are not limited to, digital/electronic copies of a historical Heather Gardens overview on PowerPoint, the first four HG newsletters/fact sheets, a recent Heather and Yon magazine, a copy of the Aurora Sentinel, and photographs of our remaining original owners, current Board members, and staff. Other suggestions would be appreciated.

The motion to consider the RV Lot PM-1 Attachment was not on the agenda. There was concern amongst the Board whether the item could be considered, as it was not on the agenda. Ms. Ivey explained that by law, at least 24 hours before the meeting, the requirement is to post the notice and agenda with the date, time, and place and the known agenda items at that time. There is no broad prohibition that the Board can never change anything, but it should have been on the agenda if it was known 24 hours in advance, and only items that come up as an emergency should be considered. After reviewing the item, she advised that she ascertain the item as not being an emergency. President Taylor reported that there will be a special meeting on Thursday, September 7, at 1:00 p.m. to address this item.

PUBLIC COMMENTS:

A resident complained about another resident running a business from her home, using the CP2 cul-de-sac to run her business, and posting her business on the internet. He noted that he had reported this to security and stated nothing had been done. The resident reported that if the issue is not addressed, he will take the other resident and Heather Gardens too. President Taylor explained to the resident that this matter must be taken to the Association Board. HGA Board President Bacon commented that Security Manager Dave Marris is investigating the matter and, with HB 1137, has put some constraints, but it is being taken care of.

A resident commented how pleased she was with the HGMD Study Sessions on the 2024 budget held last week and strongly encouraged those who were unable to attend to listen to the recordings posted on the HG website.

A resident commented on how well the meeting was held today. He explained it will be difficult for residents to get used to the muting/unmuting, but it will help with the distributions. He said it was a good decision made by the Board.

Director Baldwin had three items to discuss: 1) to confirm that the District did not need to take action on the trash contract that the Association executed because the Association would bill the District, 2) at the Audit/Finance Committee, no action was taken for the Maintenance Lot asphalt project so it was not forwarded to the Board, and 3) on the CEO Report under projects, he asked Secretary O'Meara if she knew about the install of restaurant signage on Yale. She replied that she did not. Director Baldwin noted that he will follow up with CEO Rea on the restaurant signage. President Taylor said the District needs to get additional signage for the golf course parking to help direct golfers where to park and help mitigate the lack of parking for the Clubhouse.

A resident commented that she agreed with how helpful the HGMD Study Sessions were and hoped to see them on the website. President Taylor confirmed they were being posted on the website.

A resident distributed a document to the Board members with questions in case she exceeded her time limit. The resident asked the Board for help to create or reinstall the deployment of collaboration, cooperation, communication, creativity, transparency, and appreciation and support between the cost center leaders and residents. She noted that the canceling of two theme dinner dances and specialty fashion show without explanation, did not fit those parameters. President Taylor explained he had addressed the issue with CEO Rea, who did not know why the events were canceled; however, he explained that if the organizers are no longer involved or there is no participation in promoting or continuing, the planning loses steam. President Taylor advised her to work with Director Baldwin, who chairs the Clubs and Activities Committee.

EXECUTIVE SESSION: Motion made by Director Baldwin to convene into Executive Session pursuant to Section 24-6-402(4)(b) and 24-6-402 (4)(e), C.R.S for the purpose of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Management Agreement. The motion was seconded by Secretary O'Meara and passed unanimously for the Board to convene into Executive Session at 2:39 p.m.

Upon motion, second, and unanimous vote, the Board closed the executive session and reconvened the public meeting at approximately 4:41 p.m. Ms. Ivey asked if the Board wanted to provide direction in the open meeting.

In a motion made by President Taylor to have the District attorney, Ms. Ivey, revise the Management Agreement and prepare a timeline for approval per the Board's discussions and to bring it forward to the District Board and the HGA Board. The motion was seconded by Vice President Laubach and passed unanimously,



ADJOURNMENT: Upon motion by Director Baldwin, and seconded by President Taylor, and passed unanimously, the meeting adjourned at 4:42 P.M.

A handwritten signature in blue ink that reads "Robin O'Meara".

Robin O'Meara, Secretary