



Heather Gardens

METROPOLITAN DISTRICT

HEATHER GARDENS METROPOLITAN DISTRICT SPECIAL BOARD MEETING August 29, 2024, at 3:00 P.M.

MINUTES

Pursuant to Section 24-6-402(2)(c), C.R.S., the Board of Directors of the Heather Gardens Metropolitan District gave notice that it held a special meeting at the Heather Clubhouse in the boardroom and via Zoom videoconference at **3:00 p.m. on August 29, 2024**. The meeting was held for the purpose of conducting the business of the Heather Gardens Metropolitan District and was open to the public.

Join Zoom Meeting

<https://us06web.zoom.us/j/86462548417>

Meeting ID: 864 6254 8417

Passcode: Not Required

Or Dial-In:+1 346 248 7799

1. **Pledge of Allegiance**
2. **Quorum is present:** Rita Effler, Treasurer, Eloise Laubach, Vice President; Robin O'Meara, Secretary, Daniel Taylor; President
3. **The meeting was called to order.**
4. **Announcement:** Craig Baldwin Memorial Reception September 8th 2 - 3:00 PM auditorium
5. **Motion to Adopt the Recall Election Resolution Motion 2024-8-29-1, Motion Made by Daniel Taylor , Seconded by Rita Effler**

Motion to Amend Motion #2024-8-29-1 by Eloise Laubach, Vice President

- "Set recall election date for November 13, 2024, because I don't want to be held in contempt."
- There was No Second to Director Laubach's motion
- The motion to amend Motion #2024-8-29-1 failed

Motion to Amend Motion #2024-8-29-1 by Eloise Laubach, Vice President

- "I move to set the date for November 13th. She asked Mark Grueskin, "Is that still in compliance? Because I don't want to be held in contempt" Mr. Grueskin said, "If you are looking to set an appropriate date, I would suggest November 20th which would allow time for publication. Director Laubach said, "I move to set the recall election date for November 20, 2024."
- There was No Second to Director Laubach's motion
- The motion to amend Motion #2024-8-29-1 failed

Public Comments: Motion # #2024-8-29-1

- **Martha Karnopp, HG Resident, Attorney for the Recall Committee, Building #214, Unit #106, said that appeals and motions by Daniel delayed the recall election. She said that the**



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protesters had no standing to appeal anything. She said, "You are violating the law. You can expect a motion for contempt."

- **Brian Matisse, Non HG Resident Attorney**, Mr. Matisse interrupted the meeting at the beginning and threatened that each director will be held in contempt of court. He later said the word orders is operative, not some mythical date. You're causing another hearing by not setting the election date for Nov. 13th, which will cost this community more money. You are putting your personal interests over the interest of the community. that the new board will be able to personally bring a breach of fiduciary duty lawsuit against each of you personally for the actions you're taking here today, willfully.
- **Harry Laubach - HG Resident**, Building #209, Unit #407, said the board had no right to remove Director O'Meara from the recall ballot even though her term expires in May 2025.
- **Forrest McClure - HG Resident, Protester**, Country Place II, Unit #13731-B, spoke as a protester and said the HGMD was protecting his right to appeal and he appreciated them protecting his right to protest under the statute.
- **Greg Winslow - HG Resident**, Building #222, Unit #402, said that Daniel made all kinds of appeals to the DEO. He said, "Daniel, you have not been fair or honest to our community. You're the one delaying the election. I have lost Jon Rea. People need to know."
- **Gwen Alexander - HG Resident**, Building #215, Unit #103, spoke on behalf of all the HGMD board had done.
- **Mark Gruskin, Attorney for AJ. Beckman, Designated Election Official and President of Public Alliance**, agreed that the court ordered the board to set the election date consistent with the statute. He said it's not the obligation of the board to interpret a statute, and the board is acting in excess of its authority. Let me go beyond that, the board is acting in excess of its authority by interpreting statutes. The judge did not authorize this motion. No one other than the DEO can interpret the statute. The judge did not invite the DEO to object if this board sets an election date that doesn't comply with the law.
- **Candice Compton, HG Resident**, spoke about the deficiencies in the recall petitions.

VOTE: MOTION 2024-8-29-1 ADOPT ELECTION RESOLUTION (see attached)

- **AYE:** Effler, O'Meara and Taylor
- **NAY:** Eloise Laubach
- The Motion has Majority and Passes

ADJOURNMENT: Meeting adjourned at 3:40 PM

The next HGMD regular Board meeting will be held on Thursday, September 19, 2024,
at 1:00 P.M. in the Clubhouse Boardroom