



HEATHER GARDENS FOUNDATION

PROCEDURE MEMORANDUM

Adopted July 18, 2019 and Effective August 29, 2019

Updated January 16, 2020

Updated November 18, 2021

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This Procedure Memorandum shall supersede all previous versions of the Procedure Memorandum and Functions and Policy Manuals for the Foundation Committee, as well as all previous resolutions, actions and informal practices and policies of the District or portions thereof which may be in conflict with the provisions hereof.

ARTICLE I – BACKGROUND & PURPOSE

The Foundation Committee is a standing committee authorized by the Board of Directors (Board) of the Heather Gardens Metropolitan District (District).

The purpose of the Foundation Committee is to serve in an advisory role and solicit, review and approve all donations to the District, maintain a record book and publicize the activities of The Heather Gardens Foundation (Foundation).

The Foundation Committee recognizes that the Foundation was originally formed as a non-profit corporation under the laws of the State of Colorado, pursuant to Articles of Incorporation dated June 1991 and recognized by a Certification of Incorporation issued by the Colorado Secretary of State dated June 27, 1991 and currently continues in existence as the Foundation Committee and funds donated thereto are presented as a restricted account consistent with the Foundation donors' instructions.

All capitalized terms not herein defined shall be defined as presented in the District's Bylaws or Rules and Regulations.

ARTICLE II - COMPOSITION

The Foundation Committee shall be composed of the chairperson (Board member appointed to the Foundation Committee by the President of the Board), the District's Agent (without vote), and a minimum of (4) four and a maximum of (7) seven eligible electors of the District.

ARTICLE III – PROCEDURES

Section 1. Committee Chairperson. The chairperson chairs all meetings of the Foundation Committee and appoints all Foundation Committee members from eligible

electors of the District that have applied therefor. The chairperson also counsels with Residents and interested parties regarding the donations and proposed projects, publicizes activities of the Foundation (including in the Heather 'n Yon), and verifies that monthly donations match the financial report prepared by the Controller. The chairperson reports to the Board.

Section 2. Committee Duties and Responsibilities.

- A.** Evaluates donations to the Foundation and accepts only those determined to be suitable and appropriately intended for the benefit of the District.
- B.** Accepts and evaluates proposed projects received from individual committee members, the District, and/or members of the public. Evaluation consists of determining if funding is available and if the project will be for the benefit of the District. Assures that the project meets the décor of the District Facilities.
- C.** Submit all Foundation Committee approved projects to the Board for their consideration. Upon District approval, the Foundation Committee will determine the process and/or procedure for completion of projects.
- D.** Annually review rules and regulations applicable to the Foundation and recommend changes thereto, as needed, to the Board.

ARTICLE IV – POLICIES

Section 1. Non-Discrimination Policy. The District will not exclude anyone from making donations to the Foundation based on national origin, race, color, physical handicap, or sexual orientation.

Section 2. Donation/Project Policy. Donations to the District are accepted by the Foundation if they are suitable and appropriately intended for the benefit of the District.

- A.** Persons wishing to make a donation are asked to complete a donation form created by the Foundation Committee and available in the Management Office and Clubhouse lobby. These donations may be tax deductible.
- B.** Donations should be delivered to the Heather Gardens Management Office for deposit into the Foundation Account. The Controller will post said donations into the designated category (Clubhouse, Golf, Roads & Grounds, Unspecified funds, etc.). The donations form is sent to the Board Assistant, who drafts the letter of acknowledgment for the chairperson to sign. Once signed, the letter is then sent by the Board Assistant to the

donor, the honoree, or the family of donations sent in memory. The chairperson verifies the amount against the monthly financials provided by the Controller.

- C. For unspecified donations, the Foundation Committee has the prerogative of using the donation on the most current project or may reserve it for a future project.
- D. Donations to the Foundation shall not be used for routine maintenance of District Facilities or Heather Gardens Association property.
- E. Donations designated for use in a specific area of the District shall be utilized only in the specified area. Donations that come in for a specific project shall be utilized for that project until it is totally funded. Excess donations that come in for a project will be moved to the unspecified funds to be used on future projects.
- F. All projects considered must be for the benefit of the District and available to all Residents and Owners. Clubs and organizations requesting Foundation funds must be open to all Residents and Owners and shall not have restricted criteria to become a part of the Club or organization. Project requests for supplies that will be depleted and would be considered as an individual student or club expense will not be considered.