

**HEATHER GARDENS METROPOLITAN DISTRICT  
SPECIAL MEETING  
Thursday, January 27, 2022**

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District was held via Zoom/Telephone in the office of the District, 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Thursday, January 27, 2022, at 1:00 P.M.

**CALL TO ORDER:** President Funk called the meeting to order at approximately 1:00 P.M. on Thursday, January 27, 2022. A quorum was present.

**BOARD MEMBERS PRESENT:** President David Funk, Vice President Michael George, Secretary/Treasurer William Archambault, and Directors Eloise Laubach and Maria Mines.

**BOARD MEMBERS ABSENT:** None

**STAFF PRESENT:** Chief Executive Officer (CEO) Jon Rea, Chief Operations Officer (COO) Jason Altshuler, Chief Financial Officer, (CFO) Jerry Counts, and Board Assistant Evelyn Ybarra.

**GUESTS PRESENT:** Jennifer L. Ivey, Icenogle Seaver Pogue, P.C., 5 members of the Heather Gardens Association Board, Lynn Donaldson with Heather 'n Yon, and approximately 16 members of the public were present.

**APPROVAL OF MINUTES:** Motion made by Vice President George and seconded by Secretary/Treasurer Archambault and passed unanimously to approve the minutes of the December 23, 2021, Special Meeting as written.

**REPORTS OF DIRECTORS, COMMITTEES, AND PROFESSIONAL CONSULTANTS:**

**President's Report:** No report.

**Chief Executive Officer (CEO) Report:** The Board received a copy of the CEO's Statement of Work Report and End of Quarter Report. CEO Rea highlighted that this year the hours to the Clubhouse were extended, and they are actively gathering data to accommodate the extended hours. Due to the weather, the Golf Course had an outstanding December as seen on the monthly operation analysis. The Restaurant is still feeling the impact of COVID and that could be because people are apprehensive to come out. Each department is trying to do the best that they can and capitalize on opportunities as they move forward. There were no questions or comments.

**Clubhouse/Restaurant Committee:** The Board received a copy of the Report. Director Mines reported that she agreed to what was stated by CEO Rea on the Clubhouse and

the Restaurant. The Restaurant will hold a workshop tomorrow and everyone is invited to attend. CFO Counts will be going over the Clubhouse and Restaurant monthly operations analysis. CFO Counts commented there will also be a short input presentation that Restaurant Manager Cormac had put together for the committee to present at the workshop. There were no further questions or comments.

**Foundation Committee:** The Board received a copy of the Report. Director Laubach commented that she would like management to follow up in getting a refund on the bench and ordering another bench within the same price range. COO Altshuler commented that parts for the bench were still on backorder, and he will follow up on the status. There were no further questions or comments.

**Golf Committee:** No Meeting. Vice President George commented the next meeting will be in March.

**Property Policy Committee:** No Meeting.

**Joint Long Range Planning Committee:** No Meeting.

**Treasurer's Report:** The Board received a copy of the Treasurer's Report. There were no questions or comments.

**Joint Budget and Finance Committee:** The Board received a copy of the Joint Budget and Finance Report. CFO Counts pointed out that he is on target to get the December financials updated to capture all the adjustments for year-end for the HGMD and HGA and will be submitting them to the auditors. There were no further questions or comments.

**UNFINISHED BUSINESS:**

- a.) **Motion to approve the Custodial Account at Zion Bancorporation, National Association for funds held for District Debt Service (\$500 to establish account and \$500 annual cost to maintain account):** Motion made by Secretary/Treasurer Archambault and seconded by Director Laubach and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve the attached Custodial Account Agreement between the District and the Zion Bancorporation National Association for the Heather Gardens Metropolitan District Series 2017 Bond Account – Custody.

Explanatory Comment: At the February 18, 2021, HGMD Board of Directors meeting, the Board unanimously approved a formation motion authorizing the Zion Bank to establish a Custody account for the HGMD General Obligation Refunding Bonds Series 2017. The custodial account agreement is the result of the February 18, 2021, motion.



**NEW BUSINESS:**

- a.) **Motion to approve to carry forward 2021 projects spending authority to 2022 (\$87,513.50):** Motion made by Secretary/Treasurer Archambault and seconded by Director Laubach and passed unanimously.

Text of Motion: Based on the recommendation of the Budget and Finance Committee, I move that Heather Gardens Metropolitan District Board of Directors approve the following carry forward of 2021 spending authority to 2022 for the projects listed below:

The following are approved 2021 projects that the remaining 2021 funds totaling \$87,513.50 be carried over to the 2022 Budget.

- HGMD Project - HVAC \$10,000 for 1/3 install for UV Light in the RTU – Installed on Jan 3, 2022. Waiting on vendor provided equipment training for HG staff and final invoice. **Carry Over Amount: \$22,937**
- HGMD Project – Fuel Tank (Maintenance Building) – The projected installation date is late January/February 2022. **Carry Over Amount: \$45,373**
- HGMD Project – Floating Water Fountain and Lights – Water Fountain Pump is Backordered. The supplier LL Johnson is scheduled to deliver in 2 weeks. (Lottery Money). **Carry Over Amount: \$11,000**
- HGMD Project – RV Parking Lot – \$3,703.50 was withheld from the vendor for incomplete work associated with the 2021 Contract. This work will be completed and paid for in the early spring of 2022. Added change order work to skim patch the (2) large cracks located in the middle of the RV Parking Lot is \$4,500. We are waiting on approval from the HGMD Board to move forward with the added change order skim patchwork, this added work would push the project over the approved total project amount by \$3,184. **Carry Over Amount (if Skim Patchwork is Approved): \$8,203.50**

Note: District is a government agency and by law, at the end of the fiscal year (December 31) if the funds that are not used are lost, the Board has the authority to approve the carry forward.

- b.) **Motion to approve of the Authorization for Treasurer to direct investments:** Motion made by Treasurer/Secretary Archambault and seconded by Vice President George and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve to authorize the Board Treasurer to direct the investment of all

HGMD Funds and that monies available be invested in funds that have a rating of AAA-mf (Moody's rating) or equivalent ratings from other rating agencies.

Explanatory Comment: The AAA-mf rating means that the fund has a very strong ability to meet the dual objectives of providing liquidity and preserving capital. In addition, at the December 23, 2021, Board meeting the Board granted the Treasurer authority for directing investments for Debt Service Funds. This motion extends such authority to all investments of the District.

- c.) **Motion to approve to Extend the Appointment of Ray Nash to the Budget and Finance Committee:** Motion made by Secretary/Treasurer Archambault and seconded by Director Nash and passed unanimously.

Text of Motion: Based on the recommendation of the Budget and Finance Committee, I move that Heather Gardens Metropolitan District Board of Directors approve Ray Nash's appointment to the Budget and Finance Committee to be extended for the sixth year.

Explanatory Comment: Ray Nash has the financial experience valuable to the Budget and Finance Committee and the Capital Program Subcommittee.

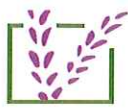
- d.) **Motion to approve of the 2022 Annual Administrative Resolution:** Motion made by President Funk and seconded by Vice President George and passed unanimously.

Text of Motion: I move that Heather Gardens Metropolitan District Board of Directors approve the 2022 Annual Administrative Resolution as presented.

Note: Attorney Ivey commented that this resolution is done every year. It inventories and identifies (management, legal counsel, and/or directors) who is responsible for all the statutory requirements that special districts are subject to. A couple of news items are included as follows: 1) paragraph #19 (page 7) related to the electronic mail communication system and 2) paragraph #22 (page 8) with the change in law related to SB 21-262, special districts formed after July 1, 2000, are required to start filing annual reports starting next year. This confirms that the HGMD was formed prior to July 1, 2000, therefore, is *not* required to file annual reports.

- e.) **Motion to approve of 2022 Regular Special District Election Resolution:** Motion made by President Funk and seconded by Vice President George and passed unanimously as amended.





# Heather Gardens


## METROPOLITAN DISTRICT

Text of Motion: I move that Heather Gardens Metropolitan District Board of Directors approve the 2022 Regular Special District Election Resolution as agreed with the selection of option (3) posting the information on the official website.

Note: Attorney Ivey commented this is a regular special district election year in May. Two members of the Board are up for election for a 3-year term and one Board member is appointed to a vacancy for the remainder of the unexpired term. Total of 3 seats. It is also the calling of the election and to designate the election official (DEO) and authorizes the DEO to work with the District legal counsel to conduct the election and take all necessary action to conduct the election and also authorizes the DEO to cancel the election if there are not more people running than open seats, which has happened in past years. What is new due to SB 21-262 appears on pages 3-4 regarding the different requirements for providing the call for nominations for the election. The HGMD being formed before 2000, is required by statute to publish in the newspaper of general circulation, which is the *Aurora Sentinel*, and which has been already published, and the Board is required to select one of the other options listed. After further discussion, the Board members all agreed to move forward with posting to the official website.

**OPEN FORUM:** None.

**ADJOURNMENT:** Upon motion by Vice President George and seconded by Secretary/Treasurer Archambault and passed unanimously the meeting adjourned at 1:32 P.M.

  
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William Archambault, Secretary/Treasurer