



Heather Gardens

METROPOLITAN DISTRICT

**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: AUGUST 3, 2023

MOTION NUMBER: 3-8-3-2023

MOTION: APPROVAL OF PILERA NOTICE REGARDING HOUSE BILL 23-1105

I move that the Heather Gardens Metropolitan District Board of Directors approve the attached Notice for publication by Pitera.

ECONOMIC COST TO THE DISTRICT: NONE
APPROPRIATED BY: N/A

Motion by: Daniel Taylor

Second by: Craig Baldwin

Rationale: House Bill 23-1105 requires special districts to inform residents of the state's Metropolitan District Homeowner's Rights Task Force's first meeting. The Notice was prepared by legal counsel.

Debate: _____

Secondary Motion to : _____
Secondary Motion by: _____ Second by: _____

VOTE:

	Yes	No
Craig Baldwin	✓	
Rita Effler	✓	
Eloise Laubach	✓	
Robin O'Meara	✓	
Daniel Taylor	✓	
Total	5	

Yes	No

The secondary motion does/does not have a majority and passes/fails.

The main motion does/does not have a majority and passes/fails.

Robin O'Meara
Robin O'Meara, Secretary
HGMD Board of Directors

Daniel J. Taylor
Daniel J. Taylor, President
HGMD Board of Directors

NOTICE OF METROPOLITAN DISTRICT HOMEOWNER'S RIGHTS TASK FORCE
HOUSE BILL 23-1105

Dear Resident of Heather Gardens Metropolitan District,

On May 24, 2023, Governor Polis signed House Bill 23-1105 into law, which, among other actions, created the Metropolitan District Homeowner's Rights Task Force ("Task Force"). The Task Force will review, among other matters, tax levying authority and practices, foreclosure practices, communications with homeowners, and governance policies. All members of the Task Force will be appointed by November 1, 2023. A requirement of the new law is that we notify you of the creation and existence of the Task Force prior to its first meeting. If you have any questions about the Task Force, please reach out to the Colorado Department of Regulatory Agencies or visit their website at <https://dora.colorado.gov>.



ICENOGLE SEAVER POGUE

July 26, 2023

Re: House Bill 23-1105

On May 24, 2023, Governor Polis signed House Bill 23-1105 (“Act”). The Act creates the Metropolitan District Homeowner’s Rights Task Force (“Task Force”), with the Power to “[e]xamine issues confronting communities that are governed by a Board of a Metropolitan District.”

A portion of the Act, Section 12-10-226.5(1)(b)(V), C.R.S., contains an affirmative requirement that certain metropolitan districts must notify residents of the district prior to the Task Force’s first meeting. The Act requires that all members of the Task Force be appointed by November 1, 2023.

There are no specific requirements for the means of communicating this notice, so our interpretation is that the notice may be sent in any way permitted under the law. As such, we suggest providing the notice in the same manner that the district provides notice of its meetings for purposes of Section 24-6-402(2)(c)(I), C.R.S.

Please see the next page for proposed language to provide to residents of the district regarding this matter.

If you have any questions on the matter, please do not hesitate to contact me.

Very truly yours,

ICENOGLE SEAVER POGUE
A Professional Corporation