



**HEATHER GARDENS METROPOLITAN DISTRICT  
SPECIAL MEETING MINUTES  
THURSDAY, February 1, 2024**

A special meeting of the Board of Directors of the Heather Gardens Metropolitan District "HGMD" was held in the Heather Gardens Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on Thursday, February 1, 2024, at 1:00 PM.

**CALL TO ORDER:** President Daniel Taylor called the meeting to order at approximately 1:00 PM. 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.

**GUESTS PRESENT:** Approximately 44 people in attendance via Zoom.

**APPROVAL OF THE AGENDA:** There were no changes to the agenda.

**PRESIDENT'S REPORT** – No report

**TREASURER'S REPORT** - No report

**UNFINISHED BUSINESS:**

1. Lawsuit Issues:
  - a. Salaries - \$1.2 Million accountability - HGA refused to provide the documentation to match employees and salaries - We have a legal responsibility to see that the District is not being overcharged given the discrepancy in the number of employees reported by HGA for which the District is reimbursing HGA for.
  - b. Maintain Funds in Separate Accounts as required by Colorado State law - We do not see a reconciliation statement from HGA - We asked that HGMD bills are paid from the HGMD operating account so that we can see that bills are paid on time for the correct amount. Removal of Signers on the HGMD account is in process - we asked for this information in July 2023.
2. We are now getting invoices to look at and approve the bills before they are paid. We still haven't received the check register.

3. Comcast Contract - May 18<sup>th</sup> Project - HGMD - not involved or contacted by HGA - projects and contracts impacting HGMD property needs approval by the HGMD Board.
  - a. Details of the Project: Key Card Project - \$80,000 - approved by Jon Rea - HGMD cannot spend more money than appropriated - state law. Capital Expenditure Request Form should be submitted to the department heads, manager, and then to the Board for approval.
  - b. Costs: \$87,000 Contract for Key Cards; Fiber Optic Cables Installation - \$56,000; plus monthly costs for internet connection and card access program.
4. Security – Officer for clubhouse - Reasonable alternative to spending \$123,000 on a key system for the doors. One officer was added in 2016 and assigned to the clubhouse for church services on the weekend. This officer is no longer stationed in the clubhouse.
5. Evelyn was hired as an assistant for both boards. Her position has changed. HGA no longer prepares agendas, board packets, governing documents, or safeguards public records. HGA has only agreed to do minutes for regular board meetings.
6. The joint board meeting which was originally requested by HGMD for July 19, 2023, will take place on January 11, 2024.
7. Attorney’s Fees – HGA distributed a signed flyer alleging the amount of attorney fees incurred by HGMD and distributed this flyer using the ARO. When many complained of the use of the ARO to distribute political information, ARO President Betty Bergeron wrote in HnY that anyone can request that a flyer be posted. President Daniel Taylor prepared a response flyer explaining the inaccurate information in the attorney fee flyer, and requested that it be distributed through the ARO. Bergeron said that after the HGA flyer was posted, the ARO changed its rules and no longer allows political flyers. The flyer is included in the board packet.
  - a. HGMD Board Attorney – follows special district law
  - b. When HGA attorney contacts us, we must respond through their attorney.
  - c. Of the fees incurred, \$74,000 was since we elected, \$18,000 - was spent before we were elected
  - d. \$4,900 – attributable to the May 2023 election
  - e. Elections – HGMD is billed for every item requested by anyone through DEO
  - f. Negotiations Fees - Questions from HGA Attorney and answered by HGMD attorney
  - g. The District’s Attorney - attends our meetings and has for years.
  - h. Extra meetings have been required to formally adopt motions as required by HGA to perform routine duties
  - i. \$9,000 spent as requested by HGA Management for security enforcement
  - j. \$12,600 - normal everyday business - less money than the prior board in the 1st 5 months
  - k. Preparing contracts ourselves - saving the District money

- l. Litigation Attorney - hired because we had no response from the HGA to mediation proposals. We began negotiating to directly hire employees on September 1st as proposed by HGA. Then HGA withdrew the proposal
- m. Leadership Meetings - a waste of time, shared issues, no answers, never had notice of meeting
- n. Recall Costs - \$9,000 - thus far
- o. No Control over spending, but HGMD must pay the bill
- p. Billed by Public Alliance and our attorneys
- q. Anytime anyone calls DEO with a question - billed at \$149 per hour
- r. 17 Petition Protests were received by DEO
- s. Our HGMD attorney has not provided HGMD with advice regarding the recall procedure other than a vague legal memo since the petitions were filed.

**PUBLIC COMMENT:**

**Mike Pula - HGA Board Member** - Disagrees with the disputes and their opinions are different.

**Anonymous** - Pay Off the bonds and get rid of HGMD Board (HGMD property is public property and will always be. If the bonds were paid off, HGMD would own the property with no debt. If the District was dissolved the City of Aurora would own the property.

**Vivian Peterson, Building 223** – When will the recorded meetings be available to residents on the District website? Should be on the HGA website also in order to hear both sides - see and hear the meetings.

**Bev Havens, Building 218 & SEC** –We have 8 officers, not 9 officers. Sunday in the clubhouse officers are there for the church service and mass on Saturday.

**Candice Compton** – We have 9 full time security. Where on the HGA website do we get Zoom recordings?

**Linda Worthey** - Thank you for having 2 meetings a month to get the HGMD business done. I enjoy watching the videos when available. Concern: During this time of compromise would like to see the meetings of both Boards and recordings available quickly and HGA has their voices and concerns. (HGMD recordings are on the website. HGA does not post their recordings)

**Sue McBeth** - HGA Board member - Building 224 - Had asked that we move forward with negotiations - Hope we can do so at the next meeting on February 8<sup>th</sup>.

**Tom Seaman, Building 219** – Concerning the contract for paving the maintenance lot - again this is an HGMD property. The HGA Budget and Finance Committee had no right to approve it. HGMD never saw a contract for \$35,000. There was no notice to owners. HGMD never approved the contract. It's not valid.

**Bev Havens** – We have 8 plus 1 security officers - 1 security manager and 8 officers equals 9 full time employees for the Security Department.

**Candice Compton - Joint Boards Meeting** - the small two on two meetings should be recorded and viewed by the community.

**Concerned Resident** - Host will not allow the unmuting of the Zoom participants. Management Office gives bogus information, rude to residents, two different answers.

**Vickie Hoffman** – Voice for Residents Club meeting - Navigate the websites, learn how from Karen Gold, Saturday, February 4<sup>th</sup> at 3:30 PM. This club’s goal is about how residents can stay informed about residents.

**Lary Herkel** - Welcome new HGA General Manager. Looking to improve operations

**Carol Anne Mayne** – Comment to Lary Herkel – A lot of residents are treated poorly by staff - Requests training for staff to learn more about how to work with the elderly.

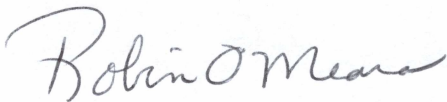
**Candice Compton** - Welcome and thank you. Praised Evelyn Ybarra - always responsible, respectful, professional and helpful.

**Estelle Matus** - Be sure to attend the meeting on February 9<sup>th</sup> to hear HGA provide evidence and proof for recall in the auditorium.

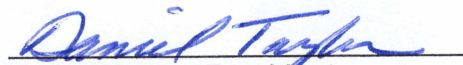
**Pat Nugent, Building 221** - Secretary of the Green Team. Every year we do a shred event - \$5 Omega Building Parking Lot. This year it’s May 4<sup>th</sup> – HGMD has requested golfers and employees park in the Omega Parking Lot to relieve the clubhouse parking lot. Will it be available for shred event (Yes)

**ADJOURNMENT:** The meeting adjourned at 5:07 pm

Approved by the Heather Gardens Board of Directors on December 2, 2024.



Robin O'Meara, Secretary

  
Daniel Taylor, President