

**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING
Thursday, August 3, 2023**

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District was held in the boardroom in the Heather Gardens Clubhouse at 2888 S. Heather Gardens Way, Arapahoe County, Colorado, and via video conference on Thursday, August 3, 2023, at 1:00 P.M.

PLEDGE OF ALLEGIANCE: The Board recited the Pledge of Allegiance.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 P.M., on Thursday, August 3, 2023. A quorum was present.

BOARD MEMBERS PRESENT: Daniel Taylor, Vice President Eloise Laubach, Secretary Robin O'Meara, Treasurer Rita Effler, and Director Craig Baldwin.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: None.

GUESTS PRESENT: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C., and approximately 8 members of the public were present.

UNFINISHED BUSINESS:

RV Lot Gate Chain: President Taylor presented to and reviewed with the Board a proposal for the RV lot gate chain protection, in the amount of \$3,150. Following discussion and review, upon motion by President Taylor, second by Treasurer Effler, and unanimous vote, the Board approved the RV lot gate chain protection for \$3,150.

NEW BUSINESS:

Board Administration Procedure Memorandum-1 ("PM-1"): President Taylor presented to and reviewed with the Board the proposed Board Administration PM-1.

Following review and discussion, upon motion of President Taylor, second by Vice President Laubach and unanimous vote, the Board approved the Board Administration PM-1 as revised.

House Bill 23-1105: Ms. Ivey presented to and reviewed with the Board the notice requirements in House Bill 23-1105 regarding the Metropolitan District Homeowner's Rights Task Force. After review and discussion, upon motion of President Taylor, second by Vice President Laubach, and unanimous vote, the Board authorized sending the suggested notice via Pileria.

Administrative Tasks: President Taylor, presented to the Board a proposed list of administrative tasks including moving the Security Office to allow the District to have office space. This request had been made to CEO Jon Rea prior to the hiring of the new security manager, and after discussion with HGA Director Mike Pula and Director David Baxter. Several SEC members argued that the separate office was needed despite it having been the assistant clubhouse manager's office for 12 years. Following review and discussion, upon motion of President Taylor, second by Treasurer Effler and unanimous vote, the Board tabled the list of administrative tasks indefinitely.

PUBLIC COMMENT: Linda Hileman asked the Board about the wording and process on Articles and Agendas, and expressed concern regarding the way the agenda is procedurally published. This procedure memorandum was developed as a result of the joint meetings with HGA Directors Mike Pula and David Baxter.

Gregory Winslow questioned the administrative action of the President of the Board presenting Motions to be voted on. He also expressed opinions as to why the Board should not move the Heather Gardens security office as he believes there is no need.

EXECUTIVE SESSION: Upon motion by President Taylor, second by Treasurer Effler and unanimous vote, the Board entered into Executive Session, pursuant to Section 24-6-402(4)(b) and Section 24-6-402(4)(e), for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations related to developing strategy for negotiations; and instructing negotiators regarding the Management Agreement.

Upon motion by President Taylor, seconded by Treasurer Effler and unanimous vote the Board exited Executive Session at 2:22 P.M. and reconvened the public meeting. No action was taken.

ADJOURNMENT: Upon motion by Vice President Laubach, and seconded by Treasurer Effler and passed unanimously, the meeting adjourned at 2:23 P.M.

Approved by the Heather Gardens Metropolitan District Board of Directors on January 18, 2023.

Daniel Taylor, President

Robin O'Meara, Secretary

**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING
Thursday, October 19, 2023**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District was held in the board room and via Zoom/Telephone in the Heather Gardens Clubhouse at 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Thursday, October 19, 2023 at 1:00 P.M.

PLEDGE OF ALLEGIANCE: The Board recited the Pledge of Allegiance.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 P.M. on Thursday, October 19, 2023. 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.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: CEO Jon Rea, Contracts Manager Don O'Gorman, and Administration Manager Evelyn Ybarra.

GUESTS PRESENT: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C. (for a portion of the meeting), six members of the Heather Gardens Association Board, Lynn Donaldson with Heather 'n Yon, and approximately 34 members of the public were present.

APPROVAL OF MINUTES: The September 27, 2023, special meeting minutes were tabled for next month's meeting.

PRESIDENT'S REPORT: None.

TREASURER'S REPORT: The Board received a copy of the September Treasurer Report. Treasurer Effler noted she did not go into detail with the amounts but stated Golf was doing well and the Clubhouse and Restaurant were under budget. There were no questions/comments.

REPORTS: The Board received a copy of the CEO September Statement of Work and End of Quarter reports in the meeting packet. President Taylor noted that no September financials were received. Treasurer Effler stated that she had received the check registers from May through September 2023, and is waiting to receive the ACH transfers to review. There were no questions/comments.

- a. President Taylor informed Kristin Lovato with Comcast that the Board would not decide if they would proceed with the RV agreement at this meeting. Ms. Lovato explained that the HGMD can propose edits to the agreement, but if they choose

not to approve the agreement today, then there may be weather delay. Ms. Lovato said she will have estimates for the Clubhouse to the Board next month.

- b. No September Financial reports were received.
- c. Don O’Gorman, Heather Gardens Contracts Manager, provided updates on the HGMD capital projects listed on the Statement of Work.

DIRECTOR COMMENTS/QUESTIONS REGARDING SEPTEMBER COMMITTEE REPORTS:

Director Baldwin distributed copies of the August Golf report, September and October RV reports, and other information that RV Chair Forrest McClure will discuss later in the meeting.

- a. **Audit/Finance Report:** The Board received a copy of the combined Clubhouse and Audit/Finance report. Treasurer Effler reported she hosted a joint meeting to review the draft 2024 Budget that the Committees reviewed and approved. There were no questions/comments.
- b. **Clubs and Activities Report:** There was no report.
- c. **Clubhouse Report:** The report was combined with the Audit/Finance.
- d. **Compliance Report:** There was no report.
- e. **Foundation Report:** The Board received a copy of the Foundation report. Vice President Laubach reported one minor correction on her report: that there were no new requests for funding. Committee members discussed upgrading holiday lighting and a suggestion/idea to do a fluid memorial in a park setting and have memorial bricks available for a donation, which will be further discussed. There were no questions/comments.
- f. **Joint Long Range Planning Report:** The Board received a copy of the Joint Long Range Planning Report. There were no questions/comments.
- g. **Restaurant Report:** The Board received a copy of the Restaurant Report. Secretary O’Meara reported that plans are moving forward with redesigning the kitchen to become more efficient, purchasing and replacing old equipment, and adding equipment to support the expansion of the desired menu for the three-year plan. She noted that, the committee has been meeting with contractors about designs and ideas and are looking into making the banquet room into a café. , They discussed an internship program that the Rendezvous Restaurant can participate in to recruit and help retain staff. There was a question regarding if the purchase of the outside freezer was complete. Secretary O’Meara responded that it is on pause after meeting with the designers, as the designers would like to place

the freezer indoors to make it safe and easily accessible for staff; there will be more information to come. There were no further questions/comments.

- h. Recreational Vehicle (RV) Lot Report:** The Board received copies of the RV Lot reports that were distributed at the meeting. Chair McClure reported he filed an online police report for the break-in on the southwest corner fence near space 74, and that some of the trail cameras captured photos of the suspects. The incident occurred earlier in the month. He reported that RV Lot keys were distributed to Committee members for camera access when he is unavailable. He reported another incident regarding the theft of a catalytic converter, but there are no cameras in that area. He noted that the 4G security cellular camera being tested was returned due to a suspicious payment plan to an unknown website. He noted that the 4G cellular camera is still a viable option. He noted that the solar street light no longer detects motion, and will be returned. A question arose regarding the new RV gate and the reason for the trenches. Chair McClure reported that the new gate is longer, requiring them to dig trenches for clearance. Additional work may be required. There were no further questions/comments.

UNFINISHED BUSINESS:

- a. Approval to Adopt HGMD Official Website (\$500 One-Time Set Up Fee and \$2,988 Annual Fee):** Motion made by President Taylor and seconded by Director Baldwin and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors designate the URL Domain <https://www.HGmetroDist.org>, as the District's official website and posting place for notices of meetings from this date forward pursuant to Sections 24-6-402(2)(c), C.R.S. Further, in compliance with Section 24-6-402(2)(III), C.R.S., the Board designates the Heather Gardens Clubhouse, 2888 South Heather Gardens Way, Aurora, Colorado, as the public place within the boundaries of the District at which it may post notices of meetings if it is unable to post a notice on the District's official website.

In conjunction with this adoption, I move that the Heather Gardens Metropolitan District Board of Directors approve the agreement with Streamline and approve payment for the setup fee of \$500 and the annual hosting fee of \$2,988.

Explanatory Comment: The District has no access to Pileria other than to publish the dates and times of meetings. District documents have been removed from the HG website, and Zoom links are only posted for 7 days. Therefore, the District needs a way to communicate with the community, safeguard and make District documents available to the public, and to store Zoom recordings of meetings permanently. This website has unlimited storage. It is live now, and we will be adding capabilities continually.

- b. Approval to Prohibit Modification of Parking Lot:** Motion made by President Taylor and seconded by Direct Baldwin and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors direct that HGA refrain from replacing any asphalt in the maintenance building parking lot without the prior written approval of HGMD and note that HGMD will not be responsible for any costs incurred by the unauthorized replacement of asphalt. HGMD authorizes the filling of the potholes by maintenance personnel.

Explanatory Comment: HGMD did not approve the capital expenditure request submitted by HGA. The Board referred it to the Joint Budget & Finance Committee, which chose not to recommend it to the District Board. The District Board did discuss the project and did not move it forward as a priority over other existing and impending projects. HGA determined at its September 19, 2023 meeting to replace the asphalt on the District's property despite and acknowledging the District had not approved the project.

First, the management agreement requires "specific approval of the District" to "upgrade, rehabilitate, retire, and/or replace the Properties."

Second, Motion 2-9-21-23 Adoption of Expenditure Policy adopted on September 21, 2023, requires that "Any contracts that bind or obligate the District or require the expenditure of District funds must be signed by the District President and the District Secretary." This policy, including the requirement that the Treasurer approve all unbudgeted expenditures and budgeted expenditures over \$2,500, has been acknowledged by the HGA CEO.

Third, although the HGA voted to pay for the replacement, its attorney sent an email dated September 20, 2023, stating that the District's Budget and Finance committee did not recommend the project, when it is a the Budget and Finance Committee is a joint committee, consisting of HGA and HGMD members; that HGA intends to undertake this work as agent, despite the foregoing; and that HGA reserves the right to seek reimbursement for expenses associated with the repairs.

Fourth, four directors have toured the lot and agree that filling the potholes is sufficient and that the maintenancestaff is fully capable of doing that.

NEW BUSINESS:

- a. **Motion to Direct Parking Lot Clean Up:** This motion was tabled.
- b. **Approval to Prohibit Parking Equipment on Golf Course:** Motion made by President Taylor and seconded by Treasurer Effler and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors direct that HGA remove all equipment from the golf course on or before

December 1, 2023, and prohibit equipment from being parked on the golf course overnight, except in cases of emergency or broken equipment, which must be removed within 24 hours.

Explanatory Comment: Equipment stored on the golf course presents an unsafe condition and is unsightly. Residents who don't play golf view the golf course as an amenity worthy of financial support because of the park like atmosphere and beautiful views. Tractors with flat tires covered in tree branches or mowing equipment stored on the golf course detract from those views.

- c. Approval of Golf Procedure Memorandum G-1:** Motion made by Director Baldwin and seconded by Treasurer Effler and passed unanimously as amended with the change on page 5, letter C.

Text of Motion: Upon the recommendation of the Golf Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve Golf PM G-1.

Explanatory Comment: The Golf Committee has reviewed and revised its procedure memorandum as presented.

- d. Approval to Direct Repairs and Cleaning of Formalization of Management Requests:** Motion made by Secretary O'Meara and seconded by Vice President Laubach and passed unanimously, as amended to include minor changes to 3 and 4.

Text of Motion: I move that the Heather Gardens Metropolitan District hereby formalize prior requests made to HGA and HGA management through the District Board's President and by the HGMD Board of Directors as follows:

1. The District Board requests that the crack in the shower stall wall, located in the women's locker room, be repaired immediately as water is seeping behind the concrete board of the tiled wall.
2. The District Board requests that the toilet in the men's bathroom, located closest to the reception area in the clubhouse, be repaired as it has been "Out of Order" for at least a month.
3. The District Board requests that the carpet for all meeting rooms and underneath the whiteboard located in the Aspen Room be thoroughly cleaned as the dark stains are unsightly.
4. The District Board requests that all dead moths/insects in the hanging style light fixtures located in the meeting rooms on the second floor and auditorium be removed by thoroughly vacuuming the interior of each fixture.

5. The District Board requests that the temperature of the indoor pool be monitored on a regular basis. As of October 8, 2023, at 5:00 PM, the temperature is 84 degrees, which is too cold for most swimmers using the pool.

PUBLIC COMMENT:

A resident complimented the Board for all they were doing.

A resident commented that the Joint Budget and Finance Committee tabled discussion regarding the cameras for the parking structures.

EXECUTIVE SESSION: Upon motion by President Taylor, seconded by Vice President Laubach, and unanimous vote, the Board entered into Executive Session at 3:28 p.m. pursuant to Section 24-6-402(4)(e), C.R.S for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Management Agreement.

Upon motion, second, and unanimous vote, the Board closed the Executive Session and reconvened the public meeting.

The Board reconvened the public meeting at approximately 4:49 p.m.

Approval to Terminate Management Contract Pending Negotiations: Motion made by Secretary O'Meara and seconded by Treasurer Effler and passed unanimously.

I move that the management agreement between the HGA and HGMD terminate as of November 15, 2023, unless the HGA engages in negotiations with the appointed Mediators by November 1, 2023.

ADJOURNMENT: Upon motion by Treasurer Effler, and seconded by Vice President Laubach, and passed unanimously, the meeting adjourned at 4:55 p.m.

Robin O'Meara, Secretary



**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING
Thursday, November 16, 2023**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District was cancelled, and a Special Board Meeting was held on November 17, 2023.

All HGMD documents, notices and agendas are located on the official website at :

<https://www.HGmetroDist.org>

Robin O'Meara, Secretary

**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING
Friday, November 17, 2023**

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District was held in the board room and via Zoom/Telephone in the Heather Gardens Clubhouse at 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Friday, November 17, 2023 at 1:00 P.M.

PLEDGE OF ALLEGIANCE: The Board recited the Pledge of Allegiance.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 P.M. on Friday, November 17, 2023. 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.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: None.

GUESTS PRESENT: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C., five members of the Heather Gardens Association Board, Lynn Donaldson with Heather 'n Yon, and approximately 29 members of the public were present.

APPROVAL OF MINUTES: Motion made by Director Baldwin and seconded by Treasurer Effler and passed unanimously to approve the following minutes: June 12, 2023, July 15, 2023, August 15, 2023, August 16, 2023, August 24, 2023, September 20, 2023, September 27, 2023, Special Meetings and September 21, 2023, Regular Meeting, as written.

PRESIDENT'S REPORT: President Taylor reported the Board has completed the dispute resolution mediation process with HGA on November 16, 2023 and no issues were resolved.

TREASURER'S REPORT: The Board received a copy of the Treasurer Report. Treasurer Effler reported she monitors the four bank accounts she has access to and checks their balances daily. There were no questions/comments.

MANAGEMENT REPORT: There was no report.

COMMITTEE REPORTS:

- a. **Audit/Finance and Clubhouse Joint Committee Report:** The Board received a copy of the Audit/Finance report. There were no questions/comments.

The Board received a copy of the Clubhouse report. Treasurer Effler commented that the Committee did a walkthrough of the Clubhouse to see what they could improve, and it was suggested that the daily schedule of events be displayed on the TV monitor so that people could see it when they walked in the front door. The Assistant Clubhouse Manager had it displayed the next day. There were no questions/comments.

- b. Clubs and Activities Report:** No report.
- c. Compliance Committee Report:** No report.
- d. Foundation Committee Report:** The Board received a copy of the Foundation report. There were no questions/comments.
- e. Golf Committee Report:** No report.
- f. Restaurant Committee Report:** No report.
- g. Recreational Vehicle (RV) Lot Committee Report:** The Board received a copy of the RV Lot report. There were no questions/comments.

UNFINISHED BUSINESS:

- a. Request Status Report on Directed Tasks:** There was a discussion regarding an email that was sent to the Board prior to the meeting with directions for directed tasks.

NEW BUSINESS:

- a. Approval of the Golf Simulator Monitor:** Motion made by President Taylor and seconded by Director Baldwin and passed unanimously.

Text of Motion: Upon the recommendation of the Heather Gardens Golf Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve the purchase of a new Uneekor QED overhead-mounted launch monitor for the existing golf simulator.

Explanatory Comment: The Golf Committee approved the motion by Ed Bradley and seconded by Linda Savage to replace and upgrade the current launch monitor for the golf simulator, as the current unit (SkyTrak) lacks full accuracy, sits on the ground, and is susceptible to damage.. Since the District charges for the use of the golf simulator, we should have a product that gives the highest grade of accuracy and information.

The new unit will have more in-depth information and a cleaner presentation, which

placed above the head and out of the way. For the new unit, we will not require an annual fee as the current unit does. The new unit will have more in-depth information and a cleaner presentation, which will support increasing the fees in the future. The golf pro believes the new unit will create more traffic flow in the winter, and he plans to collaborate with the restaurant for rental events or parties. The golf pro will be able to have more in-depth lessons, which should also increase lesson revenue. The ultimate goal is to create more revenue during a period when we do not have revenue generated from the golf course during bad weather.

- b. **Approval of End of Year Audit Contract (\$23,000-\$28,000 based on an hourly rate of \$130 per hour)**: Motion made by Treasurer Ellfer and seconded by Director Baldwin and passed. Director Eloise Laubach voted no.

Text of Motion: Upon the recommendation of the Heather Gardens Audit/Finance Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve entering into a contract for audit services from Crady, Puca & Associates for the year ending December 31, 2023.

Explanatory Comment: The District believes it is prudent to periodically conduct an audit by a different CPA firm from prior audits and separate from the audit performed by the Heather Gardens Association. This firm has experience auditing metropolitan districts and is an all-women-owned, Denver-based firm.

- c. **Approval to Terminate RV Lot Lease Space 58**: Motion made by President Baldwin and seconded by Director Baldwin and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors terminate the lease for space 58 in the RV Lot pursuant to paragraph 6 of the lease agreement, allowing either party to terminate upon written notice provided at least 30 days prior to the last day of any calendar quarter. Such notice shall be provided on or before December 1, 2023. Explanatory Comment: The Golf Committee has reviewed and revised its procedure memorandum as presented.

Explanatory Comment: An RV Lot lessee has been suspended from using the District properties for one year since October 12, 2023, and was abusive to HGA employees. The termination of the RV lot space rental is the least restrictive way to minimize contact between the lease and HGA employees.

- d. **Approval of Purchase Kitchen Design (Not to Exceed \$10,000)**: Motion made by Secretary O'Meara and seconded by Treasurer Effler and passed unanimously.

Text of Motion: Based on the recommendation of the Restaurant Committee, I move that the Heather Gardens Metropolitan District Board of Directors enter into a contract with Battle Born and Company to redesign the existing kitchen layout

and extended operating hours for 2024. The goal is to install kitchen equipment to replace the 10-year-old equipment in disrepair and add new equipment in a layout that will maximize the available space and increase efficiency for the staff. Battle Born and Company will design the layout for approval of the Restaurant Committee and serve as the project manager to oversee the work to be completed.

- e. **Approval to Remove and Dispose of Old Kitchen Equipment and Replace with New Kitchen Equipment (\$119,500):** Motion made by Secretary O'Meara and seconded by Director Baldwin and passed unanimously as amended with the correct amount.

Text of Motion: Based on the recommendation of the Restaurant Committee, I move that the Heather Gardens Metropolitan District Board of Directors enter into a contract with Battle Born and Company to remove the current kitchen equipment and replace it with new kitchen equipment. Additional pieces of kitchen equipment will be purchased and installed to support the implementation of the expanded menu. This contract is not to exceed \$119,500.

Explanatory Comment: Because the kitchen equipment was purchased as used in 2010, the equipment is 10 years old or more, and needs to be replaced. Repair is not a financially viable option. Additional pieces of equipment need to be purchased to implement an expanded menu. For example, to support serving breakfast items and pasta dishes. In addition, the extended hours of the restaurant will put a strain on the already limited capacity and life of the kitchen appliances. The normal useful life of commercial kitchen equipment is three to five years.

- f. **Approval of Purchase RV Lot Fencing (\$110,000):** Motion made by President Taylor and seconded by Director Baldwin and passed unanimously.

Based on the recommendation of the RV Lot Committee, I move that the Heather Gardens Metropolitan District Board of Directors accept the proposal from AJI Fencing to cut off and haul away the existing RV Storage Lot galvanized chain link fence and furnish and install approximately 1,137' of 7' tall Ameristar Montage Plus Invincible Fence using 2-1/2" square steel posts installed in concrete footings and Montage Plus Invincible panels attached to posts with bracket assembly at a cost of \$106,025 with a reserve of \$3,975 for a total of \$110,000.

Explanatory Comment: The existing chain link fence is over 50 years old and has extensive damage. Its history shows that it is painfully unable to prevent trespassers and thieves from making entry into the lot. As a result, there have been continuous thefts of catalytic converters and batteries, property damage to RV windows and interiors, and even the theft of a camping trailer and a speed boat. The price of steel will undoubtedly increase significantly over the next few

years. Therefore, it will be less costly to secure the price this year.

- g. Approval of Purchase of RV Lot Sitewatch Pro 3 Camera and Streetlight Reimbursement (\$9,230.72):** Motion made by Director Baldwin and seconded by Vice President Laubach and passed unanimously.

Text of Motion: Based on the recommendation of the RV Lot Committee, I move that the Heather Gardens Metropolitan District Board of Directors 1) accept the proposal from Sensera to purchase one SiteWatch Pro3 Camera Kit for \$4,749.05 and 12 months of SiteCloud service for \$4,308.00 for a total cost of \$9,057.05; 2) reimburse Forrest McClure for one Dimgogo 3000W, 180,000 lumen solar powered streetlight for \$150.72; and 3) reimburse Forrest McClure for one OKPRO S-144XM 50W, 6,000 lumens solar powered motion detection light for \$22.95. (Total reimbursement \$173.67)

Explanatory Comment: This is a proven and tested system that was successfully used for three months in the lot. It has a 13 MP CMOS Sensor. The Security Department Manager, David Marris, would like a camera that provides an alert when motion is detected, and at least one should be at the gate. He recommends the Sensera camera and noted that it has an overall rating of 4 stars.

The Dimgogo 3000W, 180,000 lumen solar powered streetlight has been mounted on a pole along the Army Corps of Engineer’s fence since October 23, 2023, purchased by Forrest McClure from Amazon. The light has performed according to expectations.

Order Summary:

Item(s) Subtotal	\$199.00
Shipping & Handling	\$0.00
Coupon Savings	- \$59.70
Total before tax	\$139.30
Tax collected	\$11.14
CO Retail Delivery Fees	\$0.28
Grand Total	\$150.72

The OKPRO S-144XM 50W, 6,000 lumens solar powered motion detection light is being used to illuminate anyone approaching the fence near space #74 (an area that has experienced multiple intrusions). The light is off until it detects motion and turns on to 100% illumination when motion is detected. The light was purchased by Forrest McClure from Amazon and is performing according to expectations.

Order Summary:

Item(s) Subtotal	\$20.99
Shipping & Handling	\$0.00

Total before tax	\$20.99
Tax collected	\$1.68
CO Retail Delivery Fees	\$0.28
Grand Total	\$22.95

PUBLIC COMMENT:

Secretary O’Meara stated that she is subject to recall from the Board of the Metropolitan District, and there is a petition in the process of filing. She said she has “stepped up” for Heather Gardens residents to protect their investments in Heather Gardens properties (Clubhouse, Restaurant, and Golf Course). She noted that she appreciated those who voted for her and said she would fight this but needed to hire her own attorney, and will be setting up a GoFundMe page for legal expenses to fight the petition.

Treasurer Effler stated that she was also subject to the recall. She noted that she has volunteered 8-12 hours of her time a day, at this time, she has not decided on what she will do.

Attorney Ivey clarified that no one is yet being recalled. The Committees to Recall board members filed a motion to appoint a Designated Election Official. No one is subject to recall until the petition is approved to be formed, circulated, and received adequate signatures and certified as having adequate signatures.

A resident commented that this is the first she has heard of this and is disappointed in whoever brought this forward. She thanked the Board for their work and hopes they will consider continuing to be a part of the community in active roles they volunteer to do.

A resident asked how many signatures were required on the petitions and said he would support the Board. Treasurer Effler said 300 signatures are required.

President Taylor noted that the Board would look into this and take action on what needs to be done. He further noted that a small group filed the petition, and within the small group were two who disagreed with the HGMD budget for the restaurant.

Treasurer Effler inquired if formal approval from Management could be acquired to extend the pool hours for family time from December 16, 2023, to January 2, 2024. President Taylor said he would look into this.

A resident commented that he supported having the pool open for more family time but wants to ensure the cleaning schedule is not interrupted.

A resident commented that Assistant Clubhouse Manager Julie Racich does an outstanding job and would suggest she be recommended for the Clubhouse Manager open position. The Board commented that they are not involved in the hiring process.

ADJOURNMENT: Upon motion by Treasurer Effler, and seconded by Director Baldwin, and passed unanimously, the meeting adjourned at 2:38 p.m.

Robin O'Meara, Secretary

**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING
Thursday, January 4, 2024**

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District was held in the boardroom and via Zoom/Telephone in the Heather Gardens Clubhouse at 2888 S. Heather Gardens Way, Aurora, Arapahoe County, Colorado, on Thursday, January 4, 2024, at 1:00 P.M.

PLEDGE OF ALLEGIANCE: The Board recited the Pledge of Allegiance.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 P.M. on Thursday, January 4, 2024. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Treasurer Rita Effler, and Director Craig Baldwin were present in person. Vice President Eloise Laubach, Secretary Robin O'Meara, participated via Zoom.

BOARD MEMBERS ABSENT: None.

GUESTS PRESENT: Approximately 20 members of the public were present in person and 34 participants on Zoom.

PRESIDENT'S REPORT: Attached.

VICE-PRESIDENT'S REPORT: Vice-President Eloise Laubach said there was nothing new to report for the Foundation Committee 2023 financial reports will be ready for the February meeting.

TREASURER'S REPORT: Treasurer, Rita Effler, provided a written report and reported that HGA's new controller, Carrie Toennis is working on the November and December financial reports.

SECRETARY'S REPORT: A written report was provided and Secretary Robin O'Meara reported that the restaurant has made wonderful progress. A chef has been hired and the new kitchen equipment has been installed. The kitchen, dining room and banquet room have been professionally cleaned.

DIRECTOR'S REPORT: Director Craig Baldwin reported that since the new directors were elected in May, new District committees were formed and have been functioning well with many resident members participating. The District has implemented many of their ideas and projects, and have several in the pipeline. The committees are the Audit/Finance Committee, the Clubs/Activities Committee, the Compliance Committee, the Foundation Committee, The Restaurant Committee, and the RV Lot Committee.

RV LOT COMMITTEE: The RV Lot Committee is chaired by Forrest McClure who listed the many security improvements that have been made at the lot including replacing the

damaged gate, purchasing security cameras, and the approval for the purchase of high security fencing for the perimeter of the lot. Forrest thanked the District Board for its prompt actions and support of the committee.

Chief Executive Officer (CEO) Report: The Board received a copy of the CEO's Statement of Work (SOW). CEO Rea was not able to attend today's meeting.

NEW BUSINESS:

1. President Daniel Taylor reviewed the End of the Year Project Report which is attached.
2. Rita Effler added that address signs were placed on the gardens and RV lot fencing so first responders can find the locations in an emergency. Clubhouse events were on the monitor near the front door for a time which the Board received positive comments about. They have not appeared for the last week, so the Board will follow-up.

PUBLIC COMMENTS:

18 residents made public comments. Many praised the progress made in the restaurant and Restaurant Manager Cormac Ronan's work. HGA's Ad Hoc Committee to develop a framework for a new management agreement and organizational chart was discussed. Many residents agreed that the dispute between the boards is dividing the community and a desire for the boards to listen to residents and settle the dispute for the good of the community.

ADJOURNMENT: Upon motion by Director Effler, and seconded by Director Baldwin, and passed unanimously, the meeting adjourned at 3:30 p.m.

Robin O'Meara, Secretary

From: Eloise Laubach
Sent: Sunday, January 14, 2024 9:14 AM
To: Evelyn Ybarra <evelyn.ybarra@HeatherGardensmail.com>
Cc: Holly Shearer <Holly.Shearer@HeatherGardensmail.com>; eloiselaubach50@gmail.com
<eloiselaubach50@gmail.com>
Subject: Foundation report for Jan.18, 2024 HGMD meeting . Please include in the board packet

Although we did not have a Foundation meeting in January, I do have a summary of the Foundation financials for 2023.

As of December 2023, the Foundation received \$3985 in donations and expenditures of \$5290.63 for trees, landscaping, bench pads, assorted flowers and 4 umbrellas for the restaurant patio.

The next Foundation meeting will be Feb. 14, 2024 at 1:00 in the board room and on zoom .

Submitted by,
Eloise Laubach,
Foundation Chair

Incomplete Project/Request Status Report

January 18, 2024

Date Requested	Action	Status
8/17/2023	Handicap Accessible Assessment	
9/21/2023	Replace Handicap Parking Signs on Two Spaces Vacated by Security	
9/21/2023	HG Vehicles/Employees Still Parking in Clubhouse Lot	
9/21/2023	Parking Lot Signage	
9/21/2023	Repair Pool Tables	
9/21/2023	Submit Activities/Dances Income & Expenses	
9/21/2023	Submit Teacher Costs	
10/19/2023	Patch Maintenance Parking Lot Potholes	
10/19/2023	Remove Equipment from Golf Course	
10/19/2023	Repair Women's Locker Room Tile	
10/19/2023	Repair Restroom Downstairs	
10/19/2023	Carpet Cleaning	
10/19/2023	Remove Moths from Light Fixtures	
10/19/2023	Correct Checking Accounts Signatories	
10/19/2023	Clubhouse Parking Lot Lights	
10/19/2023	Approved Directive to HGA Management to provide Detailed Accounting for all 2023 Expenditures on or before January 31, 2024	
10/19/2023	Request to Review PS1 Garages for Golf Equipment	
12/18/2023	Request for Recall Petition Circulation Rules	
	Stained Carpet in Aspen Room and Mountain View Room	
	Microphones for Aspen/Blue Spruce Rooms not working	
	Flat Screen TV Fell Off the Stand	

	Long White Tables Stained in Blue Spruce Room & Auditorium	
	Auditorium Kitchen Carts Filthy	
	Moths in Overhead Lights	
	Clubhouse Parking Lot Lights	

**ANNUAL RESOLUTION OF
THE BOARD OF DIRECTORS OF THE
HEATHER GARDENS METROPOLITAN DISTRICT**

At a regular meeting of the Board of Directors of the Heather Gardens Metropolitan District, City of Aurora, Arapahoe County, Colorado, held at 1:00 p.m., on Thursday, January 18, 2024, Heather Gardens Clubhouse, 2888 S. Heather Gardens Way, Aurora, Colorado, in person and via video conference at <https://us06web.zoom.us/j/87633957271?pwd=VTZ1MXNpN1E3Ny9PR2w1MGNyZStXZz09>, and via telephone conference at Dial In: 1 346 248 7799; Meeting ID: 876 3395 7271; Passcode 428077, at which a quorum was present, the following resolution was adopted:

WHEREAS, the Heather Gardens Metropolitan District (the “District”) was organized as a special district pursuant to an Order of the District Court in and for the County of Arapahoe, Colorado, dated April 6, 1983, and is located within Arapahoe County (the “County”); and

WHEREAS, the Board of Directors of the District (collectively referred to as the “Board” or individually as “Director(s)”) has a duty to perform certain obligations in order to assure the efficient operation of the District; and

WHEREAS, Section 32-1-306, C.R.S. requires the District to file a current, accurate map of its boundaries with the County Assessor, County Clerk and Recorder and the Division of Local Government (the “Division”) on or before January 1 of each year; and

WHEREAS, Sections 24-10-109 and 24-32-116, C.R.S. require that the District provide its name, its principal address and/or mailing address, the name of its agent and the agent’s mailing address to the Department of Local Affairs (the “Department”) and keep such information updated regularly; and

WHEREAS, Section 32-1-809, C.R.S. requires that the Board provide notice, containing certain information about the District, to the eligible electors of the District no more than sixty (60) days prior to and not later than January 15; and

WHEREAS, Section 32-1-104(2), C.R.S. requires that the District, on or before January 15, file a copy of the notice required by Section 32-1-809, C.R.S. with the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder in each county in which the District is located, the governing body of any municipality in which the District is located and the Division; and

WHEREAS, the Local Government Budget Law of Colorado, Sections 29-1-101 *et seq.*, C.R.S., requires the Board to hold a public hearing on proposed budgets and amendments thereto, to adopt budgets and to file copies of the budgets and amendments thereto; and

WHEREAS, Section 29-1-205(1), C.R.S. requires the District to file a current list of all contracts in effect with other political subdivisions within thirty (30) days of receiving a request therefor from the Division; and

WHEREAS, in accordance with the Public Securities Information Reporting Act, Sections 11-58-101 *et seq.*, C.R.S., issuers of nonrated public securities shall make public within sixty (60) days following the end of each of such issuer's fiscal year, an annual information report or reports with respect to any of such issuer's nonrated public securities which are outstanding as of the end of each such fiscal year; and

WHEREAS, in accordance with Section 29-1-604(1), C.R.S., if expenditures and revenues of the District are not in excess of \$100,000, the District may file an application for exemption from audit with the State Auditor; or in accordance with Section 29-1-604(2)(b), C.R.S., if expenditures and revenues of the District for any fiscal year are at least \$100,000, but not more than \$750,000, the District may file an application for exemption from audit with the State Auditor; or in accordance with Section 29-1-603, C.R.S., the Board shall cause to be made an annual audit of the financial statements of the District for each fiscal year; and

WHEREAS, the Revised Uniform Unclaimed Property Act, Article 13 of Title 38, C.R.S., requires that governmental subdivisions, if applicable, file an annual report listing unclaimed property with the State Treasurer by November 1 of each year; and

WHEREAS, pursuant to Section 32-1-103(15), C.R.S., the legal notices of the District must be published one time, in one newspaper of general circulation in the District, and if there is not one such newspaper of general circulation, then in one newspaper in each county in which the District is located and in which the District also has fifty (50) or more eligible electors; and

WHEREAS, pursuant to Section 24-6-402(2)(c)(I), C.R.S., the Board shall annually designate at the first regular meeting of the calendar year a posting place within the boundaries of the District for posting of notices; and

WHEREAS, pursuant to Sections 32-1-903(2), 24-6-402(2)(c)(I) & (III), and 32-1-903(6)(c) C.R.S., in addition to any other means of full and timely notice, the Board shall be deemed to have given full and timely notice of a public meeting, including an annual meeting, if the Board posts the notice on a public website of the District or in the designated public place within District boundaries, no less than twenty-four (24) hours prior to the meeting; and

WHEREAS, Section 32-1-903(1), C.R.S. requires that the Board shall meet regularly at a time and location to be designated by the Board and such location may be physical, telephonic, electronic, other virtual place, or combination of such means where a meeting can be attended; provided that meetings that are held solely at physical locations must be held at physical locations that are within the boundaries of the District or within the boundaries of any county in which the District is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty (20) miles from the District boundaries, unless

the proposed change of location for a meeting appears on the Board agenda of a meeting and a resolution is adopted stating the reason for which meetings of the Board are to be held in a physical location other than under the provisions of Section 32-1-903(1.5), C.R.S. and further stating the date, time and physical location of such meeting; and

WHEREAS, pursuant to Section 32-1-904, C.R.S., the office of the District shall be at some fixed place to be determined by the Board; and

WHEREAS, pursuant to Section 32-1-901(1), C.R.S., each Director, within thirty (30) days after his or her election or appointment to fill a vacancy, shall take an oath or affirmation in accordance with Section 24-12-101, C.R.S., and the oath must be filed with the County Clerk and Recorder, and in accordance with Section 32-1-901(1), C.R.S. with the Clerk of the Court and with the Division; and

WHEREAS, in accordance with Section 32-1-901(2), C.R.S., at the time of filing said oath, there shall also be filed for each Director a bond; and

WHEREAS, in accordance with Section 24-14-102(2), C.R.S., the District may, in lieu of the required bond, purchase crime insurance to protect the District from any dishonesty, theft, or fraud; and

WHEREAS, pursuant to Section 32-1-902(1), C.R.S., the Board shall elect one of its members as chairman of the Board and president of the District, one of its members as a treasurer of the Board and District, and a secretary who may be a member of the Board, or the secretary and treasurer may be one individual, who in such case is a member of the Board; and

WHEREAS, Directors may receive compensation for their services subject to the limitations imposed by Section 32-1-902(3)(a), C.R.S.; and

WHEREAS, Directors are governed by Section 32-1-902(3)(b), C.R.S., which requires any Director to disqualify himself or herself from voting on an issue in which he or she has a conflict of interest, unless the Director has properly disclosed such conflict in compliance with Section 18-8-308, C.R.S.; and

WHEREAS, Directors are governed by Section 32-1-902(4), C.R.S., which requires any Director who owns undeveloped land that constitutes at least twenty percent (20%) of the territory included in the District to properly disclose such fact in compliance with Section 18-8-308, C.R.S. before each meeting of the Board, and such disclosure must be entered into the minutes of such meeting; and

WHEREAS, pursuant to Section 32-1-1001(1)(o), C.R.S. the Board has the power to authorize the use of electronic records and electronic signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures in accordance with the Uniform Electronic Transaction Act, Sections 24-71.3-101 *et seq.*, C.R.S.; and

WHEREAS, pursuant to Section 24-72-204.5, C.R.S., should the District operate or maintain an electronic mail communications system, the Board must adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted; and

WHEREAS, Sections 32-1-1604 and 32-1-1101.5(1), C.R.S. require the District to issue notice of the authorization or incurrence of general obligation indebtedness to the Board of County Commissioners of each county in which the District is located or the governing body of the municipality that has adopted a resolution of approval of the District and to record such notice with the Clerk and Recorder in each county in which the District is located within thirty (30) days of incurring or authorizing such indebtedness; and

WHEREAS, Section 32-1-1101.5(1), C.R.S. requires the District to certify the results of ballot issue elections to incur general obligation indebtedness to the Board of County Commissioners of each county in which the District is located or to the governing body of a municipality that has adopted a resolution of approval of the District within forty-five (45) days after the election, or at least thirty (30) days before issuing any general obligation debt if not previously certified, and requires the District to file a copy of such certificate with the Division of Securities within that timeframe; and

WHEREAS, in accordance with Section 32-1-1101.5(1.5), C.R.S., the Board of County Commissioners or the governing body of a municipality that has adopted a resolution of approval of the District may require the District to file an application for the quinquennial finding of reasonable diligence; and

WHEREAS, in accordance with Section 32-1-207(3)(c), C.R.S., and unless otherwise waived or requested by an earlier date, any special district created after July 1, 2000, must electronically file an annual report for the preceding calendar year by October 1st with the governing body that approved the service plan or, if the jurisdiction has changed due to the annexation into a municipality, the current governing body with jurisdiction over the District, the Division, the State Auditor, and the County Clerk and Recorder, and make the same available on the website of the District; and

WHEREAS, in accordance with the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S., the Board is granted the authority to obtain insurance; and

WHEREAS, the Colorado Open Meetings Law at Section 24-6-402(2)(d.5)(II)(A), C.R.S. specifies that discussions that occur in an executive session of a local public body shall be electronically recorded; and

WHEREAS, pursuant to Section 24-6-402(2)(d.5)(II)(E), C.R.S., such electronic recording of executive sessions shall be retained for at least ninety (90) days after the date of the executive session; and

WHEREAS, in accordance with the Public Deposit Protection Act, Sections 11-10.5-101 *et seq.*, C.R.S., the Board shall designate an official custodian with plenary authority to

deposit public funds in any bank which has been designated by the Colorado Banking Board as an eligible public depository; and

WHEREAS, in accordance with Section 32-1-104.8, C.R.S., the District must record a public disclosure document and a map of the boundaries of the District with the Clerk and Recorder of each county in which the District is located at any time that an order or decree confirming the inclusion of real property into the District is recorded; and

WHEREAS, in accordance with Section 32-1-104.5, C.R.S., (1) within one year of the date an order and decree has been issued by a district court for a newly organized metropolitan district; or (2) for all metropolitan districts organized after January 1, 2000, by January 1, 2023, such metropolitan district, shall establish, maintain and annually update an official website containing specific information as set forth in Section 32-1-104.5(3)(a), C.R.S.; and

WHEREAS, elections may be held pursuant to the Special District Act, Article 1 of Title 32, C.R.S.; the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S.; and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., for the purpose of (1) electing members of the Board; and (2) presenting certain ballot questions to the eligible electors of the District; and

WHEREAS, Sections 1-1-111(2), 1-13.5-108 and 32-1-804(2), C.R.S. provide that all powers and authority granted to the Board may be exercised by a “Designated Election Official” designated by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HEATHER GARDENS METROPOLITAN DISTRICT AS FOLLOWS:

1. The Board directs the Heather Gardens Association’s general manager in accordance with the Management Agreement by and between the District and the Heather Gardens Association dated August 23, 2018, as may be amended from time to time (the “Manager”) to prepare an accurate map in accordance with the standards specified by the Division or directs the Manager to prepare a letter asserting there have been no changes in the boundaries of the District, as applicable, for filing with the County Assessor, County Clerk and Recorder and the Division as required by Section 32-1-306, C.R.S on or before January 1.
2. The Board directs the Manager to notify the Department of the District’s name, principal address and/or mailing address, agent’s name and agent’s mailing address in accordance with Sections 24-10-109 and 24-32-116, C.R.S.
3. The Board directs the Manager to: (1) provide notice, containing certain information about the District, to the eligible electors of the District, not earlier than November 16 and not later than January 15, in one or more of the ways set forth in Section 32-1-809(2), C.R.S; and (2) in accordance with

Section 32-1-104(2), C.R.S., file a copy of the notice with the Board of County Commissioners, County Assessor, County Treasurer, County Clerk and Recorder's Office in each county in which the District is located, the governing body of any municipality in which the District is located and with the Division. The Board further directs that a copy of the notice shall be made available for public inspection at the principal business office of the District.

4. The Board directs the Manager to submit a proposed budget to the Board by October 15; to schedule a public hearing on the proposed budget; to prepare a final budget, including any resolutions adopting the budget, appropriating moneys and fixing the rate of any mill levy; to prepare budget resolutions, including certification of mill levies and amendments to the budget if necessary; to certify the mill levies on or before December 15; and the Manager to file the approved budgets and amendments thereto with the proper governmental entities not later than thirty (30) days after the beginning of the fiscal year of the budget adopted, in accordance with the Local Government Budget Law of Colorado.
5. The Board directs the Manager to prepare and file a current list of all contracts in effect with other political subdivisions with the Division within thirty (30) days of receiving a request therefor from the Division, if applicable.
6. The Board directs the Manager to prepare and file the annual public securities report for nonrated public securities issued by the District with the Department within sixty (60) days following the end of the District's fiscal year, if applicable.
7. The Board directs the Manager to file either an application for exemption from audit with the State Auditor within three (3) months after the close of the District's fiscal year, or that an audit of the financial statements is prepared and submitted to the Board within six (6) months after the close of the District's fiscal year. Further, the Board directs that the audit report be filed with the State Auditor within thirty (30) days after the Board's receipt of the audit report from the auditor.
8. The Board directs the Manager to prepare the Unclaimed Property Act report and forward to the State Treasurer by November 1, if applicable.
9. The Board designates the *Sentinel* as a newspaper of general circulation within the boundaries of the District or in the vicinity of the District if none is circulated within the District, and directs that all legal notices shall be published in accordance with applicable statutes in the *Sentinel*.
10. The Board designates the URL Domain <https://www.hgmetrodist.org/>, as the District's official website and posting place for notices of meetings in 2024 pursuant to Sections 24-6-402(2)(c) and 32-1-104.5, C.R.S. Further, in

compliance with Section 24-6-402(2)(III), C.R.S., the Board designates the Heather Gardens Clubhouse, 2888 South Heather Gardens Way, Aurora, Colorado, as the public place within the boundaries of the District at which it may post notices of meetings if it is unable to post a notice on the District's official website.

11. The Board shall self-maintain and update the official website of the District in compliance with Section 32-1-104.5(3)(a), C.R.S.
12. Emergency meetings may be called without notice, if notice is not practicable, by the president of the Board or any two (2) Directors in the event of an emergency that requires the immediate action of the Board in order to protect the public health, safety and welfare of the property owners and residents of the District. If possible, notice of such emergency meeting may be given to the Directors of the Board by telephone or whatever other means are reasonable to meet the circumstances of the emergency, and shall be provided to the public via any practicable means available, *if any*, including, but not limited to, posting notice of such emergency meeting on the District's website, if any. At such emergency meeting, any action within the power of the Board that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided however, that any action taken at an emergency meeting shall be ratified at the first to occur: (a) the next regular meeting of the Board, or (b) the next special meeting of the Board.
13. The Board determines to hold regular meetings on the third Thursday of each month, at 1:00 P.M. at the Heather Gardens Clubhouse, 2888 South Heather Gardens Way, Aurora, Colorado 80014. Any additional means of public participation, if any, will be designated on the meeting agenda.
14. Pursuant to Section 32-1-904, C.R.S., the Board determined that the office of the District shall be at the Heather Gardens Clubhouse, 2888 South Heather Gardens Way, Aurora, Colorado 80014.
15. The Board directs the Manager, with the assistance of legal counsel to prepare, administer and file an oath or affirmation in accordance with Sections 32-1-901 and 24-12-101, C.R.S. In addition to the oath or affirmation, the Board directs Manager to procure either crime insurance in accordance with Section 24-14-102(2), C.R.S. or a bond for each Director as required by Section 32-1-901, C.R.S. in the total amount of \$10,000, and to file copies of the crime insurance or bond with the Clerk of the Court and the Division.
16. The Board hereby acknowledges that the District's Bylaws, adopted on June 15, 2023, and as may be amended from time to time, provide as follows regarding election of officers: "Election of officers shall be conducted annually at the first regular or special District meeting held in May, which, in off-numbered years occurs after the election, and at any other time that a vacancy

in an office may occur.” In accordance therewith, the Board elected the following officers for the District:

President/Chairman: Daniel J. Taylor
Vice President: Eloise Laubach
Treasurer: Rita Effler
Secretary: Robin Lee O’Meara

17. The Board directs that each Director may receive compensation for services as Directors in accordance with Sections 32-1-902(3)(a)(I) & (II), C.R.S. However, the Board members are not currently receiving compensation.
18. The Board has determined that when so directed by one or more Directors legal counsel will file conflict-of-interest disclosures provided by Directors with the Secretary of State seventy-two (72) hours prior to each meeting of the Board. In addition, written disclosures provided by Directors required to be filed with the governing body in accordance with Section 18-8-308, C.R.S. shall be deemed filed with the Directors of the District when filed with the Secretary of State.
19. The Board authorizes the use of electronic records and electronic signatures. Use of electronic records and electronic signatures, when conducting transactions and in relation to the administration of the affairs of the District, will be performed and governed in accordance with the Uniform Electronic Transactions Act, Sections 24-71.3-101 *et seq.*, C.R.S.
20. The Board began operating a District electronic mail communication system devoted to the District and directs legal counsel to prepare an electronic mail system monitoring policy for its consideration. The Board recognizes that electronic mails communications may be a public record under the Colorado Open Records Act and may be subject to public inspection under Section 24-72-203, C.R.S.
21. The Board directs the Manager to issue notice of indebtedness to the Board of County Commissioners or to the governing body of the municipality that has adopted a resolution of approval of the District, as applicable, and to record such notice with the County Clerk and Recorder in each county in which the District is located within thirty (30) days of incurring or authorizing any indebtedness in accordance with Sections 32-1-1604 and 32-1-1101.5(1), C.R.S. The Board also directs the Manager to certify the results of any ballot issue election to incur general obligation indebtedness to the Board of County Commissioners of each county in which the District is located, to the governing body of a municipality that has adopted a resolution of approval of the District, as applicable, and the Division of Securities within forty-five (45) days after such election, or at least thirty (30) days before the District’s issuance of any

general obligation debt if not previously certified, in accordance with Section 32-1-1101.5(1), C.R.S.

22. The Board directs the Manager to prepare and file, if requested, the quinquennial finding of reasonable diligence with the Board of County Commissioners or to the governing body of a municipality that has adopted a resolution of approval of the District, as applicable, in accordance with Section 32-1-1101.5(1.5), C.R.S.

The Board acknowledges that it is not obligated to prepare and file an annual report in accordance with Section 32-1-207(3)(c), C.R.S. because the District was created prior to July 1, 2000, and the Service Plan for the District does not contain an annual report requirement.

23. The District is currently a member of the Special District Association (“SDA”) and insured through the Colorado Special Districts Property and Liability Pool. The Board directs the District’s accountant to pay the annual SDA membership dues and insurance premiums in a timely manner and complete all necessary conditions of the third-party insurance agent, as applicable. The Board will review all insurance policies and coverage in effect to determine appropriate insurance coverage is maintained, at least biannually.
24. The Board directs the custodian of all electronic recordings of executive sessions to retain all electronic recordings of executive sessions for purposes of the Colorado Open Meetings Law for ninety (90) days after the date of the executive session. The Board further directs the custodian to systematically delete all recordings of executive sessions made for purposes of the Colorado Open Meetings Law at its earliest convenience after the ninetieth (90th) day after the date of the executive session.
25. The Board hereby designates the Heather Gardens Association as its official custodian over public deposits in accordance with Sections 11-10.5-101 *et seq.*, C.R.S.
26. The Board directs legal counsel to prepare the special district public disclosure statement in accordance with Section 32-1-104.8, C.R.S. and record the statement with the County Clerk and Recorder at any such time as a decree or order of inclusion of real property into the District’s boundaries is recorded.
27. AJ Beckman, Public Alliance, LLC, is hereby appointed as the “Designated Election Official” of the Board for any elections to be held during 2024 and any subsequent year unless another Designated Election Official is appointed by resolution. The Board hereby grants all powers and authority for the proper conduct of the election to the Designated Election Official, including, but not limited to, appointing election judges, appointing a canvass board, cancelling the election, if applicable, and certifying election results.

28. The Board hereby authorizes legal counsel to use the District's name and a brief description of the work performed for the District for marketing purposes, including identifying the District in presentations, proposals, and publications, provided that no confidential information about the District is revealed.

[The remainder of this page is intentionally left blank.]

Whereupon a motion was made and seconded, and upon a majority vote this Annual Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 18TH DAY OF JANUARY 2024.

HEATHER GARDENS METROPOLITAN DISTRICT

Daniel J. Taylor, President

ATTEST:

Robin Lee O'Meara, Secretary

CERTIFICATION

I, Robin Lee O'Meara, Secretary of the Board of the Heather Gardens Metropolitan District, do hereby certify that the annexed and foregoing Resolution is a true copy from the records of the proceedings of the Board of said District, on file with Icenogle Seaver Pogue, P.C., general counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, at the County of Arapahoe, Colorado, this 18th day of January 2024.

Robin Lee O'Meara, Secretary

[SEAL]



**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: JANUARY 18, 2024

MOTION NUMBER: 1-1-18-2024

MOTION: CLUBHOUSE SECURITY OFFICER

I move that the Heather Gardens Metropolitan District Board of Directors direct HGA to station one of the armed security officers at a desk at the entrance to the clubhouse to greet the public as they enter, answer questions concerning the location of rooms and events, monitor the security cameras, take complaints from residents, monitor the front desk area, and provide security to the clubhouse by making periodic rounds during business hours. The District requests that HGA submit design and cost proposals to the Clubhouse Committee to construct the desk area on or before March 1, 2024.

**ECONOMIC COST TO THE DISTRICT: \$
APPROPRIATED BY:**

Motion by: Daniel Taylor

Second by: _____

Rationale: HGA has reported that front desk employees don't feel safe. During a recent incident in the management office, second floor employees and attendees in the boardroom were evacuated into the locked management office. However, front desk employees, who are fully visible while exiting the building through any first floor door from the management office, were not notified that there was a security threat. This officer could provide security as well as offer a service to visitors. Everyone entering the clubhouse lobby will be immediately aware that security is on duty.

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

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

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

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

Daniel J. Taylor, President
HGMD Board of Directors

Robin O'Meara, Secretary
HGMD Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: JANUARY 18, 2024

MOTION NUMBER: 2-1-18-2024

MOTION: CLUBHOUSE RECEPTION DESK

I move that the Heather Gardens Metropolitan District Board of Directors direct the Clubhouse Committee coordinate with HGA to investigate the feasibility of moving the reception desk to the elevator wall so staff can view the clubhouse hallway as well as the front and rear entrances. Storage cabinets with counter space for information should replace the current reception desk which would allow the new reception desk to have free counter space. A panic button to alert security shall be included in the cost estimate.

ECONOMIC COST TO THE DISTRICT: \$Unknown

APPROPRIATED BY:

Motion by: Daniel Taylor

Second by: _____

Rationale: Front desk staff has requested moving the reception desk if possible to have the elevator wall at their backs, so they can see people approaching them.

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

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

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

Daniel J. Taylor, President
HGMD Board of Directors

Robin O'Meara, Secretary
HGMD Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: JANUARY 18, 2024

MOTION NUMBER: 3-1-18-2024

MOTION: APPOINT CLUBS/ACTIVITIES DIRECTOR

I move that the Heather Gardens Metropolitan District Board of Directors appoint the nominee receiving a majority of the votes as chair for the Clubs/Activities Committee. The nominees are Cecilia Williams and Nancy Linsenbigler.

ECONOMIC COST TO THE DISTRICT: \$0

APPROPRIATED BY: N/A

Motion by: Craig Baldwin

Second by: _____

Rationale: The position of Clubs/Activities Chair is vacant.

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

CECILIA WILLIAMS

NANCY LINSENBIGLER

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

	Yes	No

Cecilia Williams does/does not have a majority and is/is not appointed as Chair of the Clubs/Activities Committee.

Nancy Linsenbigler does/does not have a majority and is/is not appointed as Chair of the Clubs/Activities Committee.

Daniel J. Taylor, President
HGMD Board of Directors

Robin O'Meara, Secretary
HGMD Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: JANUARY 18, 2024

MOTION NUMBER: 4-1-18-2024

MOTION: TO ALLOW ACTING CLUBHOUSE MANAGER TO WAIVE DEPOSIT FOR THE FROLICS CLUB

I move that the Heather Gardens Metropolitan District Board of Directors authorizes Management to waive the payment of fees required prior to scheduling the rental of rooms for the Annual Frolics spring show and that the rooms are reserved for said event.

**ECONOMIC COST TO THE DISTRICT: NONE
APPROPRIATED BY: NOT APPLICABLE**

Motion by: Rita Effler Second by: _____

Rationale:

The Frolics Club, active for over 25 years, has no funds in reserve to pay to reserve the auditorium and other rooms needed for this event. They are currently providing free entertainment in the restaurant, increasing its' revenue. They will pay the rental contract amount with ticket sales proceeds on/or before the day of the Event.

Debate:

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

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

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

Daniel J. Taylor, President
HGMD Board of Directors

Robin O'Meara, Secretary
HGMD Board of Directors



HEATHER GARDENS METROPOLITAN DISTRICT

BOARD ACTION

DATE: JANUARY 18, 2024

MOTION NUMBER: 5-1-18-2024

MOTION: APPROVE POOL SAND FILTER \$55,000 PROJECT COST

I move that the Heather Gardens Metropolitan District Board of Directors approves the Request for Capital Expenditure, \$55,000 including a Change Order reserve of \$5,800.96 with a contract amount of \$49,193.04. CEM is the contractor.

ECONOMIC COST TO THE DISTRICT: \$55,000

APPROPRIATED BY: CAPITAL RESERVES

Motion by: Rita Effler

Second by: _____

Rationale: The installation of a new sand filter will negate the twice annual draining and cleaning of the pool. It will replace a labor-intensive filter system with a more economical operation. Maintenance reports that the 12 year old system is obsolete with parts unavailable for repair.

Debate: _____

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

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

	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.

Daniel J. Taylor, President
HGMD Board of Directors

Robin O'Meara, Secretary
HGMD Board of Directors