

**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING
Thursday, May 18, 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, May 18, 2023 at 1:00 P.M.

CALL TO ORDER: Vice President Laubach called the meeting to order at approximately 1:00 P.M. on Thursday, May 18, 2023. A quorum was present.

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

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Chief Executive Officer (CEO) Jon Rea, Chief Financial Officer (CFO) Jerry Counts, and Administration Manager 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 48 members of the public were present.

VICE PRESIDENT REMARKS: Vice President Laubach thanked the outgoing Board members for their fantastic services to the Heather Gardens community. She welcomed the new Board members and hoped that this Board would be able to carry the same relationship as before in conjunction with the Association Board and Management to have a smooth process for upcoming projects.

ELECTION OF OFFICERS: Directors decided to vote by secret ballot. Ms. Ivey noted that the Colorado open meetings law allows the use of secret ballots for the election of officers.

Directors submitted their votes for the office of President, the votes were tallied by Ms. Ybarra, and Daniel Taylor was elected President.

Directors submitted their votes for the office of Vice President, the votes were tallied by Ms. Ybarra, and Eloise Laubach was re-elected as Vice President.

Directors submitted their votes for the office of Secretary, the votes were tallied by Ms. Ybarra, and Robin O'Meara was elected Secretary.

Directors submitted their votes for the office of Treasurer, the votes were tallied by Ms. Ybarra, and Rita Effler was elected Treasurer.



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INCOMING PRESIDENT REMARKS: President Taylor welcomed the audience and asked for their patience while they worked on getting their new process and procedures down. He said their goal is to ensure complete transparency and a community environment, so they would like to hear from the community if their actions infringe at any time.

APPROVAL OF/ADDITIONS TO/DELETION FROM THE AGENDA: No changes were made to the agenda.

APPROVAL OF MINUTES: Motion made by Vice President Laubach with the explanation that the meeting minutes are accurate to her reading and seconded by Treasurer Effler and passed to approve the minutes of April 20, 2023, Regular Meeting, as written.

REPORTS OF DIRECTORS, COMMITTEES, AND PROFESSIONAL CONSULTANTS:

Chief Executive Officer (CEO) Report: The Board received a copy of the CEO's Statement of Work (SOW). CEO Rea reported that the SOW is information pulled from all the departments' managers that show what projects they are working on. The status regarding goals and completion dates for the District on the Clubhouse, Golf, and Restaurant. Director Baldwin asked what would be done to the sound system in the Clubhouse auditorium, especially with the technical issues experienced during the "Meet the Candidates" Forum. CEO Rea stated that the Clubhouse Manager is partnering with vendors to help provide expertise on improving the sound system. Director Baldwin asked about the Restaurant freezer. CEO Rea said that the outside freezer near the kitchen needs to be replaced, which is on the capital reserve for this year, and that the Contracts Department is helping with the work that needs to be done on the slab on which the freezer will be placed. Director Baldwin asked if the District could help with hiring the Restaurant Assistant Manager position. CEO Rea stated that, at this time, an offer letter had been extended. Director Baldwin had questions regarding the Access Control Project, Clubhouse Access Control, Parking Structure Security Cameras, RV Parking, and Security Enhancement Projects on SOW. He said he could not find much in the previous minutes and would like to know more about it. CEO Rea stated that these were projects on the docket for several years for the community. The Parking Structure Security Cameras, RV Parking, and Security Enhancement Projects relate to looking into each parking structure and RV lot to put cameras for security measures and possibly have security at the sites. Access Control was explained last year in the budget workshops to allocate funds for this capital reserve project. Access Control will be within the Clubhouse to monitor the ins/outs and door traffic and provide additional security for the Clubhouse and Management Office. CEO Rea said it was talked about that the Clubhouse would be the beta through access control to figure out how to manage public and residential traffic and eventually move to the buildings. CEO Rea is working on getting vendor quotes for cameras and access control, then bringing it to the SEC (security) Committee to review and partner with the Association and District Board to make final determinations. Director Baldwin and President Taylor said they did not recall the Access Control being discussed

at the budget workshop. CEO Rea said this information was on his budget presentation, and he talked extensively about it at the budget workshops. President Taylor stated that the Access Control would be discussed further with counsel and communicated back to the HGA. CEO Rea also mentioned that the former District Board motioned and approved the allocation of the funds several months ago. Treasurer Effler asked if the Restaurant and Clubhouse assistant managers were exempt or non-exempt. CEO Rea said he was uncertain at this time if they will be exempt or non-exempt. Director Baldwin had other questions on the SOW that were answered by CEO Rea related to the Maintenance parking lot and indoor pool filtration. There were no further questions or comments.

Enterprise Advisory Group (EAG): Committee member Linda Hileman provided an update. The EAG met last month and continued to work on the procedure memorandum knowing it would be separated into different committees to guide the other committees once they are established. There were no further questions or comments.

Foundation Committee: The Board received a copy of the Foundation Report. Vice President Laubach reported that the Committee met on May 10, 2023, and would discuss the action on extending the term of two committee members later in the meeting. Director Baldwin asked about the Mask Warriors Bench. Vice President Laubach provided the history of how the Mask Warriors raised funds selling masks during COVID and asked the Foundation to help supplement the purchase of a bench to put in the golf course. There were no further questions or comments.

Joint Long Range Planning Committee (JLRPC): There was no update.

Treasurer's Report: The Board received a copy of the Treasurer's Report from former Treasurer Archambault. Treasurer Effler commented that she attended the Budget and Finance meeting and communicated her questions to former Treasurer Archambault, which he answered. There were no questions or comments.

Joint Budget and Finance Committee: The Board received a copy of the Joint Budget and Finance Report from former Treasurer Archambault. Treasurer Effler asked that the HGMD financials be included in the packet. Director Baldwin also asked that the CEO report separate HGMD if possible. There were no further questions or comments.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- a) **Authorize HG Pickleball Club to Install a Camera on the Golf Shop to Monitor Court Conditions and Participation:** After further discussion and receiving Ms. Ivey's consideration to allow time for her to research this matter and provide legal advice to the Board, Vice President Laubach requested that the motion be tabled for next month and seconded by Director Baldwin and passed (three yes and one no from Secretary O'Meara).

- b) **Approval to Extend the Foundation Committee Membership Term for Another Year:** Motion made by Vice President Laubach and seconded by Director Baldwin and passed unanimously.

Text of Motion: Based on the recommendation of the Foundation Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve extending the term for the following members of the Foundation Committee: Becky Cole and Charlane Plucheck for another year.

- c) **Foundation Donation Form Revised (Information Only):** Vice President Laubach explained that no action is required, and the form was revised to remove the incorrect language of 501(C) and provide the correct language that they are a government entity and that any donation is a tax deduction and also to update pictures.

- d) **Introduction of the Proposed Committees Structure and Request Applications for Committee Members:** President Taylor presented the proposed standing committees and a timeline for members to submit applications by May 30, 2023. This will allow the Board to start putting members into the committees and have them work on breaking apart the EAG Procedure Memorandum (PM), develop the individual committee PMs, and figure out who will chair each of the committees. There will be a special meeting on June 1, 2023 at 1:00 p.m., to either approve the revised bylaws, depending on the feedback received from the community, or to continue to work on the revised bylaws. The Board's goal is to give the community adequate time to review any changes and provide feedback before the Board makes any decisions.

OPEN FORUM:

CEO Rea commented that every year when new board members change, the HGA and HGMD Boards hold a special meeting in January to go over the Management Agreement, their fiduciary responsibilities, insurance, expectations, and accountability and suggested that this board consider doing this for the new board members and as a refresher course.

Ms. Ivey mentioned that if any new District Board members are interested in training specific to special districts, the Special District Association (SDA) will have regional classes in June where they do new Board training by registering on the SDA website.

Director Baldwin commented that the Board, as of today, are members of the SDA and will receive information from them.



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A resident asked, with the new HGMD Audit and Finance Committees being separated, will this mean the HGMD no longer be a part of the Joint Budget and Finance Committee, or do they plan to attend both? President Taylor said a decision had not yet been made on the joint committees.

A resident commented that it makes no sense that there is a record retention policy for the Metropolitan District to adopt if they want, though she thinks it should be mandatory. Ms. Ivey confirmed that it is optional for the District to follow and stated that if a records retention policy is adopted, it should follow the model adopted by the State Archivist, or special approval would need to be granted.

A resident asked where the Committee applications could be found. President Taylor said they would be available in the Management Office and by the receptionist desk in the Clubhouse.

Ms. Ivey recommends during the meetings that the Board disable chat and have the audience raise their hands for best practice.

A resident asked Ms. Ivey if the HGMD Board could decide or set a policy to post meeting recordings. Ms. Ivey said that the District Board could make that decision and also explained that any recorded meeting becomes a public record.

ADJOURNMENT: Upon motion by Vice President Laubach, and seconded by Secretary O'Meara, and passed unanimously, the meeting adjourned at 2:18 P.M.

President Taylor invited the audience to the public reception downstairs in the Clubhouse.



Robin O'Meara, Secretary