

**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING
Thursday, January 21, 2021**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District was held via Zoom/Telephone in the office of the District, 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Thursday, January 21, 2021 at 1:00 P.M.

CALL TO ORDER: President Funk called the meeting to order at approximately 1:00 P.M. on Thursday, January 21, 2021. A quorum was present.

BOARD MEMBERS PRESENT: President David Funk, Treasurer and Secretary William Archambault, Vice President Michael George and Director Eloise Laubach.

BOARD MEMBERS ABSENT: None

STAFF PRESENT: General Manager Calvin White, Controller Jon Rapacki, Operations Manager Jon Rea, and Board Assistant Evelyn Ybarra.

GUESTS PRESENT: Jennifer Ivey, Icenogle Seaver Pogue, P.C., three members of the Heather Gardens Association Board, Lynn Donaldson, with Heather 'n Yon, and approximately 26 members of the public were present.

APPROVAL OF MINUTES: Motion made by President Funk and seconded by Vice President George and passed unanimously to approve the minutes of the December 17, 2020 Regular Meeting and January 12, 2021 Special Meeting as written.

REPORTS OF DIRECTORS, COMMITTEES, AND PROFESSIONAL CONSULTANTS:

President Report: President Funk announced there is a vacancy on the Board. The offer was extended to all members of the community. Anyone interested in joining the Board and in making decisions to help the community at Heather Gardens to become a better place to live should apply. There also several vacancies on the committees. This information is available on the Heather Gardens website and applications can be submitted to the Management Office.

General Manager's Report: The Board received a copy of the General Manager's Statement of Work (SOW) Report. General Manager White reported starting next month the SOW report will transition to the Interim General Manager Jon Rea. The COVID restrictions have loosened up for the Clubhouse. The Restaurant is currently offering patio to go orders as weather permits and dine-in is set to start in March following public health orders. General Manager White is working with UC Health to try to get the COVID vaccine distributed at the Heather Gardens facility or a possibility of having a mobile unit in the area.

Treasurer and Secretary Archambault asked for the status of the grant from the Department of Local Government for the District. General Manager White and Controller Rapacki confirmed they applied and received an estimated amount of \$7,500. The grant paid for windows in the golf course to allow touch-free check-ins, plastic dividers in the Clubhouse and Management Office, hand sanitizer machines, tents for outside seating, and additional cleaning supplies. Controller Rapacki has a conference call today at 4:00 P.M. with the auditors at Rubin Brown to discuss the PPP loan and, at that time, he will ask where to add the grant on the December financials.

Clubhouse/Restaurant Committee: No Meeting.

Foundation Committee: The Board received a copy of the Foundation's Report.

Golf Committee: No Meeting.

Property Policy Committee: The Board received a copy of the Property Policy Report. President Funk reported the Committee met on January 4. The Committee approved the installation of the 500-gallon tank that will be discussed in new business.

Treasurer's Report: Treasurer and Secretary Archambault reported the Budget and Finance Committee met on Monday. The MOAs were reviewed and there were several questions. Controller Rapacki would provide detailed information on when the questions would be answered. The next Budget and Finance meeting will be held on Tuesday, February 16 at 10:00 A.M. because Monday, February 15 is a holiday for President's Day. Treasurer and Secretary Archambault will provide a form to Interim General Manager Rea to complete on capital items if the Board should consider rolling forward the spending authority from last year to the current year. The spending authority in a government unit, which the District is, expires annually on December 31, but the funds can be rolled forward to the next budget year. Interim General Manager Rea will try to complete this material for the next Board meeting.

Budget and Finance Cochair Hostetler and Treasurer and Secretary Archambault discussed the upcoming audit. Their concerns are with the turnover in the accounting staff and Controller over the last two years and the unfamiliarity with the accounting system that a more in-depth audit should be done. They recommend that both Boards consider that the auditors do a more in-depth audit to ensure the reports are meaningful. The downside is more time for the auditors that would cost more money. Controller Rapacki commented he will also be discussing this with the auditors at Rubin Brown in today's conference call to get more information on the cost and time for an in-depth audit.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- a.) **Motion to Approve the Contract with Eaton Sales and Service LLC for the Installation of a New 500 Gallon Above Ground Fuel Tank (\$59,053):** Motion made by President Funk and seconded by Treasurer and Secretary Archambault and passed unanimously as amended.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve the contract with Eaton Sales and Service LLC for the installation of a new 500 gallon above ground fuel tank not to exceed \$59,053 without prior Board approval.

Note: Follow up question from the General Manager and/or Interim General Manager to find out why the as-built drawing is excluded from the proposal from Eaton Sales & Service LLC. Also, the HGMD contract will be signed by the contractor before they begin the work.

- b.) **Motion to Approve 2021 Annual Administrative Resolution:** Motion made by President Funk and seconded by Director Laubach and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve the 2021 Annual Administrative Resolution.

Note: President Funk commented the Annual Administrative Resolution is a recitation of the laws that apply to the District and directs Management and legal counsel on how to accomplish them. Attorney Ms. Ivey pointed out the resolution is similar to that the Board considered last year with the addition of item #18 which explicitly authorizes the use of electronic records and electronic signatures in accordance with the Uniform Electronic Transactions Act and item #19 which addresses having the electronic meetings via Zoom or by telephone.

- c.) **Discussion on Bird Feeders:** The Board received information from Tom Reeber a resident at Heather Gardens and a member of the Founder Bird and Nature Club. Mr. Reeber discussed having two bird feeders within the Heather Gardens community 1) on the east side of the property where the fence is near the nature area that has a small parking lot and 2) behind Building 204 right across the Clubhouse near the pond). Mr. Reeber suggested a 60 day trial period for the Board to consider. Volunteers will install, supply, and monitor the bird feeders during the trial period that will be no cost to the District. If approved by the Board, under the District's umbrella there is a grant to apply to purchase equipment and other items needed to maintain the bird feeders.

President Funk asked if any Board member wishes to make a motion on the Bird Feeder information received from Mr. Reeber. Hearing none, no action was taken on the matter.

OPEN FORUM:

A resident asked if there was a reason why the District packets were not available to follow along during the meetings. President Funk commented this is how it historically was handled and that it is in the process of being changed.

A resident asked General Manager White the status of patio fences. General Manager White commented they no longer make the fences at Heather Gardens and at their last meeting the vendors have not been able to provide alternative fences and are 14 weeks out.

Executive Session:

a.) Motion to approve for the Board of Directors to go into Executive Session:

Motion made by President Funk to convene into an Executive Session pursuant to Sections 24-6-402(4)(b) and 24-6-402(4)(e), C.R.S. for the purposes of determining positions relative to matters that may be subject to negotiation, developing a strategy for negotiations, and instructing negotiators in connection with and conferencing with an attorney to receive legal advice on specific legal issues regarding the District's Management Agreement. Treasurer and Secretary Archambault seconded and motion passed unanimously. The Board members exited the meeting and convened into Executive Session meeting at approximately 2:06 P.M.

Motion made by Vice President George to close the Executive Session and reconvene the public meeting, seconded by Treasurer and Secretary Archambault and motion passed unanimously. The Board reconvened the public meeting at approximately 2:52 P.M.

ADJOURNMENT: The meeting adjourned at 2:53 P.M.



William Archambault, Treasurer and Secretary