

**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 Plera 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.

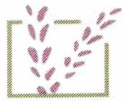
Fourth, four directors have toured the lot and agree that filling the potholes is sufficient and that the maintenancestaff is fully capable of doing that.

#### **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





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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.

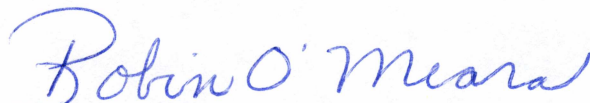
Upon motion, second, and unanimous vote, the Board closed the Executive Session and reconvened the public meeting.

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