

**VOICES OF RESIDENTS CLUB May 4, 2024**  
**HEATHER GARDENS METROPOLITAN DISTRICT RESPONSE**  
**QUESTION #1**

***How can we as a concerned community help each board to come to a resolution without further cost to the owners?***

**Stop the Recall Election**

- Encourage the Recall Committee to withdraw the recall petitions against Directors Craig Baldwin, Rita Effler, Robin O’Meara & Daniel Taylor
- The Recall Committee of Al Lindeman, John Harvey, Bonnie Flemming, and their attorney, Martha Karnopp, have created the most division this community has ever experienced
- The Recall Committee can end the recall election at any time, saving the residents thousands of dollars
- Current Recall Expenses - \$100,000 +

**Settle the Lawsuit: HGMD vs. HGA Breach of Management Agreement**

- Currently, HGA is not negotiating at all because they are waiting for the recall election to be over and work with a new Board of Directors
- With HGA's failure to negotiate, accept any of HGMD proposals, or offer any proposals in return, the District had no choice but to vote to terminate the Management Agreement by December 2024
- Encourage the HGA Board to settle the lawsuit for the breach of management agreement through reasonable negotiations

**Separate HGMD from HGA**

- To end the hostility between the two boards, this process needs to start now
- The District can run the Clubhouse, Golf Course, Restaurant, RV Lot, and other common areas
- Current HGA Management can continue managing the maintenance of the residential properties
- HGMD will hire its own District manager who will serve as District manager
- Many details need to be worked out to make this split, let’s begin immediately
- We are confident that this move will be cost effective for both parties, especially for the residents

**Educate the HGA Board & HGA Management about the statutes governing HGMD**

- HGMD must comply with the Colorado Revised Statutes (CRS) for Special Districts
- HGMD has a **Fiduciary Responsibility** that **cannot** be turned over to HGA Management.
- HGMD must assure that all public funds are accounted for and spent reasonably.
- HGMD has the responsibility of **“oversight”** of the Clubhouse, Golf Course, Restaurant, RV Lot, and other common areas.
- This includes maintenance, as would any other property owner, repair, and improvements.
- We have many issues with HG quality, quantity, who does the work, and the cost of the work.

## QUESTION #2

***How can we as a concerned community have this proceeding move forward timely without the continued delays?***

### **Lawsuit: HGMD vs. HGA**

- The Lawsuit between the HGA and HGMD for Breach of Contract is proceeding, however, HGA has refused efforts to move the case along.
- We wanted a June trial; HGA wanted a trial in December.
- HGA will not negotiate or entertain any settlement until after the recall election

### **Recall Election of Directors Baldwin, Effler, O'Meara and Taylor**

- The district has no control over the DEO but has to pay his costs.
- We feel that the DEO is running up the bill!
- Following the hearings of protest, Daniel Taylor filed an appeal on the grounds that the Designated Election Official's (DEO) interpretation of the statute is wrong.
- The Designated Election Official, (DEO) complicated the appeal with more briefs, motions, and submits a 20-page document when a written brief for the judge to consider would suffice.
- Martha Karnopp, Recall Committee attorney, also files a motion to compel a Recall Election date be set by the HGMD Board
- Daniel Taylor must respond to all of the above by next Tuesday, 5/7
- The Recall Committee now wants **two recall elections**, just to get Rita and Craig out faster. (They're not part of the consolidated case of O'Meara and Taylor that is being appealed.)
- We are following due process so that the people who voted us into office can be heard
- All of this work creates more legal fees, all at the expense of the district.
- They are prosecuting the recall like they have an open checkbook. ***And they do!***

### **Educate Yourself about the Recall Election**

- Go to [www.hgmetrodist.org](http://www.hgmetrodist.org)
- Click on the tab "Recall Info"
- Read "Protest Recall Election Hearings" article
- Click on the box to the right to view all documents

## QUESTION #3

***How can we as a concerned community help each board to understand that the ongoing conflict affects our quality of life, sense of community and property values?***

### **Quality of Life**

- The HGMD Board acknowledges that the recall election has caused all of us to be “walking on egg shells” with our friends, in our buildings/areas, in classes, in meetings, at social events etc.
- Keep speaking your mind in a respectful way because everyone has a right to express his/her opinion.
- Your opinion is just as valuable as any other person’s opinion
- Silence means you agree
- Be brave

### **Sense of Community**

- HGMD is committed to the residents of this community - we take our oath of office very seriously
- HGMD brought back the many committees so that residents can participate in governing the District
- HGMD is determined to maintain the committees to preserve the sense of community that we all may benefit from

### **Property Values**

- Financing a home is more difficult because of the higher interest rates, increased taxes, high HOA fees and the increased cost of insurance.
- More than 50% of Heather Gardens sales are cash, therefore qualifying for a mortgage may not be a part of the purchase of an HG property

### **Become Actively Engaged**

- **Board Meetings:** Attend HGA and HGMD Board Meetings to speak and ask questions during Public Comment session
- **Committees:** Join an HGMD/HGA Committee to have a voice in your community
- **Events/Classes/Clubs:** There are so many wonderful opportunities in HG to grow, learn, and support your health. Check them out!
- **Contact Leadership:** Email or phone your HGA Board of Directors and/or HGMD Directors to ask them the same questions
- See [www.heathergardens.org](http://www.heathergardens.org) and [www.hgmetrodist.org](http://www.hgmetrodist.org) for contact information

## **ROBIN'S CLOSING COMMENTS**

*DID YOU KNOW?*

**We are the only Directors in HGMD history who have not quit out of frustration, harassment, bullying or exhaustion!**

**THE RECALL ELECTION IS AN ATTACK ON MY CHARACTER**

**People say I am crazy for doing this.**

*I must be crazy!*

**That makes me unafraid of the Recall Election.**

**We are fighting to learn how your money is spent to increase efficiency, improve service, and save money!**

**We are determined to do our job because we are HONEST!**

## **Scripture**

***“When we suffer for good and not evil, we will never be ashamed”***

***“Each of you should use whatever gift you have received to serve others, as faithful stewards of God’s grace in its various forms.”***

***“God blesses you when people mock you and persecute you and lie about you and say all sorts of evil things against you because you are my followers.”***

***Matthew 5: 11-12***

***“Endure until then with self control and prayer, thanking the Father for his preserving hand and pleading for his continued blessing.”***

***Mount Olive Lutheran Church***

***THANK YOU FOR COMING!***