



SPECIAL BOARD MEETING PACKET

December 2, 2024



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, September 7, 2023**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on September 7, 2023 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:08 pm on September 7, 2023 at 1:00 pm. 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.

GUESTS PRESENT: Not recorded.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

REPORTS: None.

UNFINISHED BUSINESS:

- a) Motion for RV Lot PM moved to September 21, 2023 meeting.
- b) Motion for RV Lot Pad Locks by Director Craig Baldwin, seconded by Robin O'Meara. Passed unanimously.
- c) Motion 2-9-7-23: Freezer will be purchased. President Daniel Taylor said contract will be completed after update of concrete proposal with new dimensions. Don O'Gorman said the proposal didn't need to be updated for new dimensions because the contractor didn't care. Taylor and attorney J. Ivey agreed that the proposal becomes part of the contract and must be updated. The motion to purchase the freezer and amend the concrete proposal passed unanimously.

NEW BUSINESS:

- a) Discussion regarding tax paid on Amazon purchases. Jennifer Ivey said cost more to get refund of tax paid.
- b) RV Club will control RV Lot cameras and sim cards.

PUBLIC COMMENT: Greg Winslow stated to trust Don O'Gorman regarding the concrete pad proposal.

EXECUTIVE SESSION: Pursuant to section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on specific legal questions regarding Comcast fiberoptic project.



Pursuant to 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.

Motion for executive session by Director Daniel Taylor, seconded by Eloise Laubach. The executive session was adjourned at 3:41 pm. The board returned to open session.

Two motions passed after the executive session. One motion to stop the fiberoptic installation and the keycard access projects. The second motion to continue to negotiate with HGA over the management agreement.

ADJOURNMENT: Motion to adjourn by Director AdjournMotion, seconded by Director AdjournSecond. The meeting adjourned at 3:45 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, October 12, 2023**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on October 12, 2023 at 10:00 am.

CALL TO ORDER: President Daniel Taylor called the meeting to order on October 12, 2023 at 10:00 am. 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.

GUESTS PRESENT: Approximately 8 attended in person and approximately 44 attended via Zoom.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

NEW BUSINESS: 2024 BUDGET ADOPTION

PRESIDENT'S REPORT ON 2024 BUDGET:

- Reduced HGMD Budget
- HGA Budget reflects the changes in inflation
- HGMD Board scrutinized every line of the budget - looking for cost savings
- The number of employees, job titles and salary range were not provided as requested by HGMD
- We accept the budget today and trust that the numbers of employees, wages and benefits, based upon the number of hours needed to operate, are accurately represented.
- We will control the spending on wages and benefits on our side by having the HGMD Treasurer monitor and control the spending.

Restaurant Options Were:

1. Close it
2. Lease It
3. Fully fund it

The Board decided to:

1. Fully fund the restaurant for one year to give Cormac and his staff the opportunity to run the restaurant to meet the needs of the HG residents
2. Making a commitment to fund the restaurant for a year



Heather Gardens

METROPOLITAN DISTRICT

3. Roll out changes in phases
4. Cost is \$6.24 a month per unit to fund the restaurant - which is the price of a Happy Meal a Month

TREASURER'S REPORT ON 2024 BUDGET:

- Overview of the budget
- Giving what residents said what we want and desire
- Biggest change is the restaurant
- Cost centers have been neglected - thus funding needed to improve the physical structure of these amenities
- Salaries - 3% raise - hourly employees only?

Clubhouse:

- Manager - full time
- Activities Director - assigned to assistant manager's job
- Salaries are included in the budget for those positions

Golf

- Capital Expenditures - rough mower
- 5 Full time employees
- \$60,000

DIRECTOR COMMENTS ON 2024 BUDGET:

Robin O'Meara Comment Regarding the Restaurant Funding

- Three Year Plan is moving forward
- Committee has members who are experienced and knowledgeable about restaurant design, operation and marketing
- Even if we wanted to lease it out, the District needs to replace the current kitchen equipment to implement the menu
- Currently seeking contractors and designers to guide us

MOTION BY CRAIG BALDWIN: To close discussion by directors and open discussion for public comments. Seconded by rita Effler. Motion passed unanimously.

PUBLIC COMMENT:

- **Vicki Spillane** - Tacos for \$5 - Enjoyed that special - Everything is going up everywhere



- **Beulah Gould:** Swimming Pool - too cold after break, 2 degrees too cold. Budget for restaurant increase from \$13 vs \$6.24 - doesn't add up. Worried about fixed income. Capital reserves cannot be pushed into our backs.
- **Jill Ross - Resident, Building 205**
 - Restaurant Business plan - informs the budget - where is it?
 - Million dollar profit - not possible.
 - Response from board: if we don't meet the sales - we won't have the expenses

John Recob - Agrees with the budget that is submitted, wants to make the restaurant successful, in my opinion - Daniel is completely incorrect - take restaurant out of this, HGMD is 110%, budget was going down, capital improvement changes - but details not clear...capital programs increases the reserves will be negative in 4 years...concerned that the programs are not funded for the future. - Addressed this in the budget - what we were given - 12 line items - capital reserve plan not even included in the budget - we have been "pay as you go".

- Response from board: HGA stopped conducting annual inventories after 2019 although it is required by law for the District. Without an accurate component list, HGA's capital reserve plan is useless. The District will not be in the negative in 4 years.

Bernie Radicovich - Building 205 Are folks considering the residents and the cost to them and how it is affecting them?

Craig response - no control over the cost of gas, insurance, and food

Rita's response - Why these exorbitant raises now? - Biggest increase is in capital reserves - if we do not put any money into capital reserves you will have nothing to sell. Your property value will decrease

Daniel's - 40-45% of the HGMD budget is wages and benefits. We have no detailed information concerning who is paid what. We are going to try to control that spending as much as possible.

Resident: Positive about the budget - highest priority projects 1st.

Jill Ross - Building 205 - I know how this budget was done. Daniel owes her an apology for saying she is speaking as an employee, not a resident.

Motion to close public comment by Craig Baldwin, seconded by Rita Effler. Passed unanimously.

Motion to approve the resolution to adopt the 2024 budget by Daniel Taylor, seconded by Rita Effler. Passed unanimously.



EXECUTIVE SESSION: Pursuant to section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on specific legal questions regarding HGA security request.

Motion for executive session by Director Craig Baldwin, seconded by Eloise Laubach. Executive session was adjourned at 11:42 am. The board returned to open session.

The Board directed attorney Jennifer Ivey to file a notice of suspension from District property for 1 year for to Mr. Jensen for a security violation.

Motion by Rita Effler, seconded by Craig Baldwin for HGA to provide additional security at the clubhouse entrance.

PUBLIC COMMENT: Sue Johnson requested posting no firearms in the clubhouse signs.

ADJOURNMENT: Motion to adjourn by Director Craig Baldwin, seconded by Director Eloise Laubach. The meeting adjourned at 11:50 am.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, SATURDAY, November 4, 2023**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on November 4, 2023 at 10:00 am.

CALL TO ORDER: President Daniel Taylor called the meeting to order on November 4, 2023 at 10:00 am. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Secretary Robin O'Meara, Treasurer Rita Effler and Director Craig Baldwin. Eloise Laubach did not attend.

GUESTS PRESENT: Approximately 5 attended in person and approximately 26 attended via Zoom.

REPORTS: Opening Comments: Daniel Taylor, President HGMD Board

- Increase average dues, \$6.24 per month per unit
- Includes fully funding the restaurant
- Dues 10.4 % - tried to lower the dues the best that we could
- Brought the costs down by going through both budgets line by line

Reviewed Actual, Forecast and 2024 Budget

Clubhouse

- Revenue increased
- Expect 2024 increase by bringing classes back
- Expect to offer more classes
- HGMD knows nothing about wages and benefits or teacher salaries - information not shared - job title and pay rate/scale
- What we do know - 2 full time positions, part-time hours, teachers
- Employees are receiving minimum wage - annual raises given to employees
- Budgeted 3% for all employees - not sure if minimum wage employees are getting this 3% wage
- Labor and Utilities - 79% of the budget
- Have control over just a few "slivers" of the budget

Golf

- Increased revenue and lowered the costs
- Operating costs increasing - 6.2%



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METROPOLITAN DISTRICT

- Budgeting for an assistant manager
- Does not match the head count of 5 full time employees - do not know who these folks are
- Now - 6 part-time people - again, we do not know who does what and how much they make
- Questions to answer: people, salaries, golf/landscaping equipment
- Have control over 21% of the golf budget

Capital Expenditures Plan:

- Need a component list - which are assets - need to update this list so that we know what assets we have and their "life expectancy"

Restaurant:

- Committed to breakfast, lunch and dinner, 7 days a week
- Kitchen equipment - used almost 14 years old!
- Special Events/Offerings
- Sales - calculated by Jerry Counts - current revenue and then the operating hours = \$325 per hour that the restaurant is open, balanced out by the operating expenses
- Wages - approving the money allocated for wages -
- Cormac must go to HR - they tell him what hourly wage to offer
- Cormac can decide what he wants to pay each person and use the lump sum allocation for the staff that he wants to hire
- Budget for full schedule and full menu for the entire year

Restaurant (continued)

- Timing will be phased in appropriately - based upon the resources coming in Restaurant

PUBLIC COMMENT:

Pat Clark, #235

- Looking into "Used Equipment"?
- Questionnaire
- Gave each building the number they have in the apartments a directory form, gave them to an AR
- Music too loud

Bradford C _____, Building #224 - Get him a business plan

- Business Plan?
- Marketing Plan?



- Not make the revenue - that projection was created by the CFO
- \$325 per hour per operating hours a day

Sharon - Building #220

- Cormac is working hard
- Parking is an issue

ADJOURNMENT: Motion to adjourn by Director Craig Baldwin, seconded by Director Rita effler. The meeting adjourned at 10:55 am.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, DECEMBER 8, 2023**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Auditorium at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on December 8, 2023 at 10:00 am.

CALL TO ORDER: President Daniel Taylor called the meeting to order on December 8, 2023 at 10:00 am. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Secretary Robin O'Meara, Treasurer Rita Effler and Director Craig Baldwin. Vice President Eloise Laubach did not attend.

GUESTS PRESENT: Approximately 50 attended in person and approximately 47 attended via Zoom.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

REPORTS:

HGMD website – Documents and Zoom recordings are all online.

Serious Issues with HGA

- Freezer Contract – Done improperly. HGMD had to do project over.
- Gazebo Contract – Signed by employee, not HGMD as required
- Control of Spending – HGA
- Auditorium Floor Refinishing - No Contract, No Competitive Bids
- Management has not learned from its mistakes - continue to have no contracts, no performance or payment bonds required by law for the district.
- Management Agreement - began re-negotiating with HGA Board reps in July 2023.
- Formal mediation in November 2023. HGA rejected all proposals.
- Comcast - put on notice in June that HGMD would not pay unless we were involved
- District Sold Bonds to Finance the purchase of the current District properties as public property with a public purpose. Building cannot be locked.
- **SPECIAL DISTRICTS ARE OPERATING UNDER STATE LAW FOR SPECIAL DISTRICTS**
- **HGA IS OPERATING UNDER HOA LAW**



PUBLIC COMMENTS:

- PEGGY PENDERGAST BUILDING 216 - THANK YOU
- WENDY HOLLISTER, BUILDING _____ - NOT THE COMMUNITY I MOVED INTO -
- NANCY REED, CPA, CP 1 - TRUST BUT VERIFY WHAT IS GOING ON WITH THE FINANCES
- RAY NASH, HGA BOARD, CP 2 - LESS TALKING, MORE LISTENING, MORE COMMUNICATION

BILL GOLD, HGA BOARD MEMBER:

- YES, HGMD WAS CENSORED ON PILERA, NOT - "NOT ALLOWED TO BE PUT ON PILERA"
- MISTAKES MADE -
- HAVE A PUBLIC MEETING WITH THE FULL BOARDS - SIT DOWN AND TALK

AL LINDEMAN, CP 5 - SHARED EMAIL ADDRESS/MARTHA KARNOPP, BUILDING: Promoted recall. When questioned about the false statements on the recall petition, Lindeman said, "We can lie if we want to. It's up to the electors to decide."

ADJOURNMENT: Motion to adjourn by Director Daniel Taylor, seconded by Director Robin O'Meara. The meeting adjourned at 12:00 noon.

Approved by the Heather gardens Board of Directors on December 2, 2023.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
JOINT MEETING WITH HGA BOARD, THURSDAY, January 11, 2024**

Minutes

The special joint meeting of the Board of Directors of the Heather Gardens Metropolitan District (“HGMD”) and the Heather Gardens Association Board was held in the Heather Gardens Clubhouse Auditorium at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on January 11, 2024 at 3:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on January 11, 2024 at 3:00 pm. 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.

HGA BOARD MEMBERS PRESENT: HGA President Larry Davila, Mike Pula, Vice President; Sue McBeth, Secretary; Dave Baxter, Director; Ray Nash, Treasurer; Bill Gold, Director; Linda Hileman, Director; David Kennedy, Director; and John Recob, Director.

GUESTS PRESENT: Approximately 100 attended in person.

Facilitator comments - Bill Archambault

Rules of engagement - 3 minutes to talk

Motion: Point of order - Robin O’Meara. It is common practice when two groups get together that they agree on the agenda. It is common practice for two groups to agree on a facilitator and the need for facilitation by a third, unbiased party. I move to get a shared agenda outlined. There was no second.

Discussion centered around whether or not an agenda was submitted by the HGMD President. HGA said that only a letter from the HGMD President was received, not a formally proposed agenda.

Note: The agenda was authored by the HGA only, not agreed upon by the HGMD Board of Directors.

Robin O’Meara withdrew her motion as we went forward with the HGA Agenda as written.

Bill Archambault, HGA’s selected facilitator, proceeded with the meeting.

Note: HGMD never agreed to having a facilitator, especially a former Director of the HGA Board.



Explanation of each board's responsibilities within the community:

District - 3 minutes Daniel's statement - see attached. Present a proposal to us to settle this dispute.

Association - 3 minutes - Sue McBeth - our mission is to enhance the quality of life in HG - multi-story buildings, CPs, THs and hires general manager, HR and Controller - supervise the employees and the managers supervise the employees in their department. Recreational fees collected - care, maintenance and maintain services related to those recreational amenities.

NEW BUSINESS

1. Settle upon next steps for items that are mutually agreed upon Management Agreement re-design

- Linda Hileman - if we do not make a plan, how will we go forward?

Rita Effler, HGMD Secretary

- The contract ends on December 31, 2024
- Two options:
 1. HGA Lease the Amenities from HGMD
 2. HGMD Hires their own General Manager to manage HGMD Properties only, Share some duties and employees with HGA

Eloise Laubach, HGMD Vice President - keep everything the same, stop the lawsuit against HGA

Craig Baldwin, HGMD Director - notified the HGMD of the canceling of the contract

Bill Gold - if this is the worst contract - tell me about it Craig and pointed out that Craig signed the contract. Craig Baldwin, HGMD Director - said he signed the contract under duress, did not agree with the content

Daniel - attorneys - got involved and shared the Management Agreement

- Ray Nash - one of 3 new board members, not involved in the discussions, attended meetings in the past, options - let's take a look
- Larry Davila - elected to the board in 2021 - a meeting of the leaders of the association I did not know of any problems under Jill Bacon and David Funk - up to April of this year - OK - all of sudden not working now - HGMD Candidates
- Daniel - Contract work is going forward without permission. Management is not being properly carried out. Rents aren't collected for the clubhouse. The clubhouse is not being maintained.



Heather Gardens

METROPOLITAN DISTRICT

- **Organizational Chart**
 - Review and update current Org Chart
- Consider the proposal of shared services between the two parties
- Allocate the employees and services to share
- Financial Analysis needed
- Eloise Against EVERYTHING
- HGMD can they hire the appropriate people?
- Bill Gold - can we continue to negotiate
 - Discuss proposed changes to Org Chart under a new Management Agreement
 - Strictly District -Strictly Association -Identify mutual needs
 - Eloise - end the lawsuit

HGMD employees

Shared Services:

Security

Accountant - whoever pays the bills pays them for everyone - HGA and HGMD

Maintenance -

Roads and Grounds -

Contracts - problem with a flow of information, proposals, contracts

HGMD projects have been done by the HGMD board for the last 6 months.

What used to work? What needs to be changed? What is being done working?

What is not working?

Contracting process must be made clear

Capital Projects going through HGA and HGMD

Sue - Progress is being made - Send emails to Sue -

- Bring Complaints to the Personnel Policy Committee -
- Robin O'Meara will attend Friday, January 12th at 10:00 AM
- Can take questions and concerns to the Personnel Policy Committee
- Contracting Process - Craig, Mike, John & Daniel will meet
 - Joint Budget & Finance Committee meetings
 - Contract approval process - sub committee to meet to discuss the process
- Authorization of District Payments
 - Invoice approval process
 - Check signing authority

Rita - is currently meeting with the controller every Wednesday to go over invoices

- Payroll is not being shared
- Still do not see money in and the money out
- Still need a very formal procedure to communicate
- Ray Nash will review the process so that they are consistently providing the information to the HGMD



Heather Gardens

METROPOLITAN DISTRICT

Communications

- Community communications --Staff communication
- Robin - stated the current state
- Bill Gold - staff are now allowed to communicate with employees, not to direct them in their job, HGA to send the copy to the HGMD - don't direct staff
- HGA- general manager is to be communicated with before we talk to the employees
- HGMD can place work orders for things that need to be done - Proceed with the work orders
- Holly has been serving as the acting GM since Jon Rea left - she is overwhelmed
- Staff attendance at meetings - Yes, staff - please attend the meetings

Maintenance Work Orders - Board Members should not be able to direct staff to do so

Custodial is also a part of the Maintenance Work Order System - see Ashleigh in Management office for training and set up of access to the system

Public Comments/Questions

Co-Mingled Funds Questions

- Fees collected by HGMD go to the HGA for distribution
- Many years - all is OK
- New Controller - is looking into different procedure to do so
- Reconciliation
- Investment Only - Private and Public Money
- District Money can be verified by having money for our accounts
- Sort out this issue
- Recreation Fees and User Fees Question?
- User fees for classes - Enterprise Funds - District may determine the change
- Lawsuit - no one can process a loan or a mortgage if there is a lawsuit - lender
- Custodial Manager - do not have one now, what can we do to report custodial issues - should be part of the regular job of custodial manager
- Linda Savage - want to be taken care of that's why we need to move here - Recall petitions
- John Guise - Building 217 - What involvement did the HGA Board of the recall? None - President of HGA Board was involved answering questions - coincidence
- Financial Oversight - why do we want to have salaries? To verify billings.
- So the organizational chart proposal is not really going to work - oversight and transparency - HGMD goal
- Residents spoke when they voted in May - we wanted and voted for change.



ADJOURNMENT: The meeting adjourned at 5:00 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING
JANUARY 4, 2024 1:00 - 3:00 PM**

MINUTES

PLEDGE OF ALLEGIANCE - led by Daniel Taylor and Rita Effler

QUORUM DETERMINED:

Present: Craig Baldwin, Rita Effler, and Daniel Taylor - in person, Eloise Laubach and Robin O'Meara via Zoom

Guests: 34 Participants via Zoom and approximately 20 in person

CALL MEETING TO ORDER - Daniel Taylor

PRESIDENT'S REPORT – 5 minutes - (see attached report) - Daniel Taylor

- Civil complaint for breach of the management agreement was filed.
- Purpose is to wipe the slate clean and being anew.
- 6 months is a reasonable time to negotiate the management agreement. Our action will actually save the District time and money.
- List of Breaches of Management Agreement

FOUNDATION COMMITTEE - Eloise Laubach, Vice President

- Nothing new to report
- Next meeting is in February
- Will have 2023 financials ready for the meeting.

TREASURER'S REPORT – Rita Effler - 5 minutes - see attached report

- Met with Craig and Carrie
- Never received reconciliation
- Accounting not a seamless way to get financial information
- Cash in and Cash out system to allow us to track the flow of information
- Currently working on the November and December Financials

SECRETARY'S REPORT – 5 minutes - see Report on "Restaurant Update" attached

- Wonderful progress
- Chef hired
- Kitchen equipment installed

- Kitchen, dining room and banquet room cleaned

DIRECTOR'S REPORT - Craig Baldwin – 5 minutes

- Changes in HGMD administration brought new District Committees which are well formed, many members participate and have taken and are ready for implementation of ideas and projects
- Audit and Finance
- RV Lot - security fence and lighting and cameras, fence on order
- Clubs and Activities Club
- Compliance Committee
- Foundation Committee
- Baldwin served his two terms well

RV LOT COMMITTEE- End of year Update - Forrest McClure

- Lots has been accomplished for RV Lot
- Thank the board for those actions and support
- Fencing in progress. Will be able to add solar panel lights - lower cost
- Rita Effler - Questioned cables and wires in the lot not being connected - all taken care of
- Question: Timeline for the fence contract - negotiating with AJI fencing re this also had to look at the fence line from the spillway - cut the red tape
- Question: Lighting - codes for use of the lights - position and brightness No, positioning is the key

END OF YEAR PROJECT REPORT - Daniel Taylor - see attached report

Rita Effler Added:

- Addresses placed on RV Lot and Garden Plot so 1st Responders can locate the person who need
- Calendar of Clubhouse Events on Monitor in Foyer

PUBLIC COMMENTS – Public comment is limited to 5 minutes.

18 Residents made public comments: Topics included:

- Praised the restaurant progress and Cormac
- Ad Hoc Committee for Management Agreement Dispute
- Dispute between boards is dividing the community
- Listen to residents and settle this conflict for the good of the community

**ADJOURNMENT 3:30 PM Rita Effler made the motion Second by Craig Baldwin.
Unanimous to adjourn**

Robin O'Meara, Secretary
HGMD Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING MINUTES
THURSDAY, February 1, 2024**

A special meeting of the Board of Directors of the Heather Gardens Metropolitan District "HGMD" was held in the Heather Gardens Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on Thursday, February 1, 2024, at 1:00 PM.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 PM. 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.

GUESTS PRESENT: Approximately 44 people in attendance via Zoom.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

PRESIDENT'S REPORT – No report

TREASURER'S REPORT - No report

UNFINISHED BUSINESS:

1. Lawsuit Issues:
 - a. Salaries - \$1.2 Million accountability - HGA refused to provide the documentation to match employees and salaries - We have a legal responsibility to see that the District is not being overcharged given the discrepancy in the number of employees reported by HGA for which the District is reimbursing HGA for.
 - b. Maintain Funds in Separate Accounts as required by Colorado State law - We do not see a reconciliation statement from HGA - We asked that HGMD bills are paid from the HGMD operating account so that we can see that bills are paid on time for the correct amount. Removal of Signers on the HGMD account is in process - we asked for this information in July 2023.
2. We are now getting invoices to look at and approve the bills before they are paid. We still haven't received the check register.

3. Comcast Contract - May 18th Project - HGMD - not involved or contacted by HGA - projects and contracts impacting HGMD property needs approval by the HGMD Board.
 - a. Details of the Project: Key Card Project - \$80,000 - approved by Jon Rea - HGMD cannot spend more money than appropriated - state law. Capital Expenditure Request Form should be submitted to the department heads, manager, and then to the Board for approval.
 - b. Costs: \$87,000 Contract for Key Cards; Fiber Optic Cables Installation - \$56,000; plus monthly costs for internet connection and card access program.
4. Security – Officer for clubhouse - Reasonable alternative to spending \$123,000 on a key system for the doors. One officer was added in 2016 and assigned to the clubhouse for church services on the weekend. This officer is no longer stationed in the clubhouse.
5. Evelyn was hired as an assistant for both boards. Her position has changed. HGA no longer prepares agendas, board packets, governing documents, or safeguards public records. HGA has only agreed to do minutes for regular board meetings.
6. The joint board meeting which was originally requested by HGMD for July 19, 2023, will take place on January 11, 2024.
7. Attorney’s Fees – HGA distributed a signed flyer alleging the amount of attorney fees incurred by HGMD and distributed this flyer using the ARO. When many complained of the use of the ARO to distribute political information, ARO President Betty Bergeron wrote in HnY that anyone can request that a flyer be posted. President Daniel Taylor prepared a response flyer explaining the inaccurate information in the attorney fee flyer, and requested that it be distributed through the ARO. Bergeron said that after the HGA flyer was posted, the ARO changed its rules and no longer allows political flyers. The flyer is included in the board packet.
 - a. HGMD Board Attorney – follows special district law
 - b. When HGA attorney contacts us, we must respond through their attorney.
 - c. Of the fees incurred, \$74,000 was since we elected, \$18,000 - was spent before we were elected
 - d. \$4,900 – attributable to the May 2023 election
 - e. Elections – HGMD is billed for every item requested by anyone through DEO
 - f. Negotiations Fees - Questions from HGA Attorney and answered by HGMD attorney
 - g. The District’s Attorney - attends our meetings and has for years.
 - h. Extra meetings have been required to formally adopt motions as required by HGA to perform routine duties
 - i. \$9,000 spent as requested by HGA Management for security enforcement
 - j. \$12,600 - normal everyday business - less money than the prior board in the 1st 5 months
 - k. Preparing contracts ourselves - saving the District money

- l. Litigation Attorney - hired because we had no response from the HGA to mediation proposals. We began negotiating to directly hire employees on September 1st as proposed by HGA. Then HGA withdrew the proposal
- m. Leadership Meetings - a waste of time, shared issues, no answers, never had notice of meeting
- n. Recall Costs - \$9,000 - thus far
- o. No Control over spending, but HGMD must pay the bill
- p. Billed by Public Alliance and our attorneys
- q. Anytime anyone calls DEO with a question - billed at \$149 per hour
- r. 17 Petition Protests were received by DEO
- s. Our HGMD attorney has not provided HGMD with advice regarding the recall procedure other than a vague legal memo since the petitions were filed.

PUBLIC COMMENT:

Mike Pula - HGA Board Member - Disagrees with the disputes and their opinions are different.

Anonymous - Pay Off the bonds and get rid of HGMD Board (HGMD property is public property and will always be. If the bonds were paid off, HGMD would own the property with no debt. If the District was dissolved the City of Aurora would own the property.

Vivian Peterson, Building 223 – When will the recorded meetings be available to residents on the District website? Should be on the HGA website also in order to hear both sides - see and hear the meetings.

Bev Havens, Building 218 & SEC – We have 8 officers, not 9 officers. Sunday in the clubhouse officers are there for the church service and mass on Saturday.

Candice Compton – We have 9 full time security. Where on the HGA website do we get Zoom recordings?

Linda Worthey - Thank you for having 2 meetings a month to get the HGMD business done. I enjoy watching the videos when available. Concern: During this time of compromise would like to see the meetings of both Boards and recordings available quickly and HGA has their voices and concerns. (HGMD recordings are on the website. HGA does not post their recordings)

Sue McBeth - HGA Board member - Building 224 - Had asked that we move forward with negotiations - Hope we can do so at the next meeting on February 8th.

Tom Seaman, Building 219 – Concerning the contract for paving the maintenance lot - again this is an HGMD property. The HGA Budget and Finance Committee had no right to approve it. HGMD never saw a contract for \$35,000. There was no notice to owners. HGMD never approved the contract. It's not valid.

Bev Havens – We have 8 plus 1 security officers - 1 security manager and 8 officers equals 9 full time employees for the Security Department.

Candice Compton - Joint Boards Meeting - the small two on two meetings should be recorded and viewed by the community.

Concerned Resident - Host will not allow the unmuting of the Zoom participants. Management Office gives bogus information, rude to residents, two different answers.

Vickie Hoffman – Voice for Residents Club meeting - Navigate the websites, learn how from Karen Gold, Saturday, February 4th at 3:30 PM. This club's goal is about how residents can stay informed about residents.

Lary Herkel - Welcome new HGA General Manager. Looking to improve operations

Carol Anne Mayne – Comment to Lary Herkel – A lot of residents are treated poorly by staff - Requests training for staff to learn more about how to work with the elderly.

Candice Compton - Welcome and thank you. Praised Evelyn Ybarra - always responsible, respectful, professional and helpful.

Estelle Matus - Be sure to attend the meeting on February 9th to hear HGA provide evidence and proof for recall in the auditorium.

Pat Nugent, Building 221 - Secretary of the Green Team. Every year we do a shred event - \$5 Omega Building Parking Lot. This year it's May 4th – HGMD has requested golfers and employees park in the Omega Parking Lot to relieve the clubhouse parking lot. Will it be available for shred event (Yes)

ADJOURNMENT: The meeting adjourned at 5:07 pm

Approved by the Heather Gardens Board of Directors on December 2, 2024.

Daniel Taylor, President

Robin O'Meara, Secretary



**HGMD REGULAR BOARD MEETING
March 21, 2024**

MINUTES

PLEDGE OF ALLEGIANCE

QUORUM PRESENT: Craig Baldwin, Eloise Laubach, Daniel Taylor, Robin O'Meara, with Rita Effler on Zoom.

CALL MEETING TO ORDER

APPROVAL OF MINUTES: Motion to approve minutes of HGMD Regular meeting held on January 18, 2024: Rita Effler, Second: Eloise Laubach. Motion passed unanimously.

PRESIDENT'S REPORT: DANIEL TAYLOR

- President Taylor addressed the Realtor Meeting held on Saturday, March 16, 2024
- President Taylor gave an update on the Recall Hearings

TREASURER'S REPORT: RITA EFFLER

- Financials - not sure if the financials are correct. Will wait until end of year report to determine their accuracy and validity

MANAGEMENT REPORTS - None

COMMITTEE REPORTS

Audit/Finance Report - None

Clubs/Activities

- Report is in Board Packet
- Director Baldwin noted that HGMD used to get a copy of the "End of Month Statement of Work Report".
- Evelyn Ybarra will now add that report to the HGMD Board Packet. Thank you Evelyn.

Clubhouse Committee

- Report is included in Board Packet
- Special committees were formed: Amenities, Linda Worthey, Chair; District Special Properties, Bob Bankirer, Chair; Billiards, Connie Burns, Chair.

-

COMMITTEE REPORTS (continued)

- Treasurer Rita Effler reported on the flooring for the auditorium. There are many new products available - luxury vinyl tile, ceramic interior tile, tile with new materials that do not crack or warp. A presentation to the committee on these options by professionals in the industry would be a good idea
- Jon Howell is involved in the project. Not sure what his role is on the project.

RV Lot Committee

- Report in the Board Packet
- Director Baldwin noted the following
 - Landscape the parking lot area by the gate
 - Raise the gate
 - Getting bids on concrete and the asphalt
 - Have the architect look at the RV parking lot
 - Civil engineer's drawings are needed for both the RV parking lot and the clubhouse parking lot
- The Committee is against raising the gate because it will damage the RVs going over the area where the gate opens and closes. This change would also interfere with the dump station. It might be a better idea to landscape the dump station area instead.

Compliance Committee – No meeting

Foundation Committee – No meeting

Golf Committee – No meeting

Note: Golf Course Manager, Greg Kohr, inquired about a "Payment Addendum" for Credit Card Changes. We will look into that option.

Restaurant Committee

- Director O'Meara gave an update on Phase One of the Rendezvous project. Specifically regarding equipment purchases scheduled and budgeted for 2024. (See doc on HG Metro District Website for details)
- Welcome to our new chef, Josh Bryant!
- Restaurant Name Change - Community Input "Survey" in *Heather n Yon*
- Entertainment and Volunteers: Continuing to researched both for moving with implementation

UNFINISHED BUSINESS

- Assessment of Handicap Accessibility for District Facilities – Architect in process of being hired
- Replacement of Handicap Signs for Spaces by Tennis Courts – Complete
- Proposal for Additional Clubhouse Parking Signs
- Repair of Pool Table Felt
- Provide List of Activities/Dances/Events Costs and Revenue – Partial Completion

- Removal of Equipment From Golf Course – Complete, except for the tractor, which will be sold and removed by new owner

NEW BUSINESS

- Motion 2024-3-21-1 Sale of Tractor PASSED
- Motion 2024-3-21-2 RV Fencing Addendum PASSED
- Motion 2024-3-21-3 Approve CAC PM-1 - PASSED
- Motion 2024-3-21-4 Evaluate Sound System - PASSED
- Motion 2024-3-21-5 Joint Capital Reserve Fund - PASSED
- Motion 2024-3-21-6 Pickle Ball Club - funded by Lottery Funds - PASSED

PUBLIC COMMENT Public comment is limited to 5 minutes.

EXECUTIVE SESSION Pursuant to 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.

Approved by the HGMD Board on December 2, 2024.

Robin O'Meara, Secretary
HGMD Board of Directors

The next HGMD regular Board meeting will be held on Thursday, April 18, 2024, at
1:00 P.M. in the Clubhouse Boardroom



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, April 4, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on April 3, 2024 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on April 3, 2024 at 1:00 pm. A quorum was present.

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

GUESTS PRESENT: Approximately 8 attended in person and approximately 30 attended via Zoom.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

NEW BUSINESS:

Motion 2024-4-4-1 Concerning Clubhouse/Custodial Manager Position. Motion made by Craig Baldwin, seconded by Robin O'Meara. The motion recites that HGMD did not approve of the conversion of the Clubhouse Manager position to a part-time position combined with the HGA custodial manager position. HGMD requested that the position remain vacant until a District Manager is hired by the District. HGMD will no longer reimburse HGA for this position.

Director comment: Director Baldwin thought the issue should have been negotiated, but stated the conversion of the position to part-time was a breach of the management agreement. Directors Effler and O'Meara said there was no choice but to support the motion due to HGA's refusal to take direction from the board.

The Motion passed with all directors except Eloise Laubach voting in favor.

PUBLIC COMMENT:

Lary Herkal said that Clubhouse Manager Montrell worked full-time for the District, although Herkal only arrived on January 31st. Directors Taylor, Baldwin and O'Meara pointed out that Montrell had been made a part-time custodial manager before he left. That change was without HGMD's consent.

Lary Herkal responded to HGMD's request for wages information saying see the management agreement. It says wages will remain confidential. They have no obligation to disclose salaries and benefits. (Response – It also says you will provide a



detailed accounting of all expenditures which shall be subject to inspection by the District). Lary Herkal also said Jon Rea never promised to leave the clubhouse manager position open. (Response – HGMD will not be paying for a part-time HGA custodial manager). Herkal said the employees will not be split – This is not a baseball team. He also blamed the money spent on the lawsuit on HGMD. (Response – The money could have been saved by providing substantiation for what it billed the District for and following HGMD’s direction concerning the District properties.

Directors Baldwin and Taylor addressed the restaurant budget for 2024, stating that the board did not have the information to override Jerry Counts’ formulas to determine projected revenue and labor costs.

Candice Compton – It’s a matter of record that:

- David Funk didn’t allow the restaurant committee any input into the budget
- Montrell was hired as the Clubhouse Manager. That was his area of expertise.
- He absolutely became the part-time custodial manager & part-time clubhouse manager. He was difficult to find in the clubhouse because he was with the custodial staff. He declined to add classes or events because he didn’t have the time.
- The Personnel Policy Committee does not keep minutes or report to the community.

RESTAURANT UPDATE: The patio furniture has been purchased. The freezer contract is done. The restaurant served 181 people for Easter Sunday brunches.

Audit/Finance Committee Update: Working on PMs including the pricing of events. The Sip & Paint was posted as \$5 per person, yet the District provides the canvas, paint, and instructor.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Janet Arce – Building 215: Saturday, May 4th. Wants to insure parking lot is free for shred event. No pickleball or tennis parking. Cones will be out from 7:00 am to 1:00 pm and a notice will be placed in Pitera.

ADJOURNMENT: Motion to adjourn by Director Craig Baldwin, seconded by Director Eloise Laubach. The meeting adjourned at 1:55 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O’Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, June 6, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on June 6, 2024 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on June 6, 2024 at 1:00 pm. 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.

GUESTS PRESENT: Not recorded.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES: No minutes have been received since November 2023.

PRESIDENT'S REPORT: President Taylor acknowledged the 80th anniversary of the D-Day invasion and all those who served. See attached report.

TREASURER'S REPORT: See attached.

UNFINISHED BUSINESS: Will be addressed at the regular meeting on June 20th.

NEW BUSINESS:

1. Presentation from High Country Low Voltage for auditorium sound system.
2. Motion 2024-6-6-1 Outdoor Pool Gate to remain open during restaurant hours.
Motion by Daniel Taylor, seconded by Rita Effler. Passed unanimously.

PUBLIC COMMENT: None.

ADJOURNMENT: The meeting adjourned time was not recorded.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, July 19, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on July 19, 2024 at 2:30 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on July 19, 2024 at 2:30 pm. 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.

GUESTS PRESENT: Not recorded.

NEW BUSINESS:

1. **Motion 2024-7-19-1 Approve Well Pump Replacement.** The motion was made by Director Taylor, seconded by Rita Effler. The well pump stopped working without prior indication of a problem. Staff strongly recommended Layne Christensen Company who installed the current pump and estimated the daily cost for water from the city at approx. \$3,000 a day, so that any savings by obtaining competitive bids would most likely be lost in water costs. Director Effler said the water cost were actually about \$1,200 a day which would cost about \$30,000 for the delay. Director O'Meara said she would ask the city for any help with water costs. Director Laubach suggested using lottery funds toward the expense. Directors Taylor and Effler will research that possibility.

The vote to approve the motion was unanimously in favor of replacing the well pump.

PUBLIC COMMENT: None.

ADJOURNMENT: Motion to adjourn by Director Rita Effler, seconded by Director Eloise Laubach. The meeting adjourned at 2:36 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, August 1, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on August 1, 2024 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on August 1, 2024 at 1:00 pm. 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.

GUESTS PRESENT: Not recorded.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

PRESIDENT'S REPORT: HGMD is hosting a quarterly report presentation in the clubhouse auditorium from 5:30 pm to 6:30 pm and refreshments and question/answer time with the directors from 6:30 pm to 8:30 pm.

Permission to work directly with the Acting Clubhouse Manager to correct scheduling and fee assessment errors was denied by the HGA attorney and HGA GM Lary Herkal.

TREASURER'S REPORT: Multiple versions of the June financials were received, and the board has questions over the "Revised Final" version. Golf increased revenue by about \$7 per month per unit. Clubhouse revenue was down about \$21 per month per unit. Restaurant revenue increased and restaurant expenses increased \$9 per month per unit. Capital reserves cost about \$29 per unit.

ANNOUNCEMENTS: Director O'Meara announced a Hippie Dance on August 10th and to be there or be square. Italian Night Buffets begin on Thursdays in Rendezvous.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. Motion 2024-8-1-1 Contract with HGA Regarding 2025 Rec Fee: Motion made by Director Taylor, seconded by Director Effler. Passed unanimously.

This contract promises to charge HGA the amount of the actual subsidy for the 2025 budget of the current 2024 Rec Fee, whichever is less. The purpose of this motion is to guarantee HGA that the 2025 Rec Fee will not increase given their concerns over 2025 HGMD expenses. The contract was signed and sent to HGA, who chose not to accept the contract.



Heather Gardens

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PUBLIC COMMENT:

Carol Anne Mayne – Golf Committee. The golf committee has agreed to increase golf fees across the board and will be making the recommendation to the board.

EXECUTIVE SESSION: Pursuant to 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 NegotiationMatter.

Motion for executive session by Taylor, seconded by Eloise Laubach. Executive session was adjourned at 3:17 pm. The board returned to open session.

ADJOURNMENT: Motion to adjourn by Director Rita Effler, seconded by Director Daniel Taylor. The meeting adjourned at 3:22 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, September 4, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on September 4, 2024 at 3:30 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on September 4, 2024 at 3:30 pm. 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.

GUESTS PRESENT: Not recorded.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES: Approved August 29, 2024 minutes.

UNFINISHED BUSINESS:

1. **Motion 2024-9-4-1 Approve Auditorium Sound System.** Motion by Robin O'Meara, seconded by Rita Effler. The motion passed unanimously after amendment to change specific equipment.

NEW BUSINESS:

2. **Motion 2024-9-4-2 Approve Purchase of Outdoor Pool Cover.** Motion by Robin O'Meara and seconded by Eloise Laubach. The motion passed unanimously.

PUBLIC COMMENT: None.

ADJOURNMENT: Motion to adjourn by Director Eloise Laubach, seconded by Director Robin O'Meara. The meeting adjourned at 3:50 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, October 1, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on October 1, 2024 at 8:00am.

CALL TO ORDER: President Daniel Taylor called the meeting to order on October 1, 2024 at 8:00am. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Secretary Robin O'Meara, and Treasurer Rita Effler.

BOARD MEMBERS ABSENT: Directors Laubach, and McClure were not in attendance. Director Effler left at 8:20 am, and there was no longer a quorum present.

GUESTS PRESENT: Approximately 1 attended in person and approximately 0 attended via Zoom.

Study session: Directors reviewed the 2025 budget line by line. Discussions below.

**CLUBHOUSE BUDGET
REVENUE**

- Added revenue streams - Garden Plots and RV Lots
- Own account number for RV lot
- Add an account number for Garden Plots
 - Garden Plot Leases
 - RV Lot Leases

STAFFING NOTES

- Marketing Person will help to increase revenue - See Cormac for reference from Josh Bottini - work on commission

ADDRESS PM'S AT CLUBHOUSE COMMITTEE MEETING 10/8/24

Procedure Memorandum

- Re-visit Club Application
- Current Clubs need to Reapply

Next Steps

- Complete Classes Information
- Determine Wage for Instructors



- Determine how much each class costs to run - Teacher pay, supplies, materials and equipment

PUBLIC COMMENT: None.

ADJOURNMENT: Motion to adjourn by Director Taylor, seconded by Director O'Meara. The meeting adjourned at 11:15 am.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, WEDNESDAY, October 3, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on October 1, 2024 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on October 1, 2024 at 1:00 pm. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Vice-President Eloise Laubach, Secretary Robin O'Meara, Director Forrest McClure via Zoom. Treasurer Rita Effler resigned on October 1, 2024.

GUESTS PRESENT: Not recorded.

NEW BUSINESS:

1. **Motion 2024-10-3-1 Approve Well Rehabilitation.** Motion by Daniel Taylor, seconded by Eloise Laubach. The motion passed unanimously.
2. **Motion 2024-10-3-2 Direct CRS of Colorado to Open InBank Accounts.** Motion by Director Taylor, seconded by Robin O'Meara. Director Laubach asked if the transition would be made as the investments matured, which is correct. The motion passed unanimously.
3. **Motion 2024-10-3-3 Approve Payment to Architect.** Motion by Robin O'Meara, seconded by Director McClure. Director discussion confirmed this is to create an overall plan that will be approved in stages to make improvements within the District's annual operating budget.

Public comments included: Sue McBeth asked about the completion date. Jake Flint asked about the cost and requested that the LED lights on the bar step-up be removed or dimmed. They make it hard to see the step. Director O'Meara, Chair of the Restaurant Committee explained the main focus for the plan is ADA compliance, fix the "Twilight Zone" entrance, expand coverage of the patio to increase square footage and signage. Nothing has been decided and any next steps are to be approved by the committee and the board. Phased in plans as we have done in the past.

4. **Motion 2024-10-3-4 Consider Tabled Christmas Light Proposal.** Motion by Director Laubach, seconded by Director McClure. Director Taylor stated that we need three competitive bids. The email from HGA staff Matt Martella is attached to the motion in which he said he refused to get competitive bids and disparaged the HGMD



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directors. The lights were not attractive, and the only justification for the permanent light was to increase the safety of employees not having to go up on the icy roofs. Staff have always installed the lights with the cherry picker and usually in October when the weather is good. Director Effler questioned if year-around lights would meet the city's code.

Public Comment: Gwen Alexander asked how long they have been installing the lights and had there ever been any accidents. The answer was 12 years and there had been no accidents. Candice Compton and Vickie Spillane objected to the cost.

The motion was tabled and sent back to the Foundation Committee.

PUBLIC COMMENT: None.

ADJOURNMENT: Motion to adjourn by Director Taylor, seconded by Director O'Meara. The meeting adjourned at 1:38 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING, THURSDAY, NOVEMBER 7, 2024**

Minutes

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District ("HGMD") was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on November 7, 2024 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on November 7, 2024 at 1:00 pm. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Secretary Robin O'Meara, Director Forrest McClure, and Vice President Eloise Laubach via Zoom.

GUESTS PRESENT: Approximately NoBoardroom attended in person and approximately NoZoom attended via Zoom.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

PRESIDENT'S REPORT:

1. **LAWSUIT UPDATE** – The protective order to limit who receives the salary and benefits information ordered by the court is being protested again by the HGA Management Attorney

2. HGMD EMPLOYEES LAYOFF RUMORS

- The District is transferring employees, currently serving the District, to work for HGMD under a new management system.
- Employees will receive their current wages and benefits
- Employee positions are secured by HGMD Directors and our 2025 Budget
- Minimum wage employees will receive a longevity bonus
- Teacher wages will be consistent and transparent
- The Restaurant Manager has only received 1% - 2% raises despite his hard work
- The system of favoritism will be replaced by fair and objective standards

3. BUDGET UPDATE

- **BUDGET REVIEW MEETING** is NOVEMBER 13, 2024.
- HGA presented the Manager's Budget on Sept. 28th. State law requires that HGMD published notice of the budget adoption 30 days in advance.
- Public study sessions were held to prepare the budget. The Audit/Finance Committee recommended the budget to the board on Oct. 14th. The Board approved the budget at 10:00 am on October 15th as scheduled by HGA, prior to their Board's adoption of their budget at 1:00 pm. However, HGMD



can not formally adopt the budget until November 21, 2024, and will do so at the regular board meeting.

NEW BUSINESS:

1. **CANDIDATES FOR BOARD VACANCY:** John Guise, Vicki Rodgers, and Steve Stratton

- The Board interviewed each applicant
- Directors asked questions
- Public asked questions
- Discussion of current management agreement with HGA

Director Votes:

Director Laubach	Vicki Rodgers
Director McClure	Steve Stratton
Director O’Meara	Steve Stratton
Director Taylor	Steve Stratton

Steve Stratton was appointed to fill the board vacancy until May 2025.

Questions Regarding Treasurer Responsibilities: The Treasurer is responsible for the following:

- Chairs the Audit and Finance Committee
- Prepares the budget
- Oversees the financial transactions of the District
- Approves invoices and pays for budgeted items
- Will work with the new accounting firm to manage all
- Set the mill levy
- Complete an annual inventory
- Assists with the Capital Reserve Plan

COMMITTEE & CLUB REPORTS: Included in the Board Packet. RV Lot Changes in the Lease Agreement, new accounting firm will now be handling the signing of contracts and collection of fees, change Procedure Memorandum for RV Lot.

APPROVAL OF OCTOBER 17, 2024 MINUTES.

2. **MOTION 2024-11-7-1 APPROVE RESOLUTION TO TRANSFER INVESTMENTS.** Motion by Director Taylor, seconded by Director McClure. Colorado trust pays a higher interest rate than Key Bank. Also, because HGMD can access funds within 1-2 days, more money can be invested at any given time. The motion passed unanimously.



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3. **MOTION 2024-11-7-2 Approve the RV Lot Rent Increase.** This motion was withdrawn by Director McClure who felt it was unnecessary because the adopted budget documented the fee increase.
4. **Motion 2024-11-7-3 Approve Disbursement for Wireless Transmitter.** Motion by Director O'Meara, seconded by Director McClure to reimburse John Guise for the cost of installing a wireless transmitter to connect the tv monitors in the restaurant. The motion passed unanimously.

PUBLIC COMMENT:

Lee Keene – Please repair the stone honoring the armed forces in front of the clubhouse near the flagpole. It was damaged by hail several years ago. Response – Referred to the clubhouse committee.

ADJOURNMENT: Motion to adjourn by Director O'Meara, seconded by Director Laubach. The meeting adjourned at 2:30 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING, THURSDAY, NOVEMBER 21, 2024
MINUTES**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District (“HGMD”) was held in the Heather Gardens Clubhouse Boardroom at 2888 S. Heather Gardens Way, Aurora, Colorado 80014 on November 21, 2024 at 1:00 pm.

CALL TO ORDER: President Daniel Taylor called the meeting to order on November 21, 2024 at 1:00 PM. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Vice President Eloise Laubach, Secretary Robin O’Meara, Director Forrest McClure, and director Steve Stratton via Zoom.

GUESTS PRESENT: Not recorded.

APPROVAL OF THE AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES:

1. November 7, 2024
2. November 13, 2024

PRESIDENT’S REPORTS: Attached.

ELECTION OF OFFICER AND COMMITTEE CHAIRS:

1. Election of Treasurer
 - a) Nomination of Steve Stratton as Treasurer by Daniel Taylor, seconded by Robin O’Meara, passed unanimously.
2. Election of Vice-President
 - a) Nomination of Forrest McClure as Vice President by Daniel Taylor, seconded by Robin O’Meara.
 - b) Eloise Laubach objected, and Forrest McClure declined to run. Motion failed.
3. Election of Audit/Finance Committee Chair
 - a) Nomination of Steve Stratton as Chair of the Audit/Finance Committee by Daniel Taylor, seconded by Eloise Laubach, passed unanimously.



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4. Election of Capital Program Committee Chair

- a) Nomination of Steve Stratton as Chair of the Capital Program Committee Chair by Forrest McClure, seconded by Eloise Laubach, passed unanimously.

UNFINISHED BUSINESS:

1. The auditorium flooring has been selected and the deposit check has been disbursed.

Public comment: Martha Karnopp said the portable microphones are not working correctly. Response: The new sound system has been installed, but the portables microphones were being used until the staff was trained. The new system will be used going forward. The new system will be protected by locking the sound room door and limiting access to authorized staff.

NEW BUSINESS:

1. **Motion 2024-11-21-1 Approve IT Expenditure**. Motion by Director Taylor, seconded by Director McClure. The motion passed unanimously.
2. **Motion 2024-11-21-2 Approve Appointment of Document Custodian**. Motion by Daniel Taylor, seconded by Forrest McClure. The board appointed CRS of Colorado as the custodian of the District's public records. Director Laubach asked if the records had to be on the property. Response: Not required. The motion passed with a majority with Direct Laubach abstaining.
3. **Motion 2024-11-21-3 Approve District CCW Policy**. Motion by Forrest McClure, seconded by Daniel Taylor. The policy would allow those with Concealed Weapon Permits to carry a firearm inside the clubhouse. Director McClure will convert the motion to a policy format, allowing HGA security to be excepted from the general firearm prohibition. The motion passed unanimously.

Public comment: Linda Hileman questioned whether \$50 would cover the cost of signs. Director McClure thought the estimate was reasonable.

4. **Motion 2024-11-21-4 Adopt 2025 Annual Budget Resolution**. Motion by Director Taylor, seconded by Director McClure, passed unanimously.
5. **Motion 2024-11-21-5 Approve Attorney Engagement Agreement**. Motion by Director Taylor, seconded by Director O'Meara. Director Laubach asked why this agreement was needed. Response: We need to assure the employees that we have an attorney who will negotiate the agreement between the District and ADP to transition them without disruption of their wages or benefits. Director McClure asked if we could adopt this at a December 5th special meeting. Response: I'm trying to quell the rumors spread by the recall committee and management that employees will be



Heather Gardens

METROPOLITAN DISTRICT

terminated on Dec. 31st. After Cheryl Branch screamed in the lobby that she was terminated at the end of the year and didn't believe anything I said, we need the agreement in place. The attorney will begin work immediately after the election.

Secondary motion by Forrest McClure to table the motion until the special meeting on Dec. 5th, seconded by Eloise Laubach. The secondary motion does not have a majority and fails.

Public comment: Martha Karnopp – Isn't it a conflict of interest using an attorney who works for ADP? Response: No, the interests are aligned, not conflicting.

The motion was amended to include language that if Directors Taylor and O'Meara are recalled, no action will be taken until the attorney receives direction at the next board meeting. The motion passed unanimously.

6. **Motion 2024-11-21-6 Approve Woodshop Employee**. Motion by Director O'Meara, seconded by Director Laubach. About 50 people are in the woodshop club. The motion passed unanimously.

Public comment: Dave Woods, Chair of the Woodshop Club, said that the woodshop employee had already repaired a piece of machinery, saving the District money.

COMMITTEE REPORTS: Committee reports may be found on the District website at HGmetroDist.org. Click on the "Governance" tab, then click on the dropdown "Committees" to locate committee agendas, reports and documents.

- a) Audit/Finance – Oral report, next meeting Nov. 18th at 1:00 pm
- b) Capital Program – No meeting.
- c) Clubhouse – Oral report
- d) Foundation – Included in board packet
- e) Golf – Included in Nov. 7th board packet
- f) Restaurant – Oral report
- g) RV Lot – Included in board packet

CLUB REPORTS:

- h) Frolics – No report
- i) Garden Club – No report
- j) Voice for Residents – No report
- k) Volunteers – Connie burns reported volunteers have worked 240 hours
- l) Woodshop – Included in board packet



PUBLIC COMMENT: Candice Compton said the person who demonstrated unruly behavior when removing the public notice from the HGMD bulletin board in the lobby by using foul language should be banned from the District property as have others.

ADJOURNMENT: Motion to adjourn by Director Eloise Laubach, seconded by Director Forrest McClure. The meeting adjourned at 2:40 pm.

Approved by the Heather gardens Board of Directors on December 2, 2024.

Robin O'Meara, Secretary
Heather Gardens Metropolitan District
Board of Directors



Heather Gardens

METROPOLITAN DISTRICT

**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: DECEMBER 2, 2024

MOTION NUMBER: 2024-12-2-1

MOTION: PURCHASE OF ASPEN ROOM TV MONITOR

I move that the Heather Gardens Metropolitan District Board of Directors approve the purchase and installation of a 72" Monitor in the Aspen Room with a hub for laptop connection. The cost to the District is \$2,013.

ECONOMIC COST TO THE DISTRICT: \$2,013
APPROPRIATED BY: CAPITAL EXPENDITURES

Motion by: Robin O'Meara

Second by: _____

Rationale: The rental of the Aspen Room for commercial purposes requires presentation equipment that works. Additionally, members of the public frequently reach around the monitor, rearrange the cables, and leave the unsightly cable and wifi equipment not working.

Debate: _____

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

	Yes	No		Yes	No
Eloise Laubach					
Forrest McClure					
Robin O'Meara					
Steve Stratton					
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.

Robin O'Meara
HGMD Board of Directors

Daniel J. Taylor, President
HGMD Board of Directors

Proposal #114144 - Monitor Screen



Impact Fire Services - Denver
1445 W Tufts Ave Englewood CO 80110
P: (303) 789-0016
Proposal Date: 11/25/2024

Prepared By	Prepared For
Hannah Coghlan (Shager) hshager@impactfireservices.com	Heather Gardens 13661 E Marina Dr AURORA CO 80014 Daniel Taylor danieltaylor@hgmetrodist.org --

Summary

Provide and install 72" Monitor in Aspen/Blue Spruce Room

Scope Of Work

- Mount TV Mount at designated location
- Install TV onto Mount
- Install wireless HDMI for laptop connectivity
- Test/End user training

Description	Quantity	Unit Price	Total
72" UHD 4K Monitor	1.0	\$995.00	\$995.00
Stationary Mount	1.0	\$170.00	\$170.00
Wireless HDMI	1.0	\$208.00	\$208.00
Install Monitor	4.0	\$160.00	\$640.00
Total amount			\$2,013.00

Exclusions

- Conduit, J-hooks, housing exlcudes.
- Designated power excluded
- Streaming services excluded
- Cabling excluded
- Audio enhancement/ system excluded
- Proposals are only valid for thirty days
- Proposals are subject to change post approval as equipment and material costs fluctuate within the timeline on the project. Change orders will be issued should this occur.
- Fiber, fiber pulling, and fiber termination is excluded.

- Lift is excluded.
- Dry wall repair excluded
- Ceiling tile repair excluded
- Afterhours, weekend and overtime hours are excluded from this proposal.
 - After Hours/Emergency calls: \$210.00 with a 2 hour minimum
 - Weekdays and Holidays: \$255.00 with a 2 hour minimum

Approval

I approve this proposal and agree to the terms and conditions.

Name

PO (if required)

Signature

Date

Terms And Conditions

ENTIRE CONTRACT The provisions herein contained constitute all of the terms and conditions of this contract. No changes or additions hereto shall be binding upon Seller unless in writing and signed by an authorized representative of Seller. Any terms or conditions of Purchaser's order inconsistent herewith or in addition hereto shall be of no force and effect and are hereby expressly rejected and Purchaser's order shall be governed by only terms and conditions appearing herein. PROPOSALS AND CONTRACT Seller's proposal, when accepted and any resulting contract are not subject to cancellation, suspension, or reduction in amount, except with Seller's written consent and upon terms which reimburse Seller for work performed, plus reasonable overhead and profit. PRICES In addition to the prices specified herein. Purchaser shall pay for all extra work requested by Purchaser or made necessary because of incompleteness of or inaccuracy in plans or other information submitted by Purchaser with respect to location, type, or occupancy, or other details of work to be performed hereunder if the work to be furnished hereunder constitutes an addition to Purchaser's existing facilities, prices and delivery and completion dates quoted herein are based on information, if any, with respect to layout of such facilities now contained in Seller's engineering records. In the event the layout of Purchaser's facilities has been altered, or is altered by Purchaser prior to completion of this contract Purchaser shall advise Seller of any such, and prices and delivery and completion dates quoted herein shall be changed by Seller as may be required because of such alterations Unless prices are stated by seller in this or other documents forming part of this contract, the prices applicable to the extra work performed shall be Seller's prices in effect at the that time. PAYMENT Purchaser agrees that payment to seller shall not be contingent upon settlement of any insurance claim of purchaser shall be in all cases due and payable with (30) days after billing. A services charge will be charged and added to the prices on all payments past due and owed by the Purchaser under this contract, and at a rate of 18% per annum, or, if such rate is prohibited under applicable law, then such lower rate as is the maximum rate permitted to be contracted for under such applicable law. Purchaser shall pay any reasonable attorney fees incurred in the collection of past due accounts. DELAYS Seller shall not be liable for any damage or penalty for delays in work due to acts of God, acts or omissions of the Purchaser, acts of civil or military authorities, Government regulations or priorities, fires, floods, epidemics, quarantine restrictions, war, riots, strikes, differences with workmen, accidents to machinery, car shortages, inability to obtain necessary labor materials or manufacturing facilities, delay in transportation, defaults of Seller subcontractors, failure of or delay in furnishing correct or complete information by Purchaser with respect to location or other details of work to be performed hereunder. Impossibility or impracticality of performance or any other cause or causes beyond the control of Seller, whether or not similar to the foregoing in the event of any delay caused as aforesaid, the completion shall be extended for a period equal to any such delay, and this contract shall not be void or voidable as a result of any such delay, in case work is temporarily discontinued by reason of any of the foregoing all unpaid installments of the contract price less an amount equal to the value of material and labor not furnished shall be due and payable upon receipt invoice. EXCAVATION When the Seller does the excavating, if water, quicksand, rocks, or other unforeseen obstructions are encountered or shoring is required. Purchaser shall pay for as extra to the contract price any additional work involved at Seller's prices for such work then in effect. SITE FACILITIES Purchaser shall furnish all necessary facilities for performance of its work by Seller, adequate space for storage and handling of material, light, water, heath, local telephone, watchman and crane and elevator service, if available, and necessary permits. Where wet pipe system is installed Purchaser shall supply and maintain sufficient heat to prevent freezing of the system. STRUCTURE AND SITE CONDITIONS While employees of Seller will exercise reasonable care in this respect, Seller shall be under no responsibly for loss of damage due to the character, condition of use of foundations-walls or other structures not erected by it or resulting from excavation in proximity thereto nor for damage resulting from concealed piping, wiring fixtures or other equipment or condition of water pressure All shoring or protection of foundations, walls, or other structures subject to being disturbed by any excavation required hereunder shall be the responsibility of the Purchaser unless otherwise specified Purchaser warrants the sufficiency of the structure to support the sprinkler system and its related equipment (including tanks). The Purchaser shall have all things in readiness for installation, including, but not limited to other materials floor of suitable working base connections and facilities for erection at the time the materials are delivered in the event the Purchaser shall fail to have all things in readiness for erection at the time Of receipt or the materials at the place of erection the Purchaser shall reimburse Seller for any and all expenses caused by such failure to have such things in readiness Failure to make areas available to Seller during performance in accord with schedules which are the basis of Seller's proposal shall be considered a failure to have all things in readiness for erection in accord with the terms of this contract. LIMITATIONS OF LIABILITY Seller shall not be liable on any claim for direct, indirect, or consequential damages whether or not Such claims is based in contract or tort or occasioned by sellers, active or passive negligence. Sellers liability on any claim for loss liability arising out of or connected with this contract or any obligation resulting there form or from the manufacture, fabrication, sale delivery, installation or use of any materials shall be limited to that set forth in the paragraph entitled "warranty". WARRANTY Seller agrees that for a period of thirty 30 days after completion of said work it will, at its expense repair or replace any defective materials or workmanship supplied or performed by Seller it is understood that the Seller does not guarantee the operation of the system Seller further warrants the products of other manufacturers supplied hereunder to the extent of the warranty of the respective manufacturer. ALL OTHER EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS OR OTHERWISE ARE HEREBY EXCLUDED. MODIFICATIONS AND SUBISTUTIONS Seller reserves the right to modify material of Sellers design sold hereunder and-of the drawings and specifications relating thereto, or lo substitute material of later design to fulfill this contract providing that the modifications or substitutions will not materially affect the performance of the material or lessen in any way the utility of the material to the Purchaser. SEVERABILITY if any provisions of the entire contract shall be invalid or unenforceable under the laws of the jurisdiction applicable to the entire contract, such invalidity or unenforceability shall not invalidate Or render unenforceable the entire contract but the entire contract shall be construed as if not containing the particular invalid or unenforceable provisions, and the rights and obligations of Seller

and the Purchaser shall be construed and enforced accordingly. ASSIGNMENT Any assignment of this contract by Purchaser without the written consent of Seller shall be void Seller may assign to its subsidiaries and affiliates. CHANGES, ALTERATIONS, ADDITIONS Changes, alterations and additions to the plans specifications or construction schedule for this contract shall be invalid unless approved in writing by Seller For any such changes approved by Seller in this manner, which will increase or decrease the cost and expense of work to Seller there shall be a corresponding increase or decrease in the contract price herein provided The value of additional work shall be agreed upon prior to the performance of said work However if no agreement is reached prior to the performance of additional work approved in the manner herein described, and Seller elects to continue performance so as to avoid delays then the estimate of Seller's Estimating Department as to the value of the work shall be deemed accepted by the Purchaser. SPRINKLER TESTING The Seller will only test new work under high pressure and any high pressure tests required on the existing sprinkler system(s) will be done as an extra to the contract price All work required to make the existing sprinkler system(s) tight or to rearrange sprinkler lines to insure proper drainage of such system(s) will be done as an extra for the contract price The purchaser assumes full responsibility for the condition of the existing sprinkler system(s) and for water or other damage resulting directly or indirectly from such condition or the application of tests or flushing pressures. CLAIMS Any claims against Seller arising hereunder must be presented in writing, with particulars, within five (5) days after they arise. PROPRIETARY DATA All data provided by Seller including all information contained in drawings and specifications submitted in connection with this contract shall be deemed proprietary and such data and information shall not be disclosed to others or used for any purpose except in connection with this contract without the express written consent of Seller. TERMS AND CONDITIONS/TECHNICAL SPECIFICATIONS The terms and conditions specified herein shall be addition to those set out in Seller's technical specifications and any inconsistencies shall be resolved by Seller's authorized representative. ABITRATION At the option of the Seller any controversy or claim arising out of or relating to this contract of the breach thereof shall be settled by arbitration in accordance with the rules of the American Arbitration Association and judgement upon the award rendered by the arbitrator(s) may be entered into any court having jurisdiction thereof. OVERTIME Unless otherwise specified by Purchaser, all installation work will be performed during regular working hours. If Purchaser shall require any overtime labor. Purchaser agrees to reimburse Seller for the overtime premium on the same if overtime labor is required on an emergency basis. Purchaser agrees to reimburse Seller for the same. INCIDENTAL LOSSES All loss or damage from any cause (not the fault of the Seller) to the materials, tools, equipment work or workmen of the Seller or its agents or subcontractors while in or about the premises of the Purchaser shall be borne and paid by the Purchaser. DEFAULT In case of any default by Purchaser, Seller may declare the contract price or all unpaid installment thereof to be immediately due and payable (whether or not said work shall have been completed) or may enter said premises and shut off the water from said system OR remove all or any portion of the same All such remedies of Seller are cumulative and not exclusive. Default by Purchaser shall consist of Failure to pay any installment of price when due. No demand being necessary or any act or omission on the part of Purchaser Whereby Seller is prevented from completing said installment, or receivership, bankruptcy, assignment for the benefit of creditors or any other form of insolvency proceedings by or against Purchaser or in case said premises OR said system shall be attached lien or seized by process of law and such attachment or lien shall not be vacated or seizure terminated within ten (10) days after its occurrence. SPECIAL CONDITIONS In the event a sprinkler system is being converted from a wet system to a dry system, this contract does not include any appropriation for possible repairs to the existing wet pipe system in order that it may be Tight at the required air pressure. Nor does the contract include any labor or material necessary for rearrangement of line to insure proper drainage thereof Any labor or material necessary to make this system tight under air pressure to change the drainage on line will be charged as an extra to the contract price. OSHA AND ASBESTOS Purchaser agrees to indemnify and hold harmless the Seller from and against any claims, demands or damages resulting from the enforcement of the Occupation Safety Health Act (Public Law 91-596), unless said claims demands or damages are a direct result of causes within the exclusive control of Seller. In the event that the Seller's employees or others are or may be exposed to asbestos fibers during the performance of this contract, all additional costs necessary to protect such individuals, including but not limited to all costs for *Qualified Laboratory Sample Tests* of any work area for asbestos exposure concentrations, shall be paid by the Buyer and Buyer agrees to indemnify Seller against all claims, demands, injury or damages arising from such exposure.

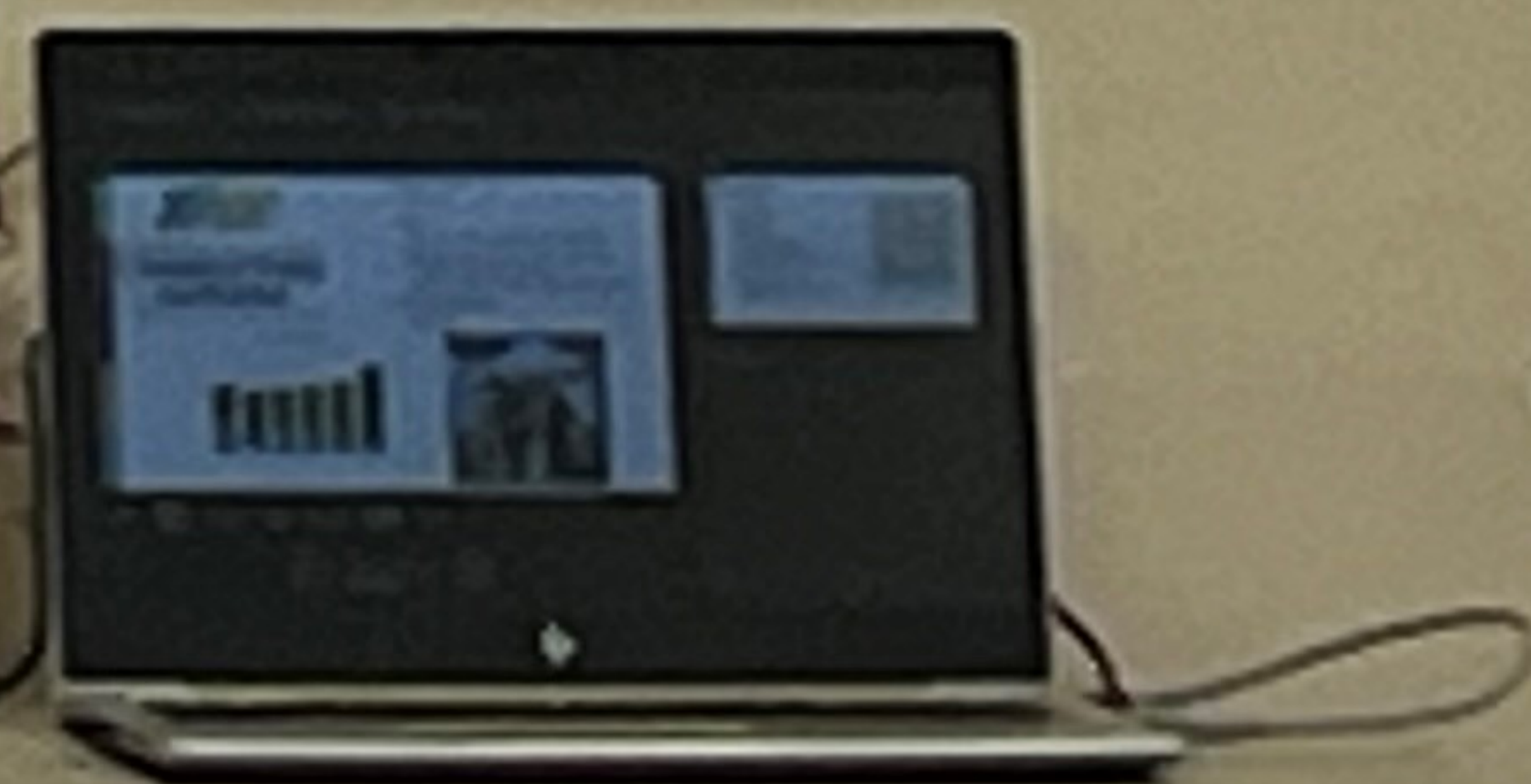
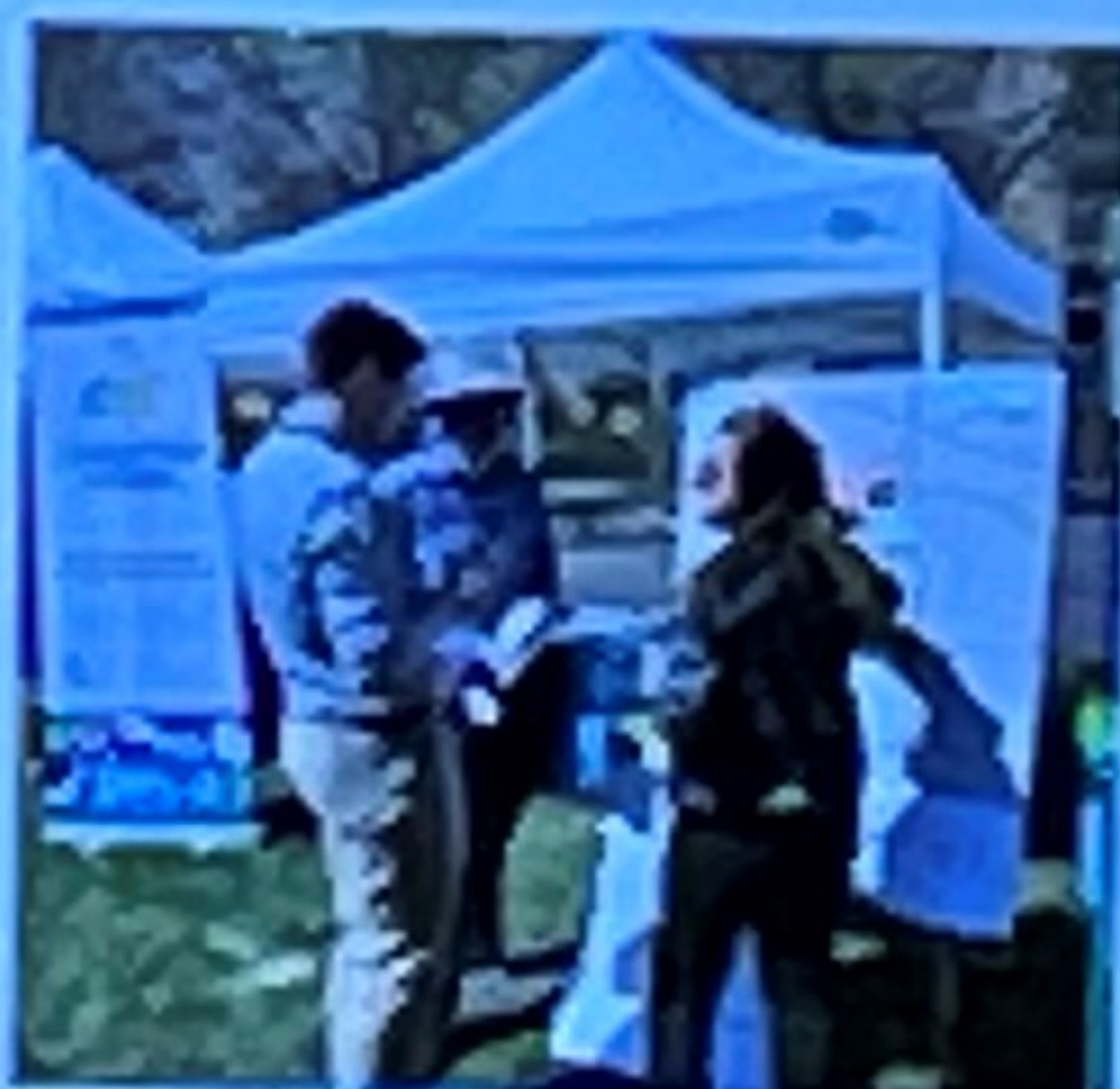


Connecting People. Connecting Places.

CONNECTING AURORA

OUR MULTIMODAL TRANSPORTATION MASTER PLAN

- Project limits
 - City limits
- Scope
 - Citywide multimodal transportation plan
 - Identifies future short, medium, long-term projects, programs, policies
 - Vehicles, Transit, Bicycle, Pedestrian, Freight
- Study Completion
 - Q3 2025





**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: DECEMBER 2, 2024

MOTION NUMBER: 2024-12-2-2

MOTION: PAYMENT OF EIDE BAILLEY INVOICE

I move that the Heather Gardens Metropolitan District Board of Directors approve the payment of the Eide Bailley invoice for services performed to date for the forensic audit.

ECONOMIC COST TO THE DISTRICT: \$19,950
APPROPRIATED BY: PROFESSIONAL SERVICES

Motion by: Daniel Taylor

Second by: _____

Rationale: The forensic audit is proceeding. The auditor has received all invoices and wages information received through the lawsuit.

Debate: _____

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

	Yes	No
Eloise Laubach		
Forrest McClure		
Robin O'Meara		
Steve Stratton		
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.

Robin O'Meara
HGMD Board of Directors

Daniel J. Taylor, President
HGMD Board of Directors



CPAs & BUSINESS ADVISORS

INVOICE

Heather Gardens Metro District
2888 S Heather Gardens Way
Aurora CO 80014

Client #: 293550
Online Pay Code: ANQ8SM
Invoice #: EI01779812
Invoice Total: \$19,950.00

Please return top portion with payment or

Make a Payment

Invoice Is Due Upon Receipt

Forensic Accounting Consulting Services

Table with 3 columns: Description, Rate/Hours, and Amount. Rows include Partner, Olson (0.8 hrs @ \$425, 340.00), Partner, Johnson (3.8 hrs @ \$425, 1,615.00), Manager, Davis (1.7 hrs @ \$350, 595.00), Sr. Associate, Baxter (0.5 hrs @ \$250, 125.00), Sr. Associate, Lilien (8.3 hrs @ \$250, 2,075.00), Associate, Stich (46.0 hrs @ \$250, 11,500.00), Associate, Parmar (11.0 hrs @ \$250, 2,750.00), Technology Fee (950.00), and Invoice Total (\$19,950.00).

\$15,000 retainer to be applied to final invoice

Date: 11/26/24 Invoice #: EI01779812 Heather Gardens Metro District Page: 1

Pay by Mail: Eide Bailly LLP, P.O. Box 2545, Fargo, ND 58108-2545, Phone 701.239.8500 | Fax 701.239.8600

Pay Online: www.eidebailly.com/PayBill
Pay by ACH: Please contact your local office or call 701.476.8700 for ACH Bank information

Monthly 1.0% Late Fee Accrued on Balances Over 30 Days Past Due
(A processing fee will be applied to any payments made by credit card)

Heather Gardens Metro District
Forensic Accounting Consulting Services

Employee Name	Date	Description	Hours	Rate	Ext. Rate
Chase Davis	10/7/2024	Planning call; review records online & extract financials	1.00	\$350.00	\$350.00
Brett Johnson	10/7/2024	Internal planning discussion	0.40	\$425.00	\$170.00
Jason Olson	10/7/2024	Setup Engagement binder with information recv'd to date as well from online research; Engagement planning call with team	0.80	\$425.00	\$340.00
Brett Johnson	10/10/2024	Send document request; correspondence with client	0.50	\$425.00	\$212.50
Brett Johnson	10/21/2024	Correspondence; Send updated doc request	0.30	\$425.00	\$127.50
Brett Johnson	11/1/2024	Review/organize/rename documents received to prep for processing and analysis	2.00	\$425.00	\$850.00
Christopher Baxter	11/4/2024	Review and consolidation of bank records, requested readers in ScanWriter	0.50	\$250.00	\$125.00
Anuj Parmar	11/7/2024	Document activity; Reconcile and cleanse business names	6.00	\$250.00	\$1,500.00
Anuj Parmar	11/8/2024	Document activity; Reconcile and cleanse business names	5.00	\$250.00	\$1,250.00
Brett Johnson	11/12/2024	Discuss next steps with Jacob Stich; correspondence with Daniel	0.30	\$425.00	\$127.50
Chase Davis	11/12/2024	Call with JS for data extraction assistance	0.70	\$350.00	\$245.00
Jacob Stich	11/12/2024	Voucher listing extract data	2.30	\$250.00	\$575.00
Jacob Stich	11/13/2024	Cleansing exported voucher listing	6.40	\$250.00	\$1,600.00
Brett Johnson	11/13/2024	Invoice review/internal discussion	0.30	\$425.00	\$127.50
Jacob Stich	11/14/2024	Cleansing exported voucher listing from idea and verifying invoices	6.20	\$250.00	\$1,550.00
Jacob Stich	11/15/2024	Verifying invoices 2023	3.50	\$250.00	\$875.00
Jacob Stich	11/18/2024	Verifying invoices 2023	6.60	\$250.00	\$1,650.00
Jacob Stich	11/19/2024	Verifying invoices 2023	4.90	\$250.00	\$1,225.00
Jacob Stich	11/20/2024	Verifying invoices 2023	4.80	\$250.00	\$1,200.00
Jacob Stich	11/21/2024	Verifying invoices 2023	6.60	\$250.00	\$1,650.00
Jacob Stich	11/22/2024	Verifying invoices 2023	4.70	\$250.00	\$1,175.00
Noah Lilien	11/22/2024	Verifying invoices 2023	8.30	\$250.00	\$2,075.00
Total			72.10		\$19,000.00
Grand Total					\$19,000.00



Heather Gardens METROPOLITAN DISTRICT

HEATHER GARDENS METROPOLITAN DISTRICT

BOARD ACTION

DATE: DECEMBER 2, 2024

MOTION NUMBER: 2024-12-2-3

MOTION: PAYMENT OF EIDE BAILLEY INVOICE

I move that the Heather Gardens Metropolitan District Board of Directors approve the purchase of six tables, umbrellas, and 28 chairs for the restaurant patio. The cost to the District is \$11,650.46

ECONOMIC COST TO THE DISTRICT: \$11,650.46

APPROPRIATED BY: CAPITAL EXPENDITURES

Motion by: Robin O’Meara

Second by: _____

Rationale: Additional seating is required on the patio to accommodate the crowds on Wednesday and Friday nights.

Debate: _____

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

	Yes	No		Yes	No
Eloise Laubach					
Forrest McClure					
Robin O’Meara					
Steve Stratton					
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.

Robin O’Meara
HGMD Board of Directors

Daniel J. Taylor, President
HGMD Board of Directors

To:
Heather Gardens
Cormac Ronan

Project:
Heather Gardens - tables and
chairs



From:
Pueblo Hotel Supply
Eric Landauer
dba Grady's
170 Greenhorn Drive
Pueblo, CO 81004
(719)542-8853

All quotes are valid within the same month quoted. If purchasing after the month of the quote, manufacturer increases may apply.

Due to current supply chain issues, and unpredictable freight increases, all freight quotes are **estimates only**. Exact freight charge will be calculated and added to invoice at time of actual shipment.

Orders paid by credit card will have a 3.9% processing fee added at time of transaction. This does NOT include customers paying with a government issued card.

Please note: All quotes are confidential not to be shared with anyone other than the intended organization.

Item	Qty	Description	Sell	Sell Total
10	2 ea	TABLE TOP BFM Seating Model No. PH3248TKBLU Longport Table Top, 32" x 48", rectangular, synthetic teak, outdoor/indoor, powder coated frame with black finish	\$357.34	\$714.68
				
	2 ea	DV-UG Drill umbrella hole (contact factory for details)		
	2 ea	Bali Table Base		
	2 st	PHTB0022BL Bali Table Base Set, standard height, (2) 3 x 22" end bases, for Longport, Tribeca & Seaside tops, outdoor/indoor, powder coated, black finish	\$200.59	\$401.18
11	4 ea	TABLE TOP BFM Seating Model No. PH3232TKBLU Longport Table Top, 32" x 32", square, synthetic teak, outdoor/indoor, powder coated frame with black finish	\$268.13	\$1,072.52
				
	4 ea	DV-UG Drill umbrella hole (contact factory for details)		

Item	Qty	Description	Sell	Sell Total
	4 ea	Margate Table Base		
	4 ea	PHTB20RBLU Margate Table Base, standard height, 19.7" round base, round column, with umbrella hole, for Longport, Tribeca & Seaside tops, outdoor/indoor, powder coated, black finish	\$204.12	\$816.48
11	6 ea	UMBRELLA BFM Seating Model No. U9FC Market Umbrella, 9 ft., round top, 8 panels, fiberglass ribs and struts, 1-1/2" dia. aluminum pole, crank lift, stainless steel hardware, 9 ounce marine grade acrylic canvas fabric	\$463.18	\$2,779.08
	6 ea	Black frame finish (BL)		
	6 ea	Color to be specified		
	6 ea	FINIALCB-STD Classic Ball Finial, will match selected frame finish, standard		
1	28 ea	CHAIR BFM Seating Model No. PH101CTKBL Packed 4 ea Largo Stacking Armchair, synthetic teak back, arms & seat, outdoor/indoor, powder coated aluminum frame with black finish	\$188.09	\$5,266.52
			Merchandise	\$11,050.46
			Freight	\$600.00
			Total	\$11,650.46



Any and all damaged item(s) should be marked as such on delivery ticket and or refused and Grady's Restaurant and Bar Equipment should be notified immediately as to the extent of the damage so that we can address and work toward a solution immediately.

All packaging materials must be retained from damaged item(s) for freight inspector/adjuster claim.

Custom fabricated item(s) are **not** returnable. Buy-out item(s) may be returnable less the manufacturer's restocking fee, freight too and from, as well as any damages that may be incurred. The returned item(s) **must be new and unused.**

Credits for returned item(s) will only be given once the factory has issued credit to Grady's Restaurant and Bar Equipment

Freight is **not** included unless otherwise specified.

Price does **not** included fees, taxes, bond, permit, or licenses unless otherwise specified.



Acceptance: _____ Date: _____

Printed Name: _____



Heather Gardens

METROPOLITAN DISTRICT

**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: DECEMBER 2, 2024

MOTION NUMBER: 2024-12-2-4

MOTION: PURCHASE OF MOUNTAIN VIEW ROOM TABLES

I move that the Heather Gardens Metropolitan District Board of Directors approve the purchase of five tables for the Mountain View room. The tables currently in the Mountain View room will be moved to Rendezvous. The tables are the same size and configuration as the existing tables. The cost to the District is \$2,827.95

ECONOMIC COST TO THE DISTRICT: \$2,827.95
APPROPRIATED BY: CAPITAL EXPENDITURES

Motion by: Robin O'Meara

Second by: _____

Rationale: The Mountain View room tables match the Rendezvous tables which are no longer available. The new tables will match the boardroom tables or the color of the current Mountain View tables.

Debate: _____

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

	Yes	No
Eloise Laubach		
Forrest McClure		
Robin O'Meara		
Steve Stratton		
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.

Robin O'Meara
HGMD Board of Directors

Daniel J. Taylor, President
HGMD Board of Directors

To:
Heather Gardens
Cormac Ronan

Project:
Heather Gardens - tables and
chairs

From:
Pueblo Hotel Supply
Eric Landauer
dba Grady's
170 Greenhorn Drive
Pueblo, CO 81004
(719)542-8853

All quotes are valid within the same month quoted. If purchasing after the month of the quote, manufacturer increases may apply.

Due to current supply chain issues, and unpredictable freight increases, all freight quotes are **estimates only**. Exact freight charge will be calculated and added to invoice at time of actual shipment.

Orders paid by credit card will have a 3.9% processing fee added at time of transaction. This does NOT include customers paying with a government issued card.

Please note: All quotes are confidential not to be shared with anyone other than the intended organization.

Item	Qty	Description	Sell	Sell Total
2	5 ea	METAL TABLE BASE Oak Street Model No. B30-STD Table Base, 30" x 30" base spread, 3" steel column, 28-3/4" standard height, non-marring adjustable black levelers, stamped steel, black Sandtex finish	\$54.38	\$271.90
	5 ea	1 yr. warranty against defects in material and workmanship, std.		
7	5 ea	LAMINATE TABLE TOP Oak Street Model No. INLY4242 Table Top, square, 42" x 42", 1-1/4" thick, laminate surface, 1-1/2" wood inlay edge, industrial grade particle board, Made in USA	\$305.41	\$1,527.05
	5 ea	1 yr. warranty against defects in material and workmanship, std.		
	5 ea	Tier 1 laminate (to be specified):		
	5 ea	Oak edge specie		
	5 ea	Rich Earth stain		



Item	Qty	Description	Sell	Sell Total
	5 ea	1-1/2" eased edge profile		
	5 ea	3" radius corner	\$156.80	\$784.00
		Merchandise		\$2,582.95
		Freight		\$245.00
		Total		\$2,827.95

Any and all damaged item(s) should be marked as such on delivery ticket and or refused and Grady's Restaurant and Bar Equipment should be notified immediately as to the extent of the damage so that we can address and work toward a solution immediately.

All packaging materials must be retained from damaged item(s) for freight inspector/adjuster claim.

Custom fabricated item(s) are **not** returnable. Buy-out item(s) may be returnable less the manufacturer's restocking fee, freight too and from, as well as any damages that may be incurred. The returned item(s) **must be new and unused.**

Credits for returned item(s) will only be given once the factory has issued credit to Grady's Restaurant and Bar Equipment

Freight is **not** included unless otherwise specified.

Price does **not** included fees, taxes, bond, permit, or licenses unless otherwise specified.



Acceptance: _____ Date: _____

Printed Name: _____



**HEATHER GARDENS METROPOLITAN DISTRICT
BOARD ACTION**

DATE: DECEMBER 2, 2024

MOTION NUMBER: 2024-12-2-5

MOTION: PURCHASE OF BANQUET ROOM TABLES AND CHAIRS

I move that the Heather Gardens Metropolitan District Board of Directors approve the purchase of 16 tables and 80 chairs for the Banquet room. The tables currently in the banquet room will be sold. The reconfiguration of tables will allow breakfast and food service in the banquet room when the restaurant hosts larger events. The cost to the District is \$34,808.32

ECONOMIC COST TO THE DISTRICT: \$34,808.32
APPROPRIATED BY: CAPITAL EXPENDITURES

Motion by: Robin O’Meara

Second by: _____

Rationale: The large banquet room tables are not conducive to other meal service and not terribly conducive to conversation during banquets. The tables are too large for conversation. The square tables will allow restaurant staff to reconfigure the tables as needed.

Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

VOTE:

	Yes	No
Eloise Laubach		
Forrest McClure		
Robin O’Meara		
Steve Stratton		
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.

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Please note: All quotes are confidential not to be shared with anyone other than the intended organization.

Item	Qty	Description	Sell	Sell Total
1	16 ea	LAMINATE TABLE TOP Oak Street Model No. 3MM36X36 Table Top, square, 36" x 36", 1-1/4" thick, laminate surface, 3mm PVC edge, industrial grade particle board, Made in USA	\$144.04	\$2,304.64
	16 ea	1 yr. warranty against defects in material and workmanship, std.		
	16 ea	Formica Planked Urban Oak 9312-58 laminate with matching 3mm PVC edge		
2	16 ea	METAL TABLE BASE Oak Street Model No. B30-STD Table Base, 30" x 30" base spread, 3" steel column, 28-3/4" standard height, non-marring adjustable black levelers, stamped steel, black Sandtex finish	\$54.38	\$870.08
	16 ea	1 yr. warranty against defects in material and workmanship, std.		
4	80 ea	CHAIR	\$178.72	\$14,297.60

Item	Qty	Description	Sell	Sell Total
		G & A Commercial Seating Model No. 2752-AL GR5 Atticus Banquet Chair, stacks 5 high, upholstered square back with handhold, upholstered seat, welded joint assembly, 12 gauge aluminum, Grade 5 uph. (25 each minimum order)		
	80 ea	Note: Pricing is valid for 2 weeks from date of quote		
	80 ea	Grade 5 Upholstery: _Symphony Classic Mocha (please refer to https://upholstery.gaseating.com/upholstery-swatches or documents section for upholstery options)	\$179.20	\$14,336.00
	80 ea	Frame finish to be specified		
	80 ea	Nickle glides, standard		
			Merchandise	\$31,808.32
			Freight	\$3,000.00
			Total	\$34,808.32

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