



**HEATHER GARDENS METROPOLITAN DISTRICT**

**BOARD ACTION**

**DATE: NOVEMBER 2, 2023**

**MOTION NUMBER: 1-11-2-2023**

**MOTION: APPOINT NEGOTIATORS, APPROVE REASONABLE EXPENDITURES RELATED THERETO, AND PROVIDE DIRECTION REGARDING MEDIATION**

I move that the Heather Gardens Metropolitan District Board of Directors:

1. Approve limiting mediation to a 2-day period beginning on November 16, 2023, and acknowledge that HGMD does not intend to agree to arbitration if its dispute with the Heather Gardens Association (HGA) is not resolved during such period.
2. Approve its purpose during the mediation “to gain adequate control of the District expenditures, property and operations”
3. Appoint President Daniel Taylor and Secretary Robin O’Meara to serve as negotiators in the upcoming mediation with the HGA, and delegate to them the authority to enter into a binding agreement with HGA.
4. Approve reasonable expenditures, in the discretion of Treasurer Rita Effler, for mediation with HGA and delegate authority to the Treasurer to approve such expenditures notwithstanding previous dollar limits set on approval authority.

**ECONOMIC COST TO THE DISTRICT: \$4,000 - \$5,000**

**APPROPRIATED BY: N/A**

Motion by: Daniel Taylor

Second by: Craig Baldwin

Rationale: The Management Agreement does not set forth a duration for the mediation, therefore, in order to better define the expectations of the parties and avoid undue and wasteful expenditures on prolonged unsuccessful mediation, the HGMD is agreeing to two full days of mediation and reasonable expenditures related thereto. Likewise, in order to avoid unnecessary meetings in order to approve expenditures on mediation, the HGMD is delegating additional approval authority to its Treasurer. HGA has requested throughout the dispute resolution process that meetings occur outside public meetings. In line with that request, only two HGMD directors would be able to meet with the mediators at one time to attempt to resolve the dispute under the management agreement. The remaining directors will meet in executive session pursuant to Section 24-6-402(4)(e), C.R.S. for the purpose determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Management Agreement.

Debate: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secondary Motion to : \_\_\_\_\_  
Secondary Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

**VOTE:**

**ORIGINAL MOTION**

	Yes	No
Craig Baldwin	X	
Rita Effler	X	
Eloise Laubach	X	
Robin O'Meara	X	
Daniel Taylor	X	
Total	5	

Yes	No

The main motion does have a majority and passes.



\_\_\_\_\_  
Daniel J. Taylor, President  
HGMD Board of Directors

\_\_\_\_\_  
Robin O'Meara, Secretary  
HGMD Board of Directors