

## NOTICE OF HGMD BOARD OF DIRECTORS SPECIAL MEETING August 3, 2023 at 1:00 P.M.

Pursuant to Section 24-6-402(2)(c), C.R.S., the Board of Directors of the Heather Gardens Metropolitan District hereby gives notice that it will hold a special meeting at the Heather Clubhouse in the board room and via Zoom videoconference at 1:00 P.M. August 3, 2023. The business meeting will be held for the purpose of approving administration policies, a public notice of the state's Metropolitan District Homeowner's Rights Task Force, and an additional expenditure for the RV Lot gate repair. This meeting is open to the public.

Subsequent to the public meeting the Board will hold an executive session pursuant to Sections 24-6-402(4)(b) and/or 24-6-402(4)(e), C.R.S. for the purpose of receiving legal advice on specific legal questions and/or determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Management Agreement with Heather Gardens Association.

#### Join Zoom Meeting

https://us06web.zoom.us/j/88161201003?pwd=LzJIUGZ4UGVWeWN0QUdjZ0MydGROUT09

Meeting ID: 881 6120 1003

**Passcode: 702457** 

or

Dial-In Number: 1 346 248 7799

#### <u>AGENDA</u>

- 1. Pledge of Allegiance
- 2. Determine quorum present
- 3. Call meeting to order
- 4. Unfinished Business
  - a. Motion to Approve RV Lot Gate Chain Protection \$3,150
- 5. New Business
  - a) Approval of Board Administration PM 1
  - b) Approval of Pilera Notice Regarding House Bill 23-1105
  - c) Approval of Administrative Tasks
- 6. Public comment Please limit your comments to 5 minutes.
- 7. Executive session pursuant to Sections 24-6-402(4)(b) and/or 24-6-402(4)(e), C.R.S. for the purpose of receiving legal advice on specific legal questions and/or determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Management Agreement.
- 8. Adjournment

The next HGMD regular Board meeting will be held on Thursday, August 17, 2023, at 1:00 PM.



**DATE:** AUGUST 3, 2023 **MOTION NUMBER:** 1-8-3-2023

**MOTION: RV LOT GATE CHAIN PROTECTION** 

I move that the Heather Gardens Metropolitan District Board of Directors approve an additional expenditure in the amount of \$3,150 for an expanded metal grate on the inside of the RV Lot gate to protect the operating chain from being cut.

**ECONOMIC COST TO THE DISTRICT:** \$3,150

Robin O'Meara, Secretary HGMD Board of Directors

**APPROPRIATED BY: 2023 CAPITAL RESERVE FUND** 

Motion by: Daniel Tay			Second by:					
Rationale: The operatinside of the gate will poperator pad to save e	protect the	operating cha	n. Maintenance	e removed the	e old			
Debate:								
Secondary Motion to :				· · · · · · · · · · · · · · · · · · ·				
Secondary Motion by:		Secor	nd by:					
VOTE:								
	Yes	No	Yes	No				
Craig Baldwin				,				
Rita Effler								
Eloise Laubach								
Robin O'Meara								
Daniel Taylor								
Total								
The secondary motion The main motion does			•					

Daniel J. Taylor, President HGMD Board of Directors



AJI Fence, Ltd. 909 E. 68th Ave.

Phone: (303) 289-4388

Denver, CO 80229

Fax: (303) 289-4363

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Project:

Address:

Contact:

Date:

7/27/2023

Bid #:

FB71372

Customer: Address:

Heather Gardens Association

Aurora, CO 80014

2877 S Heather Gardens Way

Phone:

Jon Howell

720-422-0837

Aurora, CO 80014

Email:

jon.howell@heathergardensmail.com

Hydraulic Operator/ Expanded Metal

2888 S Heather Gardens Way

#### Scope of Work:

#### Change Order: Hydraulic Operator:

#### **Automation Information:**

Supply and install one (1) HySecurity Model 15F Hydraulic slide gate operator, 120vac with battery backup, built-in radio receiver, and heater.

Supply and install required aluminum drive rails onto the gate.

Supply and install one (1) photo electric eye across the opening.

Supply and install two (2) microwave vehicle sensors.

Supply and install one (1) siren activated sensor.

Supply and program eighty remotes.

Supply and install one (1) Knox switch.

Single button remotes: (\$20 each) Includes eightly remotes (80)

Gate Operation: The system will be opened by radio remote controls. The system will close automatically by an adjustable timer. The system will prevent the gate from closing when a vehicle is sensed inside and outside the gate. Pedestrian protection will be by a photo electric eye. The fire department will access by a Knox switch and siren actived sensor wired directly to the gate operator.

Install expanded metal on inside and across new ornamental gate.

\$3,150

\$17,640

Unless otherwise stated in writing, standard exclusions include grading, clearing of fence lines, staking/surveying, traffic control, grounding, saw cutting, core drilling, hydro-vac digging due to utilities or other unforeseen conditions, engineering, demolition, locating of private utilities, staining/painting, temporary fence, and bond premiums.

#### TERMS OF AGREEMENT:

AJI Fence, Ltd. hereby offers to furnish labor and materials required to perform the work specified above. Upon acceptance by purchaser, this offer shall become a contract for the work set forth herein. All taxes, labor, and materials to complete job are included in prices shown. A surcharge of 2.9% + \$0.30 per transaction may be assessed for payments made by credit card to cover actual transaction costs.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard industry practices. Any alterations or deviations from listed specifications involving extra costs will be executed only upon written orders, and will become an additional charge. All Fence, Ltd. is not responsible for irrigation damage or changes in grade due to excavation. Excavation of caissons requiring additional equipment are subject to additional negotiated labor costs. All electrical work including low voltage by others. Permits and/or development fees by others.

ACCEPTANCE OF PROPOSAL: Prices, specifications, and conditions listed above are satisfactory and are hereby accepted. All Fence, Ltd is authorized to do the work as specified.

Francisco Jaime

AJI Fence, Ltd.

Date: 07/27/2023

NOTE: Prices are subject to change based on market conditions.

Accepted By:

Title:

Date:

#### **Daniel Taylor**

From:

Jon Howell

Sent:

Thursday, July 27, 2023 3:44 PM

To:

Forrest McClure; Jon Rea; Daniel Taylor; Craig Baldwin

Cc:

Al Lindeman; fishingferg@yahoo.com; gvriggs@yahoo.com; jcguise@comcast.net; Lynn

Nicholson; Patty Langlois; S Lee Nicholson; T P; Tom Sandquist; Carlos Tamayo

Subject:

RV Lot Gate Hydraulic Operator and Expanded Metal Operations

**Attachments:** 

Heather Gardens - Hydrualic Operator Proposal.pdf; Expanded metal on Invincible

Gate.jpg

Importance:

High

All,

Please see the attached quote. The Hydraulic Operator and gate will be \$48,375 instead of the original \$30,735. My recommendation is to stay with the original operator. If the concern of the chain being cut again with the new chain driven operator my recommendation is to accept the addition of the expanded metal quote for \$3,150. FYI, if this added it will put the overall Capital Reserve over budget.

AlJ is hoping to have the gate and schedule installation mid-month in August.

Thanks

#### Jon Howell

Heather Gardens Association <u>Maintenance</u>. Facilities Engineer 2888 S. Heather Gardens Way

Aurora CO 80014



Office 720.974.6916 Fax 303.750.8404 www.heathergardens.org

Hello Jon,

Please see attached proposal regarding a change order to the hydraulic operator. Also include on the bid is the add on price to add expanded metal to the inside of the sliding gate. Please see attached photo for reference. Also wanted to give you an update and let you know we plan on being on site August 16<sup>th</sup> to being work. We ask the concrete pad and operator is removed prior to. Feel free to call if you have any questions or concerns on any of the information above.

Thank you,

Francisco Jaime - Residential Sales Associate

aji fence, ltd.

909 East 68th Avenue Denver, CO 80229

Office: 303-289-4388

From: Jon Howell

Sent: Thursday, July 20, 2023 11:39 AM

**To:** Forrest McClure <forrestrm@live.com>; Jon Rea <jon.rea@HeatherGardensmail.com>; Daniel Taylor <daniel.taylor@HeatherGardensmail.com>; Craig Baldwin <craig.baldwin@HeatherGardensmail.com>

Cc: Al Lindeman <allen.lindeman@comcast.net>; fishingferg@yahoo.com; gvriggs@yahoo.com; jcguise@comcast.net;

Subject: RE: RV Lot Gate Extra Expenses

Importance: High

Forrest,

1. Did AJI get back to us about using a rack & pinion operator? (Question answered on earlier email this morning)

2. I'm assuming mounting the operator on posts is for the Lift Master. The installation guide shows mounting it either on a concrete pad or on posts with a mounting plate. Why do you want to mount it on posts? (The operator being installed on a post is AlJ's recommendation. The old operator location and pad would not work. They said the pad needed to be removed because it would be in the way of the new gates operation. In-house maintenance removed the operator and pad this week to save time and extra vendor costs. This demo was not on AlJ's proposal. The two metal posts and head rail will be removed by AlJ at the time of the gates installation. The in-ground vehicle loops will not be hooked back up to the new operator. All new gate safety equipment will be installed.)

**Thanks** 

#### Jon Howell

Heather Gardens Association <u>Maintenance</u>. Facilities Engineer 2888 S. Heather Gardens Way Aurora CO 80014



Office 720.974.6916 Fax 303.750.8404 www.heathergardens.org

----Original Message----

From: Forrest McClure < forrestrm@live.com > Sent: Thursday, July 20, 2023 10:29 AM

To: Jon Rea < jon.rea@HeatherGardensmail.com >; Daniel Taylor < daniel.taylor@HeatherGardensmail.com >; Craig

Baldwin < craig.baldwin@HeatherGardensmail.com>

Cc: Jon Howell < <u>ion.howell@HeatherGardensmail.com</u>>; Al Lindeman < <u>allen.lindeman@comcast.net</u>>; <u>fishingferg@yahoo.com</u>; <u>gvriggs@yahoo.com</u>; <u>icguise@comcast.net</u>; <u>Lynn Nicholson</u> < <u>ln80247@gmail.com</u>>; <u>Patty</u>

Langlois <<u>patty@placcountingpro.com</u>>; S Lee Nicholson <<u>gdslight123@gmail.com</u>>; T P <<u>tgpar3@msn.com</u>>; Tom

Sandquist < tomsandquist@gmail.com > Subject: RE: RV Lot Gate Extra Expenses

[External Content] This message is from an external source.

#### Good morning,

Given the cost of the new gate, bollards and reflective signs would seem necessary. A couple questions:

- 1. Did AJI get back to us about using a rack & pinion operator?
- 2. I'm assuming mounting the operator on posts is for the Lift Master. The installation guide shows mounting it either on a concrete pad or on posts with a mounting plate. Why do you want to mount it on posts?

In reading the installation guide for the FAAC rack & pinion operator I am wondering if its disadvantage is that installation must be quite precise and secure to keep it from derailing - say in high winds. There is also a warning for pedestrians to use a side gate - that the operated gate is for vehicles only. The chain operator would seem to have more tolerance. What are your thoughts about that?

Thanks,

**Forrest** 

----Original Message-----

From: Jon Rea <jon.rea@HeatherGardensmail.com>

Sent: Thursday, July 20, 2023 7:28 AM

To: Daniel Taylor <daniel.taylor@HeatherGardensmail.com>; Craig Baldwin <craig.baldwin@HeatherGardensmail.com>;

Forrest McClure <forrestrm@live.com>

Cc: Jon Howell < jon.howell@HeatherGardensmail.com>

Subject: FW: RV Lot Gate Extra Expenses

Importance: High

All -

Here are some additional recommendations for the RV Lot Gate. There is room in the Cap Reserve this, wanted to make you aware and get your thoughts on this.

We can further explain this on the HGMD meeting today if needed.

Please see the attached scan with pricing for other items that should be included with the new RV gate.

- 1.) (4) Bollards to protect the most vulnerable spots of the gate. Like the ones installed at the Maintenance Shop gate. \$1680.00
- 2.) (4) Yellow bollard guards. \$175.00
- 3.) (6) Yellow/Black safety signs. \$130.00

Total \$1,985.26

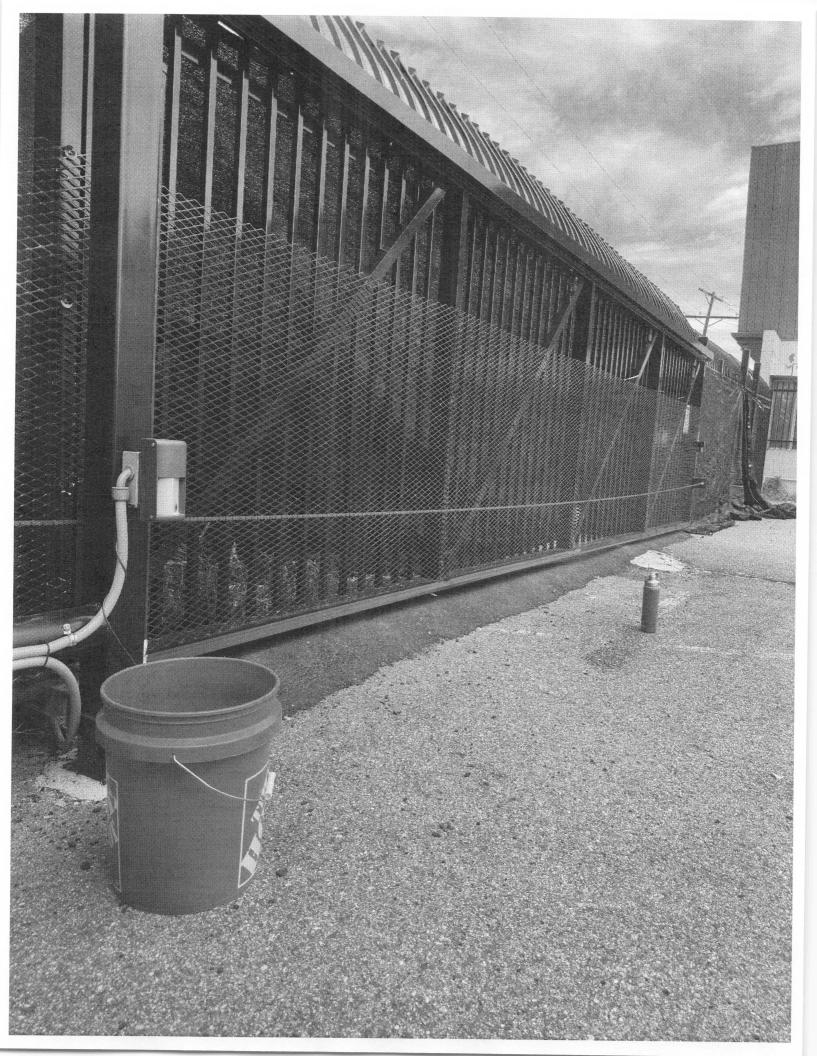
There is \$3,856.78 in the Cap Ex change order reserve. Let me know if you would like me to proceed with these extra expenses.

Other costs may be accrued but are unknown at this time.

To help with other unexpected costs we will in-house be removing the old operator, jackhammering up the old operator pad, and getting power to the new operator location. The new operator is mounted to a post instead of a pad.

**Thanks** 

Jon Howell Heather Gardens Association





**ECONOMIC COST TO THE DISTRICT: NONE** 

Robin O'Meara, Secretary HGMD Board of Directors

**DATE:** AUGUST 3, 2023 **MOTION NUMBER: 2-8-3-2023** 

**MOTION:** APPROVAL OF BOARD ADMINISTRATION PM 1

I move that the Heather Gardens Metropolitan District Board of Directors approve the attached procedure memorandum Admin-1 which documents the procedure for the preparation and publication of meeting agendas, motions and resolutions.

**APPROPRIATED BY:** N/A Motion by: Daniel Taylor Second by: Rationale: It's the Board's intention to publish its procedures so that the community understands the processes by which it operates, and has an opportunity to suggest changes over time to increase efficiency or community participation. Debate: \_\_\_\_\_ Secondary Motion to :\_\_\_\_\_ Secondary Motion by: \_\_\_\_\_Second by: **VOTE:** Yes No Yes Craig Baldwin Rita Effler Eloise Laubach Robin O'Meara **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.

Daniel J. Taylor, President HGMD Board of Directors



# HEATHER GARDENS METROPOLITAN DISTRICT BOARD ADMINISTRATION PROCEDURE MEMORANDUM 1

ADOPTED AND EFFECTIVE AUGUST 3, 2023

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## ADMINISTRATION PROCEDURE MEMORANDUM 1

Proposed on July 22, 2023

Adopted by HGMD Board on August 3, 2023

This Procedure Memorandum shall supersede all previous versions of the Procedure Memorandum and Functions and Policy Manuals for Board Administration, as well as all previous resolutions, actions and informal practices and policies of the District or portions thereof which may be in conflict with the provisions hereof.

#### **ARTICLE I - PURPOSE**

The purpose of this Procedure Memorandum is to define a process for preparation of the Heather Gardens Metropolitan District (District) meeting agendas, motions or resolutions, and the Heather Gardens Metropolitan District's Board of Director's (Board) packets for public distribution to ensure the efficient functioning of District Board meetings and ensure the dissemination of information to the public which is informative yet, succinct consistent with the Bylaws, Rules and Regulations, and administrative or policy procedure memoranda.

#### **ARTICLE II - AGENDA TIMELINE & PROCEDURE**

- **Section 1.** Agenda Publication. The Board shall endeavor to publish the agenda for any Board meeting 6 to 7 days prior to a Board meeting. Regular Board meeting agendas will be published on the second Thursday or Friday of the month. Special meetings may require a shorter time frame, but it is the policy and desire of the District Board to maximize the notice to the public of meetings and information to be discussed at such meetings. If an emergency meeting is required, the Board shall comply with the 24-hour publication notice required by law.
- **Section 2.** Agenda Items from Directors. Directors shall submit agenda discussion items, motions with supporting documents using the approved form and resolutions with supporting documents to the Board President on the second Monday or Tuesday of the month for regular Board meetings, and 10 to 11 days prior to any special meeting.
  - A. Using the approved form, the text below the motion title is the language to be read into the record and to be voted on. Any amendments to this language made during the meeting will be written on the motion. In the rationale section state the reasons for passing the motion and whether the motion was recommended by a committee or club.

- **Section 3.** Agenda Item Limitation. Each Director is encouraged to submit no more than 3 agenda items including discussion items, motions or resolutions for each District Board meeting. A Director may submit any agenda item that has not been previously voted on by the District Board unless new information or circumstances exist.
- **Section 4.** Agenda Items from Committee Chairs. All committee reports are due to the Board President on the second Monday or Tuesday of the month for regular Board meetings. Committee reports should be concise and limited to one page if possible. If a committee has prepared an interim report or has a request of the Board, the report or request is due to the Board President 10 to 11 days prior to the special Board meeting.
- **Section 5.** Agenda Items from the District's Manager. Reports from the District's Manager or the District Manager's staff are due on the second Monday or Tuesday of the month to the Board's President. Reports shall be printed in a minimum of 10 pt font or shall be submitted in an Excel or Word file.
- **Section 6. President's Agenda Preparation**. The Board President or the Secretary if the President is unavailable, shall create the agenda, determining the order of presentation, ensure that all motions and resolutions are properly formatted using the approved forms, determine what supporting documents to include in the District Board packet, and request any additional information needed from the Director sponsoring the agenda item. If a submission is incomplete, the President may return the submission to the committee or management for completion.
- **Section 7. Submission for Publication**. The President shall submit the District Board packet to the District's Manager on the second Thursday of the month for regular Board meetings or 7 days prior to a special Board meeting.
  - A. For regular Board meetings, if the agenda and Board packet are submitted before 2:00 pm on the second Thursday of the month, the agenda will be that day. If not published on the second Thursday, the District's Manager will make every effort to publish it before noon on the second Friday of the month. A Director will verify that the published notice is correct or notify the District's Manager within two hours so that any correction may be made that day.
  - **B.** For special Board meetings, if the agenda and Board packet are submitted before 2:00 pm on the 7<sup>th</sup> day prior to the special meeting, the agenda will be published that day. If not published on the 7<sup>th</sup> day prior to the special meeting, the District's Manager will make every effort to publish it before noon on the 6<sup>th</sup> day before the special meeting. A Director will verify that the published notice is correct or notify the District's Manager within two hours so that any correction may be made that day.
  - C. All agendas and Board packets shall be published in a Pilera "Meeting Notice" with a link to the Agenda and Board packet. The agenda shall be uploaded to

the Heather Gardens website under the Resource Center/Boards, Committees & Subcommittees/HGMD Board/HGMD Agendas folder.

**D.** The Board packet shall be uploaded to the Heather Gardens website under the Resource Center/Boards, Committees & Subcommittees/HGMD Board/HGMD Board Packets folder.

#### **ARTICLE III - MOTIONS & RESOLUTIONS**

**Section 1.** Completion. The President of the District Board or Vice President in the President's absence, shall record the vote on the motion or resolution, determine if the there was a majority of Directors voting in favor of the motion or resolution, and determine whether the motion or resolution passed. The President shall sign the motion or resolution and submit it to the Secretary for signature.

**Section 2. Submission.** The Secretary shall deliver a copy of the motion or resolution to the District's Manager for posting on the Heather Gardens website. The District shall maintain the official record in the District's office. Such records shall be available for public inspection pursuant to the Colorado Open Records Act.

Adopted the 3rd day of August, 2023, by the Board of Directors of the Heather Gardens Metropolitan District.

	President, Daniel Taylor
ATTEST:	
Secretary, Robin O'Meara	



**DATE:** AUGUST 3, 2023 **MOTION NUMBER: 3-8-3-2023** 

**MOTION:** APPROVAL OF PILERA NOTICE REGARDING HOUSE BILL 23-1105

I move that the Heather Gardens Metropolitan District Board of Directors approve the attached Notice for publication by Pilera.

**ECONOMIC COST TO THE DISTRICT: NONE APPROPRIATED BY: N/A** Motion by: Daniel Taylor Second by: Rationale: House Bill 23-1105 requires special districts to inform residents of the state's Metropolitan District Homeowner's Rights Task Force's first meeting. The Notice was prepared by legal counsel. Debate: Secondary Motion to :\_\_\_\_\_ Secondary Motion by: \_\_\_\_\_\_Second by: **VOTE:** Yes Yes No No Craig Baldwin Rita Effler Eloise Laubach Robin O'Meara 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.

Daniel J. Taylor, President
HGMD Board of Directors

Robin O'Meara, Secretary HGMD Board of Directors

## NOTICE OF METROPOLITAN DISTRICT HOMEOWNER'S RIGHTS TASK FORCE HOUSE BILL 23-1105

Dear Resident of Heather Gardens Metropolitan District,

On May 24, 2023, Governor Polis signed House Bill 23-1105 into law, which, among other actions, created the Metropolitan District Homeowner's Rights Task Force ("Task Force"). The Task Force will review, among other matters, tax levying authority and practices, foreclosure practices, communications with homeowners, and governance policies. All members of the Task Force will be appointed by November 1, 2023. A requirement of the new law is that we notify you of the creation and existence of the Task Force prior to its first meeting. If you have any questions about the Task Force, please reach out to the Colorado Department of Regulatory Agencies or visit their website at https://dora.colorado.gov.



July 26, 2023

Re: House Bill 23-1105

On May 24, 2023, Governor Polis signed House Bill 23-1105 ("Act"). The Act creates the Metropolitan District Homeowner's Rights Task Force ("Task Force"), with the Power to "[e]xamine issues confronting communities that are governed by a Board of a Metropolitan District."

A portion of the Act, Section 12-10-226.5(1)(b)(V), C.R.S., contains an affirmative requirement that certain metropolitan districts must notify residents of the district prior to the Task Force's first meeting. The Act requires that all members of the Task Force be appointed by November 1, 2023.

There are no specific requirements for the means of communicating this notice, so our interpretation is that the notice may be sent in any way permitted under the law. As such, we suggest providing the notice in the same manner that the district provides notice of its meetings for purposes of Section 24-6-402(2)(c)(I), C.R.S.

Please see the next page for proposed language to provide to residents of the district regarding this matter.

If you have any questions on the matter, please do not hesitate to contact me.

Very truly yours,

ICENOGLE SEAVER POGUE

I ceragle Seaver Poque, P.C.

A Professional Corporation



**DATE:** AUGUST 3, 2023 **MOTION NUMBER: 4-8-3-2023** 

**MOTION: APPROVAL OF ADMINISTRATIVE TASKS** 

I move that the Heather Gardens Metropolitan District Board of Directors approve the following administrative tasks:

- 1. Convert the security manager office space to a dedicated space for the District's office to be made available by August 15, 2023. Five keys will be needed for each director, as well as internet access.
- 2. Any director or committee member may request that copies of documents required for any Board or committee meeting may be made at the management office front desk.
- 3. Move all District Board meetings to the banquet room beginning August 17, 2023, until such time as the sound problems are corrected in the board room.
- 4. Require that the Board Assistant or person hosting the Zoom meeting for District Board meetings be present in person to take direction from the Board President.
- 5. Board packages shall be printed when received by management and a copy placed in each director's mailbox. Each director shall be notified by email when the package is available for pick up.

ECONOMIC COST TO THE DISTRICT: NONE APPROPRIATED BY: N/A

Motion by: Daniel Taylor	Second by:	
Rationale: HGA's attorney has req	uested a formal Board action.	
Debate:		
Secondary Motion to :	Second by:	

VOTE:						-
	Yes	No	] [	Yes	No	1
Craig Baldwin						
Rita Effler						
Eloise Laubach						
Robin O'Meara						
Daniel Taylor						
Total						
The secondary motio			,			
The main motion doe	s/does not h	nave a majo	rity an	d passes/fa	ails.	
					J. Taylor, Pr	

Robin O'Meara, Secretary HGMD Board of Directors