

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
HERITAGE HILLS METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
MARCH 31, 2021

A special meeting of the Board of Directors of the Heritage Hills Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, March 31, 2021, at 12:30 p.m. In order to preserve the health, safety, and welfare of the public in light of the imminent threat caused by the COVID-19 pandemic and due to the state of emergency declared by Governor Polis, as amended and extended, corresponding executive orders and public health orders, as amended and extended, and CDC recommendations against gathering in large groups in order to mitigate the spread of the COVID-19 virus, this District Board meeting was held via Zoom as follows:

<https://zoom.us/j/91010450412?pwd=aldvM1NvbmZTMFN1c2xQZkhENHQ0Zz09>

Call: 346-248-7799
Meeting ID: 910 1045 0412
Passcode: 451603

The meeting was open to the public.

Attendance

Directors in Attendance Were:

Joyce Lew, President
Ann Hargett, Secretary/Treasurer
Brent Bailey, Assistant Secretary
Darron Tucker, Assistant Secretary
Christine Biernat, Director

Also in Attendance Were:

Denise Denslow, Nicholas Carlson & Natalie Herschberg; CliftonLarsonAllen LLP
Tamara Seaver & Shannon Smith Johnson; Icenogle Seaver Pogue, P.C.
April Carr, Linda Schley, Allie Shafner; Members of the public

Call to Order

The meeting was called to order at 12:33 p.m.

Declaration of Quorum/Director

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of

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Qualifications/
Disclosure of Conflicts

Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. No additional conflicts were disclosed at the meeting.

Public Comment

There was no public comment.

Legal Items

Executive session pursuant to (1) Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on specific legal questions relating to the Hearing on Complaint Regarding Violation of Court Rules and Regulations proceedings; and (2) Sections 24-6-402(4)(b) & 24-6-402(4)(e)(I), C.R.S. for the purpose of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators relative to Heritage Hills HOA Falcone litigation.

Upon motion duly made by Director Bailey and seconded by Director Biernat, the Board unanimously voted to enter into Executive Session at 12:37 p.m. and exited Executive Session at 1:02 p.m.

Resolution Adopting Hearing Procedures Related to Enforcement of Rules and Regulations.

Ms. Seaver discussed the Resolution Adopting Hearing Procedures Related to Enforcement of Rules and Regulations. Following discussion by the Board, upon a motion duly made by Director Bailey, seconded by Director Tucker, and upon a vote unanimously carried, the Board approved the Resolution Adopting Hearing Procedures Related to Enforcement of Rules and Regulations (the "Hearing Procedures").

Hearing on Complaint Regarding Violation of Court Rules and Regulations.

The District held a Hearing on Complaint Regarding Violation of Court Rules and Regulations in response to the receipt of a written complaint regarding the provision of unapproved tennis lessons and programs by Ms. Linda Schley in violation of the Heritage Hills Metropolitan District Court Rules and Regulations (the "Court Rules and Regulations").

At the conclusion of the Hearing, upon motion duly made by Director Tucker and seconded by Director Bailey, the Board unanimously voted that there was insufficient evidence to find by a preponderance of the evidence that Ms. Schley violated Section A of the Court Rules and Regulations.

Upon motion duly made by Director Lew and seconded by Director Hargett, the Board unanimously found by a preponderance of the evidence that Ms. Schley violated Section C of the Court Rules and Regulation by providing unapproved tennis programs, including leagues and lessons, at the District

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tennis court facilities without the required personal services contract and determined to fully restrict Ms. Schley's access to the District's tennis court facilities and deactivate her key fob for a period of 45 days, beginning April 1, 2021.

The District maintained a separate written record of the hearing in accordance with Section II.6 of the Hearing Procedures.

Next
Meeting – April 14,
2021 at 5:30 p.m.

A quorum was confirmed for the next meeting on April 14, 2021 at 5:30 p.m.

Adjournment

There being no further business to come before the Board at this time, upon a motion duly made by Director Lew, seconded by Director Bailey and, upon vote unanimously carried, the Board adjourned the meeting at 2:41 p.m.

Respectfully submitted,

DocuSigned by:

Ann Hargett

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Secretary for the Meeting

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Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/20/2021 3:06:21 PM
Certified Delivered	Security Checked	4/20/2021 3:17:51 PM
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