

## 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

## RECORD OF PROCEEDINGS

---

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

## RECORD OF PROCEEDINGS

---

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*

1AA75E2D51084AB  
Secretary for the Meeting

## Certificate Of Completion

Envelope Id: 910DA4F175AD43DD91FDF2E996130526	Status: Completed
Subject: Please DocuSign: HHMD - Minutes 03-31-2021 Special Meeting.pdf	
Client Name: Heritage Hills Metro District	
Client Number: 011-030357	
Source Envelope:	
Document Pages: 3	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Natalie Herschberg
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 South 6th Street
	Suite 300
	Minneapolis, MN 55402
	Natalie.Herschberg@claconnect.com
	IP Address: 73.153.120.72


## Record Tracking

Status: Original	Holder: Natalie Herschberg	Location: DocuSign
4/20/2021 3:05:43 PM	Natalie.Herschberg@claconnect.com	

## Signer Events

Ann Hargett  
 annhargett@gmail.com  
 Treasurer  
 Security Level: Email, Account Authentication (None)

## Signature

DocuSigned by:  
  
 1AA75E2D51CB4AB...  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 174.16.165.209

## Timestamp

Sent: 4/20/2021 3:06:21 PM  
 Viewed: 4/20/2021 3:17:51 PM  
 Signed: 4/20/2021 3:18:30 PM

**Electronic Record and Signature Disclosure:**  
 Accepted: 4/20/2021 3:17:51 PM  
 ID: dacc2207-d9a2-4440-a646-ba542a93ac02

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
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
Signing Complete	Security Checked	4/20/2021 3:18:30 PM
Completed	Security Checked	4/20/2021 3:18:30 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, CliftonLarsonAllen LLP (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

#### **How to contact CliftonLarsonAllen LLP:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com)

#### **To advise CliftonLarsonAllen LLP of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

#### **To request paper copies from CliftonLarsonAllen LLP**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

#### **To withdraw your consent with CliftonLarsonAllen LLP**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify CliftonLarsonAllen LLP as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by CliftonLarsonAllen LLP during the course of your relationship with CliftonLarsonAllen LLP.