

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE BERKLEY SHORES METROPOLITAN DISTRICT (THE “DISTRICT”) HELD NOVEMBER 2, 2020

A special meeting of the Board of Directors of the Berkley Shores Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 2, 2020, at 10:00 a.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via conference call. The meeting was open to the public via conference call.

Directors In Attendance Were:

Philip Clow
Natalie Satt
Victoria Almagno

Following discussion, upon motion duly made by Director Clow seconded by Director Satt and, upon vote, unanimously carried, the absence of Directors Paul Malone and Michael Martines were excused.

Also In Attendance Were:

David Solin; Special District Services, Inc. (“SDMS”)

Megan M. Becher; McGeady Becher P.C.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The Board noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Becher requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Becher noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes. It was noted that disclosure statements had been filed for all Directors.

ADMINISTRATIVE MATTERS

Agenda: The Board reviewed the distributed Agenda for the District's special meeting.

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Following discussion, upon motion duly made by Director Clow, seconded by Director Satt and, upon vote unanimously carried, the Agenda for the special meeting was approved, as amended.

Approval of Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, the Board determined to conduct this meeting via conference call and encouraged public participation via conference call. The Board further noted that notice of the videoconference was duly posted and that it had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

Minutes: The Board reviewed the Minutes of the August 11, 2020 and September 16, 2020 Special Meeting Minutes.

Following discussion, upon motion duly made by Director Satt, seconded by Director Almagno and, upon vote, unanimously carried, the Minutes of the August 11, 2020 and September 16, 2020 Special Meetings were approved, as presented.

Resolution No. 2020-11-01; Resolution Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Locations for Posting of 24-Hour Notices: Mr. Solin discussed with the Board Resolution No. 2020-11-01; Resolution Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Locations for Posting of 24-Hour Notices.

The Board determined to meet on June 7, 2021 and November 1, 2021 at 10:00 a.m., at the offices of Highland Development Company, LLC, 2100 Downing Street in the City and County of Denver, Colorado.

Following discussion, upon motion duly made by Director Clow, seconded by Director Satt and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-11-01; Establishing Regular Meeting Dates, Time and Location, Establishing District Website and Designating Location for 24-Hour Notices.

Proposals for District General Counsel Services and Consider Engagement for Services: Attorney Becher noted for the Board that she would obtain proposals for general counsel services and consider engagement for services.

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§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2021: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2021.

Following discussion, upon motion duly made by Director Satt, seconded by Director Almagno and, upon vote, unanimously carried, the Board determined to post the required transparency notice information on the Special District Association's website and the District website.

PUBLIC COMMENTS

There were no public comments at this time.

FINANCIAL MATTERS

Claims: The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending Oct. 16, 2020
General	\$ 6,874.36
Debt	\$ -0-
Capital	\$ 9,212.65
Total	\$ 16,087.01

Following discussion, upon motion duly made by Director Clow, seconded by Director Satt and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims, as presented.

2020 Audit: The Board reviewed the proposal from Simmons & Wheeler, P.C. to perform the 2020 Audit.

Following discussion, upon motion duly made by Director Satt, seconded by Director Clow and, upon vote, unanimously carried, the Board approved the engagement of Simmons & Wheeler, P.C. to perform the 2020 Audit, for an amount not to exceed \$6,500.

Cost Verification Report from Ranger Engineering, LLC: There was no Cost Verification Report from Ranger Engineering, LLC at this time.

Reimbursement to HDC 6300 Lowell Boulevard, LLLP under Facilities Funding and Acquisition Agreement: There was no reimbursement to HDC 6300 Lowell Boulevard, LLLP under Facilities Funding and Acquisition Agreement at this time.

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Requisition of Funds Pursuant to the 2020 Bonds: There were no requisition of funds pursuant to the 2020 Bonds at this time.

2020 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2020 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2020 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received and the President closed the public hearing.

The Board determined that an amendment to the 2020 Budget was not necessary.

2021 Budget Hearing: The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Mr. Solin reviewed the estimated year-end 2020 revenues and expenditures and the proposed 2021 estimated revenues and expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2020-11-02 to Adopt the 2021 Budget and Appropriate Sums of Money and Resolution No. 2020-11-03 to Set Mill Levies (for the General Fund at 25.000 mills and the Debt Service Fund at 35.000 mills, for a total of 60.000 mills). Upon motion duly made by Director Satt, seconded by Director Almagno and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2020. Mr. Solin was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Adams County and the Division of Local Government not later than December 15, 2020. Mr. Solin was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2021. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference.

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DLG-70 Mill Levy Certification Form: The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Satt, seconded by Director Almagno and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3: The Board reviewed Resolution No. 2020-11-04, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3.

Following discussion, upon motion duly made by Director Satt, seconded by Director Almagno and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-11-04, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Colorado Constitution, Article X, Section 3. A copy of the adopted Resolution is attached to these minutes and incorporated herein by this reference.

Preparation of the 2022 Budget: The Board discussed preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director Satt, seconded by Director Almagno, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget.

Operation Funding Agreement by and between the District and HDC 6300 Lowell Boulevard, LLLP: Attorney Becher reviewed with the Board the Operation Funding Agreement by and between the District and HDC 6300 Lowell Boulevard, LLLP.

Following discussion, upon motion duly made by Director Satt, seconded by Director Clow and, upon vote, unanimously carried, the Board approved the Operation Funding Agreement by and between the District and HDC 6300 Lowell Boulevard, LLLP, subject to Director Malone's final review.

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**COVENANT
ENFORCEMENT
MATTERS
CONSTRUCTION
MATTERS**

Update on Covenants: There were no updates on Covenants at this time.

Status of Development: It was noted the site work is underway and going vertical on the first building.


OTHER BUSINESS

Process for Transition of General Counsel: Attorney Becher discussed with the Board the process for transition of the general counsel. No action was taken by the Board at this time.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Satt, seconded by Director Almagno and, upon vote unanimously carried, the meeting was adjourned.

Respectfully submitted,

By 

Secretary for the Meeting

RESOLUTION NO. 2020 – 11 - 01

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BERKLEY SHORES METROPOLITAN DISTRICT
ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION,
ESTABLISHING DISTRICT WEBSITE AND
DESIGNATING LOCATION FOR POSTING OF 24-HOUR NOTICES**

A. Pursuant to Section 32-1-903, C.R.S., special districts are required to designate a schedule for regular meetings, indicating the dates, time and location of said meetings.

B. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., special districts are required to designate annually at the board of directors of the district's first regular meeting of each calendar year, the public place at which notice of the date, time and location of regular and special meetings ("**Notice of Meeting**") will be physically posted at least 24 hours prior to each meeting ("**Designated Public Place**"). A special district is deemed to have given full and timely notice of a regular or special meeting if it posts its Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

C. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., special districts are relieved of the requirement to post the Notice of Meeting at the Designated Public Place, and are deemed to have given full and timely notice of a public meeting, if a special district posts the Notice of Meeting online at a public website of the special district ("**District Website**") at least 24 hours prior to each regular and special meeting.

D. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., if a special district is unable to post a Notice of Meeting on the District Website at least 24 hours prior to the meeting due to exigent or emergency circumstances, then it must physically post the Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

E. Pursuant to Section 32-1-903, C.R.S., all special and regular meetings of the board shall be held at locations which are within the boundaries of the district or which are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty (20) miles from the district boundaries unless such provision is waived.

F. The provisions of Section 32-1-903, C.R.S., may be waived if: (1) the proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting; and (2) a resolution is adopted by the board stating the reason for which a meeting is to be held in a location other than under Section 32-1-903(1), C.R.S., and further stating the date, time and place of such meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Berkley Shores Metropolitan District (the "**District**"), Adams County, Colorado:

1. That the provisions of Section 32-1-903(1), C.R.S., be waived pursuant to the adoption of this Resolution.

2. That the Board of Directors (the “**District Board**”) has determined that conducting regular and special meetings pursuant to Section 32-1-903(1), C.R.S., would be inconvenient and costly for the directors and consultants of the District in that they live and/or work outside of the twenty (20) mile radius requirement.

3. That regular meetings of the District Board for the year 2021 shall be held on June 7, 2021 and November 1, 2021 at 10:00 a.m., at the offices of Highland Development Company, LLC, 2100 Downing Street in the City and County of Denver, Colorado.

4. That special meetings of the District Board shall be held as often as the needs of the District require, upon notice to each director.

5. That, until circumstances change, and a future resolution of the District Board so designates, the location of all special and regular meetings of the District Board shall appear on the agenda(s) of said special and regular meetings.

6. That the residents and taxpaying electors of the District shall be given an opportunity to object to the meeting(s) location(s), and any such objections shall be considered by the District Board in setting future meetings.

7. That the District Board authorizes establishment of a District Website, if such District Website does not already exist, in order to provide full and timely notice of regular and special meetings of the District Board online pursuant to the provisions of Section 24-6-402(2)(c)(III), C.R.S.

8. That, if the District has established a District Website, the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to each regular and special meeting pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S.

9. That, if the District has not yet established a District Website or is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting due to exigent or emergency circumstances, the Notice of Meeting shall be posted within the boundaries of the District at least 24 hours prior to each meeting, pursuant to Section 24-6-402(2)(c)(I) and (III), C.R.S., at the following Designated Public Place:

(a) On a post within the boundaries of the District

10. Natalie Satt, or her designee, is hereby appointed to post the above-referenced notices.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND DESIGNATING LOCATION FOR 24-HOUR NOTICES]

RESOLUTION APPROVED AND ADOPTED on November 2, 2020.

BERKLEY SHORES METROPOLITAN DISTRICT

By:



President

Attest:



Secretary

RESOLUTION NO. 2020 - 11 – 02

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BERKLEY SHORES METROPOLITAN DISTRICT
TO ADOPT THE 2021 BUDGET AND APPROPRIATE SUMS OF MONEY**

WHEREAS, the Board of Directors of the Berkley Shores Metropolitan District (“District”) has appointed the District Accountant to prepare and submit a proposed 2021 budget to the Board at the proper time; and

WHEREAS, the District Accountant has submitted a proposed budget to this Board on or before October 15, 2020, for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 2, 2020, and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

WHEREAS, the Board of Directors of the District has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any interfund transfers listed therein, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Berkley Shores Metropolitan District:

1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Berkley Shores Metropolitan District for the 2021 fiscal year.

2. That the budget, as hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.

3. That the sums set forth as the total expenditures of each fund in the budget attached hereto as **EXHIBIT A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

ADOPTED this 2nd day of November, 2020.

Natalie Satt

Secretary

EXHIBIT A
(Budget)

BERKLEY SHORES METROPOLITAN DISTRICT

2021 Budget Message

Introduction

The District was formed in 2020 for the purpose of providing design, financing, acquisition, and construction, of certain infrastructure improvements including water, streets, sanitary sewer, and park and recreation. These improvements will be dedicated to the Crestview Water and Sanitation District and Adams County, or such other entities as appropriate for the use and benefit of the District taxpayers and service users.

The 2021 budget was prepared in accordance with the Local Government Budget Law of Colorado. The budget reflects the projected spending plan for the 2021 fiscal year based on available revenues.

The District's 2020 assessed value is \$195,980 an increase from \$110,030 the prior year. The District certified 60.000 mills for taxes collected in the 2020 fiscal year with 25.000 mills dedicated to the General Fund and 35.000 mills dedicated to the Debt Service Fund.

Budgetary Basis of Accounting

The District uses funds to budget and report on the financial position and results of operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain governmental functions. The various funds determine the total District budget. All of the District's funds are considered Governmental Funds and are reported using the current financial resources and the modified accrual basis of accounting. Revenues are recognized when they are measurable and available. Revenues are considered available when they are collectible within the current period. For this purpose, the District considers revenues to be available if they are collected within 60-days of the end of the current fiscal period. Expenditures, other than the interest on long-term obligations, are recorded when the liability is incurred or the long-term obligation paid.

Fund Summaries

The **General Fund** is used to account for resources traditionally associated with government such as property taxes, specific ownership tax and expenditures which include district administration, legal services, and other expenses related to statutory operations of a local government.

The **Debt Service Fund** is used to account for property taxes and other revenues dedicated to pay the fiscal year's debt expense which includes principal payments, interest payments, and administrative costs associated with debt obligations. The District issued debt in 2020 and below is a summary of the District's remaining \$2,312,000 Limited Tax (Convertible to Unlimited Tax) General Obligation Bonds:

Berkley Shores Metropolitan District

Bonds Principal and Interest Maturing in the Year Ending December 31,	\$2,312,000 Series 2020 Limited Tax (Convertible to Unlimited Tax) General Obligation Bonds		
	Principal	Interest	Total
2021	\$ -	\$ 121,380	\$ 121,380
2022	-	121,380	121,380
2023	-	121,380	121,380
2024	-	121,380	121,380
2025	-	121,380	121,380
2026	2,000	121,380	123,380
2027	2,000	121,275	123,275
2028	10,000	121,170	131,170
2029	10,000	120,645	130,645
2030	19,000	120,120	139,120
2031	20,000	119,123	139,123
2032	29,000	118,073	147,073
2033	31,000	116,550	147,550
2034	41,000	114,923	155,923
2035	43,000	112,770	155,770
2036	55,000	110,513	165,513
2037	58,000	107,625	165,625
2038	71,000	104,580	175,580
2039	74,000	100,853	174,853
2040	89,000	96,968	185,968
2041	94,000	92,295	186,295
2042	110,000	87,360	197,360
2043	116,000	81,585	197,585
2044	133,000	75,495	208,495
2045	140,000	68,513	208,513
2046	160,000	61,163	221,163
2047	169,000	52,763	221,763
2048	191,000	43,890	234,890
2049	201,000	33,863	234,863
2050	444,000	23,310	467,310
Total	\$ 2,312,000	\$ 2,933,700	\$ 5,245,700

The **Capital Projects Fund** is used to account for revenues and expenditures to complete capital projects such as new improvements and upgrades to existing infrastructure.

Emergency Reserve

As required by the TABOR amendment to the Colorado Constitution, the District has provided for an Emergency Reserve in the amount of 3% of the total fiscal year expenditures in the General Fund.

BERKLEY SHORES METROPOLITAN DISTRICT
Assessed Value, Property Tax and Mill Levy Information

	2019 Actual	2020 Adopted Budget	2021 Adopted Budget
Assessed Valuation	\$ -	\$ 110,030	\$ 195,980
Mill Levy			
General Fund	-	-	25.000
Debt Service Fund	-	-	35.000
Temporary Mill Levy Reduction	-	-	-
Refunds and Abatements	-	-	-
Total Mill Levy	<u>-</u>	<u>-</u>	<u>60.000</u>
Property Taxes			
General Fund	\$ -	\$ -	\$ 4,900
Debt Service Fund	-	-	6,859
Temporary Mill Levy Reduction	-	-	-
Refunds and Abatements	-	-	-
Actual/Budgeted Property Taxes	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 11,759</u>

BERKLEY SHORES METROPOLITAN DISTRICT

**GENERAL FUND
2021 Adopted Budget
with 2019 Actual, 2020 Adopted Budget, and 2020 Estimated**

	2019 Actual	2020 Adopted Budget	2020 Estimated	2021 Adopted Budget
BEGINNING FUND BALANCE	\$ -	\$ -	\$ -	\$ 4,500
REVENUE				
Property Tax Revenue	-	-	-	4,900
Specific Ownership Taxes	-	-	-	294
Developer Advance	-	50,000	50,000	175,000
Transfer fee	-	-	-	-
Operations Fee	-	-	-	-
Design Review Fee	-	-	-	-
Miscellaneous Income	-	-	-	-
Total Revenue	-	50,000	50,000	180,194
Total Funds Available	-	50,000	50,000	184,694
EXPENDITURES				
Accounting	-	8,000	8,000	15,000
Audit	-	1,000	-	5,000
Insurance/SDA Dues	-	3,500	3,500	8,000
Legal	-	15,000	15,000	15,000
Election	-	1,000	1,000	-
Management	-	15,000	15,000	17,500
Miscellaneous	-	3,000	3,000	2,000
Treasurer's Fees	-	-	-	74
Covenant Control	-	-	-	14,400
Billing	-	-	-	6,000
Landscape Maintenance	-	-	-	20,000
Landscape Improvements	-	-	-	-
Irrigation Repair	-	-	-	1,500
Snow Removal	-	-	-	13,000
Detention Pond Maintenance	-	-	-	5,000
Operations & Maintenance Reserve	-	-	-	5,000
Repairs & Maintenance	-	-	-	4,000
Fence Repairs	-	-	-	2,500
Utilities	-	-	-	25,000
Contingency	-	2,000	-	12,500
Total Expenditures	-	48,500	45,500	171,474
Transfers and Other Uses				
Emergency Reserve	-	1,500	-	5,406
Transfer to Other Funds	-	-	-	-
Total Transfers and Other Uses	-	1,500	-	5,406
Total Expenditures Requiring Appropriation	-	50,000	45,500	176,879
ENDING FUND BALANCE	\$ -	\$ -	\$ 4,500	\$ 7,815

BERKLEY SHORES METROPOLITAN DISTRICT

DEBT SERVICE FUND

2021 Adopted Budget

with 2019 Actual, 2020 Adopted Budget, and 2020 Estimated

	2019 Actual	2020 Adopted Budget	2020 Estimated	2021 Adopted Budget
BEGINNING FUND BALANCE	\$ -	\$ -	\$ -	\$ 521,480
REVENUE				
Property Tax Revenue	-	-	-	6,859
Specific Ownership Tax	-	-	-	412
Interest Income	-	-	-	-
Total Revenue	-	-	-	7,271
Total Funds Available	-	-	-	528,751
EXPENDITURES				
Bond Principal	-	-	-	-
Bond Interest	-	-	29,671	121,380
Paying Agent Fees	-	-	-	5,500
Miscellaneous Expense	-	-	-	250
Treasurer's Fees	-	-	-	-
Contingency	-	-	-	10,000
Total Expenditures	-	-	29,671	137,130
Transfers and Other Sources (Uses)				
Bond Proceeds	-	3,000,000	2,265,760	-
Bond Proceeds - Capitalized Interest	-	-	(333,120)	-
Bond Proceeds - Reserve Fund	-	-	(218,031)	-
Costs of Issuance	-	-	(186,236)	-
Transfer to Capital Projects Fund	-	(3,000,000)	(1,528,373)	-
Total	-	-	-	-
Total Expenditures Requiring Appropriation	-	3,000,000	2,236,089	137,130
ENDING FUND BALANCE	\$ -	\$ -	\$ 521,480	\$ 391,621

BERKLEY SHORES METROPOLITAN DISTRICT

CAPITAL PROJECTS FUND

2021 Adopted Budget

with 2019 Actual, 2020 Adopted Budget, and 2020 Estimated

	2019 YTD Actual	2020 Adopted Budget	2020 Estimated	2021 Adopted Budget
BEGINNING FUND BALANCE	\$ -	\$ -	\$ -	\$ 4,031,869
REVENUE				
Other Income	-	-	-	-
Transfers from other Funds	-	3,000,000	3,000,000	-
Total Revenue	-	3,000,000	3,000,000	-
Total Funds Available	-	3,000,000	3,000,000	4,031,869
EXPENDITURES				
Legal	-	-	-	12,000
Management	-	-	-	8,000
Miscellaneous	-	-	-	-
Engineering	-	-	2,625	5,400
Contingency	-	-	-	-
Capital Outlay	-	3,000,000	-	-
Total Expenditures	-	3,000,000	2,625	25,400
Transfers and Other Uses				
Transfer to Debt Service	-	-	-	-
Transfer from Debt Service	-	-	1,528,373	-
Developer Reimbursement	-	-	(493,879)	-
Total Transfers and Other Uses	-	-	1,034,494	-
Total Expenditures Requiring Appropriation	-	3,000,000	496,504	25,400
ENDING FUND BALANCE	\$ -	\$ -	\$ 4,031,869	\$ 4,006,469

I, Natalie Satt, hereby certify that I am the duly appointed Secretary of the Berkley Shores Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2021, duly adopted at a meeting of the Board of Directors of the Berkley Shores Metropolitan District held on November 2, 2020.

By: *Natalie Satt*
Secretary

RESOLUTION NO. 2020 - 11 – 03

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BERKLEY SHORES METROPOLITAN DISTRICT
TO SET MILL LEVIES**

WHEREAS, the Board of Directors of the Berkley Shores Metropolitan District (“District”) has adopted the 2021 annual budget in accordance with the Local Government Budget Law on November 2, 2020; and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2021 Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference; and

WHEREAS, the amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget; and

WHEREAS, the amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Berkley Shores Metropolitan District:

1. That for the purposes of meeting all general fund expenses of the District during the 2021 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

2. That for the purposes of meeting all debt service fund expenses of the District during the 2021 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

3. That the District Accountant of the District is hereby authorized and directed to immediately certify to the County Commissioners of Adams County, Colorado, the mill levies for the District as set forth in the District’s Certification of Tax Levies (attached hereto as **EXHIBIT A** and incorporated herein by reference), recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this 2nd day of November, 2020.

Natalie Satt

Secretary

EXHIBIT A
(Certification of Tax Levies)

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of Adams County, Colorado.

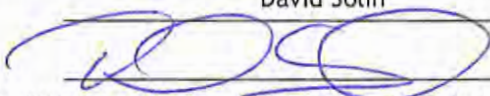
On behalf of the Berkley Shores Metropolitan District
(taxing entity)^A
 the Board of Directors
(governing body)^B
 of the Berkley Shores Metropolitan District
(local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ 195,980 assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ 195,980
(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)
USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted: 12/15/2020 for budget/fiscal year 2021
(no later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE <small>(see end notes for definitions and examples)</small>	LEVY ²	REVENUE ²
1. General Operating Expenses ^H	25.000 mills	\$ 4,900
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< 0 > mills	\$ < 0 >
SUBTOTAL FOR GENERAL OPERATING:	25.000 mills	\$ 4,900
3. General Obligation Bonds and Interest ^J	35.000 mills	\$ 6,859
4. Contractual Obligations ^K	0 mills	\$ 0
5. Capital Expenditures ^L	0 mills	\$ 0
6. Refunds/Abatements ^M	0 mills	\$ 0
7. Other ^N (specify): _____	0 mills	\$ 0
_____	0 mills	\$ 0
TOTAL: <small>[Sum of General Operating Subtotal and Lines 3 to 7]</small>	60.000 mills	\$ 11,759

Contact person: David Solin Daytime phone: (303) 987-0835
 (print)
 Signed:  Title: District Accountant

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 864-7720.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.
² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's FINAL certification of valuation).

CERTIFICATION OF TAX LEVIES, continued

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.). Taxing entities that are Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS^J:

1.	Purpose of Issue:	District Improvements	
	Series:	Limited Tax (Convertible to Unlimited Tax) G.O. Bonds, Series 2020A(3)	
	Date of Issue:	September 3, 2020	
	Coupon Rate:	5.250%	
	Maturity Date:	December 1, 2050	
	Levy:	35.000	
	Revenue:	\$6,859	

2.	Purpose of Issue:		
	Series:		
	Date of Issue:		
	Coupon Rate:		
	Maturity Date:		
	Levy:		
	Revenue:		

CONTRACTS^K:

3.	Purpose of Contract:		
	Title:		
	Date:		
	Principal Amount:		
	Maturity Date:		
	Levy:		
	Revenue:		

4.	Purpose of Contract:		
	Title:		
	Date:		
	Principal Amount:		
	Maturity Date:		
	Levy:		
	Revenue:		

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

RESOLUTION NO. 2020-11-04

**RESOLUTION OF THE BOARD OF DIRECTORS OF BERKLEY SHORES
METROPOLITAN DISTRICT AUTHORIZING ADJUSTMENT OF THE DISTRICT
MILL LEVY IN ACCORDANCE WITH THE COLORADO CONSTITUTION,
ARTICLE X, SECTION 3**

- A. Berkley Shores Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado pursuant to Title 32, Colorado Revised Statutes.
- B. The District operates pursuant to its Service Plan approved by Adams County, on August 20, 2019, (the “**Service Plan**”), which provides the District with the authority to impose mill levies on taxable property. Such mill levies will be the primary source of revenue for repayment of debt service, public improvements, and operations and maintenance costs of the District.
- C. The Service Plan authorizes the District to impose a mill levy of 50.000 mills for debt service, subject only to adjustment by the Gallagher Adjustment, as defined below (“**Maximum Debt Mill Levy**”).
- D. The Service Plan and Article X, Section 3 of the Colorado Constitution, (the “**Gallagher Amendment**”) authorize adjustment of the Maximum Debt Mill Levy in the event that the method of calculating assessed valuation is changed after January 1, 2016, by any change in law, change in method of calculation, or in the event of any legislation or constitutionally mandated tax credit, cut, or abatement. The Maximum Debt Mill Levy may be increased or decreased to reflect such changes. Such increases or decreases shall be determined by the Board in good faith (such determination to be binding and final) so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes.
- E. The Service Plan and Gallagher Amendment provide that, for purposes of the foregoing, a change in the ratio of actual valuation to assessed valuation shall be deemed to be a change in the method of calculating assessed valuation.
- F. The Colorado General Assembly (the “**General Assembly**”) passed House Bill 17-1349, signed by the Governor of Colorado on June 15, 2017, which amended Section 39-1-104.2, C.R.S. by setting the ratio of valuation for assessment for real residential property at 7.2% (decreased from 7.96%) for property tax years commencing on and after January 1, 2017, until the next property tax year that the General Assembly determined to adjust the ratio of valuation for assessment for residential real property.
- G. In 2019, the General Assembly passed Senate Bill 19-255, signed by the Governor of Colorado on June 3, 2019, further amending Section 39-1-104.2, C.R.S. by setting the ratio of valuation for assessment for real residential property at 7.15% (decreased from 7.2%) for property tax years commencing on or after January 1, 2019, until the next property tax year that the General Assembly determines to adjust the ratio of valuation for assessment for residential real property.

H. In order to mitigate the effect of the 2019 statutory change in the ratio of valuation for assessment for residential real property from 7.20% to 7.15%, so that actual tax revenues are neither diminished nor enhanced as a result of the change in the ratio of valuation for assessment, the Board determines it to be in the best interest of the District, its residents, users, property owners, and the public to further adjust the Maximum Debt Mill Levy.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Berkley Shores Metropolitan District, Adams County, Colorado:

1. The Board of the District hereby authorizes the adjustment of the Maximum Debt Mill Levy to reflect the 2019 statutory change in the ratio of valuation for assessment for residential real property to 7.15%.

2. The Gallagher Amendment allows for a total mill levy imposition of 55.664 mills for debt service (the “**Adjusted Debt Mill Levy**”) so that District revenues shall be neither diminished nor enhanced as a result of the change in the ratio of valuation for assessment to 7.15% pursuant to the authority granted by the Service Plan and the Gallagher Amendment.

3. The Adjusted Debt Mill Levy shall be reflected in the District’s Certification of Tax Levies to be submitted to the Adams Board of County Commissioners on or before December 15, 2020, for collection in 2021.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION AUTHORIZING ADJUSTMENT OF THE
DISTRICT MILL LEVY IN ACCORDANCE WITH THE COLORADO
CONSTITUTION, ARTICLE X, SECTION 3]**

RESOLUTION APPROVED AND ADOPTED ON November 2, 2020.

**BERKLEY SHORES METROPOLITAN
DISTRICT**



President

Attest:



Secretary

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE BERKLEY SHORES METROPOLITAN DISTRICT (THE “DISTRICT”) HELD JANUARY 11, 2021

A special meeting of the Board of Directors of the Berkley Shores Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, January 11, 2021, at 10:00 a.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via conference call. The meeting was open to the public via conference call.

Directors In Attendance Were:

Paul Malone
Philip Clow
Natalie Satt
Victoria Almagno

Following discussion, upon motion duly made by Director Malone seconded by Director Almagno and, upon vote, unanimously carried, the absence of Director Martines was excused.

Also In Attendance Were:

David Solin; Special District Services, Inc. (“SDMS”)

Megan M. Becher; McGeady Becher P.C.

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

Mr. Solin requested that the Directors consider whether they had any additional conflicts of interest to disclose. Mr. Solin noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes. Attorney Becher noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting.

**ADMINISTRATIVE
MATTERS**

Agenda: The Board reviewed the distributed Agenda for the District's special meeting.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Malone, seconded by Director Almagno and, upon vote unanimously carried, the Agenda for the special meeting was approved, as presented.

Approval of Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Malone, seconded by Director Almagno and, upon vote unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, the Board determined to conduct this meeting via conference call and encouraged public participation via conference call. The Board further noted that notice of the teleconference was duly posted and that it had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

Designation of 24-Hour Posting Location: Following discussion, upon motion duly made by Director Malone, seconded by Director Almagno, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24 hours prior to each meeting at the following location: on a post within the boundaries of the District.

PUBLIC COMMENTS

There were no public comments at this time.

LEGAL MATTERS

Cost Verification Report from Ranger Engineering, LLC dated January 4, 2021: The Board reviewed a Cost Verification Report from Ranger Engineering, LLC dated January 4, 2021 in the amount of \$1,276,219.34.

Following discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the Board approved the Cost Verification Report from Ranger Engineering, LLC dated January 4, 2021 in the amount of \$1,276,219.34.

Reimbursement to HDC 6300 Lowell Boulevard, LLLP under Facilities Funding and Acquisition Agreement in Amount of Costs Verified by Ranger Engineering, LLC: The Board discussed a reimbursement to HDC 6300 Lowell Boulevard, LLLP under Facilities Funding and Acquisition Agreement in amount of costs verified by Ranger Engineering, LLC.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the Board approved the reimbursement to HDC 6300 Lowell Boulevard, LLLP under Facilities Funding and Acquisition Agreement in amount of costs verified by Ranger Engineering, LLC.

Requisition of Funds Pursuant to the 2020 Bonds: The Board discussed the requisition of funds pursuant to the 2020 Bonds.

Following discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the Board approved the requisition of funds pursuant to the 2020 Bonds.

Necessary Actions in Conjunction Therewith the requisition of funds pursuant to the 2020 Bonds: Attorney Becher further discussed with the Board the necessary actions in conjunction therewith the requisition of funds pursuant to the 2020 Bonds.

Following discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the Board authorized the necessary actions in conjunction therewith the requisition of funds pursuant to the 2020 Bonds.

First Amendment to Operation Funding Agreement with HDC 6300 Lowell Boulevard, LLLP: The Board reviewed a First Amendment to the Operation Funding Agreement with HDC 6300 Lowell Boulevard, LLLP.

Following discussion, upon motion duly made by Director Clow, seconded by Director Satt and, upon vote, unanimously carried, the Board ratified approval of the First Amendment to the Operation Funding Agreement with HDC 6300 Lowell Boulevard, LLLP.

Rules and Regulations, Policies and Procedures of the District: Attorney Becher reviewed with the Board the Rules and Regulations, Policies and Procedures of the District. No action was necessary by the Board.

OTHER BUSINESS

Proposals for General Counsel Services and Engagement for Service and Process for Transition of General Counsel: The Board reviewed proposals for general counsel services.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Malone, seconded by Director Clow and, upon vote, unanimously carried, the Board approved the proposal from Jennifer L. Ivey with Icenogle Seaver Pogue, P.C.

Engagement for Service and Transition of General Counsel: The Board further discussed the engagement of Icenogle Seaver Pogue, P.C. for general counsel services and to initiate the process for the transition of general counsel.

Following discussion, upon motion duly made by Director Malone, seconded by Director Clow and, upon vote, unanimously carried, the Board approved the engagement of Icenogle Seaver Pogue, P.C. for general counsel services and to initiate the process for the transition of general counsel.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote unanimously carried, the meeting was adjourned.

Respectfully submitted,

By



Secretary for the Meeting

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
BERKLEY SHORES METROPOLITAN DISTRICT**

**A Resolution Designating an Official Custodian and a Custodian for Purposes of the
Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S.**

At a regular meeting of the Board of Directors of the Berkley Shores Metropolitan District, Adams County, Colorado, held at 10:00 A.M., on Monday, June 7, 2021, at 2100 N. Downing Street, Denver, Colorado 80205, at which a quorum was present, the following resolution was adopted:

WHEREAS, Berkley Shores Metropolitan District (the “District”) is a special district organized and existing pursuant to Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, the District is a political subdivision for purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S., as may be amended from time to time, (“CORA”), as defined in Section 24-72-202(5), C.R.S., and is thus subject to CORA; and

WHEREAS, the Board of Directors of the District (the “Board”) wishes to designate an “Official Custodian,” as that term is defined in Section 24-72-202(2), C.R.S., who is responsible for the maintenance, care, and keeping of the District’s public records, regardless of whether the records are in his or her actual personal custody and control; and

WHEREAS, the Board wishes to designate a “Custodian,” as that term is defined in Section 24-72-202(1.1), C.R.S., who shall serve as the repository for the District’s public records and shall have personal custody and control of the District’s public records and assist the Official Custodian with the maintenance, care, and keeping of the District’s public records.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
BERKLEY SHORES METROPOLITAN DISTRICT AS FOLLOWS:**

1. The Board, by a vote of 3 to 0, hereby designates the Secretary of the Board, which position is currently held by Nafalie Satt, but which may be held by other individuals in the future, as the Official Custodian of the District’s public records for purposes of CORA. This designation of the individual holding the position of Secretary of the Board as the Official Custodian of the District shall continue unless and until the Board amends or repeals this Resolution. Pursuant to Section 24-72-203(1)(a), C.R.S., the Official Custodian may develop rules for the inspection of the District’s public records as are reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the Custodian or the Custodian’s office.

2. The Board, by a vote of 3 to 0, hereby designates the District Manager, which position is currently held by David Solin, Special District Management Services, Inc., but which may be held by other individuals in the future, as the Custodian of the District's public records for purposes of CORA. The Custodian shall serve as the repository for the District's public records and shall have personal custody and control of the District's public records and assist the Official Custodian with the maintenance, care, and keeping of the District's public records.
3. All prior acts, orders, or resolutions, or parts thereof, by the District, as well as practices or policies of the District, in conflict with this Resolution, including but not limited to prior or conflicting designations for purposes of CORA, are hereby repealed and superseded by this Resolution.

[Remainder of page intentionally left blank.]

ADOPTED, APPROVED, AND MADE EFFECTIVE the 7th day of June, 2021.

BERKLEY SHORES METROPOLITAN DISTRICT



By: Paul Malone
Its: President

ATTEST:



By: David Solin
Its: Assistant Secretary

BERKLEY SHORES METROPOLITAN DISTRICT

**RULES RELATED TO REQUESTS FOR INSPECTION OF PUBLIC RECORDS
PURSUANT TO
THE COLORADO OPEN RECORDS ACT, SECTIONS 24-72-200.1 *et seq.*, C.R.S.**

WHEREAS, Berkley Shores Metropolitan District (the “District”) is a special district organized and existing pursuant to Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, the District is a political subdivision for purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S., as may be amended from time to time (“CORA”), as defined in Section 24-72-202(5), C.R.S., and is thus subject to CORA; and

WHEREAS, the District has designated an “Official Custodian,” as that term is defined in Section 24-72-202(2), C.R.S., who is responsible for the maintenance, care, and keeping of the District’s public records, regardless of whether the records are in his or her actual personal custody and control; and

WHEREAS, the District has designated a “Custodian,” as that term is defined in Section 24-72-202(1.1), C.R.S., who shall serve as the repository for the District’s public records and shall have personal custody and control of the District’s public records and assist the Official Custodian with the maintenance, care, and keeping of the District’s public records; and

WHEREAS, pursuant to Section 24-72-203(1)(a), C.R.S., the Official Custodian may make such rules with reference to the inspection of public records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Custodian and the Custodian’s office; and

WHEREAS, the Official Custodian finds it is necessary and in the best interests of the District to adopt certain rules with reference to the inspection of its public records.

NOW, THEREFORE, THE OFFICIAL CUSTODIAN MAKES AND ADOPTS THE FOLLOWING RULES WITH REFERENCE TO THE INSPECTION OF THE BERKLEY SHORES METROPOLITAN DISTRICT’S PUBLIC RECORDS:

1. Inspection of Public Records. All “Public Records” of the District, as such term is defined in Section 24-72-202(6), C.R.S., shall be available for public inspection by any person at reasonable times as provided in CORA, except as otherwise provided in CORA or as otherwise provided by law. All requests to inspect Public Records shall be in writing and delivered to the Custodian or his or her designee. Upon the receipt of a written request to inspect Public Records, the Custodian or his or her designee shall set a date and hour at which time the requested Public Records will be available for inspection, which date and hour of inspection shall be between the hours of 8:00 A.M. and 5:00 P.M., Mountain Standard Time, three (3) working days or less from the date such Public Records were requested for inspection unless extenuating circumstances exist as provided in Section 24-72-203(3)(b), C.R.S. The day the request is received, weekends, and

legally recognized holidays shall not count as a working day for the purposes of computing the date set for inspection of Public Records. A modification to a request for Public Records is considered a new request.

2. Notification for Inspecting Public Records Not Under Control of the Custodian. If the Public Records requested are not in the custody or control of the Custodian or the Official Custodian, the Custodian or his or her designee shall notify the person requesting to inspect such records that said records are not in the custody or control of the Official Custodian or the Custodian. The notification shall state in detail to the best of the Custodian's knowledge and belief, the reason for the absence of the records, the location of the records, and what person has custody or controls the records.
3. Notification for Inspecting Public Records in Use or Otherwise Unavailable. If the Public Records requested are in active use, in storage, or otherwise not readily available at the time requested, the Custodian or his or her designee shall notify the person requesting to inspect the Public Records of the status of the Public Records. Such notification shall be made in writing if desired by the person requesting to inspect the Public Records.
4. Copies of Public Records. Within the period specified in Section 24-72-203(3), C.R.S., the Custodian or his or her designee shall notify the person requesting a copy of the Public Records that a copy of the Public Records is available but will only be sent to the requester once the Custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, regardless of whether provided for herein, unless recovery of all or any portion of such costs or fees has been waived by the Custodian. Upon receipt of such payment, the Custodian or his or her designee shall send a copy of the Public Records to the requester as soon as practicable but no more than three (3) business days after receipt of, or making arrangements to receive, such payment.
5. Fees for Copies of Public Records. The Custodian or his or her designee shall furnish, for a fee as set forth herein, a copy, printout, or photograph of the District's Public Records requested. The fee shall be twenty-five cents (\$0.25) per standard page, or such other maximum amount as authorized by Section 24-72-205(5), C.R.S., for a copy, printout, or photograph of the Public Record except as follows:
 - a. When the format is other than a standard page, the fee shall not exceed the actual cost of providing the copy, printout, or photograph;
 - b. If other facilities are necessary to make a copy of the Public Records, the cost of providing the copy at the other facilities shall be paid by the person requesting the copy;
 - c. If the Public Records are a result of computer output other than word processing, the fee for a copy, printout, or photograph thereof may be based on recovery of the actual incremental costs of providing the electronic services and products

together with a reasonable portion of the costs associated with building and maintaining the information system;

- d. If, in response to a specific request, the District has performed a manipulation of data so as to generate a record in a form not used by the District, a reasonable fee may be charged to the person making the request, which fee shall not exceed the actual costs of manipulating the data and generating the record in accordance with the request; and
 - e. Where the fee for a certified copy or other copy, printout, or photograph of a Public Record is specifically prescribed by law, that specific fee shall apply in lieu of the fee(s) set forth herein.
6. Transmission Fees. In addition to the fees set forth above, where the person requesting the Public Record requests the transmission of a certified copy or other copy, printout, or photograph of a Public Record by United States mail or other non-electronic delivery service, the Custodian or his or her designee may charge the costs associated with such transmission, except that no transmission fees may be charged to the records requester for transmitting a Public Record via electronic mail.
7. Research and Retrieval Fees. In addition to the fees set forth above, in accordance with Section 24-72-205(6), C.R.S., the Official Custodian, Custodian, or his or her designee may charge a research and retrieval fee of \$33.58 per hour, or such other maximum hourly fee as may be adjusted from time to time pursuant to Section 24-72-205(6)(b), C.R.S., for time spent by the District's directors, employees, agents, and consultants researching, retrieving, gathering, collecting, compiling, preparing, redacting, manipulating, and/or otherwise producing records in order to respond to a request for Public Records. Provided, however, that such research and retrieval fee may not be imposed for the first hour of time expended in connection with such research and retrieval activities related to a request for Public Records, but may be imposed for each subsequent hour.
8. Payment of Fees. All fees associated with production of the District's Public Records requested by the person inspecting said Public Records, as set forth in Paragraphs 4 through 7 above, shall be received by the District before the delivery or inspection of said Public Records.
9. In Force Until Amended or Repealed. These rules of the Official Custodian shall remain in full force and effect unless and until such time as they are amended or repealed by the Official Custodian regardless of any change in either the individual serving as, or the designation of, the Official Custodian of the District.
10. Repealer. These rules of the Official Custodian shall supersede all previous versions of rules, regulations, practices and policies of the District related to inspection of Public Records.

[Remainder of page intentionally left blank.]

ADOPTED, APPROVED, AND MADE EFFECTIVE the 7th day of June, 2021.



By: David Solin
Official Custodian of Public Records
Berkley Shores Metropolitan District

TITLE	Berkely Shores Resolution
FILE NAME	002 Minutes - November 2, 2020.pdf and 3 others
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AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History



SENT

06 / 09 / 2021

16:45:00 UTC

Sent for signature to Paul Malone
 (pmalone@highlanddevelopmentco.com) from dsolin@sdmsi.com
 IP: 50.78.200.153



VIEWED

06 / 21 / 2021

17:55:04 UTC

Viewed by Paul Malone (pmalone@highlanddevelopmentco.com)
 IP: 174.194.133.87



SIGNED

06 / 21 / 2021

17:55:32 UTC

Signed by Paul Malone (pmalone@highlanddevelopmentco.com)
 IP: 174.194.133.87



COMPLETED

06 / 21 / 2021

17:55:32 UTC

The document has been completed.