

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BERKLEY SHORES METROPOLITAN DISTRICT (THE “DISTRICT”) HELD NOVEMBER 7, 2022

A regular meeting of the Board of Directors of the Berkley Shores Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 7, 2022, at 10:00 a.m., via Zoom. The meeting was open to the public.

Directors In Attendance Were:

Paul Malone, President

Natalie Satt, Secretary

Victoria Almagno, Assistant Secretary

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

Also In Attendance Were:

Peggy Ripko and Shana Jones; Special District Services, Inc. (“SDMS”)

Jennifer L. Ivey; Icenogle Seaver Pogue, P.C.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Ms. Ripko requested that the Directors consider whether they had any additional conflicts of interest to disclose. Ms. Ripko 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 Ivey noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State at least seventy-two hours in advance of the meeting.

PUBLIC COMMENTS

There were no public comments at this time.

ADMINISTRATIVE MATTERS

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

RECORD OF PROCEEDINGS

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

Approval of Meeting Location: The Board noted that notice of the time, date, and location of the meeting was duly posted.

Minutes: The Board reviewed the Minutes of the August 17, 2022 Special Meeting.

Following discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the Minutes of the August 17, 2022 Special Meeting were approved, as presented.

FINANCIAL MATTERS

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

Fund	Period Ending August 31, 2022	Period Ending Sept. 30, 2022	Period Ending Oct. 31, 2022
General	\$ 6,653.97	\$ 8,674.18	\$ 14,422.84
Debt	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 861.36	\$ 1,705.68	\$ 816.96
Total	\$ 7,515.33	\$ 10,379.86	\$ 15,239.80

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

Unaudited Financial Statements and Schedule of Cash Position: Ms. Ripko reviewed with the Board the unaudited financial statements of the District, setting forth the cash deposits, investments, budget analysis and the schedule of cash position statement updated as of September 30, 2022.

Following review and discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the unaudited financial statements and the schedule of cash position statement were accepted, as presented.

2022 Audit: The Board reviewed the proposal from Simmons & Wheeler, PC to perform the 2022 Audit.

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 engagement of Simmons & Wheeler, PC to perform the 2022 Audit, for an amount not to exceed \$7,700.

2022 Budget Amendment Hearing: Ms. Ripko opened the public hearing to consider the Resolution to Amend the 2022 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 2022 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 this public hearing. No public comments were received, and the public hearing was closed.

Following review and discussion, Director Malone moved to adopt the Resolution to Amend 2022 Budget, Director Satt seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-01 to Amend the 2022 Budget and appropriate sums of money. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

2023 Budget Hearing: Director Malone opened the public hearing to consider the Resolution to Adopt the 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Adopt the 2023 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 this public hearing. No public comments were received, and the public hearing was closed.

The Board entered into discussion regarding the 2023 Budget. Following discussion, upon motion duly made by Director Malone, seconded by Director Satt and, upon vote, unanimously carried, the Board approved continuing consideration of the 2023 Budget to the November 16, 2023 continued meeting, with direction to Ms. Ripko and Mr. Ruthven regarding revisions to the draft 2023 Budget.

LEGAL MATTERS

Election Resolution: Ms. Ivey presented to and reviewed with the Board the 2023 Regular Special District Election Resolution. Following discussion and upon motion by Director Satt, second by Director Malone, and unanimous vote, the Board of Directors approved the 2023 Regular Special District Election Resolution. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

RECORD OF PROCEEDINGS

Annual Resolution: Ms. Ivey presented to and reviewed with the Board a resolution, prepared annually to handle the District's ongoing operation and business. After review and discussion, upon motion by Director Malone, second by Director Satt, and unanimous vote, the Board of Directors approved the resolution including the election of the following officers to the Board of Directors and regular meeting date/location:

President/Chairman:	Paul Malone
Treasurer:	Philip Clow
Secretary:	Natalie Satt
Assistant Secretary:	Michael Martines
Assistant Secretary:	Victoria Almagno

June 5, 2023 and November 6, 2023, at 10:00 A.M., via video conference. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2023: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023.

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

2022 Legislative Report: Ms. Ivey presented to and reviewed with the Board a memorandum regarding 2022 Legislation.

Senate Bill 21-262 Website Compliance: Ms. Ivey discussed with the Board SB 21-262 Website Compliance.

Amendment to Advance and Reimbursement Agreement for Operations and Maintenance Expenses: Attorney Ivey reviewed with the Board an Amendment to Advance and Reimbursement Agreement for Operations and Maintenance Expenses.

Following discussion, upon motion duly made by Director Satt, seconded by Director Malone and, upon vote unanimously carried, the Board approved continuing consideration of the Amendment to Advance and Reimbursement Agreement for Operations and Maintenance Expenses to the November 16, 2022 continued meeting.

RECORD OF PROCEEDINGS

Executive Session: Pursuant to Section 24-6-402(4)(b), C.R.S., upon motion duly made by Director Satt, seconded by Director Malone and, upon an affirmative vote, the Board convened in executive session at 10:21 a.m. for the purpose of receiving legal advice on specific legal questions related to trash service.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the remaining portion of this executive session that, in the opinion of the District's general counsel, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

Upon motion duly made by Director Malone, seconded by Director Satt and, upon an affirmative vote, the Board reconvened in regular session at 10:27 a.m.

COVENANT ENFORCEMENT MATTERS

Landscape Maintenance: The Board discussed the update to the landscape maintenance.

Architectural Review: The Board discussed the fencing requests submitted for architectural review. The Board directed the manager to submit fencing violation to Altitude Law for enforcement action.

Covenant Conditions and Restrictions:

Lot Lines, Fencing Matters and Landscape Maintenance Options: Attorney Ivey discussed the matter of public access to the District-maintained areas with the Board. No action was taken by the Board.

CONSTRUCTION MATTERS

Development: The Board entered into discussion regarding the status of the development.

OTHER BUSINESS

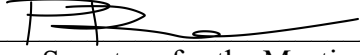
Agreement with Waste Management: Attorney Ivey updated the Board on the status of the agreement with Waste Management.

RECORD OF PROCEEDINGS

CONTINUATION OF MEETING

Upon motion duly made by Director Malone, seconded by Director Satt, and upon vote, unanimously carried, the meeting was continued to November 16, 2022 at 12:00 p.m. via Zoom Meeting.

Respectfully submitted,

By  _____
Secretary for the Meeting