

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BERKLEY SHORES METROPOLITAN DISTRICT (THE "DISTRICT") HELD NOVEMBER 6, 2023

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 6, 2023, at 10:00 a.m., via Zoom. The meeting was open to the public.

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Directors In Attendance Were:

Paul Malone, President  
Michael Martines, Assistant Secretary  
Victoria Almagno, Assistant Secretary

Also In Attendance Were:

Peggy Ripko and Travis Hunsaker; Special District Services, Inc. ("SDMS")

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

Daniel Cohen; Board Candidate

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**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.

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**PUBLIC  
COMMENTS**

There were no public comments at this time.

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**ADMINISTRATIVE  
MATTERS**

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

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

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**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 November 7, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Minutes of the November 7, 2022 Regular Meeting were approved, as presented.

**May 2, 2023 Election:** Ms. Ripko advised the Board that the May 2, 2023 election was cancelled, as allowed under Colorado law, by the Designated Election Official because there were no more candidates than positions available on the Board of Directors. It was noted that Director Victoria Almagno was deemed elected to a 4-year term ending in May, 2027.

**Appointment to the Board of Directors:** The Board discussed the need to fill the vacancies on the Board and deferred action on this item to the end of the meeting.

**2022 Annual Report:** The Board reviewed the 2022 Annual Report.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board approved the 2022 Annual Report.

### **FINANCIAL MATTERS**

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

Fund	Period Ending Nov. 30, 2022	Period Ending Dec. 31, 2022	Period Ending Jan. 31, 2023	Period Ending Feb 28, 2023
General	\$ 3,687.32	\$ 13,334.95	\$ 11,927.80	\$ 14,163.83
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 962.16	\$ 2,003.04	\$ 906.00	\$ 1,430.22
<b>Total</b>	<b>\$ 4,649.48</b>	<b>\$ 15,337.99</b>	<b>\$ 12,833.80</b>	<b>\$ 15,594.05</b>

Fund	Period Ending March 31, 2023	Period Ending April 30, 2023	Period Ending May 31, 2023	Period Ending Jun 30, 2023
General	\$ 11,613.45	\$ 8,257.56	\$ 7,225.59	\$ 12,136.59
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 1,034.28	\$ 1,017.60	\$ 1,654.20	\$ 1,335.84
<b>Total</b>	<b>\$ 12,647.73</b>	<b>\$ 9,275.16</b>	<b>\$ 8,879.79</b>	<b>\$ 13,472.43</b>

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Fund	Period Ending July 31, 2023	Period Ending Aug. 31, 2023	Period Ending Sept 30, 2023	Period Ending Oct. 31, 2023
General	\$ 7,655.39	\$ 16,433.53	\$ 15,735.14	\$ 13,040.37
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 1,415.22	\$ 1,620.90	\$ 955.62	\$ 1,184.20
<b>Total</b>	<b>\$ 9,070.61</b>	<b>\$ 18,054.43</b>	<b>\$ 16,690.76</b>	<b>\$ 14,224.57</b>

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines 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, 2023.

Following review and discussion, upon motion duly made by Director Malone, seconded by Director Martines 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 2022 Audit.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board ratified approval of the 2022 Audit.

**2023 Audit:** The Board reviewed the proposal from Simmons & Wheeler, PC to perform the 2023 Audit.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board approved the engagement of Simmons & Wheeler, PC to perform the 2023 Audit, for an amount not to exceed a 5% increase.

**2024 Budget Hearing:** Director Malone opened the public hearing to consider the Resolution to Adopt the 2024 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 2024 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 2024 Budget.

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Ms. Ripko reviewed with the Board the proposed 2024 budget and Ms. Ivey presented to the Board of Directors a Resolution for approval and adoption of the 2024 budget, appropriating funds therefor, and certification of a mill levy thereunder. After review and discussion, upon motion by Director Malone, second by Director Martines, and unanimous vote, the Board of Directors approved the resolution adopting the 2024 budget, appropriating the funds to the approved budget, and certifying the mill levies as provided in the budget.

**2025 Budget:** The Board discussed appointing the District Accountant to prepare the 2025 Budget.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board approved appointing the District Accountant to prepare the 2025 Budget.

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### **LEGAL MATTERS**

**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 Martines, 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
Secretary:	Peggy Ripko
Assistant Secretary:	Victoria Almagno

June 3, 2023 and November 4, 2023, at 10:00 A.M., via video conference. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**Amendment to Operation Funding Agreement for Operations and Maintenance Expenses:** The Board reviewed the Amendment to Operation Funding Agreement for Operations and Maintenance Expenses.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board approved the Amendment to Operation Funding Agreement for Operations and Maintenance Expenses.

**Services Agreement with Waste Management:** The Board discussed the Trash Removal Services Agreement with Waste Management.

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Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board approved moving forward with the existing contract.

**2023 Legislative Report:** Ms. Ivey presented to and reviewed with the Board a memorandum regarding 2023 Legislation.

### **COVENANT ENFORCEMENT MATTERS**

**3470 West 62<sup>nd</sup> Place and 3520 West 62<sup>nd</sup> Place:** The Board discussed the request from 3470 West 62<sup>nd</sup> Place and 3520 West 62<sup>nd</sup> Place regarding pavers.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board approved the request from 3470 West 62<sup>nd</sup> Place and 3520 West 62<sup>nd</sup> Place regarding pavers.

**2023 Snow Removal Services Contract:** The Board reviewed a Snow Removal Services Contract with Environmental Designs Inc. for 2023.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board ratified approval of the Snow Removal Services Contract with Environmental Designs Inc. for 2023.

**2023 Landscape Maintenance Agreement:** The Board reviewed a Landscape Maintenance Agreement with Environmental Designs Inc. for 2023.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board ratified approval of the Landscape Maintenance Agreement with Environmental Designs Inc. for 2023.

**Landscape Enhancement Contract:** The Board reviewed a Landscape Enhancement Contract with Environmental Designs Inc. for tree wrap services.

Following discussion, upon motion duly made by Director Malone, seconded by Director Martines and, upon vote, unanimously carried, the Board ratified approval of the Landscape Enhancement Contract with Environmental Designs Inc. for tree wrap services.

**Dog Urine Killing Grass:** The Board discussed dog urine killing grass and possible ways to address.

**Resolution Adopting Amended Rules and Regulations:** The Board reviewed a Resolution Adopting Amended Rules and Regulations.

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Following discussion, upon motion duly made by Director Martines, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the Resolution Adopting Amended Rules and Regulations.

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### CONSTRUCTION MATTERS

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

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### OTHER BUSINESS

**Appointment of Directors:** The Board considered the appointment of Daniel Cohen, Pedram Davoudpour and Alycia Steiner to fill the vacancies on the Board. The Board asked questions of the Board Candidates.


Director Martines tendered his resignation from the Board. Following discussion, upon motion duly made by Director Malone, seconded by Director Almagno and, upon vote, unanimously carried, Daniel Cohen, Pedram Davoudpour and Alycia Steiner were appointed to fill the vacancies on the Board.

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### ADJOURNMENT

Upon motion duly made by Director Malone, seconded by Director Almagno, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By   
Secretary for the Meeting

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## Document History



SENT

**01 / 22 / 2024**  
14:32:40 UTC-7

Sent for signature to Paul Malone (pmalone@highlanddevelopmentco.com) and Peggy Ripko (pripko@sdmsi.com) from sstevens@sdmsi.com  
IP: 50.78.200.153



VIEWED

**01 / 22 / 2024**  
14:37:47 UTC-7

Viewed by Peggy Ripko (pripko@sdmsi.com)  
IP: 50.78.200.153



SIGNED

**01 / 22 / 2024**  
14:38:16 UTC-7

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IP: 50.78.200.153



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**01 / 22 / 2024**  
14:48:51 UTC-7

Viewed by Paul Malone (pmalone@highlanddevelopmentco.com)  
IP: 50.209.235.9



SIGNED

**01 / 22 / 2024**  
14:49:04 UTC-7

Signed by Paul Malone (pmalone@highlanddevelopmentco.com)  
IP: 50.209.235.9



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**01 / 22 / 2024**  
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The document has been completed.