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## RECORD OF PROCEEDINGS

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### Minutes of the Meeting of the Board of Directors of the Berry Creek Metropolitan District on December 9, 2025

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado, was held December 9, 2025, at 4:00 p.m., in accordance with the applicable statutes of the State of Colorado. The Board met in joint session with the members of the Board of Directors of the Singletree Property Owners Association (SPOA). These minutes are the minutes of the BCMD portion of the meeting and separate minutes record the SPOA portion of the meeting.

#### ATTENDANCE

The following BCMD Directors were present and acting:

- Cara Turner
- Charles Dawson
- David Viele, Virtually
- Trevor Broersma

Also, in attendance were:

- Nina Timm, Community Manager
- Ken Marchetti, Marchetti & Weaver, Virtually (arrived late)
- Todd Neifert, Operations Manager, Virtually
- Dan Godec, SPOA Board Member
- Happy Power, SPOA Board Member
- Jennie Longville May, SPOA Board Member
- Karen Zavis, SPOA Board Member
- Ron Rubinoff, SPOA Board Member
- Tim Swaner, Eagle Valley Wildland
- Helen Burton, Resident, Virtually
- Brian Bevan, Virtually
- Ben Aiello, Resident, Virtually
- George Gregory, Resident

#### CALL TO ORDER

Director Broersma called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order December 9, 2025, at 4:00 p.m., noting a quorum was present.

#### DISCLOSURE MATTERS

Pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed their conflicts of interest, stating the facts and summary

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nature of any matters as required under Colorado law, to permit the official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

### **AGENDA**

The BCMD meeting agenda was changed to move the financials, and 2026 budget consideration to the end of the agenda.

### **PUBLIC INPUT**

There was no public input.

### **OCTOBER 28, 2025, MEETING MINUTES**

The Board reviewed October 28, 2025, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve October 28, 2025, meeting minutes.

### **DECEMBER 2, 2025, MEETING MINUTES**

The Board reviewed December 2, 2025, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve December 2, 2025, meeting minutes.

### **EAGLE VALLEY WILDLAND 2025 YEAR IN REVIEW AND 2026 FUNDING REQUEST**

Tim Swaner, Eagle Valley Wildland, provided the 2025 year in review which included successful cross-boundary mitigation on adjacent USFS lands, more chipping material in Singletree than was anticipated (a sign of the program's success), and 164 residential inspections.

Approximately 5% of residents have responded to Eagle Valley Wildland residential inspections. This is a comparable rate to other communities and the data collected provides the Fire Department with other important information. The \$100,000 contribution in 2025 resulted in \$144,000 in value provided to the community due to matching funds.

In 2026, the goal is to double the number of residential inspections and continue with the cross-boundary wildfire mitigation on USFS lands.

### **UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)**

- They will be hearing a rate structure appeal at their meeting.

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- The goal is to preserve the consumptive Shoshone Water Right. Supervision of water rights is likely to be shared between multiple agencies.
- The cost of an acre feet of water will increase from \$78,000/acre feet in 2025, to \$96,000/acre feet in 2026.
- Based on construction concerns with the new Northern Reservoir on the front range, ERWSD is being cautious in planning the Bolts Lake Reservoir construction.
- Eagle County is currently in severe drought conditions. The past 22 years have been the driest in the past 1,200 years.
- The Board gave thanks to George Gregory for his service!

### OPERATIONS REPORT

- The patio furniture has been put away for the season.
- The cross-walk signs have been put away for the season.
- The holiday lights have been turned on for the season.
- The second bid to replace the water heater in Building A came in at almost one-half the price of the first bid. It has been accepted and the work will be scheduled.

### OPEN ITEM STATUS REPORT

- The report will be updated to reflect the projects identified in the 2026 budget.

### COMMUNITY MANAGER'S REPORT

- The Beyond Lawn Program is willing to work with Berry Creek Metro District to provide more inspections and plans for residents at no charge as well as work with the Design Review Committee to ensure the plans meet the design expectations of the community. They also coordinate with Eagle Valley Wildland to provide plans that reduce wildfire risk too. Their goal is always to have a native Colorado look to yards and plant material. We will also host workshops for residents to come and learn more about water-wise yards.
- The Holiday Party is on Sunday, December 14, from 4 PM to 6 PM at the Community Center.

### OCTOBER 2025 FINANCIAL STATEMENT

Expenditures and revenues are tracking with the adopted budget. Following review, by motion duly made and seconded, it was unanimously

**RESOLVED** to accept the October 2025 financial statement as presented.

### PAYMENT OF NOVEMBER AND DECEMBER 2025 INVOICES

Following review of the payments, by motion duly made and seconded, it was unanimously

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**RESOLVED** to approve the November and December 2025 invoices for payment.

### **2026 BUDGET ADOPTION, SET MILL LEVIES, AND APPROPRIATE SUMS OF MONEY RESOLUTIONS**

The resolutions today will establish the 2026 budget, set the mill levies rates, and appropriate sums of money. There was an extensive work session on December 2, and the budget presented today reflects the input at that work session. It creates funding for operations, maintenance, and Capital Asset replacement and new projects. The budget includes \$15,000 for the Beyond Lawn program based on their commitment to work with the Design Review Committee and provide complimentary inspections and plans to Singletree residents. The Board believes this provides tangible benefits to owners.

Following the discussion there was a call for public input and there was no public input.

After reviewing the three resolutions to adopt the 2026 budget, set mill levies, and appropriate sums of money, by motion duly made and seconded, it was unanimously

**RESOLVED** to approve the three resolutions adopting the 2026 budget, setting the mill levies, and appropriating sums of money.

### **ADJOURNMENT**

There being no further business to come before the Board, by motion duly made and seconded, it was unanimously

**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors on this 9<sup>th</sup> day of December 2025.

Respectfully submitted,

Nina Timm

**RESOLUTIONS OF BERRY CREEK METROPOLITAN DISTRICT**

**TO ADOPT 2026 BUDGET**

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE BERRY CREEK METROPOLITAN DISTRICT, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2026 AND ENDING ON THE LAST DAY OF DECEMBER 2026.

WHEREAS, the Board of Directors of the Berry Creek Metropolitan District has appointed a budget committee to prepare and submit a proposed 2026 budget at the proper time; and

WHEREAS, such committee has submitted a proposed budget to this governing body at the proper time, 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, and a public hearing was held on December 9, 2025. Interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado:

Section 1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Berry Creek Metropolitan District for the year stated above, as adjusted for immaterial changes in the final certified assessed value of the District as certified by the county assessor and corresponding adjustments resulting from such changes to the assessed value. In the event there are material changes to the assessed value then a subsequent meeting of the Board shall be called to consider such changes. Furthermore, to the extent capital or significant operating expenditures forecasted for the current year are anticipated to be extended into the following year, the expenditures and offsetting change in the budgeted beginning fund balance shall be updated to reflect management's best estimate at the time the budget is to be filed with the Colorado Division of Local Affairs.

Section 2. That the budget hereby approved and adopted shall be certified by any officer or the District Administrator of the District and made a part of the public records of the District.

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**RESOLUTIONS OF BERRY CREEK METROPOLITAN DISTRICT (CONTINUED)**

**TO SET MILL LEVIES**

A RESOLUTION LEVYING PROPERTY TAXES FOR THE YEAR 2026, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE BERRY CREEK METROPOLITAN DISTRICT, EAGLE COUNTY, COLORADO, FOR THE 2026 BUDGET YEAR.

WHEREAS, the Board of Directors of the Berry Creek Metropolitan District, has adopted the annual budget in accordance with the Local Government Budget Law, on December 9, 2025 and;

WHEREAS, the amount of money necessary to balance the budget for general operating expenses and capital expenditure purposes from property tax revenue is \$1,315,483.76 and;

WHEREAS, the Berry Creek Metropolitan District finds that it is required to temporarily lower the general operating mill levy to render a refund for \$5,113.93, and;

WHEREAS, the amount of money necessary to balance the budget for capital expenditure purposes from property tax revenue approved by voters or at public hearing is \$0.00, and;

WHEREAS, the amount of money necessary to balance the budget for voter approved bonds and interest is \$63,472.92 and;

WHEREAS, the 2025 valuation for assessment for the Berry Creek Metropolitan District, as certified by the County Assessor is \$150,409,760.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the BERRY CREEK METROPOLITAN DISTRICT, EAGLE COUNTY, COLORADO:

- Section 1. That for the purposes of meeting all general operating expenses of the Berry Creek Metropolitan District during the 2026 budget year, there is hereby levied a tax of 8.746 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2025.
- Section 2. That for the purposes of rendering a refund to its constituents during budget year 2026 there is hereby levied a temporary tax credit/mill levy reduction of 0.034 mills.
- Section 3. That for the purpose of meeting all capital expenditures of the Berry Creek Metropolitan District during the 2026 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2025.

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**RESOLUTIONS OF BERRY CREEK METROPOLITAN DISTRICT (CONTINUED)**

**TO SET MILL LEVIES (CONTINUED)**

Section 4. That for the purpose of meeting all payments for bonds and interest of the Berry Creek Metropolitan District during the 2026 budget year, there is hereby levied a tax of 0.422 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2025.

Section 5. That for the purpose of recouping refunds and abatements of the Berry Creek Metropolitan District during the 2026 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2025.

Section 6. That any officer or the District Administrator is hereby authorized and directed to either immediately certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Berry Creek Metropolitan District as hereinabove determined and set, or be authorized and directed to certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Berry Creek Metropolitan District as hereinabove determined and set based upon the final (December) certification of valuation from the county assessor.

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## **RESOLUTIONS OF BERRY CREEK METROPOLITAN DISTRICT (CONTINUED)**

### **TO APPROPRIATE SUMS OF MONEY** (PURSUANT TO SECTION 29-1-108, C.R.S.)

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE BERRY CREEK METROPOLITAN DISTRICT, EAGLE COUNTY, COLORADO, FOR THE 2026 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on December 9, 2025, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal or greater to 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 and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BERRY CREEK METROPOLITAN DISTRICT, EAGLE COUNTY, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purposes stated:

GENERAL FUND:

Current Operating Expenses	\$970,033
Capital Outlay	719,500
Transfer to Debt Service Fund	296,784
Transfer to Capital Projects/Replacement Fund	<u>165,000</u>
<b>TOTAL GENERAL FUND:</b>	<b><u>\$2,151,317</u></b>

CAPITAL PROJECTS/REPLACEMENT FUND:

Capital and Replacement Expenditures	<u>\$719,500</u>
<b>TOTAL CAPITAL PROJECTS/REPLACEMENT FUND:</b>	<b><u>\$719,500</u></b>

DEBT SERVICE FUND:

Debt Service Expenditures	<u>\$381,111</u>
<b>TOTAL DEBT SERVICE FUND:</b>	<b><u>\$381,111</u></b>

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**RESOLUTIONS OF BERRY CREEK METROPOLITAN DISTRICT (CONTINUED)**

**TO ADOPT 2026 BUDGET, SET MILL LEVIES AND**  
**APPROPRIATE SUMS OF MONEY**  
**(CONTINUED)**

The above resolutions to adopt the 2026 budget, set the mill levies and to appropriate sums of money were adopted this 9th day of December, 2025.

Attest: Cara Turner

Title: Treasurer