



AGENDA
COUNCIL MEETING
4040 S. BERKELEY LAKE RD.
BERKELEY LAKE, GEORGIA 30096
JANUARY 19, 2023

7:00 PM Work Session | 8:00 PM Formal Session

Citizens are encouraged to offer comments on issues of concern as agenda items are reached and at the end of the meeting for all other issues. Please limit citizen comments to 2 minutes. Longer citizen comments are welcome in writing and will be added to the official record of this meeting.

WORK SESSION

CALL TO ORDER

AGENDA

CONSENT AGENDA

- a) Minutes of December 1, 2022, Council Meeting
- b) Financial Statements of November 2022 – Unaudited
- c) Finance: 2022 Audit Engagement Letter – James L. Whitaker, P.C.

OLD BUSINESS

NEW BUSINESS

- a) Code of Conduct Affirmation
- b) Election of Mayor pro tempore
- c) Mayoral Appointments
- d) R-23-1: Set general election qualifying dates and fees; appoint superintendent
- e) Human Resources: Pay-Scale Adjustment

EXECUTIVE SESSION *(if needed)*

CITIZEN COMMENTS

ADJOURNMENT

Requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Berkeley Lake government should be made at least five days prior to the event by contacting the ADA Coordinator at 770-368-9484.



**SPECIAL CALLED COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
DRAFT MINUTES
DECEMBER 1, 2022**

ATTENDANCE

Mayor: Lois Salter

Council Members: Rodney Hammond, Scott Lee, Chip McDaniel and Rebecca Spitler

City Officials: Leigh Threadgill - City Administrator

Dick Carothers – City Attorney

Members of the Public: 0

Members of the Press: 0

WORK SESSION

The mayor and council reviewed the meeting agenda and materials with staff.

CALL TO ORDER

Salter called the meeting to order at 8:02 PM. A quorum of council members was in attendance.

AGENDA

Salter solicited motions regarding the agenda.

Hammond made a motion to accept the agenda as submitted. McDaniel seconded the motion. All council members were in favor and the motion passed.

PUBLIC HEARING

- a) O-22-245 – Proposed Amendment to Sections 78-3(Definitions), 78-111(Walls and Fences), and 78-203(RMD Residential Multifamily Duplex District) of the Zoning Ordinance regarding short-term rentals and front yard walls and fences

Salter solicited comments from the public regarding the proposed zoning ordinance amendment.

There were no comments.

CONSENT AGENDA

Salter noted the following as items on the consent agenda and solicited a motion:

- a) Minutes of November 17, 2022, Council Meeting
- b) Financial Statements of October 2022 – Unaudited
- c) Public Works: Waste Management Contract Addendum for 2023 services
- d) Council Confirmation of George Kaffezakis Appointment to Planning & Zoning Commission
- e) Finance: Policy Setting a Capital Expense Minimum

Lee made a motion to approve all items on the consent agenda. Spitler seconded the motion. All were in favor and the motion passed.

OLD BUSINESS

- a) O-22-244 – Proposed 2023 Budget

Threadgill: O-22-244 is the proposed budget for 2023. This measure as presented anticipates no increase in the real property tax millage rate for 2023 over the rollback rate for 2022. The measure is presented for adoption.

Spitler made a motion to adopt O-22-244, an ordinance to establish the budget for the year 2023, to repeal conflicting ordinances, to provide for an effective date and for other purposes. Hammond seconded the motion. All were in favor and the motion passed.

- b) O-22-245 – Proposed Amendment to Sections 78-3(Definitions), 78-111(Walls and Fences), and 78-203(RMD Residential Multifamily Duplex District) of the Zoning Ordinance regarding short-term rentals and front yard walls and fences

Threadgill: O-22-245 is a proposed amendment to the zoning ordinance. Section 78-3, Definitions, is proposed for amendment to add a definition of short-term rental as well as to fix formatting, spelling and grammatical errors. Section 78-203 is proposed for amendment to add short-term rentals as a permitted use in the RMD, Residential Multifamily Duplex district, subject to certain criteria. Section 78-111 is proposed for amendment to add standards governing walls and fences in the front yard. The Planning & Zoning Commission considered the proposed amendments at their meeting on October 25, 2022, and recommended approval. The measure is presented for second read and adoption.

McDaniel made a motion to place O-22-245, an ordinance to amend Sections 78-3(Definitions), 78-111(Walls and Fences), and 78-203(RMD Residential Multifamily Duplex District) to adopt regulations pertaining to short-term rentals and front yard walls and fences, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on

second read and to adopt the amendment. Lee seconded the motion. All were in favor and the motion passed.

NEW BUSINESS

There was no new business to discuss.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

There being no further business to discuss, Spitler moved to adjourn. Hammond seconded the motion. All were in favor and the motion passed.

Salter adjourned the meeting at 8:06 PM.

Submitted by:

Leigh Threadgill, City Clerk

City of Berkeley Lake

Budget vs. Actuals: 2022 Capital and Operating Budget - FY22 P&L

January - November, 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
100 100 General	1,513,185	1,435,684	77,501	105.00 %
230.33.2100 ARP Act 230.33.2100		319,464	-319,464	
320 320 SPLOST Income	417,322	982,208	-564,886	42.00 %
Total Income	\$1,930,507	\$2,737,356	\$ -806,849	71.00 %
GROSS PROFIT	\$1,930,507	\$2,737,356	\$ -806,849	71.00 %
Expenses				
1 Gen Govt	383,893	546,565	-162,672	70.00 %
2 Judicial	1,372	9,190	-7,818	15.00 %
230 ARP Act Expenses 230	198,407	720,348	-521,941	28.00 %
3 Public Safety	92,633	141,819	-49,186	65.00 %
4 Public Works	87,626	149,869	-62,243	58.00 %
6 Culture and Recreation	12,903	20,580	-7,677	63.00 %
7 Housing and Development	23,399	119,100	-95,701	20.00 %
SPLOST Expenses	14,271	1,029,885	-1,015,614	1.00 %
Total Expenses	\$814,506	\$2,737,356	\$ -1,922,850	30.00 %
NET OPERATING INCOME	\$1,116,001	\$0	\$1,116,001	0%
NET INCOME	\$1,116,001	\$0	\$1,116,001	0%

City of Berkeley Lake

Income & Expense

November 2022

	TOTAL
Income	
100 100 General	53,941.93
320 320 SPLOST Income	38,800.85
Total Income	\$92,742.78
GROSS PROFIT	\$92,742.78
Expenses	
1 Gen Govt	38,929.07
230 ARP Act Expenses 230	129,612.72
3 Public Safety	6,240.19
4 Public Works	14,474.10
6 Culture and Recreation	361.35
7 Housing and Development	1,339.90
Total Expenses	\$190,957.33
NET OPERATING INCOME	\$ -98,214.55
NET INCOME	\$ -98,214.55

City of Berkeley Lake

Balance Sheet

As of November 30, 2022

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Debt Service Fund	0.00
General Fund	4,147,831.17
SPLOST Fund	947,801.19
Suspense 1.11.1000	0.00
Total Bank Accounts	\$5,095,632.36
Accounts Receivable	
Accounts Rec 1.11.1900.1	8,079.80
Total Accounts Receivable	\$8,079.80
Other Current Assets	
1.11.27 Grant Receivable	0.00
Accounts Rec - SPLOST 1.11.2000	77,152.05
AccountsRec-OtherTax1.11.1900.2	0.00
Franchise Tax Rec 1.11.1550	123,750.00
Interest Receivable 1.11.1400	0.00
Prepaid Expense 1.11.3600	5,531.01
Prepaid items 1.11.3800	3,749.67
Taxes Receivable 1.11.1600	24,817.61
Undeposited Funds 1.11.1114	18,637.93
Total Other Current Assets	\$253,638.27
Total Current Assets	\$5,357,350.43
Fixed Assets	
Building & Improvements 1.11.7400	1,770,036.08
Computer Equipment 1.11.6700	48,172.61
Furniture & Fixtures 8.11.7700	71,493.47
Land 8.11.7100	9,392,320.74
Machinery & Equipment 1.11.6500	121,737.28
Total Fixed Assets	\$11,403,760.18
Other Assets	
Accum amort - bond cost	0.00
Amt avail 4 debt svc 9.11.9100	0.00
Bond issuance cost	0.00
Loan Receivable - Facilities	0.00
Loan Receivable - Paving	0.00
To be prov 4 debt 1.11.7500	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$16,761,110.61
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	

City of Berkeley Lake

Balance Sheet

As of November 30, 2022

	TOTAL
Accounts Payable	
Accounts Payable 1.12.1100	157,091.57
Operating AP	0.00
SPL2005 Admin Facil- City H-AP*	0.00
SPLOST account - Suntrust-AP*	0.00
Total Accounts Payable	\$157,091.57
Credit Cards	
Hiller Credit Card (4916)	63.70
Hunter Credit Card (8185)	0.00
Threadgill Credit Card (3322)	372.95
Wilhite Credit Card (1132)	9.33
Total Credit Cards	\$445.98
Other Current Liabilities	
*Sales Tax Payable	0.00
1.12.28 Bonds payable - current	0.00
Accounts Payable Accruals-L*	0.00
Accounts payable-L 1.12.1100.2	0.00
Accrued Expenses 1.12.1150	0.00
Accrued Interest Payable	0.00
Accrued Salaries 1.12.1200	0.00
Accrued SPLOST Expenses 2.12.1250	0.00
Deferred revenue 1.12.2500	6,079.31
Direct Deposit Payable	-0.01
MyGov	0.00
Payroll Liabilities	66.10
PR Tax Payable - Fed 1.12.1300	0.00
PR Tax Payable - State 1.12.1310	0.00
PTO Accrual	7,885.00
Regulatory Fees Payable	7,476.29
Retainage Payable	0.00
Total Other Current Liabilities	\$21,506.69
Total Current Liabilities	\$179,044.24
Long-Term Liabilities	
Gen Oblig Bond Payable 1.12.3000	0.00
GOB Payable - 2009 1.12.3000.2	0.00
GOB Payable - 2011 1.12.3000.3	0.00
GOB Payable - 2012 1.12.3000.4	0.00
SPLOST Loan Payable - Paving	0.00
SPLOST Loan Payable Facilities	0.00
Total Long-Term Liabilities	\$0.00
Total Liabilities	\$179,044.24
Equity	
Fund Bal Unrsvd 1.13.4220	3,457,239.90

City of Berkeley Lake

Balance Sheet

As of November 30, 2022

	TOTAL
Investmt in fixedassets 1.13.4K	11,275,940.89
Opening Bal Equity	0.00
Reserve for prepaids 1.13.4125	9,280.68
Reserved for Debt Service	0.00
Restricted for Debt Svc 1.13.4105	0.00
Restricted4CapitalProj 1.13.4155	1,629,392.46
Retained Earnings 1.13.3000	-905,788.72
Net Income	1,116,001.16
Total Equity	\$16,582,066.37
TOTAL LIABILITIES AND EQUITY	\$16,761,110.61

JAMES L. WHITAKER, P.C.

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Fax: 678-205-4449

Member of
The American Institute of
Certified Public Accountants

Member of
Georgia Society of
Certified Public Accountants

December 13, 2022

To the Mayor, City Council and Management
City of Berkeley Lake, Georgia
4040 South Berkeley Lake Road
Berkeley Lake, Georgia 30096

We are pleased to confirm our understanding of the services we are to provide City of Berkeley Lake, Georgia for the year ended December 31, 2022.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of City of Berkeley Lake, Georgia as of and for the year ended December 31, 2022. Accounting standards generally accepted in the United States of America (GAAP) provide supplementary information (RSI), such as management's discussion and Analysis (MD&A), to supplement City of Berkeley Lake's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Berkeley Lake's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited.

1. Management's Discussion and Analysis

We have also been engaged to report on supplementary information other than RSI that accompanies City of Berkeley Lake's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements.

1. Individual fund financial statements and budgetary schedules

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of your accounting records of City of Berkeley Lake, Georgia, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We may, from time to time and depending on the circumstance, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Audit Procedures – Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis of our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Berkeley Lake's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of City of Berkeley Lake, Georgia in conformity with accounting principles generally accepted in the United States of America based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters, (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and *Government Auditing Standards*.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies or previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferable from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that you employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to City of Berkeley Lake, Georgia; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies or our reports are to be made available for public inspection.

The audit documentation for the engagement is the property of James L. Whitaker, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to Georgia Department of Audits or its designee, a federal agency providing direct or indirect funding, or the U. S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervisions of James L. Whitaker, P. C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The Audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Georgia Department of Audits. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

James L. Whitaker is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately January 15, 2023 and to issue our reports no later than June 30, 2023.

Our fee for services will be at our standard hourly rates and is expected to range between \$15,000 and \$17,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoice for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 45 days or more overdue and may not be resumed until you account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstance will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of City of Berkeley Lake's financial statements. Our report will be addressed to Mayor, City Council and Management of City of Berkeley Lake, Georgia. Circumstance may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstance, it may be necessary for us to modify our opinions, and a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reason with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from the engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of Berkeley Lake, Georgia is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

We appreciate the opportunity to be of service to City of Berkeley Lake, Georgia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,



James L. Whitaker, Managing Owner
James L. Whitaker, P.C.

RESPONSE:

This letter correctly sets forth the understanding of City of Berkeley Lake, Georgia.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____



Clausell &
Associates, P.C.

Certified Public Accountants • Management Consultants
Certified Forensic Accountants

Report on the Firm's System of Quality Control

October 23, 2019

To the Partners of James L. Whitaker, P.C.
and the Peer Review Committee of the Georgia Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of James L. Whitaker, P.C. (the firm), in effect for the year ended June 30, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of James L. Whitaker, P.C. in effect for the year ended June 30, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. James L. Whitaker, P.C. has received a peer review rating of *pass*.

Clausell & Associates, P.C.

Clausell & Associates, P.C.



CITY OF BERKELEY LAKE, GEORGIA
NONATTEST SERVICES DISCLOSURE

FOR THE YEAR ENDING DECEMBER 31, 2022

In connection with our audit of the financial statements of the above referenced client, we have discussed with the client's management the importance of their acknowledgement of their responsibilities regarding any nonattest services we may perform during the audit. Nonattest services that we may perform during the audit include the following:

1. Preparation of the draft financial statements and related notes.
2. Preparation of the general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the organization's general ledger into a working trial balance.
3. Preparation of proposed journal entries necessary to convert your cash basis records or modified accrual records to the accrual basis of accounting. The journal entries will be prepared from information that you provide to us.
4. Preparation of the organizations depreciation schedule from the information you furnish to us such as additions, deletions, depreciation methods and asset lives.
5. Preparation of the organization state and federal information returns (form 990) or income tax returns, if applicable.
6. Preparation of the organization's "Report of Local Government Finances" as required by the Department of Community Affairs.
7. Preparation of the organization's "Solid Waste Report" as required by the State of Georgia, Environmental Protection Division.
8. Preparation of the annual impact fee report required by the State of Georgia.
9. Assistance with the preparation of the Data Collection Form and Schedule of Federal Expenditures as required with Single Audit Reports.
10. Assistance with the Introductory and Statistical Sections of the City's Comprehensive Annual Financial Reports.
11. Assistance with bank reconciliations.

Your responsibilities as they pertain to the above mentioned nonattest services that we may perform are as follow:

- A. To make all management decisions and perform all management functions.
- B. Designate an individual with suitable skill, knowledge, or experience to oversee any nonattest services, tax services, or other services we may provide.
- C. To evaluate the adequacy and results of the services performed.
- D. To take responsibility for the results of the services.
- E. Establish and maintain internal controls, including monitoring ongoing activities.

We, in our sole professional judgment, reserve the right to refuse to do any procedure or take any action that could be construed as making management decisions or performing management functions. We will advise management with regard to positions taken in the performance of or preparation of any of the above services, but management must make all decisions with regard to those matters.

Code of Conduct



- a) The City of Berkeley Lake adopts by reference, as if fully set forth herein, the provisions of OCGA 45-10-1 and Section 2.14 of the City of Berkeley Lake Charter. Any conflict between local ordinance and state statutes and/or the charter shall be resolved in accordance with the provisions of state statute and the charter.
- b) It is the policy of the City of Berkeley Lake to observe the highest standards of public conduct, considering the roles of both elected and appointed city officials to be primarily that of a trustee of the public's resources. Consequently, this code seeks to establish criteria and guidelines that will encourage all city officials to serve others, not themselves; to use resources with efficiency and economy; to treat all people fairly; to use the power of their positions only for the well-being of constituents; and to create an environment of honesty, openness and integrity.
- c) Public officials and employees of the city shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts of interest between their private self-interest and the public interest.
- d) The following are found to be ethics violations in the City of Berkeley Lake and are prohibited:
 - 1) Coercing or attempting to influence persons outside a public meeting by offering to exert the power and resources of their position to achieve a private objective;
 - 2) Making commitments, implicitly or explicitly, that the city will take actions the council has not agreed to;
 - 3) Accepting gifts or favors with a value of more than \$50, or multiple gifts with a cumulative value of \$100 from any single source, from persons regulating and conducting business with the city;
 - 4) Disclosing confidential information from closed meetings without the prior authorization of the mayor and council;
 - 5) Requesting, using or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of a member of the mayor and council, except as otherwise provided by law;
 - 6) Engaging in private employment with, or rendering services in exchange for compensation for, any entity that has business transactions with the city, unless full disclosure of the nature and extent of such employment or services has been made;
 - 7) Appointing or voting for the appointment of any person related to the individual by blood, marriage or adoption to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds;
 - 8) Making remarks in a public meeting that are personally disparaging or reflect negatively on the character of others (rather than expressing a different point of view), or allowing others to do the same;

- 9) Failing to vote on all matters lawfully coming before a member of the city council or a commission appointed by the city council without stating a reason for doing so.
- e) In the interests of advancing efficient, transparent and good government, the following activities shall be required:
- 1) City council members and commission members appointed by the city council will announce the details of ex parte contacts and communications prior to any action on a matter which was the subject of the ex parte contact/communication;
 - 2) Presiding officers of city meetings shall not permit personally disparaging remarks or comments that reflect negatively on the character of others (rather than expressing a different point of view), and shall declare such persons out of order;
 - 3) To avoid the appearance of impropriety, any member of the mayor and council or commission member appointed by the mayor and city council determined to have a conflict of interest or a potential conflict of interest shall leave the room for the entire duration of the deliberations and actions on the matter;
 - 4) Persons wishing to speak at public meetings must first be recognized by the chair or presiding officer;
 - 5) Council members who communicate, by whatever means, policy positions, opinions, or city-related recommendations which are not the official position of the city shall clarify that their communications speak only for themselves and are not the official position of the city;
 - 6) Violations of the city's codes of ethics witnessed by members of the governing body will be reported to the mayor (or mayor pro tem in the event the mayor is the subject of an alleged violation);
 - 7) The city's ethics ordinances shall be reviewed annually by the mayor and council.
- f) Hearings and Determinations: Upon the sworn complaint of any person alleging facts, which if true would constitute a violation of this code, the mayor and council shall conduct a public hearing at which the accused shall be given the opportunity to be heard, either personally or through counsel. At the conclusion of said hearing, the mayor and council shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or appointee in question.

Mayoral Appointments - 2023

City Administrator, City Clerk & Election Superintendent	Leigh Threadgill
Court Clerk and Deputy City Clerk	Lila Hunter
City Treasurer	John Pendleton
City Marshal/Ordinance Enforcement Officer	Rob Hiller
City Attorney	Dick Carothers
Solicitor	Angela Couch
City Auditor	James Whittaker
City Building Inspector	Craig Lokey
Municipal Judge	Charles Barrett
Pro Hac Vice Judge	Margaret Washburn
Planning & Zoning Commissioner	Rand Kirkus
City Engineer	Greg Sistrunk
Georgia Piedmont Land Trust Board Member	Rebecca Spitler

Neighborhood Liaisons

Berkeley Walk and Berkeley Commons	Rodney Hammond
Berkeley Field and Habersham on the River	Chip McDaniel
BLHA and River Mansions	Scott Lee
Miramont and Hermitage Plantation	Rebecca Spitler
River District and Commercial Areas	Bob Smith

Committees	
Conservancy (Liaison – Rebecca Spitler) Susan Hanson-Chair Kaye Berg Louise Gabron Jim Gawlas Sue Swanson	Financial Affairs (Liaison – Bob Smith) John Pendleton – Chair Calvin Grier Dorris Hollingsworth Ron Mechling John Small
Arts Committee (Liaison-Chip McDaniel) Chris Kimberley– Chair Janine Brinton Scott Brown Mikal Kitchens Ginny Nevins	Park Committee (Liaison – Leigh Threadgill) Amy Voss – Chair Lisa Ribeiro Amy Rogier Casey Case Phyllis Tatgenhorst

RESOLUTION

2023 ELECTION - QUALIFYING DATES/FEES AND APPOINT ELECTION SUPERINTENDENT

The Council of the City of Berkeley Lake hereby resolves:

WHEREAS, the regularly scheduled municipal general election for the City of Berkeley Lake is to be held on November 7, 2023; and

WHEREAS, the terms of office for Mayor Lois Salter and Council members Bob Smith and Rebecca Spitler expire on December 31, 2023, and their successors are required to be elected in the municipal general election scheduled for November 7, 2023; and

WHEREAS, it is necessary for the City Council to fix and publish the qualifying fees for these offices and to make other provisions for the municipal general election; and

WHEREAS, the Georgia Municipal Election Code requires that the Mayor and Council appoint a municipal Election Superintendent prior to the election; and

WHEREAS, the Election Superintendent shall take such action as is necessary to properly call the municipal election scheduled for November 7, 2023, including, but not limited to, properly publishing a public notice to notify the public of said election. The Election Superintendent shall take such other actions as necessary and appropriate to make certain that the election is conducted in accordance with, and in conformity with, the laws of the State of Georgia, the Berkeley Lake City Charter and Berkeley Lake Ordinances.

NOW, THEREFORE, IT IS HEREBY RESOLVED that City Administrator Leigh Threadgill is hereby appointed to the position of municipal Election Superintendent; and

IT IS FURTHER RESOLVED that all persons desiring to run for the office of Mayor or City Council Member shall qualify in City Hall located at 4040 South Berkeley Lake Road, Berkeley Lake, Georgia 30096, beginning at 9:00 a.m. on Monday, August 21, 2023, and ending at 4:00 p.m. on Wednesday, August 23, 2023. Those who desire to run for Mayor shall pay a qualifying fee of \$150.00. Those who desire to run for Council Member shall pay a qualifying fee of \$27.00. All qualifying fees shall be paid at the time of qualifying.

THIS, 19th day of January, 2023.

ATTEST:

Leigh Threadgill, City Clerk

Lois Salter, Mayor

Standard Employee Benefits Package - Proposed for FY2023

Benefit	Adopted 9/20/18	%	2022	%	Proposed	%
Medicare Tax	Fixed	1.45	Fixed	1.45	Fixed	1.45
HRA-Health Reimbursement/month/ee	\$200	2.75	\$0	0	\$0	0
Benefits Allowance/month/ee	\$500	6.88	\$750	11.1	\$750	10
Social Security Tax	Fixed	6.2	Fixed	6.2	Fixed	6.2
401(a) 457(b)-Match**		10		10		10
401(a) Contribution		7		7		7
401(a) Life Ins Alt Contribution**		3		3		3
PTO Buyback*	1 week per year	2.07	1 week per year	1.9	1 week per year	1.9
Totals		39.35		40.65		39.55

*Taxable Income

**401(a) contributions are calculated exclusively on the basis of wages or salary. No other benefit is included in the basis.

Hourly Wage Range Amendment - Proposed for FY2023

	Current Low/Mid/High	Proposed Low/Mid/High
City Marshal	20/25/30	25/30/35
Deputy City Marshal	17/22/27	22/27/32
Assistant to the City Administrator	20/25/30	22/27/32
Customer Service Representative		17/22/27
Night/Weekend Shift Differential	6PM - Midnight M-F	1
	6AM-6PM S-S	1
	Midnight - 6AM M-F	3
	6PM-Midnight S-S	3