SILVER PEAKS EAST METROPOLITAN DISTRICT TOWN OF LOCHBUIE, COLORADO 2023 ANNUAL REPORT

Town of Lochbuie, Colorado via Email County Clerk and Recorder Weld County, Colorado *via Email*

Office of the State Auditor, 1525 Sherman Street, 7th Floor Denver, Colorado 80203 *via E-Filing Portal* Division of Local Government, 1313 Sherman Street, Room 521 Denver, Colorado 80203 *via E-Filing Portal*

The following information and documents (attached as exhibits) are provided for calendar/fiscal year 2023 pursuant to Section 32-1-207(3)(c)(I), C.R.S. and Section VII of the Service Plan of the Silver Peaks East Metropolitan District (the "**District**") approved by the Town of Lochbuie (the "**Town**") and filed with the District Court, the Town Clerk, the County Clerk and Recorder, the Colorado Division of Local Government and the Colorado State Auditor. The Report will also be posted on the District's website.

1. A narrative summary of the progress of the District in implementing its Service Plan for the report year:

The Service Plan of the District was approved by the Town on August 2, 2016. The District is in the planning phase of development.

2. Boundary changes made:

The District had no boundary changes in 2023.

3. Intergovernmental agreements entered into or terminated:

The District did not enter into or terminate any agreements with other governmental entities in 2023.

4. Access information to obtain a copy of the Rules and Regulations:

No rules and regulations have been established as of December 31, 2023.

5. A summary of any litigation involving public improvements by the District:

There is no litigation, pending or threatened, against the District of which we are aware.

6. Status of the construction of public improvements by the District:

In 2023, Forestar installed the landscaping in the following areas:

Tracts AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, KK, LL and MM.

7. List of facilities or improvements constructed by the District that were conveyed to the Town:

None.

8. Current annual budget of the District:

Attached as Exhibit A is a copy of the District's Budget for the current fiscal year 2024.

9. Most recently filed audited financial statements of the District. To the extent audited financial statements are required by state law or most recently filed audit exemption:

Audited financial statements for 2023 will be filed with the Town Clerk upon completion.

10. Summary of the capital expenditures incurred by the District in development of Public Improvements in the report year, as well as any Public Improvements proposed to be undertaken in the five (5) years following the report year:

No capital improvements were constructed in 2023. Improvements to be undertaken in the next five (5) years will be in its audited financial statements which will be filed with the Town when they become available.

11. Summary of the financial obligations of the District at the end of the report year, including the amount of outstanding Debt, the amount and terms of any new Debt issued in the report year, the amount of payment or retirement of existing Debt of the District in the report year, the total assessed valuation of all taxable property of the District as of January 1 of the report year and the current mill levy of the District pledged to Debt retirement in the report year:

A copy of the District's Certification of Tax Levies are attached hereto as <u>Exhibit B</u> (no debt was issued by the District during 2023 and none of the District's current mill levy is currently pledged to Debt retirement).

12. A summary of the residential development in the District for the report year:

A total of 74 homes were closed during the report year.

13. A summary of all fees, charges and assessments imposed by the District as of January 1 of the report year:

The District, through its Board, imposed a monthly Operations Fee in the amount of \$70.00 per month upon each Developed Lot within the District. The Operations Fee is effective as of the Effective Date, defined below, with the initial monthly fee to be collected in a quarterly payment due on April 30, 2023; thereafter, each monthly fee to be collected in quarterly payments due on the 30th day of January, April, July and October.

14. Notice of any uncured defaults:

There are no uncured events of default by the District.

15. The District's inability to pay any financial obligations as they come due under any obligation which continues beyond a ninety-day period:

The District has been able to pay its obligations as they come due.

16. The name, business address and telephone number of each member of the Board and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings, if any, of the Board:

Board of Directors:

Robbie Higgins (President) DR Horton 3601 Stagecoach Road, Suite 101 Longmont, CO 80504 Cell: (303) 335-5414 Email: <u>rhiggins@drhorton.com</u>

Cory Starnes (Treasurer) DR Horton 9555 S. Kingston Court Englewood, CO 80112 Cell: (303) 483-8213 Email: cstarnes@drhorton.com

Three vacancies

District Manager

Peggy Ripko Special District Management Services, Inc. 141 Union Blvd., Suite 150 Lakewood, CO 80228-1898 Office: (303) 987-0835 email: pripko@sdmdsi.com

General Counsel: Matthew P. Ruhland, Esq. Cockrel Ela Glesne Greher & Ruhland, P.C. 44 Cook Street, Suite #620 Denver, CO 80206 Office: 303-218-7200 Direct: 303-218-7212 Email: mruhland@cegrlaw.com

2023 Regular Meetings Dates: The District did not set regular meeting dates for 2023 and agreed to meet as need.

Respectfully submitted this 27th day of August, 2024.

SILVER PEAKS EAST METROPOLITAN DISTRICT

-Signed by:

By: Robbie Higgins

Robbie Higgins, Chair

EXHIBIT A

2024 Budget

SILVER PEAKS EAST METROPOLITAN DISTRICT

ANNUAL BUDGET

FOR THE YEAR ENDING DECEMBER 31, 2024

SILVER PEAKS EAST METROPOLITAN DISTRICT SUMMARY 2024 BUDGET WITH 2022 ACTUAL AND 2023 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL	ESTIMATED	BUDGET
	2022	2023	2024
BEGINNING FUND BALANCES	\$ 5,103,804	\$ (17,548)	\$ 22,300
REVENUES			
Property taxes	348	47,377	192,835
Specific ownership taxes	20	2,000	7,714
Operations and maintenance fee	-	40,000	90,328
Interest income	18,902	2,880	2,876
Developer advance	5,791,965	81,591	12,500
Total revenues	5,811,235	173,848	306,253
TRANSFERS IN	4,686	-	-
Total funds available	10,919,725	156,300	328,553
EXPENDITURES General Fund	E4 026	59,000	E7 E00
Special Revenue Fund	54,936	30,000	57,500 90,000
Debt Service Fund	4,004	45,000	170,000
Capital Projects Fund	10,873,647	-	-
Total expenditures	10,932,587	134,000	317,500
Total expenditures	10,952,507	134,000	517,500
TRANSFERS OUT	4,686	_	
	4,000		
Total expenditures and transfers out			
requiring appropriation	10,937,273	134,000	317,500
ENDING FUND BALANCES	\$ (17,548)	\$ 22,300	\$ 11,053
EMERGENCY RESERVE	¢ 400	\$ 300	\$ 1,100
SPECIAL REVENUE RESERVE	\$ 100	\$ 300 600	\$
	-		-
TOTAL RESERVE	\$ 100	\$ 900	\$ 3,800

SILVER PEAKS EAST METROPOLITAN DISTRICT PROPERTY TAX SUMMARY INFORMATION 2024 BUDGET WITH 2022 ACTUAL AND 2023 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL ESTIMATI 2022 2023			BUDGET 2024		
ASSESSED VALUATION Residential - Single family Commercial Agricultural State assessed Vacant land Personal property	\$	- - 1,540 3,660 - - - 5,200	\$	- - - 900 779,240 9,480 789,620	\$	1,761,990 9,960 - 6,810 736,560 46,750 2,562,070
MILL LEVY General Debt Service Total mill levy		11.132 55.664 66.796		10.000 50.000 60.000		12.544 62.721 75.265
PROPERTY TAXES General Debt Service Levied property taxes Adjustments to actual/rounding Budgeted property taxes	\$	58 289 347 1 348	\$	7,896 39,481 47,377 - 47,377	\$	32,139 160,696 192,835 - 192,835
BUDGETED PROPERTY TAXES General Debt Service	\$	58 290 348	\$	7,896 39,481 47,377	\$	32,139 160,696 192,835

SILVER PEAKS EAST METROPOLITAN DISTRICT GENERAL FUND 2024 BUDGET WITH 2022 ACTUAL AND 2023 ESTIMATED For the Years Ended and Ending December 31,

	CTUAL	ESTIM			DGET
	2022	202	23	4	2024
BEGINNING FUND BALANCES	\$ (12,743)	\$ (*	14,666)	\$	12,300
REVENUES					
Property taxes	58		7,896		32,139
Specific ownership taxes	4	-	350		1,286
Developer advance	56,951	ī	77,720		12,500
Total revenues	 57,013	{	35,966		45,925
Total funds available	 44,270	7	71,300		58,225
EXPENDITURES					
General and administrative					
Accounting	25,370	3	30,000		25,000
Auditing	5,500		5,800		6,000
County Treasurer's fee	1		118		482
District management	10,472 328		-		-
Dues and membership Election	328 89		340 64		600
Engineering	09		04 3,510		-
Insurance	- 450		3,000		- 3,500
Legal	12,422		15,000		20,000
Miscellaneous	304		1,168		1,918
Total expenditures	 54,936	Ę	59,000		57,500
TRANSFERS OUT					
Transfers to other fund	4,000		_		
	 .,000				
Total expenditures and transfers out					
requiring appropriation	 58,936	Į.	59,000		57,500
ENDING FUND BALANCES	\$ (14,666)	\$	12,300	\$	725
EMERGENCY RESERVE	\$ 100	\$	300	\$	1,100
TOTAL RESERVE	\$ 100	\$	300	\$	1,100

SILVER PEAKS EAST METROPOLITAN DISTRICT SPECIAL REVENUE FUND 2024 BUDGET WITH 2022 ACTUAL AND 2023 ESTIMATED For the Years Ended and Ending December 31,

	Å	ACTUAL 2022	ESTIMATED 2023		BUDGET 2024	
BEGINNING FUND BALANCES	\$	-	\$	-	\$	10,000
REVENUES Operations and maintenance fee		_		40,000		90,328
Total revenues		-		40,000		90,328
Total funds available		-		40,000		100,328
EXPENDITURES General and administrative						26,000
Landscaping District management		-		- 17,609		26,000 21,000
Snow removal		-		-		10,000
FRICO Agreement		-		12,391		12,500
Repairs and maintenance		-		-		10,500
Water Gas and Electric		-		-		7,500 2,500
		-		-		
Total expenditures		-		30,000		90,000
Total expenditures and transfers out						
requiring appropriation		-		30,000		90,000
ENDING FUND BALANCES	\$	-	\$	10,000	\$	10,328
SPECIAL REVENUE RESERVE	\$	-	\$	600	\$	2,700
TOTAL RESERVE	\$	-	\$	600	\$	2,700

SILVER PEAKS EAST METROPOLITAN DISTRICT DEBT SERVICE FUND 2024 BUDGET WITH 2022 ACTUAL AND 2023 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL 2022	ES	TIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ -	\$	989	\$ -
REVENUES				
Property taxes	290		39,481	160,696
Specific ownership taxes	16		1,650	6,428
Interest income	1		2,880	2,876
Total revenues	 307		44,011	170,000
TRANSFERS IN				
Transfers from other funds	 4,686		-	-
Total funds available	 4,993		45,000	170,000
EXPENDITURES				
County Treasurer's fee	4		593	2,410
Contingency	-		2,380	2,876
Bond interest	-		38,027	160,714
Paying agent fees	4,000		4,000	4,000
Total expenditures	 4,004		45,000	170,000
Total expenditures and transfers out				
requiring appropriation	 4,004		45,000	170,000
ENDING FUND BALANCES	\$ 989	\$	-	\$ _

SILVER PEAKS EAST METROPOLITAN DISTRICT CAPITAL PROJECTS FUND 2024 BUDGET WITH 2022 ACTUAL AND 2023 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ 5,116,547	\$ (3,871)	\$ -
REVENUES			
Interest income	18,901	-	-
Developer advance	5,735,014	3,871	-
Total revenues	5,753,915	3,871	-
Total funds available	10,870,462	-	
EXPENDITURES			
Engineering	17,797	-	-
FRICO Agreement	11,684	-	-
Capital outlay	5,708,166	-	-
Repay developer advance	5,136,000	-	-
Total expenditures	10,873,647	-	-
TRANSFERS OUT			
Transfers to other fund	686	-	-
Total expenditures and transfers out requiring appropriation	10,874,333	-	
ENDING FUND BALANCES	\$ (3,871)	\$-	\$ <u>-</u>

Services Provided

The District, a quasi-municipal corporation and a political subdivision of the State of Colorado, was organized on December 1, 2016, and is governed pursuant to provisions of the Colorado Special District Act (Title 32, Article 1, Colorado Revised Statutes). The District's service area is located in Town of Lochbuie, Weld County, Colorado.

The District was established to provide financing for the design, acquisition, installation, construction and completion of public improvements and services, including water, sanitation, street, safety protection, park and recreation, transportation, fire protection, television relay and translation, security services, incremental drilling and mosquito control improvements and services.

In the future, the District may issue a portion or all of the remaining authorized but unissued general obligation debt for purposes of providing public improvements to support development as it occurs within the District's service area, however, as of the date of this budget, the amount and timing of any debt issuances is not determinable.

The District has no employees and all administrative functions are contracted.

The District prepares its budget on the modified accrual basis of accounting in accordance with the requirements of Colorado Revised Statues C.R.S. 29-1-105 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

Revenues

Property Taxes

Property taxes are levied by the District's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or, if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August and generally sales of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

The calculation of the taxes levied is displayed on the Property Tax Summary page of the Budget at the adopted mill levy imposed by the District.

Revenues (Continued)

Property Taxes (Continued)

For property tax collection year 2024, SB22-238 and SB23B-001 set the assessment rates and actual value reductions as follows:

Category	Rate	Category	Rate	Actual Value Reduction	Amount
Single-Family	0 = 00/			Single-Family	\$55,000
Residential	6.70%	Agricultural Land	26.40%	Residential	
Multi-Family		Renewable Energy		Multi-Family	\$55,000
Residential	6.70%	Land	26.40%	Residential	
Commercial	27.90%	Vacant Land	27.90%	Commercial	\$30,000
Industrial	27.90%	Personal Property	27.90%	Industrial	\$30,000
Lodging	27.90%	State Assessed	27.90%	Lodging	\$30,000
		Oil & Gas			
		Production	87.50%		

Specific Ownership Taxes

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the District's share will be equal to approximately 5% of the property taxes collected.

Operations Fees

The District imposes an Operations Fee on all residential units within the boundaries of the District to fund operating costs.

Developer advance

The District is in the development stage. As such, the operating and administrative expenditures will be funded in part by the Developer. Developer advances are recorded as revenue for budget purposes with an obligation for future repayment when the District is financially able to reimburse the Developer from bond proceeds and other legally available revenue.

Expenditures

County Treasurer's Fees

County Treasurer's collection fees have been computed at 1.5% of property tax collected.

General and administration

General and administration expenditures have been provided based on estimates of the District's Board of Directors and consultants and include the services necessary to maintain the District's administrative viability such as legal, accounting, managerial, insurance, meeting expense, and other administrative

Expenditures (continued)

Debt Service

No amortization schedule included due to cash flow bonds.

Debt and Leases

Series 2021(3) Bonds

On July 28th, 2021, the District issued General Obligation Limited Tax Cash Flow Bonds, Series 2021(3) ("2021 Bonds"), in the par amount of \$5,410,000, with a fixed interest rate of 5.000%, maturing on December 1, 2051. The 2021 Bonds are secured by Pledge Revenue from the required Mill Levy. Proceeds from the sale of the Bonds were used to (a) finance or reimburse a portion of the costs of acquiring, constructing, and installing certain public improvements to serve the development; and (b) pay the costs of issuing the Bonds.

Bond Details

The Bonds bear interest at the rate of 5.000% per annum and are payable annually on December 1, beginning on December 1, 2021, but only to the extent of available Pledged Revenue. The Bonds mature on December 1, 2051 and are subject to mandatory redemption to the extent of available Pledged Revenue.

Bond Details (continued)

The Bonds are structured as cash flow bonds meaning that there are no scheduled payments of principal or interest. Unpaid interest on the Bonds compounds annually on each December 1. In the event any amounts due and owing on the Bonds remain outstanding on December 2, 2061, such amounts shall be extinguished and no longer due and outstanding.

Optional Redemption

The Bonds are subject to redemption prior to maturity, at the option of the District, on September 1, 2026, and on any date thereafter, upon payment of par, accrued interest, and a redemption premium equal to a percentage of the principal amount so redeemed as follows:

Date of Redemption	Redemption Premium
September 1, 2026, to August 31, 2027	3.00%
September 1, 2027, to August 31, 2028	2.00
September 1, 2028, to August 31, 2029	1.00
September 1, 2029, and thereafter	0.00

Debt and Leases (continued)

Pledged Revenue

The Bonds are secured by and payable solely from and to the extent of Pledged Revenue, which means the moneys derived by the District from the following sources:

- (a) the Required Mill Levy;
- (b) the portion of the Specific Ownership Tax which is collected as a result of imposition of the Required Mill Levy; and
- (c) any other legally available moneys which the District determines, in its absolute discretion, to transfer to the Trustee for application as Pledged Revenue.

Required Mill Levy

The District is required to impose an ad valorem mill levy upon all taxable property of the District each year in the amount of 50.00 mills (subject to adjustment for changes occurring after January 1, 2015, in the method of calculating assessed valuation), less the number of mills necessary to pay any unlimited mill levy debt, or such lesser mill levy which will fund the Bond Fund in an amount sufficient to pay all of the principal of and interest on the Bonds in full. The Required Mill Levy is net of the collection costs of the County and any tax refunds or abatements authorized by or on behalf of the County

The District has no operating or capital leases.

Reserves

Emergency Reserve

The District has provided for an emergency reserve fund equal to at least 3% of fiscal year spending for 2024 as defined under TABOR.

This information is an integral part of the accompanying budget.

EXHIBIT C

Certification of Tax Levies

{00967679.DOCX / }

CERTIFICATION OF VALUATION BY WELD COUNTY ASSESSOR

Name of Jurisdiction: 1576 - SILVER PEAKS EAST METRO DISTRICT

IN WELD COUNTY ON 12/10/2023

New Entity: No

<u>\$0</u>

<u>\$0</u>

\$0

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) AND 39-5-128(1),C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTALVALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2023 IN WELD COUNTY. COLORADO

1.	PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	\$789,620
2.	CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: *	\$2,562,070
3.	LESS TIF DISTRICT INCREMENT, IF ANY:	<u>\$0</u>
4.	CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	\$2,562,070
5.	NEW CONSTRUCTION: **	\$1,484,420
6.	INCREASED PRODUCTION OF PRODUCING MINES: #	<u>\$0</u>
7.	ANNEXATIONS/INCLUSIONS:	<u>\$0</u>
8.	PREVIOUSLY EXEMPT FEDERAL PROPERTY: #	<u>\$0</u>
9.	NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD ## OR LAND (29-1-301(1)(b) C.R.S.):	<u>\$0</u>
10.	TAXES COLLECTED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1))(a) C.R.S.):	\$0.00
11.	TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a) C.R.S.) and (39-10-114(1)(a)(I)(B) C.R.S.):	\$0.00

* This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec.20(8)(b), Colo.

** New construction is defined as: Taxable real property structures and the personal property connected with the structure.

Jurisdiction must submit respective certifications (Forms DLG 52 AND 52A) to the Division of Local Government in order for the values to be treated as growth in the limit calculation.

Jurisdiction must apply (Forms DLG 52B) to the Division of Local Government before the value can be treated as growth in the limit calculation.

USE FOR 'TABOR' LOCAL GROWTH CALCULATIONS ONLY

IN ACCORDANCE WITH THE PROVISION OF ARTICLE X, SECTION 20, COLO CONST, AND 39-5-121(2)(b),C.R.S. THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2023 IN WELD COUNTY, COLORADO ON AUGUST 25, 2023

Т.	CURRENT YEARS TOTAL ACTUAL VALUE OF ALL REAL PROPERTY:	\$28,961,344
	ADDITIONS TO TAXABLE REAL PROPERTY:	
2.	CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: !	\$22,008,450
3.	ANNEXATIONS/INCLUSIONS:	<u>\$0</u>
4.	INCREASED MINING PRODUCTION: %	<u>\$0</u>
5.	PREVIOUSLY EXEMPT PROPERTY:	<u>\$0</u>
6.	OIL OR GAS PRODUCTION FROM A NEW WELL:	<u>\$0</u>
7.	TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT:	<u>\$0</u>
	(If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted	ed property.)
	DELETIONS FROM TAXABLE REAL PROPERTY	

8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:

- 9. DISCONNECTIONS/EXCLUSION:
- 10. PREVIOUSLY TAXABLE PROPERTY:

@ This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.

! Construction is defined as newly constructed taxable real property structures.

% Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1),C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS : 1. TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY:>	<u>\$0</u>
NOTE: All levies must be Certified to the Board of County Commissioners NO LATER THAN DECE	MBER 15, 2023
IN ACCORDANCE WITH 39-5-128(1.5)C.R.S. THE ASSESSOR PROVIDES: HB21-1312 ASSESSED VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): ** ** The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119 f(3). C.R.S.	