RESOLUTION NO. 2022 - 10 - 04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILVER PEAKS EAST METROPOLITAN DISTRICT TO ADOPT THE 2023 BUDGET AND APPROPRIATE SUMS OF MONEY

WHEREAS, the Board of Directors of the Silver Peaks East Metropolitan District ("District") has appointed the District Accountant to prepare and submit a proposed 2023 budget to the Board at the proper time; and

WHEREAS, the District Accountant has submitted a proposed budget to this Board on or before October 15, 2022, 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, a public hearing was held on October 12, 2022, and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

WHEREAS, the Board of Directors of the District has made provisions therein for revenues in an amount equal to or greater than 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 provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any inter-fund transfers listed therein, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Silver Peaks East Metropolitan District:

1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Silver Peaks East Metropolitan District for the 2023 fiscal year.

2. That the budget, as hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.

3. That the sums set forth as the total expenditures of each fund in the budget attached hereto as **EXHIBIT A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

ADOPTED this 12th day of October, 2022.

Secretary

(SEAL)

EXHIBIT A (Budget) SILVER PEAKS EAST METROPOLITAN DISTRICT

ANNUAL BUDGET

FOR THE YEAR ENDING DECEMBER 31, 2023

SILVER PEAKS EAST METROPOLITIAN DISTRICT SUMMARY 2023 BUDGET WITH 2021 ACTUAL AND 2022 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL		ESTIMATED		E	BUDGET
	2021		2022			2023
BEGINNING FUND BALANCES	\$	(439)	\$	5,103,804	\$	168
REVENUES						
Property taxes		154		348		47,377
Specific ownership tax		8		20		2,369
Interest income		597		20,000		-
Operations fees		-		-		90,328
Developer advance		56,700		5,176,737		84,900
Bond proceeds		5,410,000		-		-
Total revenues		5,467,459		5,197,105		224,974
TRANSFERS IN		-		3,698		-
Total funds available		5,467,020		10,304,607		225,142
EXPENDITURES						
General Fund		55,346		61,453		93,000
Debt Service Fund		55,540		4,004		93,000 41,455
Capital Projects Fund		- 307,870		4,004		41,455
Special Revenue Fund						87,000
Total expenditures		363,216		10,300,741		221,456
		000,210		10,000,741		221,400
TRANSFERS OUT		-		3,698		-
Total expenditures and transfers out						
requiring appropriation		363,216		10,304,439		221,456
		, -		-,,		,
ENDING FUND BALANCES	\$	5,103,804	\$	168	\$	3,686
EMERGENCY RESERVE	\$	100	\$	100	\$	200
SPECIAL REVENUE RESERVE	Ψ	-	Ψ	-	Ψ	2,700
TOTAL RESERVE	\$	100	\$	100	\$	2,900

SILVER PEAKS EAST METROPOLITIAN DISTRICT PROPERTY TAX SUMMARY INFORMATION 2023 BUDGET WITH 2021 ACTUAL AND 2022 ESTIMATED For the Years Ended and Ending December 31,

	/	ACTUAL 2021		ESTIMATED 2022		BUDGET 2023
Agricultural	\$	2,280	\$	1,540	\$	-
State assessed		-		3,660		900
Vacant land		-		-		779,240
Personal property		-		-		9,480
Certified Assessed Value	\$	2,280	\$	5,200	\$	789,620
MILL LEVY						
General		66.794		11.132		10.000
Debt Service		0.000		55.664		50.000
Total mill levy		66.794		66.796		60.000
PROPERTY TAXES General	\$	152	\$	58	\$	7,896
Debt Service	Ψ	-	Ψ	289	φ	39,481
Levied property taxes		152		347		47,377
Adjustments to actual/rounding		2		1		-
Budgeted property taxes	\$	154	\$	348	\$	47,377
BUDGETED PROPERTY TAXES	\$	454	¢	E0	¢	7 900
General Debt Service	Φ	154	\$	58 290	\$	7,896 39,481
	\$	- 154	\$	348	\$	47,377
			Ŧ	÷ 10	Ŧ	,•

SILVER PEAKS EAST METROPOLITIAN DISTRICT GENERAL FUND 2023 BUDGET WITH 2021 ACTUAL AND 2022 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL ESTIMAT		TIMATED	В	UDGET	
		2021		2022		2023
BEGINNING FUND BALANCE	\$	(439)	\$	(12,743)	\$	168
REVENUES						
Property taxes		154		58		7,896
Specific ownership tax		8		4		395
Interest income		2		-		-
Developer advance		42,878		78,000		84,900
Total revenues		43,042		78,062		93,191
Total funds available		42,603		65,319		93,359
EXPENDITURES						
General and administrative						
Accounting		16,989		20,000		20,000
Audit		-		5,500		5,500
County Treasurer's fee		2		1		118
Dues and licenses		431		328		600
District management		11,137		10,000		20,000
Election expense		-		74		-
FRICO Agreement		-		-		12,500
Insurance and bonds		3,174		450		3,500
Legal services Miscellaneous		23,584 29		25,000 100		30,000 782
Total expenditures		55,346		61,453		93,000
Total experiationes		55,540		01,400		33,000
TRANSFERS OUT						
Transfers to other fund		-		3,698		-
Total expenditures and transfers out						
requiring appropriation		55,346		65,151		93,000
ENDING FUND BALANCE	\$	(12,743)	\$	168	\$	359
EMERGENCY RESERVE	\$	100	\$	100	\$	200
TOTAL RESERVE	\$	100	\$	100	\$	200

SILVER PEAKS EAST METROPOLITIAN DISTRICT SPECIAL REVENUE FUND 2023 BUDGET WITH 2021 ACTUAL AND 2022 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL		ESTIMATED		BUDGET
	202	21	2022		2023
BEGINNING FUND BALANCE	\$	-	\$	-	\$-
REVENUES					
Operations fees		-		-	90,328
Total revenues		-		-	90,328
Total funds available		-		-	90,328
EXPENDITURES					
Operations and maintenance					
Landscape contract		-		-	25,000
Irrigation repairs		-		-	5,000
Grounds improvements		-		-	2,500
Tree and shrub maintenance		-		-	2,500
Snow removal		-		-	10,000
Fence maintenance		-		-	1,500
Pet stations		-		-	5,000
Equipment maintenance		-		-	5,000
Water		-		-	20,000
Gas and Electric		-		-	3,000
Lighting		-		-	5,000
Monuments maintenance		-		-	1,250
Postal cluster boxes maintenance		-		-	500
Contingency		-		-	750
Total expenditures		-		-	87,000
Total expenditures and transfers out					
requiring appropriation		-		-	87,000
ENDING FUND BALANCE	\$	-	\$	-	\$ 3,328
SPECIAL REVENUE RESERVE	\$	-	\$	_	\$ 2,700
TOTAL RESERVE	\$	-	\$	-	\$ 2,700

SILVER PEAKS EAST METROPOLITIAN DISTRICT DEBT SERVICE FUND 2023 BUDGET WITH 2021 ACTUAL AND 2022 ESTIMATED For the Years Ended and Ending December 31,

		ACTUAL 2021		ESTIMATED 2022		JDGET 2023
BEGINNING FUND BALANCE REVENUES	\$	-	\$	-	\$	-
Property taxes Specific ownership tax		-		290 16		39,481 1,974
Total revenues		-		306		41,455
TRANSFERS IN						
Transfers from other funds		-		3,698		-
Total funds available		-		4,004		41,455
EXPENDITURES						
County Treasurer's fee		-		4		592
Paying agent fees		-		4,000		4,000
Bond interest		-		-		36,863
Total expenditures		-		4,004		41,455
Total expenditures and transfers out						
requiring appropriation		-		4,004		41,455
ENDING FUND BALANCE			\$	-	\$	-

SILVER PEAKS EAST METROPOLITIAN DISTRICT CAPITAL PROJECTS FUND 2023 BUDGET WITH 2021 ACTUAL AND 2022 ESTIMATED For the Years Ended and Ending December 31,

	ACTUAL 2021	E	STIMATED 2022	E	UDGET 2023
BEGINNING FUND BALANCE	\$ -	\$	5,116,547	\$	-
REVENUES					
Interest income	595		20,000		-
Developer advance	13,822		5,098,737		-
Bond Proceeds	5,410,000		-		-
Total revenues	5,424,417		5,118,737		-
Total funds available	 5,424,417		10,235,284		
EXPENDITURES					
Capital Projects					
Repay developer advance	-		5,101,800		-
Engineering	3,849		20,000		-
Cost of Issuance	292,809		-		-
FRICO Agreement	11,212		11,684		-
Capital outlay	 -		5,101,800		-
Total expenditures	 307,870		10,235,284		
Total expenditures and transfers out					
requiring appropriation	 307,870		10,235,284		-
ENDING FUND BALANCE	\$ 5,116,547	\$	-	\$	_

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.

Under the consolidated Service Plan, the District is limited to the imposition of a mill levy in an amount not to exceed 60 mills; provided, however, that in the event the method of calculating assessed valuation is changed after the date of approval of the Service Plan, the mill levy limitation provided for the District will be automatically increased or decreased to reflect such changes, so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation to assessed valuation shall be deemed to be a change in the method of calculating assessed valuation. On August 2, 2016, the date of the consolidated Service Plan, the ratio of actual valuation to assessed valuation was 7.96% and currently the ratio is at 6.95%. With this ratio change, due to the current property classes within the district, the District's mill levy remained at 60.000 mills.

Revenues (continued)

Senate Bill 21-293 among other things, designates multi-family residential real property (defined generally, as property that is a multi-structure of four or more units) as a new subclass of residential real property. For tax collection year 2023, the assessment rate for single family residential property decreases to 6.95% from 7.15%. The rate for multifamily residential property, the newly created subclass, decreases to 6.80% from 7.15%. Agricultural and renewable energy production property decreases to 26.4% from 29.0%. Producing oil and gas remains at 87.5%. All other nonresidential property stays at 29%.

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.

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 by the Developer, as well as the capital expenditures until bonds are issued. 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 2023 as defined under TABOR.

This information is an integral part of the accompanying budget.

I, <u>Peggy Ripko</u>, hereby certify that I am the duly appointed Secretary of the Silver Peaks East Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2023, duly adopted at a meeting of the Board of Directors of the Silver Peaks East Metropolitan District held on October 12, 2022.

By: Secretary

RESOLUTION NO. 2022 - 10 - 05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILVER PEAKS EAST METROPOLITAN DISTRICT TO SET MILL LEVIES

WHEREAS, the Board of Directors of the Silver Peaks East Metropolitan District ("District") has adopted the 2023 annual budget in accordance with the Local Government Budget Law on October 12, 2022; and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2023 Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference; and

WHEREAS, the amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget; and

WHEREAS, the amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Silver Peaks East Metropolitan District:

1. That for the purposes of meeting all general fund expenses of the District during the 2023 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

2. That for the purposes of meeting all debt service fund expenses of the District during the 2023 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

3. That the District Accountant of the District is hereby authorized and directed to immediately certify to the County Commissioners of Weld County, Colorado, the mill levies for the District as set forth in the District's Certification of Tax Levies (attached hereto as **EXHIBIT A** and incorporated herein by reference), recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this 12th day of October, 2022.

Secretary

(SEAL)

EXHIBIT A

(Certification of Tax Levies)

TO: County Commissi	oners ¹ of	WELD COUNTY			, Colora	ado	
On behalf of the	SILVER PE	AKS EAST METRO DIS	TRICT				
		(taxing entity) ^A					
the		Board of Directors					
of the		(governing body) ^B					
of the	SILVER PI	EAKS EAST METRO DIS (local government) ^C	STRICT				
Hereby officially certif	ies the following mills	(
o be levied against the	taxing entity's GROSS \$	SS ^D assessed valuation, Line	5789,620.00				
ssessed valuation of:		SS ^D assessed valuation, Line	2 of the Certifica	tion of Va	luation Form DLG	57 ^E	
Note: If the assessor certifie (AV) different than the GRC	ed a NET assessed valuation DSS AV due to a Tax						
ncrement Financing (TIF) A calculated using the NET A	Area ^F the tax levies must be $\$$	T ^G assessed valuation, Line	5789,620.00				
property tax revenue will be	derived from the mill levy USE	VALUE FROM FINAL CE BY ASSESSOR N	RTIFICATION	OF VAL	UATION PROVI		
nultiplied against the NET a Submitted:	assessed valuation of: 12/13/2022	for budget/fiscal y		2023	IDEN IV		
no later than Dec. 15)	(mm/dd/yyyy)	Tor budget/fisear y		(уууу)	•		
PURPOSE (see end no	tes for definitions and examples)	LEVY ²]	REVENUE ²	2	
1. General Operating	Expenses ^H	10.000	mills	\$	7896.20		
	ry General Property Tax Credit	/					
Temporary Mill Le	vy Rate Reduction ^I	<	> mills	\$<	0	>	
SUBTOTAL FO	R GENERAL OPERATING:	10	mills	\$	7896.20		
3. General Obligation	Bonds and Interest ^J	50.000	mills	\$	39481.00		
4. Contractual Obligat	tions ^K		mills	\$	0		
5. Capital Expenditure	es ^L		mills	\$	0		
6. Refunds/Abatemen	ts ^M		mills	\$	0		
7. Other ^N (specify):			mills	\$			
			mills	\$			
	FOTAL: Sum of General Operating Subtotal and Lines 3 to 7	^g] 60	mills	\$	47377.20		
Contact person: (print)	Carrie Beacom	Daytime phone:	30	3-779-5	5710		

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Ouestions? Call DLG at (303) 864-7720.

¹ If the *taxing entity*'s boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution. ² Levies must be rounded to <u>three</u> decimal places and revenue must be calculated from the total <u>NET assessed valuation</u> (Line 4 of Form DLG57 on the County Assessor's **FINAL** certification of valuation).

CERTIFICATION OF TAX LEVIES, continued

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.). Taxing entities that are Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS^J:

1.	Purpose of Issue:	General Obligation Limited Tax Cash Flow Bonds
	Series:	2021(3)
	Date of Issue:	07/28/2021
	Coupon Rate:	5.000%
	Maturity Date:	12/01/2051
	Levy:	50.000
	Revenue:	\$39.481
2.	Purpose of Issue:	
	Series:	
	Date of Issue:	
	Coupon Rate:	
	Maturity Date:	
	Levy:	
	Revenue:	
CON	TRACTS ^K :	
3.	Purpose of Contract:	
	Title:	
	Date:	
	Principal Amount:	
	Maturity Date:	
	Levy:	
	Revenue:	
4.	Purpose of Contract:	
	Title:	
	Date:	
	Principal Amount:	
	Maturity Date:	
	Levy:	
	Revenue:	

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.