

RESOLUTION NO. 2023-11-03

RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY

**RESOLUTION OF THE BOARD OF DIRECTORS OF SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 1, ADAMS COUNTY, COLORADO, PURSUANT TO
SECTION 29-1-108, C.R.S., SUMMARIZING EXPENDITURES AND REVENUES FOR
EACH FUND, ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY
FOR THE BUDGET YEAR 2024**

A. The Board of Directors of Second Creek Farm Metropolitan District No. 1 (the “**District**”) has appointed CliftonLarsonAllen LLP to prepare and submit a proposed budget to said governing body at the proper time.

B. CliftonLarsonAllen LLP has submitted a proposed budget to this governing body by October 15, 2023, for its consideration.

C. 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 November 27, 2023, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget.

D. 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.

E. 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.

F. The Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget.

G. 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, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1, ADAMS COUNTY, COLORADO:

1. The budget, as submitted, amended, and summarized by fund, is hereby approved and adopted as the budget of the District for the year stated above.

2. The budget is 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. 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.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION TO ADOPT BUDGET AND
APPROPRIATE SUMS OF MONEY]**

RESOLUTION APPROVED AND ADOPTED on November 27, 2023.

**SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 1**

By: Joel Farkas
President

Attest:

By: Jennifer S. Henry
Secretary

EXHIBIT A

Budget

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1

ANNUAL BUDGET

FOR THE YEAR ENDING DECEMBER 31, 2024

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
SUMMARY
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,

1/29/24

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ 309,030	\$ 116,037	\$ 5,549
REVENUES			
Property taxes	-	12,614	18,308
Specific ownership taxes	-	883	1,282
Interest income	1	500	1,250
Developer advance	4,169,179	25,000	30,000
Facilities fees	-	-	-
Other revenue	4,000	-	107
Transfer from Second Creek Farm No. 2	50,586	45,500	-
Transfer from Second Creek Farm No. 3	2,026,395	225,300	88,611
Transfer from Second Creek Farm No. 4	613,164	-	193
Total revenues	6,863,325	309,797	139,751
TRANSFERS IN	2,301	31,982	-
Total funds available	7,174,656	457,816	145,300
EXPENDITURES			
General Fund	161,482	139,261	142,000
Capital Projects Fund	6,894,836	281,024	-
Total expenditures	7,056,318	420,285	142,000
TRANSFERS OUT	2,301	31,982	-
Total expenditures and transfers out requiring appropriation	7,058,619	452,267	142,000
ENDING FUND BALANCES	\$ 116,037	\$ 5,549	\$ 3,300
EMERGENCY RESERVE	\$ 1,700	\$ 2,900	\$ 3,300
AVAILABLE FOR OPERATIONS	56,663	2,649	-
TOTAL RESERVE	\$ 58,363	\$ 5,549	\$ 3,300

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
PROPERTY TAX SUMMARY INFORMATION
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,

1/29/24

ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
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ASSESSED VALUATION

Agricultural	\$ 1,930	\$ 1,760	\$ 1,780
State assessed	1,050	1,540	890
Vacant land	19,390	1,094,230	1,556,690
Personal property	21,720	35,540	22,860
Certified Assessed Value	<u>\$ 44,090</u>	<u>\$ 1,133,070</u>	<u>\$ 1,582,220</u>

MILL LEVY

General	11.132	11.133	11.571
Total mill levy	<u>11.132</u>	<u>11.133</u>	<u>11.571</u>

PROPERTY TAXES

General	\$ 491	\$ 12,614	\$ 18,308
Levied property taxes	491	12,614	18,308
Adjustments to actual/rounding	(491)	-	-
Budgeted property taxes	<u>\$ -</u>	<u>\$ 12,614</u>	<u>\$ 18,308</u>

BUDGETED PROPERTY TAXES

General	\$ -	\$ 12,614	\$ 18,308
	<u>\$ -</u>	<u>\$ 12,614</u>	<u>\$ 18,308</u>

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
GENERAL FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,

1/29/24

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ 67,559	\$ 58,363	\$ 5,549
REVENUES			
Property taxes	-	12,614	18,308
Specific ownership taxes	-	883	1,282
Interest income	1	500	1,250
Developer advance	100,000	25,000	30,000
Other revenue	4,000	-	107
Transfer from Second Creek Farm No. 2	50,586	45,500	-
Transfer from Second Creek Farm No. 3	-	33,932	88,611
Transfer from Second Creek Farm No. 4	-	-	193
Total revenues	154,587	118,429	139,751
Total funds available	222,146	176,792	145,300
EXPENDITURES			
General and administrative			
Accounting	63,721	45,000	50,000
Auditing	14,750	17,300	18,200
County Treasurer's fee	-	-	275
Dues and membership	1,076	1,259	2,000
Insurance	11,908	12,370	13,000
Legal	49,351	35,000	40,000
Miscellaneous	-	-	500
Election	5,516	17,832	-
Contingency	-	-	7,525
Operations and maintenance			
Landscaping	770	-	-
Snow removal	390	1,000	1,000
Paying agent fees	14,000	9,500	9,500
Total expenditures	161,482	139,261	142,000
TRANSFERS OUT			
Transfers to other fund	2,301	31,982	-
Total expenditures and transfers out requiring appropriation	163,783	171,243	142,000
ENDING FUND BALANCES	\$ 58,363	\$ 5,549	\$ 3,300
EMERGENCY RESERVE	\$ 1,700	\$ 2,900	\$ 3,300
AVAILABLE FOR OPERATIONS	56,663	2,649	-
TOTAL RESERVE	\$ 58,363	\$ 5,549	\$ 3,300

No assurance provided. See summary of significant assumptions.

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
CAPITAL PROJECTS FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,

1/29/24

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ 241,471	\$ 57,674	\$ -
REVENUES			
Transfer from Second Creek Farm No. 3	2,026,395	191,368	-
Transfer from Second Creek Farm No. 4	613,164	-	-
Developer advance	4,069,179	-	-
Facilities fees	-	-	-
Total revenues	6,708,738	191,368	-
TRANSFERS IN			
Transfers from other funds	2,301	31,982	-
Total funds available	6,952,510	281,024	-
EXPENDITURES			
Capital Projects			
Repay Developer advance - interest	176,847	-	-
Repay Developer advance - principal	2,908,500	243,024	-
Engineering	49,324	38,000	-
Capital outlay	3,760,165	-	-
Total expenditures	6,894,836	281,024	-
Total expenditures and transfers out requiring appropriation	6,894,836	281,024	-
ENDING FUND BALANCES	\$ 57,674	\$ -	\$ -

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS

Services Provided

The District, a quasi-municipal corporation and a political subdivision of the State of Colorado, was organized by order and decree of the District Court for Adams County on December 5, 2002, 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 entirely within the City of Commerce City, Adams County, Colorado.

The District was established to provide financing for the construction, installation, and operation of public improvements, including streets and safety controls, street lighting, landscaping, monuments, signage, mosquito control, television relay, water, sanitary-sewer, storm drainage, and park and recreation improvements and facilities.

Pursuant to an Amended and Restated Facilities Funding, Construction & Operations Agreement among the District and Second Creek Farms Metropolitan District Nos. 2, 3 and 4, dated July 15, 2019, with an effective date of January 1, 2019 ("FFCOA"), District No. 1 provides District Administration and Project Administration for all District Nos. 1-4 and District Nos. 2, 3 and 4 serve as the Financing Districts.

On November 1, 2005, the electorate approved general obligation indebtedness of \$560,000,000 representing \$70,000,000 for each of the following public improvements: streets, water, sewer, parks and recreation, traffic and safety, mosquito control, public transportation, and television relay and translation. The voters also approved general obligation indebtedness of \$70,000,000 for refinancing of District debt, \$70,000,000 for intergovernmental contracts and \$2,000,000 for general operations and maintenance. The election also approved an annual increase in taxes of \$2,000,000 for general operations and maintenance and \$2,000,000 for payments under intergovernmental agreements.

On May 6, 2014, the electorate approved general obligation indebtedness of \$700,000,000 representing \$70,000,000 for each of the following public improvements: streets, water, sewer, parks and recreation, traffic and safety, mosquito control, public transportation, television relay and translation, fire protection, and security services. The voters also approved general obligation indebtedness of \$70,000,000 for refinancing of District debt, \$70,000,000 for intergovernmental contracts, and \$70,000,000 for general operations and maintenance. The election also approved an annual increase in taxes of \$2,000,000 for general operations and maintenance, \$70,000,000 for payments under intergovernmental agreements for regional improvements, and \$2,000,000 for payments under intergovernmental agreements. The election also approved the imposition of fees of \$2,000,000 for general operations and maintenance.

The Service Plan limits total general obligation indebtedness to \$70,000,000.

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

**SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Services Provided (Continued)

The District prepares its budget on the modified accrual basis of accounting, in accordance with requirements of Colorado Revised Statutes 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.

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 Residential	6.70%		Agricultural Land	26.40%		Single-Family Residential	\$55,000
Multi-Family Residential	6.70%		Renewable Energy Land	26.40%		Multi-Family Residential	\$55,000
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%			

The calculation of the taxes levied is displayed on the Property Tax Summary page of the budget using 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 7.00% of the property taxes collected by the District.

**SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Revenues (Continued)

Developer Advances

The District is in the development stage. As such, the operating and administrative costs for 2024 are to be partially funded 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.

Transfers from District Nos. 2, 3 & 4

The District anticipates the collection of taxes in District No. 2, 3 & 4 which will be transferred to the District to partially fund operations of the Districts. Per the FFCOA, District No. 1 provides Project Administration for the other Districts and monies associated with Project Administration is remitted to District No. 1.

Interest Income

Interest earned on the District's available funds has been estimated based on current and forecasted market conditions.

Expenditures

County Treasurer's Fees

County Treasurer's fees have been computed at 1.50% of property tax collections.

Administrative and Operating Expenditures

Operating and administrative expenditures include the estimated services necessary to maintain the District's administrative viability such as legal, accounting, engineering, insurance, banking, meeting expense and other administrative expenses.

Debt and Leases

The District has no debt or operating or capital leases.

Reserves

The District has provided for an Emergency Reserve fund equal to at least 3.00% of fiscal year spending for 2024 as defined under TABOR.

This information is an integral part of the accompanying budget.

I, Jennifer S. Henry, hereby certify that I am the duly appointed Secretary of the Second Creek Farm Metropolitan District No. 1, and that the foregoing is a true and correct copy of the budget for the budget year 2024, duly adopted at a meeting of the Board of Directors of the Second Creek Farm Metropolitan District No. 1 held on November 27, 2023

Jennifer S. Henry
Secretary

RESOLUTION NO. 2023-11-04

RESOLUTION TO SET MILL LEVIES

**RESOLUTION OF THE SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1
LEVYING GENERAL PROPERTY TAXES, PURSUANT TO SECTION 39-1-111,
C.R.S., FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT
FOR THE 2024 BUDGET YEAR**

A. The Board of Directors of Second Creek Farm Metropolitan District No. 1 (the “**District**”) adopted an annual budget in accordance with the Local Government Budget Law, on November 27, 2023.

B. The adopted budget is attached as Exhibit A to the Resolution of the Board of Directors of the District to Adopt Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference.

C. The amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget.

D. The amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget.

NOW, THEREFORE, PURSUANT TO SECTIONS 39-1-111(5) and 39-5-128(1), C.R.S., BE IT RESOLVED by the Board of Directors of the Second Creek Farm Metropolitan District No. 1, Adams County, Colorado, that:

1. For the purpose of meeting all general operating expenses of the District during the 2024 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 purpose of meeting all debt retirement expenses of the District during the 2024 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 for the purpose of meeting all contractual obligation expenses of the District during the 2024 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.

4. That the Secretary is hereby authorized and directed to immediately certify to the Board of County Commissioners of Adams County, Colorado, the mill levies for the District as set forth in the District’s Certification of Mill Levies, attached hereto as **Exhibit 1** 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.

[SIGNATURE PAGE OF RESOLUTION TO SET MILL LEVIES]

RESOLUTION APPROVED AND ADOPTED on November 27, 2023.

**SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 1**

By: Joel Farkas
President

Attest:

By: Jennifer S. Henry
Secretary

EXHIBIT 1

Certification of Tax Levies

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of ADAMS COUNTY, Colorado.

On behalf of the SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1,

(taxing entity)^A

the BOARD OF DIRECTORS

(governing body)^B

of the SECOND CREEK FARM METROPOLITAN DISTRICT NO. 1

(local government)^C

Hereby officially certifies the following mills

to be levied against the taxing entity's GROSS \$ 1,582,220

assessed valuation of:

(GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax

Increment Financing (TIF) Area^F the tax levies must be \$ 1,582,220

(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of:

**USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED
BY ASSESSOR NO LATER THAN DECEMBER 10**

Submitted: 01/03/2024 for budget/fiscal year 2024

(no later than Dec. 15)

01/03/2024

for budget/fiscal year 2024

(mm/dd/yyyy)

(yyyy)

PURPOSE (see end notes for definitions and examples)	LEVY ²	REVENUE ²
1. General Operating Expenses ^H	11.571 mills	\$ 18,308
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	11.571 mills	\$ 18,308
3. General Obligation Bonds and Interest ^J	_____ mills	\$ _____
4. Contractual Obligations ^K	_____ mills	\$ _____
5. Capital Expenditures ^L	_____ mills	\$ _____
6. Refunds/Abatements ^M	_____ mills	\$ _____
7. Other ^N (specify): _____	_____ mills	\$ _____
_____	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	11.571 mills	\$ 18,308

Contact person: Margaret Henderson

Phone: (303)779-5710

Signed: Margaret Henderson

Title: Accountant for District

Survey Question: Does the taxing entity have voter approval to adjust the general operating levy to account for changes to assessment rates?

☐ Yes ☐ No

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. Questions? 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 three decimal places and revenue must be calculated from the total NET assessed valuation (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: _____
Series: _____
Date of Issue: _____
Coupon Rate: _____
Maturity Date: _____
Levy: _____
Revenue: _____

2. Purpose of Issue: _____
Series: _____
Date of Issue: _____
Coupon Rate: _____
Maturity Date: _____
Levy: _____
Revenue: _____

CONTRACTS^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.

I, Jennifer S. Henry, hereby certify that I am the duly appointed Secretary of the Second Creek Farm Metropolitan District No. 1, and that the foregoing is a true and correct copy of the Certification of Mill Levies for the budget year 2024, duly adopted at a meeting of the Board of Directors of the Second Creek Farm Metropolitan District No. 1 held on November 27, 2023.

Jennifer S. Henry

Secretary