

RESOLUTION NO. 2023-11-02

RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY

**RESOLUTION OF THE BOARD OF DIRECTORS OF SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4, 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. 4 (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 13, 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. 4, 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 13, 2023.

**SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4**

By: Joel Farkas
President

Attest:

By: Jennifer S. Henry
Secretary

EXHIBIT A

Budget

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4

ANNUAL BUDGET

FOR YEAR ENDING DECEMBER 31, 2024

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
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 | \$ 1 | \$ 1 | \$ 1 |
| REVENUES | | | |
| Property taxes | - | - | 757 |
| Specific ownership taxes | - | - | 53 |
| Developer advance | 968,792 | - | - |
| Total revenues | 968,792 | - | 810 |
| Total funds available | 968,793 | 1 | 811 |
| EXPENDITURES | | | |
| General Fund | - | - | 196 |
| Debt Service Fund | - | - | 9 |
| Capital Projects Fund | 968,792 | - | - |
| Total expenditures | 968,792 | - | 205 |
| Total expenditures and transfers out requiring appropriation | 968,792 | - | 205 |
| ENDING FUND BALANCES | \$ 1 | \$ 1 | \$ 606 |

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
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 |
|----------------|-------------------|----------------|
|----------------|-------------------|----------------|

ASSESSED VALUATION

| | | | |
|--------------------------|-----------------|------------------|------------------|
| Oil & Gas | \$ 5,720 | \$ - | \$ - |
| Agricultural | 1,170 | 1,070 | 1,070 |
| State assessed | 20 | 10,990 | 14,640 |
| Certified Assessed Value | <u>\$ 6,910</u> | <u>\$ 12,060</u> | <u>\$ 15,710</u> |

MILL LEVY

| | | | |
|-----------------|---------------|---------------|---------------|
| General | 11.132 | 11.229 | 11.641 |
| Debt Service | 35.000 | 35.306 | 36.521 |
| Total mill levy | <u>46.132</u> | <u>46.535</u> | <u>48.162</u> |

PROPERTY TAXES

| | | | |
|--------------------------------|-------------|-------------|---------------|
| General | \$ 77 | \$ 135 | \$ 183 |
| Debt Service | 242 | 426 | 574 |
| Levied property taxes | <u>319</u> | <u>561</u> | <u>757</u> |
| Adjustments to actual/rounding | (319) | (561) | - |
| Budgeted property taxes | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 757</u> |

BUDGETED PROPERTY TAXES

| | | | |
|--------------|-------------|-------------|---------------|
| General | \$ - | \$ - | \$ 183 |
| Debt Service | - | - | 574 |
| | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 757</u> |

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
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 | \$ - | \$ - | \$ - |
| REVENUES | | | |
| Property taxes | - | - | 183 |
| Specific ownership taxes | - | - | 13 |
| Total revenues | - | - | 196 |
| Total funds available | - | - | 196 |
| EXPENDITURES | | | |
| General and administrative | | | |
| County Treasurer's fee | - | - | 3 |
| Transfers to other districts | - | - | 193 |
| Total expenditures | - | - | 196 |
| Total expenditures and transfers out requiring appropriation | - | - | 196 |
| ENDING FUND BALANCES | \$ - | \$ - | \$ - |

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
DEBT SERVICE 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 | \$ 1 | \$ 1 | \$ 1 |
| REVENUES | | | |
| Property taxes | - | - | 574 |
| Specific ownership taxes | - | - | 40 |
| Total revenues | - | - | 614 |
| Total funds available | 1 | 1 | 615 |
| EXPENDITURES | | | |
| General and administrative | | | |
| County Treasurer's fee | - | - | 9 |
| Total expenditures | - | - | 9 |
| Total expenditures and transfers out requiring appropriation | - | - | 9 |
| ENDING FUND BALANCES | \$ 1 | \$ 1 | \$ 606 |

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
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 | \$ - | \$ - | \$ - |
| REVENUES | | | |
| Developer advance | 968,792 | - | - |
| Total revenues | 968,792 | - | - |
| Total funds available | 968,792 | - | - |
| EXPENDITURES | | | |
| Capital Projects | | | |
| Transfers to other districts | 659,778 | - | - |
| Capital outlay | 309,014 | - | - |
| Total expenditures | 968,792 | - | - |
| Total expenditures and transfers out requiring appropriation | 968,792 | - | - |
| ENDING FUND BALANCES | \$ - | \$ - | \$ - |

No assurance provided. See summary of significant assumptions.

SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
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 February 3, 2006, 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 a Memorandum of Understanding between the District and Second Creek Farms Metropolitan District Nos. 1, 2 and 3, dated November 12, 2008, 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.

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.

**SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

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.

Expenditures

County Treasurer's Fees

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

**SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Expenditures (continued)

Transfer to District No. 1

The District is obligated to impose an operating mill levy and remit property taxes derived from such mill levy, together with specific ownership taxes applicable to property within the District, to District No. 1 for payment of administration, operations and maintenance costs for both Districts.

Debt and Leases

The District issued Limited Tax General Obligation Draw Down Bonds Series 2021A (Series 2021A Bonds) on April 26, 2021, of \$5,000,000 at a rate of 6.50% per annum. Proceeds from the sale of the 2021A Bonds are to be used to fund: (a) paying or reimbursing project costs and (b) paying costs incurred in connection with the issuance of the Series 2021A Bonds.

The Series 2021A Bonds constitute draw-down obligations of the District and the expected draw down amount as of December 31, 2023 is zero. When drawn upon, the Series 2021A Bonds are payable annually on December 1, beginning the first year of draw-down from, and to the extent of, Pledged Revenue available, if any, and mature on December 1, 2051. The Series 2021A Bonds are structured as cash flow bonds meaning that there are no scheduled payments of principal or interest prior to the final maturity date. Unpaid interest on the Series 2021A Bonds will compound annually on each December 1. All of the Series 2021A Bonds and interest thereon are to be deemed to be paid and discharged on December 2, 2061, regardless of the amount of principal and interest paid prior to that date.

The Series 2021A Bonds are subject to redemption prior to maturity, at the option of the District, on June 1, 2026, and any date thereafter, upon payment of par, accrued interest, and a redemption premium.

Pursuant to the Indenture, the District has covenanted to impose a Required Mill Levy upon all taxable property of the District each year in an amount which will fund the Bond Fund in an amount sufficient to pay all of the principal of; premium, if any, and interest on the Series 2021A Bonds in full, but not excess of 35.000 mills as adjusted for changes in the method of calculating assessed valuation on or after September 19, 2005. The District has determined that, pursuant to the provisions of the Service Plan which permit mill levy adjustments due to changes in the method of calculating assessed valuation made on or after September 19, 2005 (being the date on which the Service Plan was approved by the City Council of the City), Required Mill Levy of 35.000 mills as set forth above is, as of the date of the Indenture, 36.521 mills. Inasmuch as the District also contains non-residential property, the adjustments to the Required Mill Levy shall be calculated accordingly.

Reserves

Emergency Reserves

TABOR requires local governments to establish Emergency Reserves. These reserves must be at least 3.00% of fiscal year spending. Since substantially all operating funds received by the District are transferred to District No. 1, which pays for all Districts' operations and maintenance costs, an emergency reserve is not reflected in the District's Budget.

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. 4, 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. 4 held on November 13, 2023.

Jennifer S. Henry
Secretary

RESOLUTION NO. 2023-11-03

RESOLUTION TO SET MILL LEVIES

**RESOLUTION OF THE SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
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. 4 (the “**District**”) has adopted an annual budget in accordance with the Local Government Budget Law, on November 13, 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. 4, 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 13, 2023.

**SECOND CREEK FARM
METROPOLITAN DISTRICT NO. 4**

By: Joel Farkas
President

Attest:

By: Jennifer S. Henry
Secretary

EXHIBIT 1

Certification of Tax Levies

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: | Limited Tax - General Obligation Draw Down Bonds |
| | Series: | Series 2021 |
| | Date of Issue: | 04/26/2021 |
| | Coupon Rate: | 6.500% |
| | Maturity Date: | 12/01/2051 |
| | Levy: | 36.521 |
| | Revenue: | 574 |

| | | |
|----|-------------------|--|
| 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. 4, 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. 4 held on November 13, 2023.

Jennifer S. Henry

Secretary