Financial Statements

Year Ended December 31, 2021

with

Independent Auditors' Report

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6025 SOUTH QUEBEC STREET, SUITE 260 CENTENNIAL, COLORADO 80111 303-792-3020 (o) | 303-232-7237 (f) WWW.WCRCPA.COM

#### INDEPENDENT AUDITOR'S REPORT

Board of Directors Heritage Todd Creek Metropolitan District Adams County, Colorado

#### **Opinions**

We have audited the accompanying financial statements of the governmental activities and each major fund of the Heritage Todd Creek Metropolitan District (the "District"), Adams County, Colorado, as of and for the year ended December 31, 2021, which collectively comprise the District's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Heritage Todd Creek Metropolitan District, as of December 31, 2021, and the respective changes in financial position and the respective budgetary comparison for the General Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

# **Basis for Opinions**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Heritage Todd Creek Metropolitan District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Responsibilities of Management for the Financial Statements

Heritage Todd Creek Metropolitan District's management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Heritage Todd Creek Metropolitan District's ability to continue as a going concern for one year after the date that the financial statements are available to be issued.

#### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Heritage Todd Creek Metropolitan District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Heritage Todd Creek Metropolitan District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

#### Required Supplementary Information

Management has not presented Management's Discussion and Analysis that governmental accounting principles generally accepted in the United States of America require to be presented to supplement the basis financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by the missing information.

# **Supplementary Information**

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Heritage Todd Creek Metropolitan District's basic financial statements. The supplemental information listed in the table of contents are presented for the purpose of additional analysis and was not a required part of the financial statements.

The supplemental schedules of Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget to Actual - Debt Service Fund is the responsibility of management and was derived from and relate directly to the underlying accounting and other records used to prepare the financial statements.

Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget to Actual - Debt Service Fund is fairly stated in all material respects in relation to the financial statements as a whole.

The schedules of Summary of Assessed Valuation, Mill Levy and Property Taxes Collected have not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express any opinion or provide any assurance on them.

Watson Coon Ryan, LLC September 27, 2022

Watson Coon Ryan, LLC

Centennial, Colorado

# BALANCE SHEET/STATEMENT OF NET POSITION GOVERNMENTAL FUNDS December 31, 2021

			Debt			Statement of Net
	General		Service	<u>Total</u>	Adjustments	<u>Position</u>
ASSETS						
Cash and investments	\$ 1,022,951	\$	-	\$ 1,022,951	\$ -	\$ 1,022,951
Cash and investments - restricted	43,628		4,961,247	5,004,875	-	5,004,875
Receivable - County Treasurer	3,608		19,850	23,458	-	23,458
Property taxes receivable	463,610		2,550,965	3,014,575	-	3,014,575
Accounts receivable - fees	82,913		-	82,913	-	82,913
Inventory	1,824		-	1,824	-	1,824
Prepaid expenses	7,968		-	7,968	-	7,968
Capital assets, not being depreciated Capital assets, net of depreciation	-		-	-	10,359,303 5,945,351	10,359,303 5,945,351
Total Assets	1,626,502		7,532,062	9,158,564	16,304,654	25,463,218
DEFERRED OUTFLOWS OF RESOURCES						
Deferred loss on refunding		_			76,590	76,590
Total Deferred Outflows of Resources			_		76,590	76,590
Total Assets and Deferred Outflows of Resources	\$ 1,626,502	\$	7,532,062	\$ 9,158,564		
LIABILITIES						
Accounts payable	\$ 75,931	\$	-	\$ 75,931	-	75,931
Accrued interest	-		-	-	2,541,649	2,541,649
Prepaid fees	63,196		-	63,196	-	63,196
Long-term liabilities						
Due within one year	-		-	-	442,000	442,000
Due in more than one year	<del></del>	_			56,519,908	56,519,908
Total Liabilities	139,127	_		139,127	59,503,557	59,642,684
DEFERRED INFLOWS OF RESOURCES						
Deferred property taxes	463,610	_	2,550,965	3,014,575		3,014,575
Total Deferred Inflows of Resources	463,610	_	2,550,965	3,014,575		3,014,575
FUND BALANCES						
Nonspendable:						
Prepaids	7,968		-	7,968	(7,968)	-
Inventory	9,792		-	9,792	(9,792)	
Restricted:						
Emergencies	43,628		-	43,628	(43,628)	-
Debt service	-		4,981,097	4,981,097	(4,981,097)	-
Unassigned	962,377			962,377	(962,377)	
Total Fund Balances	1,023,765	_	4,981,097	6,004,862	(6,004,862)	
Total Liabilities, Deferred Inflows of Resources and Fund Balances	\$ 1,626,502	\$	7,532,062	\$ 9,158,564		
NET POSITION						
Restricted for:						
Emergencies					43,628	43,628
Debt service					4,981,097	4,981,097
Unrestricted					(42,142,176)	(42,142,176)
Total Net Position (Deficit)					\$ (37,117,451)	<u>\$(37,117,451)</u>

# STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES/STATEMENT OF ACTIVITIES GOVERNMENTAL FUNDS

For the Year Ended December 31, 2021

		Debt			Statement
	General	Service	Total	Adjustments	Activities
EXPENDITURES	General	Bervice	Total	Aujusunents	Activities
Adminsitrative		\$ -	\$ -	\$ -	_
Legal	111,803	_	111,803	Ψ -	111,803
Accounting / audit	19,968	_	19,968	_	19,968
Treasurer's fees	6,279	34,554	40,833	_	40,833
Insurance	8,867	3 1,33 1	8,867	_	8,867
Managing Agent	111,809	_	111,809	_	111,809
Access Control/Security/Telephone	2,978	_	2,978	_	2,978
Administrative business supplies	48	_	48	_	48
Miscellaneous/Activities	15,154	_	15,154	_	15,154
Landscape - snow	15,151		15,151		15,15
Landscape maintenance/equipment	157,062	_	157,062	_	157,062
Landscape Repairs	17,777	_	17,777	_	17,777
Snow Removal	228,734	_	228,734	_	228,734
Holiday Lighting	2,640	_	2,640	_	2,640
Tree Maintenance	58,486	_	58,486	_	58,486
Irrigation Repairs & Maintenance	55,914	_	55,914	_	55,914
Water/Sewer	131,181	_	131,181	_	131,181
Storm Water	113	_	113	_	113
Gas/Electric	14,205	_	14,205	_	14,205
Streets/engineering	11,200		11,203		11,203
Engineering	25,745	_	25,745	_	25,745
Electrical Repairs/Supplies	2,179	_	2,179	_	2,179
Street/Pavement Repairs	123,955	_	123,955	_	123,955
Gate & Wall maintenance	19,743	_	19,743	_	19,743
Bond interest expense		1,590,075	1,590,075	1,467	1,591,542
Bond principal	_	425,000	425,000	(425,000)	-
Subordinate bond interest	_	125,000	123,000	361,288	361,288
Interest on developer advances	_	_	_	1,604,199	1,604,199
Paying agent fees	_	2,500	2,500		2,500
Depreciation	-	2,000	_,,,,,,	296,444	296,444
Total Expenditures	1,114,640	2,052,129	3,166,769	1,838,398	5,005,167
PROGRAM REVENUES					
Fees	664,090	_	664,090	_	664,090
Reimbursements	59,466	_	59,466	-	59,466
Working or capital contributions	69,440	-	69,440	-	69,440
Total Program Revenues	792,996	-	792,996	-	792,996
Net Program Income (Expense)	(321,644)	(2,052,129)	(2,373,773)	(1,838,398)	(4,212,171)
GENERAL REVENUES	(- /- /	( ) , - ,	( ) ) )	( ,,,	( ) , , , ,
Property taxes	417,912	2,299,521	2,717,433	_	2,717,433
Specific ownership taxes	34,007	187,118	221,125	_	221,125
Development fees	34,007	662,139	662,139	_	662,139
Interest and other income	1,412	5,496	6,908	_	6,908
Total General Revenues	453,331	3,154,274	3,607,605		3,607,605
CHANGE IN FUND BALANCE	131,687	1,102,145	1,233,832	(1,233,832)	
CHANGE IN NET POSITION				(604,566)	(604,566)
FUND BALANCES/NET POSITION:				(,)	(
BEGINNING OF YEAR	892,078	3,878,952	4,771,030	(41,283,915)	(36,512,885)
END OF YEAR	\$ 1,023,765	\$ 4,981,097	\$ 6,004,862	\$(43,122,313)	(37,117,451)

# STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND

For the Year Ended December 31, 2021

	Original & Final <u>Budget</u>	Actual	Variance Favorable (Unfavorable)
REVENUES			
Property taxes	\$ 417,985 \$	*	\$ (73)
Specific ownership taxes	29,259	34,007	4,748
Fees	613,200	622,808	9,608
Reimbursements	60,000	59,466	(534)
Builder Fees	38,400	41,282	2,882
Working or capital contributions	45,920	69,440	23,520
Interest and other income	6,000	1,412	(4,588)
Total Revenues	1,210,764	1,246,327	35,563
EXPENDITURES			
Adminsitrative			
Legal	100,000	111,803	(11,803)
Accounting / audit	28,000	19,968	8,032
Treasurer's fees	6,271	6,279	(8)
Insurance	10,000	8,867	1,133
Managing Agent	98,000	111,809	(13,809)
Access Control/Security/Telephone	4,000	2,978	1,022
Administrative business supplies	3,500	48	3,452
Miscellaneous/Activities	5,000	15,154	(10,154)
Website	750	-	750
Landscape - snow			
Landscape maintenance/equipment	162,000	157,062	4,938
Landscape Repairs	-	17,777	(17,777)
Snow Removal	220,000	228,734	(8,734)
Holiday Lighting	10,000	2,640	7,360
Tree Maintenance	60,000	58,486	1,514
Irrigation Repairs & Maintenance	50,000	55,914	(5,914)
Water/Sewer	155,000	131,181	23,819
Storm Water	6,000	113	5,887
Gas/Electric	15,000	14,205	795
Streets/engineering		ŕ	
Engineering	40,000	25,745	14,255
Electrical Repairs/Supplies	3,000	2,179	821
Street/Pavement Repairs	160,000	123,955	36,045
Street sweeping	6,000	_	6,000
Sidewalk curb and gutter	40,000	_	40,000
Gate & Wall maintenance	25,000	19,743	5,257
Contingency	25,000	_	25,000
Emergency reserve	36,226		36,226
Total Expenditures	1,268,747	1,114,640	154,107
CHANGE IN FUND BALANCE	(57,983)	131,687	189,670
FUND BALANCE - BEGINNING OF YEAR	857,744	892,078	34,334
FUND BALANCE - END OF YEAR	\$ 799,761 \$	1,023,765	\$ 224,004

# Notes to Financial Statements December 31, 2021

#### Note 1: Summary of Significant Accounting Policies

The accounting policies of the Heritage Todd Creek Metropolitan District, located in Adams County, Colorado, conform to the accounting principles generally accepted in the United States of America ("GAAP") as applicable to governmental units. The Governmental Accounting Standards Board ("GASB") is the accepted standard setting body for establishing governmental accounting and financial reporting principles The following is a summary of the more significant policies consistently applied in the preparation of financial statements.

#### **Definition of Reporting Entity**

The District was organized in 2002, as a quasi-municipal corporation established under the State of Colorado Special District Act. The District was established to provide financing, acquisition construction and maintenance of certain essential public facilities for the use and benefit of the citizens of the District. The District's primary revenues are property taxes, development fees and developer advances. The District is governed by an elected Board of Directors.

As required by GAAP, these financial statements present the activities of the District, which is legally separate and financially independent of other state and local governments. The District follows GASB pronouncements which provide guidance for determining which governmental activities, organizations and functions should be included within the financial reporting entity. GASB sets forth the financial accountability of a governmental organization's elected governing body as the basic criterion for including a possible component governmental organization in a primary government's legal entity. Financial accountability includes, but is not limited to, appointment of a voting majority of the organization's governing body, ability to impose its will on the organization, a potential for the organization to provide specific financial benefits or burdens and fiscal dependency. The pronouncements also require including a possible component unit if it would be misleading to exclude it.

The District is not financially accountable for any other organization. The District has no component units as defined by the GASB.

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

# **Basis of Presentation**

The accompanying financial statements are presented per GASB Statement No. 34 - Special Purpose Governments.

# Notes to Financial Statements December 31, 2021

The government-wide financial statements (i.e. the governmental funds balance sheet/statement of net position and the governmental funds statement of revenues, expenditures, and changes in fund balances/statement of activities) report information on all of the governmental activities of the District. The statement of net position reports all financial and capital resources of the District. The difference between the (a) assets and deferred outflows of resources and the (b) liabilities and deferred inflows of resources of the District is reported as net position. The statement of activities demonstrates the degree to which expenditures/expenses of the governmental funds are supported by general revenues.

The statement of activities demonstrates the degree to which the direct and indirect expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Major individual governmental funds are reported as separate columns in the fund financial statements.

#### Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources* measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows. Property taxes are recognized as revenues in the year for which they are collected.

Governmental fund financial statements are reported using the *current financial resources* measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. The material sources of revenue subject to accrual are property taxes and interest. Expenditures, other than interest on long-term obligations, are recorded when the liability is incurred or the long-term obligation is paid.

Property taxes and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received.

# Notes to Financial Statements December 31, 2021

The District reports the following major governmental funds:

General Fund - The General Fund is the general operating fund of the District. It is used to account for all financial resources except those required to be accounted for in another fund.

Debt Service Fund – The Debt Service Fund is used to account for the accumulation of resources for, and the payment of, general long-term debt principal, interest and related costs.

### **Budgetary Accounting**

Budgets are adopted on a non-GAAP basis for the governmental funds. In accordance with the State Budget Law of Colorado, the District's Board of Directors holds public hearings in the fall of each year to approve the budget and appropriate the funds for the ensuing year. The District's Board of Directors can modify the budget by line item within the total appropriation without notification. The appropriation can only be modified upon completion of notification and publication requirements. The budget includes each fund on its basis of accounting unless otherwise indicated. The appropriation is at the total fund expenditures level and lapses at year end.

#### Assets, Liabilities and Net Position

#### Fair Value of Financial Instruments

The District's financial instruments include cash and cash equivalents, accounts receivable and accounts payable. The District estimates that the fair value of all financial instruments at December 31, 2021, does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying balance sheet. The carrying amount of these financial instruments approximates fair value because of the short maturity of these instruments.

#### Receivables

District management believes that all accounts receivable are collectible in full and, therefore, makes no allowance for uncollectible accounts.

#### Deposits and Investments

The District's cash and cash equivalents are considered to be cash on hand and short-term investments with maturities of three months or less from the date of acquisition. Investments for the government are reported at fair value.

# Notes to Financial Statements December 31, 2021

The District follows the practice of pooling cash and investments of all funds to maximize investment earnings. Except when required by trust or other agreements, all cash is deposited to and disbursed from a minimum number of bank accounts. Cash in excess of immediate operating requirements is pooled for deposit and investment flexibility. Investment earnings are allocated periodically to the participating funds based upon each fund's average equity balance in the total cash.

#### Estimates

The preparation of these financial statements in conformity with GAAP requires the District management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

#### Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The District only has one item that qualifies for reporting in this category. It is the deferred loss on refunding reported in the government-wide statement of net position. A deferred loss on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The District has two items that qualifies for reporting in this category. Deferred property taxes are deferred and recognized as an inflow of resources in the period that the amounts become available. Deferred reimbursements are recognized as revenue when they become measurable and available (if collected within 60 days)

#### Capital Assets

Capital assets, which include property, plant, equipment and infrastructure assets (e.g. roads, bridges, sidewalks, and similar items), are reported in the applicable governmental activities columns in the government-wide financial statements. Capital assets are defined by the District as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years. Such assets are recorded at historical or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair value at the date of donation.

# Notes to Financial Statements December 31, 2021

The costs of normal maintenance and repairs that do not add to the value of the assets or materially extend the life of the asset are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable using the straight-line method. Depreciation on property that will remain assets of the District is reported on the Statement of Activities as a current charge. Improvements that will be conveyed to other governmental entities are classified as construction in progress and are not depreciated. Land and certain landscaping improvements are not depreciated. Streets are depreciated using the straight-line method over an estimated useful life of 30 years.

#### **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 taxpayers' election, in February and June. Delinquent taxpayers are notified in July or August and the sales of the resultant tax liens on delinquent properties are generally held in November or December. The County Treasurer remits the taxes collected monthly to the District.

Property taxes, net of estimated uncollectible taxes, are recorded initially as deferred inflows in the year they are levied and measurable since they are not normally available nor are they budgeted as a resource until the subsequent year. The deferred property taxes are recorded as revenue in the subsequent year when they are available or collected.

#### **Long-Term Obligations**

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities.

#### Fund Equity

Fund balance of governmental funds is reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. Because circumstances differ among governments, not every government or every governmental fund will present all of these components. The following classifications make the nature and extent of the constraints placed on a government's fund balance more transparent:

#### Nonspendable Fund Balance

Nonspendable fund balance includes amounts that cannot be spent because they are either not spendable in form (such as inventory or prepaids) or are legally or contractually required to be maintained intact.

# Notes to Financial Statements December 31, 2021

The nonspendable fund balance in the General Fund in the amounts of \$1,824 represent inventory and \$7,968 represents prepaid expenses.

#### Restricted Fund Balance

The restricted fund balance includes amounts restricted for a specific purpose by external parties such as grantors, bondholders, constitutional provisions or enabling legislation.

The restricted fund balance in the General Fund represents Emergency Reserves that have been provided as required by Article X, Section 20 of the Constitution of the State of Colorado. A total of \$43,628 of the General Fund balance has been restricted in compliance with this requirement.

The restricted fund balance in the Debt Service Fund in the amount of \$4,975,222 is restricted for the payment of the debt service costs associated with the Series 2015 Bonds and the Series 2020 Bonds (See Note 4).

#### Committed Fund Balance

Committed fund balance is the portion of fund balance that can only be used for specific purposes pursuant to constraints imposed by a formal action of the government's highest level of decision-making authority, the Board of Directors. The constraint may be removed or changed only through formal action of the Board of Directors.

#### Assigned Fund Balance

Assigned fund balance includes amounts the District intends to use for a specific purpose. Intent can be expressed by the District's Board of Directors or by an official or body to which the Board of Directors delegates the authority.

#### **Unassigned Fund Balance**

Unassigned fund balance includes amounts that are available for any purpose. Positive amounts are reported only in the General Fund, all funds can report negative amounts.

For the classification of Governmental Fund balances, the District considers an expenditure to be made from the most restrictive first when more than one classification is available.

#### **Net Position**

Net Position represents the difference between assets and deferred outflows of resources less liabilities and deferred inflows of resources. The District reports three categories of net position, as follows:

Net investment in capital assets – consists of net capital assets, reduced by outstanding balances of any related debt obligations and deferred inflows of resources attributable to the acquisition, construction, or improvement of those assets and increased by balances of deferred outflows or resources related to those assets.

# Notes to Financial Statements December 31, 2021

Restricted net position – net position is considered restricted if their use is constrained to a particular purpose. Restrictions are imposed by external organizations such as federal or state laws. Restricted net position is reduced by liabilities and deferred inflows of resources related to the restricted assets.

Unrestricted net position – consists of all other net position that does not meet the definition of the above two components and is available for general use by the District.

When an expense is incurred for purposes for which both restricted and unrestricted net position are available, the District will use the most restrictive net position first.

#### Note 2: <u>Cash and Investments</u>

As of December 31, 2021, cash and investments are classified in the accompanying financial statements as follows:

Statement of Net Position:

Cash and investments	\$ 1,022,951
Cash and investments – Restricted	5,004,875
Total	\$ 6,027,826

Cash and investments as of December 31, 2021, consist of the following:

Deposits with financial institutions	\$ 272,456
Investments – COLOTRUST	833,725
Investments - CSAFE	4,921,644
	<u>\$ 6,027,826</u>

#### **Deposits**

#### Custodial Credit Risk

The Colorado Public Deposit Protection Act, ("PDPA") requires that all units of local government deposit cash in eligible public depositories. State regulators determine eligibility. Amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the PDPA. PDPA allows the institution to create a single collateral pool for all public funds. The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the aggregate uninsured deposits. The State Commissioners for banks and financial services are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

# Notes to Financial Statements December 31, 2021

The District does not have a formal policy for deposits. None of the District's deposits were exposed to custodial credit risk.

#### Investments

#### Credit Risk

The District has not adopted a formal investment policy; however, the District follows state statutes regarding investments. Colorado statutes specify the types of investments meeting defined rating and risk criteria in which local governments may invest. These investments include obligations of the United States and certain U.S. Government agency entities, certain money market funds, guaranteed investment contracts, and local government investment pools.

#### **Investment Valuation**

Certain investments are measured at fair value within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The District's investment in COLOTRUST is not required to be categorized within the fair value hierarchy. The investment's value in CSAFE is calculated using the amortized cost method.

As of December 31, 2021, the District had the following investments:

#### **COLOTRUST**

The local government investment pool, Colorado Local Government Liquid Asset Trust ("COLOTRUST") is rated AAAm by Standard & Poor's with a weighted average maturity of under 60 days. COLOTRUST is an investment trust/joint ventures established for local government entities in Colorado to pool surplus funds. The State Securities Commissioner administers and enforces all State statutes governing the Trust. COLOTRUST records its investments at fair value and the District records its investment in COLOTRUST using the net asset value method. The trusts operate similarly to a money market fund with each share maintaining a value of \$1.00. The Trust offers shares in two portfolios, COLOTRUST PRIME and COLOTRUST PLUS+. Both investments consist of U.S. Treasury bills and notes and repurchase agreements collateralized by U.S. Treasury securities. COLOTRUST PLUS+ may also invest in certain obligations of U.S. government agencies, highest rated commercial paper and repurchase agreements collateralized by certain obligations of U.S. government agencies. Designated custodian banks provide safekeeping and depository services to the trusts. Substantially all securities owned by the trusts are held by the Federal Reserve Bank in the accounts maintained for the custodian banks. The custodians' internal records identify the investments owned by COLOTRUST. At December 31, 2021, the District had \$833,725 invested in COLOTRUST.

# Notes to Financial Statements December 31, 2021

#### **CSAFE**

The local government investment pool Colorado Surplus Asset Fund Trust (CSAFE), is rated AAAm by Standard and Poor's and has a weighted average maturity of less than 60 days.. CSAFE is an investment vehicle established by state statute for local government entities to pool surplus assets. The State Securities Commissioner administers and enforces all State statutes governing the Trust. The Trust is similar to a money market fund, with each share valued at \$1.00. CSAFE records its investments at amortized cost and the District records its investments in CSAFE using the amortized cost method. CSAFE may invest in U.S. Treasury securities, repurchase agreements collateralized by U.S. Treasury securities, certain money market funds, and highest rated commercial paper. A designated custodial bank serves as custodian for CSAFE's portfolio pursuant to custodian agreements. The custodian acts as safekeeping agent for CSAFE's investment portfolio and provides services as the depository in connection with direct investments and withdrawals. The custodians' internal records identify the investments owned by CSAFE. At December 31, 2021, the District had \$4,921,571 invested in CSAFE.

#### Custodial and Concentration of Credit Risk

None of the District's investments are subject to custodial or concentration of credit risk.

#### Interest Rate Risk

Colorado revised statutes limit investment maturities to five years or less unless formally approved by the Board of Directors.

# Note 3: Capital Assets

An analysis of the changes in capital assets for the year ended December 31, 2021, follows:

	Balance			Balance		
Governmental Type Activities:	1/1/2021	Additions	Deletions	12/31/2021		
Capital assets not being depreciated:						
Landscaping	\$ 10,359,303	\$ -	\$ -	\$ 10,359,303		
Total capital assets not being						
depreciated:	10,359,303			10,359,303		
Capital assets being depreciated:						
Street improvements	8,893,326			8,893,326		
Total capital assets being depreciated:	8,893,326			8,893,326		
Less accumulated depreciation for:						
Street improvements	2,651,531	296,444		2,947,975		
Accumulated Depreciation	2,651,531	296,444		2,947,975		
Net capital assets being depreciated:	6,241,795	(296,444)		5,945,351		
Government type assets, net	\$ 16,601,098	\$ (296,444)	\$ -	\$ 16,304,654		

# Notes to Financial Statements December 31, 2021

# Note 4: Long Term Debt

A description of the long-term obligations as of December 31, 2021, is as follows:

\$8,984,000 Limited Tax (Convertible to Unlimited Tax) General Obligation Bonds, Series 2020 On November 20, 2020, the District issued \$8,984,000 Limited Tax (Convertible to Unlimited Tax) General Obligation Bonds, Series 2020 ("Series 2020 Bonds") to refund the Series 2007A Bonds, and to pay certain costs associated with the issuance of the Series 2020 Bonds. The Series 2020 Bonds bear interest at the rate of 2.49%, payable semiannually on each June 1 and December 1, commencing on June 1, 2021. The Series 2020 Bonds are subject to a mandatory sinking fund redemption commencing on December 1, 2021. The Bonds are subject to an early redemption at the option of the District commencing December 1, 2022, at a price equal to the principal amount plus accrued interest with a redemption premium ranging from 0% to 2.0%. The Series 2007A Bonds were fully defeased on November 20, 2020, with the issuance of the Series 2020 Bonds. The refunding resulted in a Net Present Value Savings of \$2,167,346.

The Series 2020 Bonds are secured by Pledged Revenues including the Required Mill Levy, as defined in the Fourth Supplemental Trust Indenture (see below), capital fees, the portion of the specific ownership tax related to the required mill levy, development fees pursuant to a Development Agreement with the Developer, and any other moneys determined by the District. The following is a summary of the annual long-term debt principal and interest requirements for Series 2015 Bonds and the Series 2020 Bonds.

	 Principal	Interest			Total
2022	\$ 442,000	\$	1,572,657	\$	2,014,657
2023	548,000		1,561,651		2,109,651
2024	674,000		1,544,671		2,218,671
2025	696,000		1,520,518		2,216,518
2026	753,000		1,495,465		2,248,465
2027-2031	4,412,000		7,016,713		11,428,713
2032-2036	5,865,000		5,999,181		11,864,181
2037-2041	8,959,000		4,311,067		13,270,067
2042-2044	 8,435,000		1,122,406	_	9,557,406
	\$ 30,784,000	\$ :	26,144,329	\$	56,928,329

# Notes to Financial Statements December 31, 2021

\$22,225,000 General Obligation (Limited Tax Convertible to Unlimited Tax) Bonds, Series 2015 On April 29, 2015, the District issued \$22,225,000 of General Obligation (Limited Tax Convertible to Unlimited Tax) Bonds Series 2015 ("Series 2015 Bonds") to (i) refund a portion of the Series 2007B Bonds, (ii) fund capitalized interest on the Series 2015 Bonds, (iii) pay certain costs associated with the issuance of the Series 2015 Bonds, (iv) fund a reserve fund, and (v) repay a portion of the amount due under the 2013 Loan Agreement for Capital Costs. The Series 2015 Bonds bear interest at the rates of 6.0 to 6.125%, payable semiannually on each June 1 and December 1, commencing on June 1, 2015. The Series 2015 Bonds are subject to a mandatory sinking fund redemption commencing on December 1, 2023. The Series 2015 Bonds are subject to an early redemption at the option of the District commencing December 1, 2024, at a price equal to the principal amount plus accrued interest without redemption premium.

The Series 2015 Bonds are secured by Pledged Revenues including the Required Mill Levy, as defined in the Second Supplemental Trust Indenture (see below), capital fees, the portion of the specific ownership tax related to the required mill levy, development fees pursuant to a Development Agreement with the Developer, and any other moneys determined by the District.

# \$17,462,000 Limited Tax (Convertible to Unlimited Tax) General Obligation Subordinate Bonds, Series 2007B

On May 22, 2007, the District issued \$17,462,000 of Limited Tax (Convertible to Unlimited Tax) General Obligation Subordinate Bonds Series 2007B ("Series 2007 B Bonds"). The bonds bear interest at the rate of 7.5% and are cash flow bonds payable from Surplus Funds. Interest is payable or accrued annually on December 1. The bonds mature December 1, 2037. Payments on the Subordinate Bonds can be made as long as the Surplus Fund is at its maximum as described in the Second Supplemental Trust Indenture (see below).

On April 29, 2015, with the issuance with the \$22,225,000 General Obligation (Limited Tax Convertible to Unlimited Tax) Bonds, Series 2015, payment of \$10,427,843 in principal and \$7,396,916 in interest was made to the bondholder. In addition, UMB Bank, as paying agent on these bonds, reduced the principal balance on the Series 2007B bonds by \$2,171,560 as forgiveness of debt, leaving a principal balance of \$4,817,175.

#### Second Supplemental Trust Indenture

On April 29, 2015, the District entered into the Second Supplemental Trust Indenture with UMB Bank ("Indenture"). The Indenture modified terms relating to Series 2007A Bonds, Series 2007B Bonds and the Series 2015 Bonds. Among other modifications, the Required Mill Levy was further defined. Per the Indenture the Required Mill Levy prior to the time that the Senior Debt to Assessed Value Requirement is achieved shall not be in excess of 50 mills subject to any Gallagher Adjustments after September 23, 2002 and shall not be less than 50 mills subject to any Gallagher Adjustments after the issuance of the 2007 Bonds. Once the Senior Debt to Assessed Value Requirements is achieved and there are Subordinate Bonds outstanding the Required Mill Levy, shall be not in excess of 50 mills without any Gallagher Adjustment.

# Notes to Financial Statements December 31, 2021

The Indenture also restated provisions relating to the Surplus Fund. The Maximum Surplus Fund was restated to be 10% of the sum of the aggregate original principal amount of all Senior Bonds subject to adjustments for Senior Bonds issued for refunding a portion of existing Senior Bonds. The Surplus Fund can be released when the aggregate principal amount of all Senior Bonds then outstanding is equal to or less than 50% of the Final Assessed Valuation.

#### **Events of Default**

Events of Default are defined in the Bond Indentures Failure to pay the principal of or interest on the Bonds when due shall not, of itself, constitute an Event of Default under the Indenture. Remedies available in the Event of Default include 1) receivership, 2) suit for judgment, and 3) other suits. Acceleration of the Bonds is not an available remedy for an Event of Default.

# Loan Agreement for Capital Costs

On October 19, 2005, the District entered into a Loan Agreement for Capital Costs with Lennar Colorado, LLC (the Developer). Under the terms of the agreement, the Developer agreed to loan to the District one or more sums of money, not to exceed the aggregate amount of \$25,000,000, to be used solely for capital costs of the District as defined in the agreement. The funds were available to the District through December 31, 2010. Loan advances made under this agreement bear simple interest at a rate of 8.5% per annum from the date such advance is made. The District intends to repay advances under this agreement from the proceeds of any bonds issued by the District or other revenue sources as determined by the District. The balance due under this agreement at December 31, 2021, was \$5,376,324 including principal and interest.

On September 18, 2013, the District entered into a Loan Agreement for Capital Costs with Lennar Colorado, LLC (the Developer). Under the terms of the agreement, the Developer agreed to loan to the District one or more sums of money, not to exceed the aggregate amount of \$6,500,000, to be used solely for capital costs of the District as defined in the agreement. The funds were available to the District through December 31, 2013. Loan advances made under this agreement bear simple interest at a rate of 7.0% to 8.5% per annum from the date such advance is made. The District intends to repay advances under this agreement from the proceeds of any bonds issued by the District or other revenue sources as determined by the District. During 2014 the District entered into an Extension Agreement extending the Loan Agreement to December 31, 2015. The balance due under this agreement at December 31, 2021, was \$9,547,343 including principal and interest.

#### Infrastructure Acquisition and Reimbursement Agreement

On November 21, 2008, the District and the Developer entered into an Infrastructure Acquisition and Reimbursement Agreement. Pursuant to the agreement the District agreed to acquire public infrastructure from the Developer if the terms of the agreement are met, and agreed to reimburse the Developer for the costs associated with construction of the infrastructure plus interest at 8%. The balance due under this agreement at December 31, 2021, was \$1,780,266 including principal and interest.

# Notes to Financial Statements December 31, 2021

#### Funding and Reimbursement Agreement

On August 3, 2005, the District entered into a Funding and Reimbursement Agreement with Lennar Colorado, LLC (the Developer), whereby the Developer agreed to loan to the District one or more sums of money, not to exceed the aggregate amount of \$500,000 (amended to \$1,100,000). The funds are to be used solely for certain operating and maintenance costs as defined in the agreement and to be loaned to the District in one or a series of installments, and made available to the District through December 31, 2013. Loan advances made under this agreement bear interest at a rate of 8.5% annum from the date such advance is made. The District intends to repay advances under this agreement from the proceeds of any revenues determined by the District to be available therefore. The balance due under this agreement at December 31, 2021 is \$4,656,715 including principal and interest.

The following is an analysis of changes in long-term debt for the period ending December 31, 2021:

	Balance				Balance	Current			
	1/1/2021		Additions		Deletions		12/31/2021		Portion
General Obligation Bonds									
Series 2007 B Bonds	\$ 4,817,175	\$	-	\$	-	\$	4,817,175	\$	-
Series 2015 Bonds	22,225,000		-		-		22,225,000		-
Series 2020 Bonds	8,984,000		-		425,000		8,559,000		442,000
Other									
Developer Advances - Operating (1)	4,292,896		363,818		-		4,656,714		-
Developer Advances - Capital (2)	 15,463,638		1,240,381		<u> </u>		16,704,019		
	\$ 55,782,709	\$	1,604,199	\$	425,000	\$	56,961,908	\$	442,000

- (1) Due under Funding and Reimbursement Agreement
- (2) Due under Loan Agreement for Capital Costs and the Infrastructure Acquisition and Reimbursement Agreement

#### **Debt Authorization**

As of December 31, 2021, the District had remaining voted debt authorization of approximately \$800,321,000. 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.

# Notes to Financial Statements December 31, 2021

# Note 5: <u>Tax, Spending and Debt Limitations</u>

Article X, Section 20 of the Colorado Constitution, commonly known as the Taxpayer Bill of Rights (TABOR) contains tax, spending, revenue and debt limitations which apply to the State of Colorado and all local governments.

Spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

TABOR requires local governments to establish Emergency Reserves. These reserves must be at least 3% of Fiscal Year Spending (excluding bonded debt service). Local governments are not allowed to use the emergency reserves to compensate for economic conditions, revenue shortfalls, or salary or benefit increases.

The District's management believes it is in compliance with the provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of the provisions, including the interpretation of how to calculate Fiscal Year Spending limits will require judicial interpretation.

A majority of the District's electors authorized the District to collect and spend or retain in reserve all taxes collected without regard to any limitations imposed by TABOR, except for a \$500,000 limit imposed on the general operations and maintenance mill levy for the District.

# Note 6: Risk Management

Except as provided in the Colorado Governmental Immunity Act, §§24-10-101, et seq., CRS, the District may be exposed to various risks of loss related to torts, theft of, damage to, or destruction of assets; errors or omissions; injuries to agents; and natural disasters. The Colorado Special Districts Property and Liability Pool (the Pool) is an organization created by intergovernmental agreement to provide common liability and casualty insurance coverage to its members at a cost that is considered economically appropriate. Settled claims have not exceeded this commercial coverage in any of the past three fiscal years.

The District pays annual premiums to the Pool for auto, public officials' liability, and property and general liability coverage. In the event aggregated losses incurred by the Pool exceed its amounts recoverable from reinsurance contracts and its accumulated reserves, the District may be called upon to make additional contributions to the Pool on the basis proportionate to other members. Any excess funds which the Pool determines are not needed for purposes of the Pool may be returned to the members pursuant to a distribution formula.

# Notes to Financial Statements December 31, 2021

# Note 7: Reconciliation of Government-Wide Financial Statements and Fund Financial Statements

The <u>Governmental Funds Balance Sheet/Statement of Net Position</u> includes an adjustments column. The adjustments have the following elements: (removed all bond issuance costs statements in both sections)

- 1) Capital improvements used in government activities are not financial resources and, therefore are not reported in the funds;
- 2) long-term liabilities such as developer advances payable, bonds payable, accrued bond interest payable, are not due and payable in the current period and, therefore, are not in the funds; and
- 3) Developer advances not received in the current year are eliminated in the Statement of Net Position.

The <u>Statement of Governmental Fund Revenues</u>, <u>Expenditures</u>, <u>and Changes in Fund Balances/Statement of Activities</u> includes an adjustments column. The adjustments have the following elements:

- 1) Governmental funds report capital outlays as expenditures, however, in the statement of activities, the costs of those assets are held as construction in process pending transfer to other governmental entities or depreciated over their useful lives;
- 2) governmental funds report interest expense on the modified accrual basis; however, interest expense is reported on the full accrual method on the Statement of Activities; and
- 3) governmental funds report long-term debt payments as expenditures, however, in the statement of activities, the payment of the long-term debt is recorded as the decrease of long-term liabilities.



# SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - DEBT SERVICE FUND

For the Year Ended December 31, 2021

					7	Variance		
	Original & Final					Favorable		
		<b>Budget</b>		<u>Actual</u>	(Unfavorable)			
REVENUES								
Property taxes	\$	2,299,918	\$	2,299,521	\$	(397)		
Specific ownership taxes		160,994		187,118		26,124		
Development fees		662,139		662,139		-		
Interest income		25,000		5,496		(19,504)		
Total Revenues	-	3,148,051		3,154,274		6,223		
EXPENDITURES								
Bond interest expense		1,590,075		1,590,075		-		
Bond principal		425,000		425,000		-		
Repay sub bonds interest and accured interest		690,000		-		(690,000)		
Treasurer's fees		34,499		34,554		55		
Paying agent fees		7,042		2,500		(4,542)		
Total Expenditures		2,746,616		2,052,129		(694,487)		
CHANGE IN FUND DAY ANGE		401 425		1 102 145		700 710		
CHANGE IN FUND BALANCE		401,435		1,102,145		700,710		
FUND BALANCE - BEGINNING OF YEAR		3,847,442	_	3,878,952		31,510		
FUND BALANCE - END OF YEAR	\$	4,248,877	\$	4,981,097	\$	732,220		

# SUMMARY OF ASSESSED VALUATION, MILL LEVY AND PROPERTY TAXES COLLECTED December 31, 2021

**Prior** Year Assessed

		Valuation for Current							Percent
Year Ended Year Property			Mills I		Total Pro	pert	ty Tax	Collected	
December 31,	mber 31, Tax Levy		<b>General Fund</b>	<b>Debt Service</b>		Levied	<u>C</u>	Collected	to Levied
2008	\$	11,722,300	5.000	50.000	\$	644,727	\$	642,864	99.71%
2009	\$	12,696,210	5.000	50.000	\$	698,292	\$	572,187	81.94%
2010	\$	11,927,140	10.000	50.000	\$	715,628	\$	692,166	96.72%
2011	\$	10,334,000	10.000	50.000	\$	620,040	\$	578,862	93.36%
2012	\$	11,993,610	10.000	54.000	\$	767,591	\$	767,580	100.00%
2013	\$	11,665,170	10.000	54.000	\$	746,571	\$	746,569	100.00%
2014	\$	12,940,960	10.000	54.000	\$	828,222	\$	823,356	99.41%
2015	\$	14,732,990	10.000	54.000	\$	942,911	\$	949,591	100.71%
2016	\$	20,109,910	10.000	50.000	\$	1,206,595	\$	1,202,029	99.62%
2017	\$	23,647,070	10.000	50.000	\$	1,418,824	\$	1,414,904	99.72%
2018	\$	30,564,600	10.000	53.946	\$	1,954,484	\$	1,953,308	99.94%
2019	\$	34,119,230	10.000	54.302	\$	2,193,935	\$ 2	2,190,951	99.86%
2020	\$	41,039,660	10.000	54.622	\$	2,652,065	\$ 1	2,649,403	99.90%
2021	\$	41,798,450	10.000	55.024	\$	2,717,902	\$ 2	2,717,433	99.98%
Estimated for year ending December 31,	¢.	46 260 060	10,000	55 024	¢	2 014 575			
2022	\$	46,360,960	10.000	55.024	\$	3,014,575			

#### **NOTE**

Property taxes collected in any one year include collection of delinquent property taxes levied and/or abatements or valuations in prior years. Information received from the County Treasurer does not permit identification of specific year assessment.