

RESOLUTION NO. 2023-11-02

RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
9TH AVENUE METROPOLITAN DISTRICT NO. 1, CITY AND COUNTY OF
DENVER, 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 9th Avenue 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 16, 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 9TH AVENUE METROPOLITAN DISTRICT NO. 1, CITY AND COUNTY OF DENVER, 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 16, 2023.

**9TH AVENUE METROPOLITAN
DISTRICT NO. 1**

By: 
Frank Cannon (Dec 11, 2023 14:44 EST)

Frank Cannon, President

Attest:

By: *Matthew P. Schartz*

Matt Schartz, Secretary

EXHIBIT A

Budget

9TH AVENUE METROPOLITAN DISTRICT NO. 1
ANNUAL BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2024

**9TH AVENUE METROPOLITAN DISTRICT NO. 1
SUMMARY
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

1/30/24

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ (159,391)	\$ (100,516)	\$ 10,752
REVENUES			
Interest income	1	1,487	4,000
Developer advance	532,848	-	-
Retail sales fee revenue	194,944	330,000	200,000
Intergovernmental revenues	783,335	570,145	719,211
Total revenues	<u>1,511,128</u>	<u>901,632</u>	<u>923,211</u>
Total funds available	<u>1,351,737</u>	<u>801,116</u>	<u>933,963</u>
EXPENDITURES			
General Fund	792,538	790,364	893,000
Capital Projects Fund	659,715	-	-
Total expenditures	<u>1,452,253</u>	<u>790,364</u>	<u>893,000</u>
Total expenditures and transfers out requiring appropriation	<u>1,452,253</u>	<u>790,364</u>	<u>893,000</u>
ENDING FUND BALANCES	<u>\$ (100,516)</u>	<u>\$ 10,752</u>	<u>\$ 40,963</u>
EMERGENCY RESERVE	\$ 19,700	\$ 17,200	\$ 21,700
AVAILABLE FOR OPERATIONS	(120,216)	(6,448)	19,263
TOTAL RESERVE	<u>\$ (100,516)</u>	<u>\$ 10,752</u>	<u>\$ 40,963</u>

No assurance provided. See summary of significant assumptions.

**9TH AVENUE METROPOLITAN DISTRICT NO. 1
PROPERTY TAX SUMMARY INFORMATION
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

1/30/24

ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
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ASSESSED VALUATION

Residential	\$ 30	\$ 30	\$ -
	<hr/> 30	<hr/> 30	<hr/> -
Adjustments	-	-	-
Certified Assessed Value	<hr/> \$ 30	<hr/> \$ 30	<hr/> \$ -

MILL LEVY

Total mill levy	<hr/> 0.000	<hr/> 0.000	<hr/> 0.000
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PROPERTY TAXES

Budgeted property taxes	<hr/> \$ -	<hr/> \$ -	<hr/> \$ -
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BUDGETED PROPERTY TAXES

General	\$ -	\$ -	\$ -
	<hr/> \$ -	<hr/> \$ -	<hr/> \$ -

**9TH AVENUE METROPOLITAN DISTRICT NO. 1
GENERAL FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

1/30/24

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ (159,391)	\$ (100,516)	\$ 10,752
REVENUES			
Developer advance	185,000	-	-
Interest income	1	1,487	4,000
Retail sales fee revenue	194,944	330,000	200,000
Intergovernmental revenues	471,468	-	-
Intergovernmental revenues - District No. 2	-	302,523	400,686
Intergovernmental revenues - District No. 3	-	271,503	318,525
Total revenues	<u>851,413</u>	<u>901,632</u>	<u>923,211</u>
Total funds available	<u>692,022</u>	<u>801,116</u>	<u>933,963</u>
EXPENDITURES			
General and administrative			
Accounting	37,948	40,000	43,000
Auditing	11,800	12,000	14,000
County Treasurer's fee	-	98	-
Administration fees	9,000	9,000	9,000
Dues and membership	1,759	1,791	1,900
Insurance	11,741	10,896	12,000
Legal	65,102	64,000	70,000
Miscellaneous	-	100	500
Security	96,330	78,500	82,500
Election	7,481	4,765	-
Paying agent fees	-	3,500	3,500
Contingency	-	-	25,100
Intergovernmental expenditures	-	18,821	-
Website	771	2,000	1,500
Operations and maintenance			
Repairs and maintenance	5,028	2,500	10,000
Engineering	1,903	-	-
Landscaping	125,505	95,000	130,000
Janitorial services	102,734	117,500	125,000
Property management	113,719	75,000	125,000
Pest Control	-	30,893	-
Storm drainage	7,000	90,000	55,000
Snow removal	161,776	121,000	150,000
Utilities	32,941	13,000	35,000
Total expenditures	<u>792,538</u>	<u>790,364</u>	<u>893,000</u>
Total expenditures and transfers out requiring appropriation	<u>792,538</u>	<u>790,364</u>	<u>893,000</u>
ENDING FUND BALANCES	<u>\$ (100,516)</u>	<u>\$ 10,752</u>	<u>\$ 40,963</u>
EMERGENCY RESERVE	\$ 19,700	\$ 17,200	\$ 21,700
AVAILABLE FOR OPERATIONS	(120,216)	(6,448)	19,263
TOTAL RESERVE	<u>\$ (100,516)</u>	<u>\$ 10,752</u>	<u>\$ 40,963</u>

No assurance provided. See summary of significant assumptions.

**9TH AVENUE METROPOLITAN DISTRICT NO. 1
CAPITAL PROJECTS FUND
2024 BUDGET
WITH 2022 ACTUAL AND 2023 ESTIMATED
For the Years Ended and Ending December 31,**

1/30/24

	ACTUAL 2022	ESTIMATED 2023	BUDGET 2024
BEGINNING FUND BALANCES	\$ -	\$ -	\$ -
REVENUES			
Developer advance	347,848	-	-
Intergovernmental revenues	311,867	-	-
Total revenues	<u>659,715</u>	-	-
Total funds available	<u>659,715</u>	-	-
EXPENDITURES			
Capital Projects			
Repay developer advance	311,867	-	-
Capital outlay	347,848	-	-
Total expenditures	<u>659,715</u>	-	-
Total expenditures and transfers out requiring appropriation	<u>659,715</u>	-	-
ENDING FUND BALANCES	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

No assurance provided. See summary of significant assumptions.

**9TH AVENUE 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 of the City and County of Denver on September 20, 2016, recorded on September 30, 2016, and is governed pursuant to provisions of the Colorado Special District Act (Title 32, Article 1, Colorado Revised Statutes). The District's service area is located in the City and County of Denver, Colorado (City). The District held its organizational meeting on December 8, 2016.

9th Avenue Metropolitan District No. 1 (the Service District) was organized in conjunction with two other metropolitan districts, 9th Avenue Metropolitan District Nos. 2 and 3, (the Financing Districts) (together with the Service District, the Districts). The Service District will act as manager for the Districts to coordinate and manage the financing, acquisition, construction, completion, operation, and maintenance of all public infrastructure and services within and without the Districts' service area, including streets, traffic and safety, water, sanitation, storm drainage, transportation, mosquito control, and park and recreation facilities for the collective use and benefit of the property owners within, and residents of all of the Districts. The Financing Districts were organized to generate revenue to pay the costs of the Districts' improvements.

The Service District shall have the power to provide covenant enforcement and design review services within the Districts' service area. The Districts shall also have the power to form a special improvement district within the boundaries of the Districts to encourage, accommodate, and finance renewable energy improvements and energy efficiency improvements.

On November 3, 2015, the District's voters authorized general obligation indebtedness of \$2,080,000,000 for the above listed facilities and powers, but the District's Service Plans limits the total debt issuance to \$160,000,000, with a maximum debt mill levy of 50.000 mills.

The District prepares its budget on the modified accrual basis of accounting in accordance with the 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.

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

**9TH AVENUE METROPOLITAN DISTRICT NO. 1
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Revenue

Intergovernmental Transfers

Per provisions of the Districts' Service Plan and a Memorandum of Understanding effective September 30, 2016, the District will provide for the overall administration of the Districts. District Nos. 2 and 3 will transfer the net funds of their operational mill levies to the District to fund these obligations.

Net Investment Income

Interest earned on the District's available funds has been estimated at an annual average interest rate of 5%.

Other Revenue

On November 15, 2022, the District entered into an "Operation Funding Agreement - Retail Sales Fee Revenue" with 9th Avenue (Denver) Land, LLC (the "Developer") whereby the Developer assigned a portion of its Retail Sales Fee Revenue to the District to help fund the District's operations and maintenance expenses.

Expenditures

General and Administrative Expenditures

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

Operations and Maintenance Expenditures

The District will be responsible for the operations and maintenance of certain common areas within the Districts. The District has budgeted \$893,000 for these expenditures in 2024.

**9TH AVENUE METROPOLITAN DISTRICT NO. 1
2024 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Debt and Leases

The District's only debt is developer advances for operations. The developer advances will be issued pursuant to an Operation Funding Agreement entered into with the Developer effective September 30, 2016, and as amended on November 21, 2019, November 19, 2020, and November 18, 2021. Simple interest shall accrue on any advances at the rate of 8% per annum. See below for the anticipated developer advance activity.

	Balance			Balance
	<u>12/31/2021</u>	<u>Additions</u>	<u>Deletions</u>	<u>12/31/2022</u>
Developer advances				
Principal	\$ 50,000	\$ 185,000	\$ -	\$ 235,000
Interest	2,838	11,400	-	14,238
	<u>\$ 52,838</u>	<u>\$ 196,400</u>	<u>\$ -</u>	<u>\$ 249,238</u>
	Balance			Balance
	<u>12/31/2022</u>	<u>Additions</u>	<u>Deletions</u>	<u>12/31/2023</u>
Developer advances				
Principal	\$ 235,000	\$ -	\$ -	\$ 235,000
Interest	14,238	18,800	-	33,038
	<u>\$ 249,238</u>	<u>\$ 18,800</u>	<u>\$ -</u>	<u>\$ 268,038</u>

The District has no operating or capital leases.

Reserves

Emergency Reserve

The District has provided for an emergency reserve fund equal to at least 3% of fiscal year spending for 2023, as defined under TABOR.

This information is an integral part of the accompanying budget.

I, Matt Schartz, hereby certify that I am the duly appointed Secretary of the 9th Avenue 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 9th Avenue Metropolitan District No. 1 held on November 16, 2023.

Matthew P Schartz

Matt Schartz, Secretary

RESOLUTION NO. 2023-11-03

RESOLUTION TO SET MILL LEVIES

**RESOLUTION OF THE 9TH AVENUE 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 the 9th Avenue Metropolitan District No. 1 (the “**District**”) has adopted an annual budget in accordance with the Local Government Budget Law, on November 16, 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 9th Avenue Metropolitan District No. 1, City and County of Denver, 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.

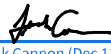
3. That for the purpose of meeting all contractual obligation expenses of the District during the 2024 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

4. That the Secretary is hereby authorized and directed to immediately certify to the Assessor of the City and County of Denver, 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 16, 2023.

**9TH AVENUE METROPOLITAN
DISTRICT NO. 1**

By: 
[Frank Cannon \(Dec 11, 2023 14:44 EST\)](#)

Frank Cannon, President

Attest:

By: *Matthew P Schartz*

Matt Schartz, Secretary

EXHIBIT 1

Certification of Tax Levies

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of DENVER COUNTY, Colorado.

On behalf of the 9TH AVENUE METROPOLITAN DISTRICT NO. 1,

the BOARD OF DIRECTORS (taxing entity)^A

of the 9TH AVENUE METROPOLITAN DISTRICT NO. 1 (governing body)^B

(local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ 0 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 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: \$ 0 (NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57) USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted: 01/09/2024 for budget/fiscal year 2024 (no later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)	LEVY ²	REVENUE ²
1. General Operating Expenses ^H	<u>0.000</u> mills	\$ <u>0</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< <u> </u> > mills	\$ < <u> </u> >
SUBTOTAL FOR GENERAL OPERATING:	<u>NaN</u> mills	\$ <u>NaN</u>
3. General Obligation Bonds and Interest ^J	<u> </u> mills	\$ <u> </u>
4. Contractual Obligations ^K	<u> </u> mills	\$ <u> </u>
5. Capital Expenditures ^L	<u> </u> mills	\$ <u> </u>
6. Refunds/Abatements ^M	<u> </u> mills	\$ <u> </u>
7. Other ^N (specify): <u> </u>	<u> </u> mills	\$ <u> </u>
	<u> </u> mills	\$ <u> </u>
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	<u>NaN</u> mills	\$ <u>NaN</u>

Contact person: Jason Carroll Phone: (303)779-5710
Signed:  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, Matt Schartz, hereby certify that I am the duly appointed Secretary of the 9th Avenue 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 9th Avenue Metropolitan District No. 1 held on November 16, 2023.

Matthew P Schartz

Matt Schartz, Secretary