

BIJOU CREEK METROPOLITAN DISTRICT

Financial Statements

Year Ended December 31, 2022

with

Independent Auditor's Report

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Crady, Puca & Associates

Certified Public Accountants & Consultants

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## INDEPENDENT AUDITOR'S REPORT

To the Board of Directors  
of the Bijou Creek Metropolitan District

### Opinions

We have audited the accompanying financial statements of the governmental activities and each major fund of the Bijou Creek Metropolitan District as of and for the year ended December 31, 2022, and related notes to the financial statements, which collectively comprise Bijou Creek Metropolitan District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Bijou Creek Metropolitan District as of December 31, 2022, and the respective changes in financial position and the respective budgetary comparison for the General Fund for the year then ended in accordance 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. 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 Bijou 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 opinions.

### Responsibilities of Management for the Financial Statements

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 Bijou Creek Metropolitan District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### 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 generally accepted auditing standards 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 generally accepted auditing standards, 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 Bijou 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 Bijou 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 omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic 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 opinions on the basic financial statements are not affected by this missing information.

### **Supplementary Information**

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Bijou Creek Metropolitan District's basic financial statements. The individual fund budgetary comparison schedule on page 17 is presented for the purpose of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the individual budgetary comparison schedule is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

### **Other Information**

Management is responsible for the other information. The other information comprises the Summary of Assessed Valuation, Mill Levy and Property Taxes Collected on page 18 but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon. In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

*Crady, Puca & Associates*

Aurora, Colorado  
March 29, 2024

## Bijou Creek Metropolitan District

### BALANCE SHEET/STATEMENT OF NET POSITION GOVERNMENTAL FUNDS December 31, 2022

	<u>General</u>	<u>Debt Service</u>	<u>Total</u>	<u>Adjustments</u>	<u>Statement of Net Position</u>
<b>ASSETS</b>					
Cash and investments - restricted	\$ 1,112	\$ 239,504	\$ 240,616	\$ -	\$ 240,616
Receivable - County Treasurer	142	735	877	-	877
Property taxes receivable	37,056	185,294	222,350	-	222,350
Due from other funds	-	20,367	20,367	(20,367)	-
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total Assets	<u>\$ 38,310</u>	<u>\$ 445,900</u>	<u>\$ 484,210</u>	<u>(20,367)</u>	<u>463,843</u>
<b>LIABILITIES</b>					
Accounts payable	\$ 10,972	\$ -	\$ 10,972	-	10,972
Due to other funds	20,367	-	20,367	(20,367)	-
Accrued interest	-	-	-	96,760	96,760
Long-term liabilities:					
Due within one year	-	-	-	20,000	20,000
Due in more than one year	-	-	-	2,652,548	2,652,548
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total Liabilities	<u>31,339</u>	<u>-</u>	<u>31,339</u>	<u>2,748,941</u>	<u>2,780,280</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>					
Deferred property taxes	<u>37,056</u>	<u>185,294</u>	<u>222,350</u>	<u>-</u>	<u>222,350</u>
Total Deferred Inflows of Resources	<u>37,056</u>	<u>185,294</u>	<u>222,350</u>	<u>-</u>	<u>222,350</u>
<b>FUND BALANCES/NET POSITION</b>					
Fund Balances:					
Restricted:					
Emergencies	1,112	-	1,112	(1,112)	-
Debt service	-	260,606	260,606	(260,606)	-
Unassigned	<u>(31,197)</u>	<u>-</u>	<u>(31,197)</u>	<u>31,197</u>	<u>-</u>
Total Fund Balances	<u>(30,085)</u>	<u>260,606</u>	<u>230,521</u>	<u>(230,521)</u>	<u>-</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balances	<u>\$ 38,310</u>	<u>\$ 445,900</u>	<u>\$ 484,210</u>		
Net Position:					
Restricted for:					
Emergencies				1,112	1,112
Debt service				163,846	163,846
Unrestricted				<u>(2,703,745)</u>	<u>(2,703,745)</u>
Total Net Position				<u>\$ (2,538,787)</u>	<u>\$ (2,538,787)</u>

The notes to the financial statements are an integral part of these statements.

## Bijou Creek Metropolitan District

STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCES/STATEMENT OF ACTIVITIES  
GOVERNMENTAL FUNDS  
For the Year Ended December 31, 2022

	<u>General</u>	<u>Debt Service</u>	<u>Total</u>	<u>Adjustments</u>	<u>Statement of Activities</u>
<b>EXPENDITURES</b>					
Accounting and audit	\$ 11,263	\$ -	\$ 11,263	\$ -	\$ 11,263
Election expense	4,663	-	4,663	-	4,663
Insurance	6,968	-	6,968	-	6,968
Legal	19,804	-	19,804	-	19,804
Miscellaneous expenses	25,360	-	25,360	(23,920)	1,440
Treasurer's fees	455	2,275	2,730	-	2,730
Bond principal	-	15,000	15,000	(15,000)	-
Bond interest expense	-	91,000	91,000	30,380	121,380
Trustee fees	-	7,000	7,000	-	7,000
Interest on developer advances	-	-	-	34,751	34,751
Total Expenditures	<u>68,513</u>	<u>115,275</u>	<u>183,788</u>	<u>26,211</u>	<u>209,999</u>
<b>GENERAL REVENUES</b>					
Property taxes	30,327	151,639	181,966	-	181,966
EURA pass through	-	-	-	-	-
Specific ownership taxes	1,922	9,607	11,529	-	11,529
Interest income	1,089	3,516	4,605	-	4,605
Miscellaneous income	2,231	-	2,231	-	2,231
Total General Revenues	<u>35,569</u>	<u>164,762</u>	<u>200,331</u>	<u>-</u>	<u>200,331</u>
<b>EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES</b>					
	(32,944)	49,487	16,543	(26,211)	(9,668)
<b>NET CHANGES IN FUND BALANCES</b>					
	(32,944)	49,487	16,543	(16,543)	
<b>CHANGE IN NET POSITION</b>					
				(9,668)	(9,668)
<b>FUND BALANCES/NET POSITION:</b>					
BEGINNING OF YEAR	<u>2,859</u>	<u>211,119</u>	<u>213,978</u>	<u>(2,743,097)</u>	<u>(2,529,119)</u>
END OF YEAR	<u>\$ (30,085)</u>	<u>\$ 260,606</u>	<u>\$ 230,521</u>	<u>\$ (2,769,308)</u>	<u>\$ (2,538,787)</u>

The notes to the financial statements are an integral part of these statements.

## Bijou Creek Metropolitan District

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

For the Year Ended December 31, 2022

	Original & Final <u>Budget</u>	<u>Actual</u>	Variance Favorable <u>(Unfavorable)</u>
<b>REVENUES</b>			
Property taxes	\$ 30,435	\$ 30,327	\$ (108)
Specific ownership taxes	2,435	1,922	(513)
Interest income	-	1,089	1,089
Miscellaneous income	-	2,231	2,231
Total Revenues	32,870	35,569	2,699
<b>EXPENDITURES</b>			
Accounting and audit	10,000	11,263	(1,263)
Election expense	10,000	4,663	5,337
Insurance	8,000	6,968	1,032
Legal	30,000	19,804	10,196
Miscellaneous expenses	-	25,360	(25,360)
Treasurer's fees	457	455	2
Contingency	29,430	-	29,430
Emergency reserve	1,754	-	1,754
Total Expenditures	89,641	68,513	21,128
<b>EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES</b>	(56,771)	(32,944)	23,827
<b>OTHER FINANCING SOURCES (USES)</b>			
Developer advances	41,050	-	(41,050)
Total Other Financing Sources (Uses)	41,050	-	(41,050)
<b>NET CHANGE IN FUND BALANCE</b>	(15,721)	(32,944)	(17,223)
<b>FUND BALANCE:</b>			
BEGINNING OF YEAR	15,721	2,859	(12,862)
END OF YEAR	\$ -	\$ (30,085)	\$ (30,085)

The notes to the financial statements are an integral part of these statements.

# BIJOU CREEK METROPOLITAN DISTRICT

## Notes to Financial Statements December 31, 2022

### Note 1: Summary of Significant Accounting Policies

The accounting policies of the Bijou Creek Metropolitan District (“District”), located in the Town of Deer Trail in Arapahoe 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 on November 26, 2018, as a quasi-municipal organization established under the State of Colorado Special District Act. The District operates pursuant to a service plan approved by the Town of Deer Trail (“Town”) on August 14, 2018 (the “Service Plan”). The District was established to provide for the construction and completion of a part or all of the public improvements for the use and benefit of its property owners, inhabitants, taxpayers and the general public, all in accordance with the laws of the State. 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 the 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.



# BIJOU CREEK METROPOLITAN DISTRICT

## Notes to Financial Statements December 31, 2022

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. For the most part, the effect of interfund activity has been removed from these statements.

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.

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 not accounted for and reported in another fund.

# BIJOU CREEK METROPOLITAN DISTRICT

## Notes to Financial Statements December 31, 2022

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 Local Government 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. The total appropriations in the Debt Service Fund was amended.

### Assets, Liabilities, Deferred Outflows/Inflows of Resources and Net Position

#### Fair Value of Financial Instruments

The District's financial instruments include cash and investments, accounts receivable and accounts payable. The District estimates that the fair value of all financial instruments at December 31, 2022, 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.

#### Deposits and Investments

The District's cash and investments 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 net asset value.

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.

#### Interfund Balances

Activities between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as "due to/from other funds". These amounts are eliminated in the Statement of Net Position.

#### 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.

# BIJOU CREEK METROPOLITAN DISTRICT

## Notes to Financial Statements December 31, 2022

### 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 has no items that qualify for reporting in this category.

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 one item 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.

### 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 acquisition value at the date of donation. 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 capital 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. All improvements were conveyed to other governmental entities during 2021, and removed from the Statement of Net Position.

### 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 30 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.

## BIJOU CREEK METROPOLITAN DISTRICT

### Notes to Financial Statements December 31, 2022

#### 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.

#### 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 \$1,112 of the General Fund balance has been reserved in compliance with this requirement.

The restricted fund balance in the Debt Service Fund in the amount of \$260,606 is restricted for the payment of the debt service costs associated with the Series 2019A Bonds (see Note 3).

#### Committed Fund Balance

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.

BIJOU CREEK METROPOLITAN DISTRICT

Notes to Financial Statements  
December 31, 2022

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the District considers restricted funds to have been spent first. Although not included in a formal policy, the District considers decreases in fund balance to first reduce committed, then assigned, and then unassigned balances, in that order.

Fund Balance Deficit

The General Fund has a deficit of \$30,085 at December 31, 2022. It is anticipated that this will be eliminated with future property tax collections.

Net Position

Net Position represents the difference between assets and deferred outflows of resources less liabilities and deferred inflows of resources. The District can report 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.

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: Cash and investments

As of December 31, 2022, cash and investments are classified in the accompanying financial statements as follows:

Statement of Net Position:

Cash and investments - restricted	\$ <u>240,616</u>
Total	\$ <u>240,616</u>

Cash and investments as of December 31, 2022, consist of the following:

Deposits with financial institutions	\$ 1,626
COLOTRUST	<u>238,990</u>
Total	\$ <u>240,616</u>

## BIJOU CREEK METROPOLITAN DISTRICT

### Notes to Financial Statements December 31, 2022

#### 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.

The District follows state statutes 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.

##### 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.

##### Investment Valuation

The District categorizes its fair value measurements 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. Investments not measured at fair value and not categorized include governmental money market funds; money market funds (generally held by Bank Trust Departments in their role as paying agent or trustee). The District’s investment is not required to be categorized within the fair value hierarchy. This investment’s value is calculated using the net asset value method (NAV) per share.

## BIJOU CREEK METROPOLITAN DISTRICT

### Notes to Financial Statements December 31, 2022

As of December 31, 2022, the District had the following investment:

#### 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 venture 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 COLOTRUST operates similarly to a money market fund with each share maintaining a value of \$1.00. The COLOTRUST offers shares in three portfolios, one of which is COLOTRUST PLUS+. COLOTRUST PLUS+ may invest in U.S. Treasuries, government agencies, the highest-rated commercial paper, certain corporate securities, certain money market funds, and certain repurchase agreements, and limits its investments to those allowed by State statutes. Purchases and redemptions are available daily at a net asset value (NAV) of \$1.00. A designated custodial bank provides safekeeping and depository services to COLOTRUST in connection with the direct investment and withdrawal function of COLOTRUST. The custodian’s internal records identify the investments owned by participating governments. There are no unfunded commitments and there is no redemption notice period. At December 31, 2022, the District had \$238,990 invested in COLOTRUST Plus+.

#### Note 3: Long Term Debt

A description of the long-term obligations as of December 31, 2022, is as follows:

#### \$1,820,000 General Obligation (Limited Tax Convertible to Unlimited Tax) Bonds, Series 2019A and \$334,000 Subordinate General Obligation Limited Tax Bonds, Series 2019B

On October 31, 2019, the District issued \$1,820,000 General Obligation (Limited Tax Convertible to Unlimited Tax) Bonds, Series 2019A (“Series 2019A Bonds”) and \$334,000 Subordinate General Obligation Limited Tax Bonds, Series 2019B (“Series 2019B Bonds”), for the purpose of paying or reimbursing public improvements and paying the cost of issuance of the Bonds, and, with respect to the Series 2019A Bonds only, funding a reserve fund and funding capitalized interest. The Series 2019A Bonds bear interest at the rate of 5.00%, payable semiannually on each June 1 and December 1, commencing on December 1, 2019. The Series 2019B Bonds bear interest at the rate of 7.750%, payable annually on December 15, commencing on December 15, 2019, to the extent that Subordinate Pledged Revenue is available. The Series 2019A Bonds are subject to a mandatory sinking fund redemption commencing on December 1, 2022 and are subject to redemption prior to maturity, at the option of the District, as a whole or in integral multiples of \$1,000, in any order of maturity and in whole or partial maturities, commencing on December 1, 2024, upon payment of par, accrued interest, and a redemption premium that ranges between 0% and 3%.

BIJOU CREEK METROPOLITAN DISTRICT

Notes to Financial Statements  
December 31, 2022

The Series 2019A Bonds are secured by the Senior Required Mill Levy, the portion of the Specific Ownership Tax which is collected as a result of the Senior Required Mill Levy, the Capital Fees, if any and any other legally available moneys as determined by the District. The Series 2019A Bonds are also secured by the Senior Reserve Fund. The Series 2019B Bonds are secured by the Subordinate Required Mill Levy, the portion of the Specific Ownership Tax which is collected as a result of the Subordinate Required Mill Levy, the Subordinate Capital Fee Revenue, if any, the amount in the Senior Surplus Fund after the termination of such fund pursuant to the Senior Indenture, and any other legally available moneys as determined by the District.

The 2019B bonds are “cash flow” bonds meaning that no regularly scheduled principal payments are due prior to the maturity date, and interest not paid will accrue and compound until there is sufficient Subordinate Pledged Revenue for payment. In the event any amounts due and owing on the 2019B Bonds remain outstanding on December 16, 2059, such amounts shall be deemed discharged and shall no longer be due and outstanding.

Events of Default as defined in the Series 2019A Bonds and the Series 2019B Bonds Indentures include 1) the failure or refusal of the District to impose the Required Mill levy, 2) the default by the District in the performance or observance of any other of the covenants, agreements, or conditions of the Indenture or the Bond Resolution, and failure to remedy the same after notice thereof pursuant to the Indenture, and 3) the filing of a petition under the federal bankruptcy laws or other applicable laws seeking to adjust the obligations represented by the Bonds. Failure to pay the principal of or interest on the Series 2019A Bonds or the Series 2019B 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 Series 2019A Bonds or the Series 2019B Bonds is not an available remedy for an Event of Default.

The following is a summary of the annual long-term debt principal and interest requirements for the Series 2019A Bonds.

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ 20,000	\$ 90,250	\$ 110,250
2024	20,000	89,250	109,250
2025	20,000	88,250	108,250
2026	25,000	87,250	112,250
2027	25,000	86,000	111,000
2028-2032	170,000	408,000	578,000
2033-2037	260,000	357,000	617,000
2038-2042	370,000	281,500	651,500
2043-2047	505,000	176,250	681,250
2048-2049	390,000	33,000	423,000
	<u>\$ 1,805,000</u>	<u>\$ 1,696,750</u>	<u>\$ 3,501,750</u>



BIJOU CREEK METROPOLITAN DISTRICT

Notes to Financial Statements  
December 31, 2022

Because of the uncertainty of the timing of the principal and interest payment on the Series 2019B Bonds, no schedule of principal and interest payments is presented.

The following is an analysis of changes in long-term debt for the year ending December 31, 2022:

	Balance 1/1/2022	Additions	Deletions	Balance 12/31/2022	Current Portion
<b>General Obligation Bonds</b>					
Series 2019A Bonds	\$ 1,820,000	\$ -	\$ 15,000	\$ 1,805,000	\$ 20,000
Series 2019B Bonds	334,000	-	-	334,000	-
<b>Other</b>					
Funding Agreement obligation	434,383	-	-	434,383	-
Interest -Funding Agreement obligation	64,414	34,751	-	99,165	-
Total	<u>\$2,652,797</u>	<u>\$ 34,751</u>	<u>\$ 15,000</u>	<u>\$ 2,672,548</u>	<u>\$ 20,000</u>

Debt Authorization

A majority of the qualified electors of the District authorized the issuance of indebtedness in the amount not to exceed \$105,000,000. Pursuant to the Service Plan, the District is permitted to issue bond indebtedness of up to \$10,500,000. As of December 31, 2022, the District had \$8,346,000 remaining authority under the Service Plan. The District did not budget to issue any additional debt in 2023.

Note 4: Other Agreements

Infrastructure Acquisition and Reimbursement Agreement

On December 3, 2018, the District entered into a Infrastructure Acquisition and Reimbursement Agreement with Bijou Creek, LLC, a Colorado limited liability company (the “Developer”) (the “Funding Agreement”) to establish the terms and conditions under which the District may coordinate the: (i) reimbursement of the Developer for Certified District Eligible Costs (defined below) incurred by the Developer for public infrastructure, improvements and services (collectively, the “Public Infrastructure”) to be dedicated to other governmental entities; (ii) acquisition of certain Public Infrastructure to be owned by the District, and payment of the Certified District Eligible Costs thereof; and (iii) reimbursement of the Developer for Eligible Professional Service Costs constituting Certified District Eligible Costs. Pursuant to the Funding Agreement, the District agrees to reimburse the Developer for these advances plus interest at the rate of 8% per annum. The District’s obligation to make reimbursement payments is subject to annual appropriations of the Board from funds available within any fiscal year and not otherwise required for operations, capital improvements, or debt service costs.

# BIJOU CREEK METROPOLITAN DISTRICT

## Notes to Financial Statements December 31, 2022

### Funding and Reimbursement Agreement (Operations and Maintenance)

On December 3, 2018, the District entered into a Funding and Reimbursement Agreement (Operations and maintenance) with the Developer (the “Operations Funding Agreement”). The Developer agreed to advance funds not to exceed \$500,000 through December 31, 2023 for operating, maintenance and general administrative costs. The District agreed that it will, from available sources, reimburse the Developer for all operating advances together with simple interest at a rate of 8% per annum. The term for repayment shall not extend beyond 30 years from the date of this agreement.

### Note 5: Economic Dependency

The District has not yet established a property tax base sufficient to pay the District’s operating costs. Until a sufficient property tax base is established, the District will be dependent upon funding by the Developer.

### Note 6: Tax, Spending and Debt Limitations

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.

On November 6, 2018, a majority of the District’s electors authorized the District to collect and spend or retain in a reserve all currently levied taxes and fees of the District without regard to any limitations under Article X, Section 20 of the Colorado Constitution.

# BIJOU CREEK METROPOLITAN DISTRICT

## Notes to Financial Statements December 31, 2022

### Note 7: 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 District has elected to participate in the Colorado Special Districts Property and Liability Pool (“Pool”) which 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.

### Note 8: Related Party

A majority of the Board of Directors are employees, owners or are otherwise associated with the Developer and may have conflicts of interest in dealing with the District. Management believes that all potential conflicts, if any, have been disclosed to the Board. The District has entered into various funding agreements with the Developer, see Note 4.

### Note 9: Reconciliation of Government-Wide Financial Statements and Fund Financial Statements

The Government Funds Balance Sheet/Statement of Net Position includes an adjustments column. The adjustments may have the following elements:

- 1) long-term liabilities such as bonds payable, developer advances payable and accrued interest on bonds and developer advances are not due and payable in the current period and, therefore, are not in the funds.

BIJOU CREEK METROPOLITAN DISTRICT

Notes to Financial Statements  
December 31, 2022

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

- 1) governmental funds report interest expense on the modified accrual basis; however, interest expense is reported on the full accrual method in the statement of activities; and,
- 2) governmental funds report bond proceeds as revenue and report interest as expenditures; however, these are reported as changes to long-term liabilities on the government-wide financial statements; and,
- 3) governmental funds report long-term debt payments as expenditures, however, in the statement of activities, the payment of long-term debt is recorded as a decrease of long-term liabilities;and,
- 4) governmental funds report developer advance not yet received as a revenue but are not included in the government-wide financial statements as a liability until received; therefore, the reversal of developer advances included in miscellaneous expense should not be an expense in the government-wide financial statements.

## SUPPLEMENTAL INFORMATION

## Bijou Creek Metropolitan District

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

For the Year Ended December 31, 2022

	Original <u>Budget</u>	Final <u>Budget</u>	<u>Actual</u>	Variance Favorable <u>(Unfavorable)</u>
<b>REVENUES</b>				
Property taxes	\$ 152,173	\$ 152,173	\$ 151,639	\$ (534)
Specific ownership taxes	12,174	12,174	9,607	(2,567)
Interest income	<u>-</u>	<u>-</u>	<u>3,516</u>	<u>3,516</u>
Total Revenues	<u>164,347</u>	<u>164,347</u>	<u>164,762</u>	<u>415</u>
<b>EXPENDITURES</b>				
Bond interest expense	91,000	91,000	91,000	-
Bond principal	15,000	15,000	15,000	-
Trustee fees	7,000	11,717	7,000	4,717
Treasurer's fees	<u>2,283</u>	<u>2,283</u>	<u>2,275</u>	<u>8</u>
Total Expenditures	<u>115,283</u>	<u>120,000</u>	<u>115,275</u>	<u>4,725</u>
<b>NET CHANGE IN FUND BALANCE</b>	49,064	44,347	49,487	5,140
<b>FUND BALANCE:</b>				
BEGINNING OF YEAR	<u>211,196</u>	<u>211,196</u>	<u>211,119</u>	<u>(77)</u>
END OF YEAR	<u>\$ 260,260</u>	<u>\$ 255,543</u>	<u>\$ 260,606</u>	<u>\$ 5,063</u>

The notes to the financial statements are an integral part of these statements.

**Bijou Creek Metropolitan District**

SUMMARY OF ASSESSED VALUATION, MILL LEVY  
AND PROPERTY TAXES COLLECTED  
December 31, 2022

<u>Collection year</u>	<u>Assessed Value</u>	<u>Mills Levied</u>		<u>Total Property Tax</u>		<u>Percent Collected to Levied</u>
		<u>General</u>	<u>Debt</u>	<u>Levied</u>	<u>Collected</u>	
		<u>Fund</u>	<u>Service</u>			
2019	\$ 132,496	0.000	0.000	\$ -	\$ -	
2020 *	\$ 114,216	0.000	50.000	\$ 5,711	\$ 19,697	344.91%
2021	\$ 1,042,704	10.000	50.000	\$ 62,562	62,562	100.00%
2022	\$ 3,043,455	10.000	50.000	\$ 182,607	\$ 181,966	99.65%
Estimated for year ending December 31, 2023	\$ 3,613,457	10.255	51.279	\$ 222,350		

**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.

\* Per Arapahoe County the collected amount included \$13,987 on omitted property