RESOLUTION NO. 2022-12-01

RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY

RESOLUTION OF THE BOARD OF DIRECTORS OF BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3, 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 2023

A. The Board of Directors of Broadway Park North Metropolitan District No. 3 (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, 2022 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 December 5, 2022, 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 BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3, 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 December 5, 2022.

BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3

By: Daniel M. Cohen
President

Attest:

By: ______________________
Secretary

EXHIBIT A

Budget

BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3

ANNUAL BUDGET

FOR THE YEAR ENDING DECEMBER 31, 2023

BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3
GENERAL FUND
2023 BUDGET
WITH 2021 ACTUAL AND 2022 ESTIMATED
For the Years Ended and Ending December 31,

1/26/23

	ACTUAL 2021	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCE	1,228	$ 1,139	$ 147
REVENUES			
Property taxes	80,595	69,853	67,033
Specific ownership tax	4,242	4,148	3,352
Regional Property Taxes	-	34,926	33,277
Specific Ownership Taxes - regional	-	2,081	1,664
Total revenues	84,837	111,008	105,326
Total funds available	86,065	112,147	105,473
EXPENDITURES			
Transfer to District No. 1	57,986	72,935	69,715
Treasurer fees	806	699	670
Treasurer fees - regional	-	383	333
Repay developer advance	26,134	36,624	34,608
Contingency	-	1,359	147
Total expenditures	84,926	112,000	105,473
Total expenditures and transfers out requiring appropriation	84,926	112,000	105,473
ENDING FUND BALANCE	1,139	$ 147	$ -

No assurance provided. See summary of significant assumptions.

BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3
PROPERTY TAX SUMMARY INFORMATION
2023 BUDGET
WITH 2021 ACTUAL AND 2022 ESTIMATED
For the Years Ended and Ending December 31,

1/26/23

	ACTUAL 2021	ESTIMATED 2022	BUDGET 2023
ASSESSED VALUATION			
Commercial	$ 4,828,361	$ 6,281,700	$ 5,913,920
State assessed	-	-	5,100
Personal property	-	-	66,050
Certified Assessed Value	$ 4,828,361	$ 6,281,700	$ 5,985,070
MILL LEVY			
General	11.132	11.120	11.200
Regional Mill Levy	5.560	5.560	5.560
Total mill levy	16.692	16.680	16.760
PROPERTY TAXES			
General	$ 80,595	$ 69,853	$ 67,033
Regional Mill Levy	26,846	34,926	33,277
Budgeted property taxes	$ 80,595	$ 104,779	$ 100,310
BUDGETED PROPERTY TAXES			
General	**$ 80,595**	**$ 69,853**	**$ 67,033**
Regional Mill Levy	**-**	**34,926**	**33,277**
	$ 80,595	**104,779**	**100,310**

No assurance provided. See summary of significant assumptions.

BROADWAY PARK NORTH METROPOLITAN DISTRICT NO. 3
2023 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS

Services Provided

Broadway Park North Metropolitan District No. 3 (District) was organized on December 8, 2010 as BMP Metropolitan District No. 3 in Denver County as a quasi-municipal corporation and political subdivision of the state of Colorado and is governed pursuant to the provisions of the Colorado Special District Act together with Broadway Park North Metropolitan District No. 1 (District No. 1) and Broadway Park North Metropolitan District No. 2 (District No. 2). The District, District No. 1 and District No. 2 are collectively referred to as the Districts. On August 2, 2018, the Districts changed their names from BMP Metropolitan District No. 1,BMP Metropolitan District No. 2 and BMP Metropolitan District No. 3.

The Districts entered into a Facilities Funding, Construction and Operations Agreement with an effective date of January 1, 2020 (FFCOA) The FFCOA establishes District No. 1's responsibility, as the Service District, to coordinate the construction, design, financing and operation and maintenance of the public improvements that benefit the Districts, establishes District No. 2 and District No. 3's obligation, as the Consumer Districts, to pay for the services and benefit of the public improvements provided by District No. 1. Specifically, District No, 1 is responsible for providing all Actual Capital Costs and Actual Operations and Maintenance Costs (as such terms are defined in the FFCOA) for the Districts. The Consumer Districts agree to pay District No. 1 their funding obligations each year pursuant to the terms of the FFCOA.

The District coordinates with the City and County of Denver (City) regarding all regional improvements and services contributed by the Districts through the Regional Mill Levy. Upon completion of construction, the District will transfer certain improvements to the City, or other organizations. The District may operate and maintain all other improvements not conveyed to other entities.

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

The District prepares its budget on the modified accrual basis of accounting, in accordance with requirements of Colorado Revised Statutes C.R.S. 29-1-105.

Revenue

Property Taxes

Property taxes are levied by the District's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April, or if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August and generally sales of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

The calculation of the taxes levied is displayed on the Property Tax Summary page of the budget using the mill levy adopted by the District.

Revenue – (continued)

Specific Ownership Taxes

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the District's share will be equal to approximately 5% of the property taxes collected by the General Fund.

Expenditures

Transfers to Other Entities

The District will transfer property taxes, net of fees, derived from the operations mill levy, together with specific ownership taxes, to Broadway Park North Metropolitan District No. 1 to pay for operations and maintenance expenditures.

The District is also authorized to impose a mill levy of 5.000 mills (as adjusted) to generate revenue for regional improvements as determined by the City and County of Denver (CCOD). The District will transfer property taxes, net of fees, derived from the Regional Improvements Mill Levy, together with specific ownership taxes, to the City to contribute to the funding of the Regional Improvements. For collection year 2023, the District's mill levy is 5.560 mills for regional improvements. On January 9, 2014, the First Amendment to the Regional Mill levy Intergovernmental Agreement was approved by all parties. The amendment allows District No. 3 to utilize up to a maximum of $400,000 of the revenues derived from the imposition of the Regional Mill Levy on certain property as described in the amendment, for the purposes of fund the Dakota Outfall Project. Once District No. 3 has received $400,000 of Regional mill levy revenues from the certain property, all other amounts collected are to be remitted to the City in accordance with the original IGA.

County Treasurer's Fees

County Treasurer's fees have been computed at 1.00% of property tax collections.

Reserves

Emergency Reserve

District No. 1 has provided for an Emergency Reserve fund equal to at least 3% of fiscal year spending for District No. 3 as defined under TABOR.

This information is an integral part of the accompanying budget.

I, Chris Waggett, hereby certify that I am the duly appointed Secretary of the Broadway Park North Metropolitan District No. 3, and that the foregoing is a true and correct copy of the budget for the budget year 2023, duly adopted at a meeting of the Board of Directors of the Broadway Park North Metropolitan District No. 3 held on December 5, 2022.

____
Secretary