

ACC METROPOLITAN DISTRICT

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: 303-987-0835 800-741-3254
Fax: 303-987-2032

NOTICE OF SPECIAL MEETING AND AGENDA

<u>Board of Directors</u>	<u>Office</u>	<u>Term/Expires</u>
Julie von Clausburg	President	2023/May 2023
John E. Strabel	Treasurer	2023/May 2023
Brenda Lamer	Assistant Secretary	2022/May 2022
VACANT		2022/May 2022
VACANT		2022/May 2022
David Solin	Secretary	

DATE November 3, 2021 (Wednesday)

TIME: 9:30 A.M.

PLACE: ***DUE TO CONCERNS REGARDING THE SPREAD OF THE CORONAVIRUS (COVID-19) AND THE BENEFITS TO THE CONTROL OF THE SPREAD OF THE VIRUS BY LIMITING IN-PERSON CONTACT, THIS DISTRICT BOARD MEETING WILL BE HELD BY CONFERENCE CALL WITHOUT ANY INDIVIDUALS (NEITHER DISTRICT REPRESENTATIVES NOR THE GENERAL PUBLIC) ATTENDING IN PERSON. IF YOU WOULD LIKE TO ATTEND THIS MEETING, PLEASE CALL IN TO THE CONFERENCE BRIDGE AT 1-877-250-3814 AND WHEN PROMPTED, DIAL IN THE PASSCODE OF 5592663.***

I. ADMINISTRATIVE MATTERS

A. Confirm Quorum and Present Disclosures of Potential Conflicts of Interest.

B. Approve Agenda, confirm location of the meeting and posting of meeting notices.

C. Consider approval of the Minutes from June 9, 2021 special meeting (enclosure).

D. Discuss business to be conducted in 2022 and location (**virtual and/or physical**) of meetings. Schedule regular meeting dates and consider adoption of Resolution No. 2021-11-____ Establishing Regular Meeting Dates, Time, Location, Establishing District Website and Designating Location for Posting 24-Hour Notices (enclosure).

- E. Discuss §32-1-809, C.R.S. (Transparency Notice) reporting requirements and mode of eligible elector notification and direct staff regarding compliance.
-

- F. Discuss the status of District website.
-

II. PUBLIC COMMENTS

- A. _____

III. FINANCIAL MATTERS

- A. Review and ratify the approval of the payment of claims as follows (enclosures):

Fund	Period Ending June30, 2021	Period Ending July 31, 2021	Special Check Aug. 30, 2021	Special Check Sept. 30, 2021
General	\$ 975.40	\$ 8,005.52	\$ 2,770.80	\$ 1,767.43
Debt	\$ -0-	\$ -0-	\$ -0-	\$ 3,000.00
Capital	\$ 273,427.67-	\$ 199,006.69	\$ 68,426.38	\$ 65,760.33
Total	\$ 274,403.07	\$ 207,012.21	\$ 71,197.18	\$ 70,527.76

Fund	Period Ending Sept. 23 2021 Special Check	Period Ending Oct. 31, 2021
General	\$ -0-	\$ 1,930.70
Debt	\$ -0-	\$ -0-
Capital	\$ 190,000.00	\$ 11,327.54
Total	\$ 190,000.00	\$ 13,258.24

- B. Review and accept unaudited financial statements for the period ending September 30, 2021 and Cash Position Statement dated September 30, 2021 (enclosure).
-

- C. Discuss statutory requirements for an audit. Consider engagement of Wipfli LLP for preparation of 2021 Audit, for an amount not to exceed \$_____.
-

- D. Conduct public hearing to consider Amendment to 2021 Budget and (if necessary) consider adoption of a Resolution to Amend the 2021 Budget.
-

- E. Conduct Public Hearing on the proposed 2022 Budget and consider adoption of Resolution No. 2021-11-___ to Adopt the 2022 Budget; Resolution No. 2021-11-___ to Appropriate Sums of Money and Set Mill Levies (___ mills for General Fund, ___ mills for Debt Service Fund, for a total mill levy of _____ mills) (enclosures - preliminary assessed valuations, 2022 draft Budget and Resolutions).

- F. Consider authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

- G. Consider appointment of District Accountant to prepare the 2023 Budget and set date for public hearing to adopt the 2023 Budget (_____, 2022).

- H. Discuss and consider approval of Cost Certification Report #2 prepared by Independent District Engineering Services, LLC (“IDES”) and accept District eligible costs (to be distributed).

IV. LEGAL MATTERS

- A. Discuss May 3, 2022 Regular Directors’ election regarding new legislative requirements and related expenses for same. Consider adoption of Resolution No. 2021-11-___; Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election (enclosures). Self-Nomination forms are due by February 25, 2022. Discuss the need for ballot issues and/or questions.

- B. Ratify approval of amendment to Agreement Regarding Design, Permitting, and Construction of Fee-in-Lieu Drainage and Flood Control Improvements for First Creek upstream of 26th Avenue, Aurora Commerce Center City of Aurora by and between the District and Urban Drainage and Flood Control District D/B/A Mile High Flood District.

- C. Discuss status of Public Improvements Deferral Agreement with City of Aurora (enclosure).
-

V. CAPITAL IMPROVEMENTS

- A. Discuss status of capital improvement projects for 2021 and forecast for 2022.
-

VI. OTHER MATTERS

- A. _____
-

VII. ADJOURNMENT **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2021.**

Informational Enclosure:

- Memo regarding New Rate Structure from Special District Management Services, Inc.

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE ACC METROPOLITAN DISTRICT HELD JUNE 9, 2021

A special meeting of the Board of Directors (referred to hereafter as “Board”) of the ACC Metropolitan District (referred to hereafter as “District”) convened on Wednesday, the 9th day of June, 2021, at 9:30 A.M. Due to concerns regarding the spread of the coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the District Board meeting was held by conference call. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Julie von Clausburg
John E. Strabel

Also In Attendance Were:

David Solin; Special District Management Services, Inc.
Paula Williams, Esq. and Kate Olson, Esq.; McGeady Becher P.C.
Brenda Lamer; Board Candidate and member of First Industrial Realty Trust, Inc.
Jim Knopka; First Industrial Realty Trust, Inc.
Joe Silhacek; Wipfli LLP (for a portion of the meeting)

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosures of Potential Conflicts of Interest: Mr. Solin advised the Board regarding the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. It was noted that a quorum was present, and Directors were asked to disclose any additional conflicts of interest they might have regarding any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made prior to this meeting in accordance with the statute. Disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

ADMINISTRATIVE MATTERS

Agenda: Mr. Solin distributed for the Board’s review and approval, a proposed agenda for the District’s special meeting.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the agenda was approved, as presented.

RECORD OF PROCEEDINGS

Meeting Location and Posting of Notice: The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board determined due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, this meeting was conducted via conference call and encouraged public participation via telephone. The Board noted that notice of this meeting and conference call participation information was duly posted and that it had not received any objections to the telephonic meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Resignation of Director Ann Taylor: The Board acknowledged the resignation of Director Ann Taylor, effective December 31, 2020.

Board Appointment: The Board discussed the vacancy on the board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was made on April 29, 2021 in the Sentinel. No Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

As such, following discussion and upon motion duly made by Director von Clausburg, seconded by Director Strabel to nominate Brenda Lamer to fill the vacant Board term and, upon vote, unanimously carried, the Board appointed Brenda Lamer to fill the vacancy on the Board of Directors. The Oath of Director was administered.

Appointment of Officers: Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Julie von Clausburg
Treasurer	John E. Strabel
Secretary	David Solin
Assistant Secretary	Brenda Lamer

November 4, 2020 Special Meeting Minutes: The Board reviewed the Minutes of the November 4, 2020 special meeting.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Minutes of the November 4, 2020 special meeting were approved, as presented.

RECORD OF PROCEEDINGS

Consent Agenda: The Board considered the following actions:

- Ratify Change Order No. 18 to Service Agreement for Professional Civil Engineering Services with Kimley-Horn and Associates, Inc., issued October 28, 2020, to include Picadilly Additional RR Survey.
- Ratify Change Order No. 19, to Service Agreement for Professional Civil Engineering Services with Kimley-Horn and Associates, Inc., issued December 1, 2020.
- Ratify Change Order No. 20 to Service Agreement for Professional Civil Engineering Services with Kimley-Horn and Associates, Inc., issued February 5, 2021.
- Ratify Change Order No. 21 to Service Agreement for Professional Civil Engineering Services with Kimley-Horn and Associates, Inc., issued March 25, 2021.
- Ratify Change Order 5 to Service Agreement for Geotechnical Engineering Services with Langan Engineering and Environmental Services, Inc. issued April 30, 2021.
- Ratify Change Order 6 to Service Agreement for Geotechnical Engineering Services with Langan Engineering and Environmental Services, Inc. issued April 30, 2021.

Following review, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board ratified approval of the above actions.

**PUBLIC
COMMENTS**

There were no public comments.

**FINANCIAL
MATTERS**

Payment of Claims: The Board considered ratifying the approval of claims as follows:

Fund	Period Ending Nov. 30, 2020	Period Ending Dec. 31, 2020	Special Check Jan. 31, 2021	Special Check Feb. 28, 2021
General	\$ 3,898.27	\$ 2,478.60	\$ 783.69	\$ 1,541.52
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 50,352.21	\$ 507,758.01	\$ 97,675.73	\$ 75,379.80
Total	\$ 54,250.48	\$ 510,236.61	\$ 98,459.42	\$ 76,921.32

Fund	Period Ending March 31, 2021	March Special Check March 8, 2021	Period Ending April 30, 2021	Period Ending May 21, 2021
General	\$ 612.91	\$ -0-	\$ 1,235.22	\$ 1,747.84
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 316,213.76	\$ 7,553.00	\$ 33,767.19	\$ 871,956.20
Total	\$ 316,826.67	\$ 7,553.00	\$ 35,002.41	\$ 837,704.04

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board ratified approval of the payment of claims as presented.

Unaudited Financial Statements: Mr. Solin reviewed with the Board the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending March 31, 2021 and the Schedule of Cash Position as of March 31, 2021.

Following review, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the unaudited financial statements of the District the period ending March 31, 2021 and the Schedule of Cash Position as of March 31, 2021, were accepted.

Public Hearing on 2020 Budget Amendment: The President opened the public hearing to consider the Resolution to Amend the 2020 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2020 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Following review and discussion, Director von Clausburg moved to adopt the Resolution to Amend the 2020 Budget, Director Strabel seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-06-01 to Amend the 2020 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

2020 Audit: Mr. Silhacek reviewed the 2020 Audit with the Board.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board approved the 2020 Audit and authorized the execution of the Audit Representations Letter.

Preparation of the 2022 Budget: The Board discussed preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel, and upon vote, unanimously carried, the Board ratified the appointment of the District Accountant to prepare the 2022 Budget and set the Budget Hearing to consider adoption of the 2022 Budget for November 3, 2021.

RECORD OF PROCEEDINGS

Verification of Costs Associated with Public Improvements Report No. 1 (“Report No. 1”), dated June 2020, prepared by Independent District Engineering Services, LLC (“IDES”): The Board reviewed Report No. 1.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board accepted the Verification of Costs Associated with Public Improvements Report No. 1, dated June 2020, prepared by IDES, in the amount of \$1,051,435.38.

Verification of Costs Associated with Public Improvements Report No. 2 (Report No. 2”), prepared by Independent District Engineering Services, LLC (“IDES”): The Board deferred discussion. No further action was taken.

Request for Advance Under the Series 2019B Loan Agreement with Zions Bancorporation, N.A. d/b/a Vectra Bank Colorado for Capital Improvement Projects: The Board reviewed the Request for Advance Under the Series 2019B Loan Agreement with Zions Bancorporation, N.A. d/b/a Vectra Bank Colorado for capital improvement projects.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board approved the Request for Advance Under the Series 2019B Loan Agreement with Zions Bancorporation, N.A. d/b/a Vectra Bank Colorado for capital improvement projects and authorize all necessary actions therewith.

LEGAL MATTERS

Letter to City of Aurora Regarding Construction Deferral Request and Cost Share for Improvements on Picadilly Road – Smith Road to 26th Avenue: Attorney Williams reviewed the letter to City of Aurora Regarding Construction Deferral Request and Cost Share for Improvements on Picadilly Road – Smith Road to 26th Avenue. She noted that she will be meeting with the City of Aurora on June 17, 2021 to discuss further.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the Board ratified the letter to City of Aurora Regarding Construction Deferral Request and Cost Share for Improvements on Picadilly Road – Smith Road to 26th Avenue.

CAPITAL IMPROVEMENTS

Status of Capital Improvement Projects for 2021: Mr. Strabel updated the Board on the status of capital improvement projects for 2021.

RECORD OF PROCEEDINGS

OTHER MATTERS None.

ADJOURNMENT There being no further business to come before the Board at this time, upon motion duly made by Director von Clausburg, seconded by Director Strabel and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2021-11-____

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE ACC METROPOLITAN DISTRICT
ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION,
ESTABLISHING DISTRICT WEBSITE AND
DESIGNATING LOCATION FOR POSTING OF 24-HOUR NOTICES**

A. Pursuant to Section 32-1-903(1.5), C.R.S., special districts are required to designate a schedule for regular meetings, indicating the dates, time and location of said meetings.

B. Pursuant to Section 32-1-903(5), C.R.S., “location” means the physical, telephonic, electronic, or virtual place, or a combination of such means where a meeting can be attended. “Meeting” has the same meaning as set forth in Section 24-6-402(1)(b), C.R.S., and means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

C. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., special districts are required to designate annually at the board of directors of the district’s first regular meeting of each calendar year, the public place at which notice of the date, time and location of regular and special meetings (“**Notice of Meeting**”) will be physically posted at least 24 hours prior to each meeting (“**Designated Public Place**”). A special district is deemed to have given full and timely notice of a regular or special meeting if it posts its Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

D. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., special districts are relieved of the requirement to post the Notice of Meeting at the Designated Public Place, and are deemed to have given full and timely notice of a public meeting, if a special district posts the Notice of Meeting online at a public website of the special district (“**District Website**”) at least 24 hours prior to each regular and special meeting.

E. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., if a special district is unable to post a Notice of Meeting on the District Website at least 24 hours prior to the meeting due to exigent or emergency circumstances, then it must physically post the Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

F. Pursuant to Section 32-1-903(1.5), C.R.S., all meetings of the board that are held solely at physical locations must be held at physical locations that are within the boundaries of the district or that are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the physical location does not exceed twenty (20) miles from the district boundaries unless such provision is waived.

G. The provisions of Section 32-1-903(1.5), C.R.S., may be waived if: (1) the proposed change of the physical location of a meeting of the board appears on the agenda of a meeting; and (2) a resolution is adopted by the board stating the reason for which meetings of the board are to be held in a physical location other than under Section 32-1-903(1.5), C.R.S., and further stating the date, time and physical location of such meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the ACC Metropolitan District (the “**District**”), Adams County, Colorado:

1. That the provisions of Section 32-1-903(1.5), C.R.S., be waived pursuant to the adoption of this Resolution.

2. That the Board of Directors (the “**District Board**”) has determined that conducting meetings at a physical location pursuant to Section 32-1-903(1.5), C.R.S., would be inconvenient and costly for the directors and consultants of the District in that they live and/or work outside of the twenty (20) mile radius requirement.

3. That regular meetings of the District Board for the year 2022 shall be held on _____ at _____, at _____
[indicate physical location and/or virtual location (telephonically, electronically, or by other means)].

4. That special meetings of the District Board shall be held as often as the needs of the District require, upon notice to each director.

5. That, until circumstances change, and a future resolution of the District Board so designates, the physical location and/or method or procedure for attending meetings of the District Board virtually (including the conference number or link) shall appear on the agenda(s) of said meetings.

6. That the residents and taxpaying electors of the District shall be given an opportunity to object to the meeting(s) physical location(s), and any such objections shall be considered by the District Board in setting future meetings.

7. That the District Board authorizes establishment of a District Website, if such District Website does not already exist, in order to provide full and timely notice of meetings of the District Board online pursuant to the provisions of Section 24-6-402(2)(c)(III), C.R.S.

8. That, if the District has established a District Website, the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to each meeting pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S.

9. That, if the District has not yet established a District Website or is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting due to exigent or emergency circumstances, the Notice of Meeting shall be posted within the boundaries of the District at least 24 hours prior to each meeting, pursuant to Section 24-6-402(2)(c)(I) and (III), C.R.S., at the following Designated Public Place:

(a) Southeast corner of the intersection of Piccadilly Road and 26th Ave.

10. Special District Management Services, Inc., or his/her designee, is hereby appointed to post the above-referenced notices.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION ESTABLISHING REGULAR MEETING DATES, TIME, AND LOCATION, ESTABLISHING DISTRICT WEBSITE AND DESIGNATING LOCATION FOR 24-HOUR NOTICES]

RESOLUTION APPROVED AND ADOPTED on November 3, 2021.

ACC METROPOLITAN DISTRICT

By: _____
President

Attest:

Secretary

ACC Metropolitan District
June-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Kimley Horn and Associates, Inc.	096583003-0421	4/30/2021	4/30/2021	\$ 880.00	Engineering	3-784
Kimley Horn and Associates, Inc.	096583002-0421	4/30/2021	4/30/2021	\$ 2,848.12	Engineering	3-784
Kumar & Associates, Inc.	205585	5/18/2021	5/18/2021	\$ 120.00	Engineering	3-784
Matrix Design Group	33393	5/28/2021	5/28/2021	\$ 7,961.25	Engineering	3-784
Special District Management Services	May-21	5/31/2021	5/31/2021	\$ 778.40	Accounting	1-612
Special District Management Services	May-21	5/31/2021	5/31/2021	\$ 1,167.60	Management / Accounting	3-612
Special District Management Services	May-21	5/31/2021	5/31/2021	\$ 12.20	Miscellaneous	1-685
Special District Management Services	May-21	5/31/2021	5/31/2021	\$ 277.20	District Management	3-614
Special District Management Services	May-21	5/31/2021	5/31/2021	\$ 184.80	Management	1-614
Union Pacific Railroad Company	90107587	5/14/2021	6/13/2021	\$ 5,525.00	Engineering	3-784
Verizon Business Group	R40109-024	7/22/2020	6/30/2021	\$254,648.50	Capital Outlay	3-790
				\$274,403.07		

ACC Metropolitan District
June-21

	General	Debt	Capital	Totals
Disbursements	\$ 975.40		\$ 273,427.67	\$ 274,403.07
<u>Total Disbursements from Checking Acct</u>	<u>\$ 975.40</u>	<u>\$ -</u>	<u>\$ 273,427.67</u>	<u>\$ 274,403.07</u>

ACC Metropolitan District
July-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Concrete Express, Inc.	20011-07	6/23/2021	6/23/2021	\$ 156,205.47	Capital Outlay	3-790
Concrete Express, Inc.	20011-07	6/23/2021	6/23/2021	\$ (7,810.27)	Retainage Payable	3-318
Concrete Express, Inc.	20011-08	6/23/2021	6/23/2021	\$ 26,300.00	Capital Outlay	3-790
Concrete Express, Inc.	20011-08	6/23/2021	6/23/2021	\$ (1,315.00)	Retainage Payable	3-318
DP Media Network LLC	275128	7/1/2021	7/22/2021	\$ 532.00	Miscellaneous	1-685
Kimley Horn and Associates, Inc.	096583002-0521	5/31/2021	5/31/2021	\$ 3,764.24	Engineering	3-784
Kimley Horn and Associates, Inc.	096583000-0521	5/31/2021	5/31/2021	\$ 13,834.55	Engineering	3-784
Matrix Design Group	33716	6/30/2021	6/30/2021	\$ 4,327.50	Engineering	3-784
McGeady Becher P.C.	685W 05/2021	5/31/2021	5/31/2021	\$ 2,205.00	Legal	3-675
McGeady Becher P.C.	685W 05/2021	5/31/2021	5/31/2021	\$ 1,470.00	Legal	1-675
Special District Management Services	Jun-21	6/30/2021	6/30/2021	\$ 464.80	Accounting	1-612
Special District Management Services	Jun-21	6/30/2021	6/30/2021	\$ 697.20	Management / Accounting	3-612
Special District Management Services	Jun-21	6/30/2021	6/30/2021	\$ 56.72	Miscellaneous	1-685
Special District Management Services	Jun-21	6/30/2021	6/30/2021	\$ 798.00	District Management	3-614
Special District Management Services	Jun-21	6/30/2021	6/30/2021	\$ 532.00	Management	1-614
Wipfli LLP	1857683	6/30/2021	7/30/2021	\$ 4,950.00	Audit	1-615
				\$ 207,012.21		

ACC Metropolitan District
July-21

	General	Debt	Capital	Totals
Disbursements	\$ 8,005.52		\$ 199,006.69	\$ 207,012.21
<u>Total Disbursements from Checking Acct</u>	<u>\$ 8,005.52</u>	<u>\$ -</u>	<u>\$ 199,006.69</u>	<u>\$ 207,012.21</u>

ACC Metropolitan District
August-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Colorado Dept. of Public Health & Environment	WC221119368	7/26/2021	8/30/2021	\$ 540.00	Capital Outlay	3-790
Concrete Express, Inc.	20011-09	5/25/2021	8/16/2021	\$ 26,362.47	Capital Outlay	3-790
Concrete Express, Inc.	20011-09	5/25/2021	8/16/2021	\$ (1,318.12)	Retainage Payable	3-318
Independent District Engineering Services	28006	6/30/2021	6/30/2021	\$ 2,574.00	Professional Services	3-750
Kimley Horn and Associates, Inc.	096583002-0621	6/30/2021	6/30/2021	\$ 1,554.00	Engineering	3-784
Matrix Design Group	34096	7/21/2021	7/21/2021	\$ 4,073.75	Engineering	3-784
McGeady Becher P.C.	685W 06/2021	6/30/2021	6/30/2021	\$ 2,711.10	Legal	3-675
McGeady Becher P.C.	685W 06/2021	6/30/2021	6/30/2021	\$ 1,807.40	Legal	1-675
Special District Management Services	Jul-21	7/31/2021	7/31/2021	\$ 414.40	Accounting	1-612
Special District Management Services	Jul-21	7/31/2021	7/31/2021	\$ 621.60	Management / Accounting	3-612
Special District Management Services	Jul-21	7/31/2021	7/31/2021	\$ 18.40	Miscellaneous	1-685
Special District Management Services	Jul-21	7/31/2021	7/31/2021	\$ 795.90	District Management	3-614
Special District Management Services	Jul-21	7/31/2021	7/31/2021	\$ 530.60	Management	1-614
Union Pacific Railroad Company	90109208	7/14/2021	8/13/2021	\$ 1,984.00	Engineering	3-784
Xcel Energy	741784970	7/28/2021	7/28/2021	\$ 28,527.68	Capital Outlay	3-790
				\$ 71,197.18		

ACC Metropolitan District
August-21

	General	Debt	Capital	Totals
Disbursements	\$ 2,770.80		\$ 68,426.38	\$ 71,197.18
<u>Total Disbursements from Checking Acct</u>	<u>\$ 2,770.80</u>	<u>\$ -</u>	<u>\$ 68,426.38</u>	<u>\$ 71,197.18</u>

ACC Metropolitan District
September-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Concrete Express, Inc.	20011-11	7/25/2021	7/25/2021	\$ 14,825.00	Capital Outlay	3-790
Concrete Express, Inc.	20011-11	7/25/2021	7/25/2021	\$ (741.25)	Retainage Payable	3-318
Concrete Express, Inc.	20011-10	6/25/2021	6/25/2021	\$ 10,575.00	Capital Outlay	3-790
Concrete Express, Inc.	20011-10	6/25/2021	6/25/2021	\$ (9,047.47)	Capital Outlay	3-790
Concrete Express, Inc.	20011-10	6/25/2021	6/25/2021	\$ (0.03)	Retainage Payable	3-318
Kimley Horn and Associates, Inc.	09658300-0721	7/31/2021	7/31/2021	\$ 4,249.87	Engineering	3-784
Kimley Horn and Associates, Inc.	096583000-0821	8/31/2021	8/31/2021	\$ 4,147.40	Engineering	3-784
Kimley Horn and Associates, Inc.	096583002-0821	8/31/2021	8/31/2021	\$ 8,268.88	Engineering	3-784
Langan Engineering and Env. Svcs. Inc	LAN 0333351	5/11/2021	6/10/2021	\$ 28,362.24	Engineering	3-784
Matrix Design Group	34427	8/31/2021	9/30/2021	\$ 2,560.00	Engineering	3-784
McGeady Becher P.C.	685W 07/2021	7/31/2021	7/31/2021	\$ 1,415.29	Legal	3-675
McGeady Becher P.C.	685W 07/2021	7/31/2021	7/31/2021	\$ 943.53	Legal	1-675
Special District Management Services	Aug-21	8/31/2021	8/31/2021	\$ 604.80	Accounting	1-612
Special District Management Services	Aug-21	8/31/2021	8/31/2021	\$ 907.20	Management / Accounting	3-612
Special District Management Services	Aug-21	8/31/2021	8/31/2021	\$ 10.80	Miscellaneous	1-685
Special District Management Services	Aug-21	8/31/2021	8/31/2021	\$ 238.20	District Management	3-614
Special District Management Services	Aug-21	8/31/2021	8/31/2021	\$ 158.80	Management	1-614
Wipfli LLP	1857683-1	7/31/2021	8/30/2021	\$ 49.50	Audit	1-615
Zions Bank	92621	9/26/2021	9/26/2021	\$ 3,000.00	Paying Agent Fees	2-668
				\$ 70,527.76		

ACC Metropolitan District
September-21

	General	Debt	Capital	Totals
Disbursements	\$ 1,767.43	\$ 3,000.00	\$ 65,760.33	\$ 70,527.76
<u>Total Disbursements from Checking Acct</u>	<u>\$ 1,767.43</u>	<u>\$ 3,000.00</u>	<u>\$ 65,760.33</u>	<u>\$ 70,527.76</u>

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
1596						
09/23/2021	Urban Drainage and Flood Contr	PROJECT NO. 107	Captial Outlay	3-790	190,000.00	190,000.00
Total 1596:						190,000.00
Grand Totals:						190,000.00

ACC Metropolitan District
September-21

	General	Debt	Capital	Totals
Disbursements			\$ 190,000.00	\$ 190,000.00
Total Disbursements from Checking Acct	\$ -	\$ -	\$ 190,000.00	\$ 190,000.00

ACC Metropolitan District
October-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Colorado Special Districts P&L	POL-0007613	9/8/2021	9/8/2021	\$ 450.00	Prepaid Expenses	1-141
Matrix Design Group	34741	9/28/2021	10/28/2021	\$ 3,935.00	Engineering	3-784
McGeady Becher P.C.	685W 08/2021	10/31/2021	10/31/2021	\$ 1,103.68	Legal	3-675
McGeady Becher P.C.	685W 08/2021	10/31/2021	10/31/2021	\$ 735.78	Legal	1-675
Special District Management Services	Sep-21	9/30/2021	9/30/2021	\$ 532.00	Accounting	1-612
Special District Management Services	Sep-21	9/30/2021	9/30/2021	\$ 798.00	Management / Accounting	3-612
Special District Management Services	Sep-21	9/30/2021	9/30/2021	\$ 67.32	Miscellaneous	1-685
Special District Management Services	Sep-21	9/30/2021	9/30/2021	\$ 218.40	District Management	3-614
Special District Management Services	Sep-21	9/30/2021	9/30/2021	\$ 145.60	Management	1-614
Union Pacific Railroad Company	90110727	9/14/2021	10/14/2021	\$ 5,272.46	Engineering	3-784
				\$ 13,258.24		

ACC Metropolitan District
October-21

	General	Debt	Capital	Totals
Disbursements	\$ 1,930.70		\$ 11,327.54	\$ 13,258.24
<u>Total Disbursements from Checking Acct</u>	<u>\$ 1,930.70</u>	<u>\$ -</u>	<u>\$ 11,327.54</u>	<u>\$ 13,258.24</u>

ACC METROPOLITAN DISTRICT
Schedule of Cash Position
September 30, 2021

	<u>Rate</u>	<u>Operating</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>Total</u>
Checking:					
Cash in Bank-FirstBank		\$ 53,036.43	\$ 482,558.87	\$ 2,714,739.46	\$ 3,250,334.76
Investments:					
Cash in Bank-ColoTrust	0.0052%	23.94	-	2,457.63	2,481.57
Trustee:					
Zion Bank Project Fund		-	4,710,874.66	-	4,710,874.66
Zion Bank Cap Interest Fund		-	0.51	-	0.51
Zion Bank Pledged Revenue		-	245,002.16	-	245,002.16
Zion Bank 2019A Loan Pymt Fund		-	155,219.78	-	155,219.78
Zion Bank 2019B Loan Pymt Fund		-	0.05	-	0.05
TOTAL FUNDS:		<u>\$ 53,060.37</u>	<u>\$ 5,593,656.03</u>	<u>\$ 2,717,197.09</u>	<u>\$ 8,363,913.49</u>

2021 Mill Levy Information

Certified General Fund Mill Levy	3.388
Certified Debt Service Fund Mill Levy	32.612
ARTA Mill Levy	<u>1.000</u>
Total Certified Mill Levy	<u>37.000</u>

Board of Directors

* Julie von Clausburg
* John E. Strabel
Brenda Lamer

*authorized signer on checking account

ACC METROPOLITAN DISTRICT
FINANCIAL STATEMENTS
September 30, 2021

ACC METROPOLITAN DISTRICT
COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
September 30, 2021

	<u>GENERAL</u>	<u>DEBT SERVICE</u>	<u>CAPITAL PROJECTS</u>	<u>FIXED ASSETS</u>	<u>LONG-TERM DEBT</u>	<u>TOTAL MEMO ONLY</u>
Assets						
Cash in Bank-FirstBank	\$ 53,036	\$ 482,559	\$ 2,714,739	\$ -	\$ -	\$ 3,250,335
Cash in Bank-ColoTrust	24	-	2,458	-	-	2,482
Zion Bank Project Fund	-	4,710,875	-	-	-	4,710,875
Zion Bank Cap Interest Fund	-	1	-	-	-	1
Zion Bank Pledged Revenue	-	245,002	-	-	-	245,002
Zion Bank 2019A Loan Pyrmt Fund	-	155,220	-	-	-	155,220
Construction in progress	-	-	-	12,449,171	-	12,449,171
Total Current Assets	<u>53,060</u>	<u>5,593,656</u>	<u>2,717,197</u>	<u>12,449,171</u>	<u>-</u>	<u>20,813,084</u>
Other Debits						
Amount in Debt Service Fund	-	-	-	-	5,593,656	5,593,656
Amount to be Provided for Debt	-	-	-	-	18,547,673	18,547,673
Total Other Debits	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>24,141,329</u>	<u>24,141,329</u>
Total Assets	<u>\$ 53,060</u>	<u>\$ 5,593,656</u>	<u>\$ 2,717,197</u>	<u>\$ 12,449,171</u>	<u>\$ 24,141,329</u>	<u>\$ 44,954,413</u>
Liabilities						
Retainage Payable	\$ -	\$ -	\$ 90,306	\$ -	\$ -	\$ 90,306
Series 2019A Loan	-	-	-	-	9,525,000	9,525,000
Series 2019B Loan	-	-	-	-	4,757,617	4,757,617
Operational Funding-Due Dev	-	-	-	-	71,312	71,312
Capital Funding-Due Developer	-	-	-	-	4,606,898	4,606,898
Operational-Developer Adv Int	-	-	-	-	17,830	17,830
Capital-Developer Adv Interest	-	-	-	-	405,056	405,056
Total Liabilities	<u>-</u>	<u>-</u>	<u>90,306</u>	<u>-</u>	<u>24,141,329</u>	<u>24,231,635</u>
Fund Balance						
Investment in Fixed Assets	-	-	-	12,449,171	-	12,449,171
Fund Balance	18,879	480,796	2,281,966	-	-	2,781,640
Current Year Earnings	34,182	5,112,860	344,925	-	-	5,491,967
Total Fund Balances	<u>53,060</u>	<u>5,593,656</u>	<u>2,626,891</u>	<u>12,449,171</u>	<u>-</u>	<u>20,722,778</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balance	<u>\$ 53,060</u>	<u>\$ 5,593,656</u>	<u>\$ 2,717,197</u>	<u>\$ 12,449,171</u>	<u>\$ 24,141,329</u>	<u>\$ 44,954,413</u>

ACC METROPOLITAN DISTRICT
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
For the 9 Months Ending
September 30, 2021
General Fund

<u>Account Description</u>	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Property Tax Revenue	\$ -	\$ 55,549	\$ 55,549	\$ (0)	100.0%
Specific Ownership Taxes	645	1,788	2,200	(412)	81.3%
Total Revenues	<u>645</u>	<u>57,337</u>	<u>57,749</u>	<u>(412)</u>	<u>99.3%</u>
Expenditures					
Accounting	1,484	4,693	11,000	6,307	42.7%
District Management	1,221	2,143	15,000	12,857	14.3%
Audit	5,000	5,000	4,750	(250)	105.3%
Insurance/SDA Dues	-	3,319	4,000	681	83.0%
Legal	4,221	5,545	15,000	9,455	37.0%
Miscellaneous	948	1,623	1,500	(123)	108.2%
Treasurer's Fees	-	833	833	(0)	100.0%
Emergency Reserve	-	-	1,732	1,732	0.0%
Total Expenditures	<u>12,874</u>	<u>23,156</u>	<u>53,815</u>	<u>30,659</u>	<u>43.0%</u>
Excess (Deficiency) of Revenues Over Expenditures	(12,230)	34,182	3,934	30,249	
Beginning Fund Balance	65,290	18,879	2,806	16,073	
Ending Fund Balance	<u>\$ 53,060</u>	<u>\$ 53,060</u>	<u>\$ 6,740</u>	<u>\$ 46,321</u>	

ACC METROPOLITAN DISTRICT
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
For the 9 Months Ending
September 30, 2021
Debt Service Fund

<u>Account Description</u>	<u>Period Actual</u>	<u>YTD Actual</u>	<u>Budget</u>	<u>Favorable (Unfavorable) Variance</u>	<u>% of Budget</u>
Revenues					
Property Tax Revenue	\$ -	\$ 534,699	\$ 534,700	\$ (1)	100.0%
Specific ownership tax	6,396	17,743	32,000	(14,257)	55.4%
Loan Proceeds	4,757,617	4,757,617	-	4,757,617	-
ARTA Revenue	-	16,396	16,396	(0)	100.0%
Interest Income	6	11	2,000	(1,989)	0.6%
Total Revenues	<u>4,764,019</u>	<u>5,326,466</u>	<u>585,096</u>	<u>4,741,370</u>	<u>910.4%</u>
Expenditures					
Note Principal	-	-	35,000	35,000	0.0%
Note Interest	-	139,803	232,416	92,613	60.2%
Issuance Costs	57,557	57,557	-	(57,557)	-
ARTA - one mill levy	-	246	-	(246)	-
Paying Agent Fees	3,000	7,979	-	(7,979)	-
Treasurer's Fees	-	8,020	-	(8,020)	-
Total Expenditures	<u>60,557</u>	<u>213,606</u>	<u>267,416</u>	<u>53,810</u>	<u>79.9%</u>
Excess (Deficiency) of Revenues Over Expenditures	4,703,462	5,112,860	317,680	4,795,180	
Beginning Fund Balance	890,194	480,796	3,622,331	(3,141,535)	
Ending Fund Balance	<u>\$ 5,593,656</u>	<u>\$ 5,593,656</u>	<u>\$ 3,940,011</u>	<u>\$ 1,653,645</u>	

ACC METROPOLITAN DISTRICT
Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual
For the 9 Months Ending
September 30, 2021
Capital Projects Fund

Account Description	Period Actual	YTD Actual	Budget	Favorable (Unfavorable) Variance	% of Budget
Revenues					
Developer Advance	\$ -	\$ 508,910	\$ -	\$ 508,910	-
Interest Income	-	0	50	(50)	0.2%
2019A Loan Proceeds	5,075,060	5,075,060	600,000	4,475,060	845.8%
Total Revenues	<u>5,075,060</u>	<u>5,583,970</u>	<u>600,050</u>	<u>4,983,920</u>	<u>930.6%</u>
Expenditures					
Management / Accounting	2,226	7,039	6,000	(1,039)	117.3%
District Management	1,832	3,215	9,000	5,786	35.7%
Legal	6,331	8,272	15,000	6,728	55.1%
Professional Services	2,574	2,574	15,000	12,426	17.2%
Engineering	77,126	269,614	600,000	330,386	44.9%
Capital Outlay	453,336	3,388,332	600,000	(2,788,332)	5.65
Contingency	-	-	100,000	100,000	0.0%
Total Expenditures	<u>543,426</u>	<u>3,679,045</u>	<u>1,345,000</u>	<u>(2,334,045)</u>	<u>273.5%</u>
Excess (Deficiency) of Revenues Over Expenditures	4,531,634	1,904,925	(744,950)	2,649,875	
Transfers and Other Sources (Uses)					
Developer Advance Reimb	(1,560,000)	(1,560,000)	-	(1,560,000)	
Total Transfers and Other Sources (Uses)	<u>(1,560,000)</u>	<u>(1,560,000)</u>	<u>-</u>	<u>(1,560,000)</u>	
Change in Fund Balance	2,971,634	344,925	(744,950)	1,089,875	
Beginning Fund Balance	(344,743)	2,281,966	2,276,560	5,406	
Ending Fund Balance	<u>\$ 2,626,891</u>	<u>\$ 2,626,891</u>	<u>\$ 1,531,610</u>	<u>\$ 1,095,281</u>	

CERTIFICATION OF VALUATION BY ADAMS COUNTY ASSESSOR

Name of Jurisdiction: 219 - ACC METROPOLITAN DISTRICT

IN ADAMS COUNTY ON 8/24/2021

New Entity: No

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) AND 39-5-128(1), C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2021 IN ADAMS COUNTY, COLORADO

1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	\$16,395,800
2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: *	\$25,165,100
3. LESS TIF DISTRICT INCREMENT, IF ANY:	\$0
4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	\$25,165,100
5. NEW CONSTRUCTION: **	\$0
6. INCREASED PRODUCTION OF PRODUCING MINES: #	\$0
7. ANNEXATIONS/INCLUSIONS:	\$0
8. PREVIOUSLY EXEMPT FEDERAL PROPERTY: #	\$0
9. NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b) C.R.S.): ##	\$0
10. TAXES COLLECTED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1))(a) C.R.S.):	\$0.00
11. TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a) C.R.S.) and (39-10-114(1)(a)(I)(B) C.R.S.):	\$0.00

* This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec.20(8)(b), Colo.

** New construction is defined as: Taxable real property structures and the personal property connected with the structure.

Jurisdiction must submit respective certifications (Forms DLG 52 AND 52A) to the Division of Local Government in order for the values to be treated as growth in the limit calculation.

Jurisdiction must apply (Forms DLG 52B) to the Division of Local Government before the value can be treated as growth in the limit calculation.

USE FOR 'TABOR' LOCAL GROWTH CALCULATIONS ONLY

IN ACCORDANCE WITH THE PROVISION OF ARTICLE X, SECTION 20, COLO CONST, AND 39-5-121(2)(b), C.R.S. THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2021 IN ADAMS COUNTY, COLORADO ON AUGUST 25, 2021

1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: @	\$77,836,975
ADDITIONS TO TAXABLE REAL PROPERTY:	
2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: !	\$0
3. ANNEXATIONS/INCLUSIONS:	\$0
4. INCREASED MINING PRODUCTION: %	\$0
5. PREVIOUSLY EXEMPT PROPERTY:	\$0
6. OIL OR GAS PRODUCTION FROM A NEW WELL:	\$0
7. TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT:	\$0

(If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.)

DELETIONS FROM TAXABLE REAL PROPERTY:

8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	\$0
9. DISCONNECTIONS/EXCLUSION:	\$0
10. PREVIOUSLY TAXABLE PROPERTY:	\$0

@ This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.

! Construction is defined as newly constructed taxable real property structures.

% Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS: 1. TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY:----->

\$0

NOTE: All levies must be Certified to the Board of County Commissioners NO LATER THAN DECEMBER 15, 2021

Data Date: 8/24/2021

Ken Musso
ASSESSOR



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
PHONE 720.523.6038
FAX 720.523.6037
www.adcogov.org

August 25, 2021

ACC METROPOLITAN DISTRICT
SPECIAL DISTRICT MANAGEMENT SERVICES INC
Attn: DAVID SOLIN
141 UNION BLVD STE 150
LAKEWOOD CO 80228-1898

AUG 30 2021

To DAVID SOLIN:

Enclosed is the 2021 preliminary valuation. This valuation along with all other statutory requirements is on the enclosed form. A final certification of value will be sent out on or before December 10, 2021.

This value is subject to change by the County Board of Equalization, Board of Assessment Appeals and the State Board of Equalization as provided by law.

2021 UPDATE: House Bill 21-1312, increase the exemption threshold on personal property accounts from \$7,900 to \$50,000. This means all personal property accounts that have a value of \$7,901 or more, and below \$50,000 that were previously taxable are now exempt. The state will be reimbursing the lost revenue to all taxing entities. The last line of this Certification of Valuation has not been filled in for the preliminary Certification, but the amount will be provided on the December re-Certification.

Sincerely,

A handwritten signature in black ink, appearing to read 'KM', with a long horizontal flourish extending to the right.

Ken Musso
Adams County Assessor
KM/rmb

ACC METROPOLITAN DISTRICT
Assessed Value, Property Tax and Mill Levy Information

	2020 Actual	2021 Adopted Budget	2022 Preliminary Budget
Assessed Valuation	\$ 9,591,570	\$ 16,395,800	\$ 25,165,100
Mill Levy			
General Fund	5.734	3.388	3.388
Debt Service Fund	30.266	32.612	32.612
ARI Mill Levy	1.000	1.000	1.000
Total Mill Levy	37.000	37.000	37.000
Property Taxes			
General Fund	\$ 54,998	\$ 55,549	\$ 85,259
Debt Service Fund	290,298	534,700	820,684
ARI Mill Levy	9,592	16,396	25,165
Actual/Budgeted Property Taxes	\$ 354,888	\$ 606,645	\$ 931,108

ACC METROPOLITAN DISTRICT

GENERAL FUND

2022 Preliminary Budget

with 2020 Actual, 2021 Adopted Budget, and 2021 Estimated

	2020 Actual	01/21-09/21 YTD Actual	2021 Adopted Budget	2021 Estimated	2022 Preliminary Budget
BEGINNING FUND BALANCE	\$ 3,345	\$ 18,879	\$ 2,806	\$ 18,879	\$ 24,295
REVENUE					
Property Tax Revenue	54,998	55,549	55,549	55,549	85,259
Specific Ownership Taxes	4,036	1,788	2,200	2,200	2,200
Total Revenue	59,034	57,337	57,749	57,749	87,459
Total Funds Available	62,379	76,216	60,555	76,628	111,754
EXPENDITURES					
Accounting	8,536	4,693	11,000	11,000	11,000
District Management	4,831	2,143	15,000	15,000	15,000
Audit	10,258	5,000	4,750	5,000	5,500
Election	856	-	-	-	3,000
Insurance/SDA Dues	3,415	3,319	4,000	3,500	4,000
Legal	12,206	5,545	15,000	15,000	15,000
Statutory Compliance	36	-	-	-	-
Miscellaneous	2,539	1,623	1,500	2,000	2,000
Treasurer's Fees	825	833	833	833	1,279
Developer Advance Reimb	-	-	-	-	-
Contingency	-	-	-	-	20,000
Total Expenditures	43,500	23,156	52,083	52,333	76,779
Transfers and Other Uses					
Transfer to Capital Projects	-	-	-	-	-
Emergency Reserve	-	-	1,732	-	2,624
Total Expenditures Requiring Appropriation	43,501	23,156	53,816	52,333	79,403
ENDING FUND BALANCE	\$ 18,879	\$ 53,060	\$ 6,739	\$ 24,295	\$ 32,351

ACC METROPOLITAN DISTRICT

**DEBT SERVICE FUND
2022 Preliminary Budget
with 2020 Actual, 2021 Adopted Budget and 2021 Estimated**

	2020 Actual	01/21-09/21 YTD Actual	2021 Adopted Budget	2021 Estimated	2022 Preliminary Budget
BEGINNING FUND BALANCE	\$ 482,114	\$ 480,796	\$ 3,622,331	\$ 480,796	\$ 770,225
REVENUE					
Property Tax Revenue	290,298	534,699	534,700	534,700	820,684
Specific ownership tax	22,008	17,743	32,000	22,000	25,000
ARI Revenue	9,592	16,396	16,396	16,396	25,165
Interest Income	129	11	2,000	15	25
Loan Proceeds	35,233	4,757,617	-	-	-
Total Revenue	357,262	5,326,466	585,096	573,111	870,874
Total Funds Available	839,376	5,807,261	4,207,427	1,053,907	1,641,099
EXPENDITURES					
Note Principal	100,000	-	35,000	35,000	40,000
Note Interest	234,002	139,803	232,416	232,416	365,756
Issuance Costs	-	57,557	-	-	-
Miscellaneous	10	-	-	-	1,000
Paying Agent Fees	4,793	7,979	-	8,000	8,000
ARTA - 1 mill levy	15,419	246	-	246	-
Treasurer's Fees	4,354	8,020	-	8,020	12,310
Contingency	-	-	-	-	20,000
Transfer to Capital Projects	-	-	-	-	-
Total Expenditures	358,578	213,606	267,416	283,682	447,066
Total Expenditures Requiring Appropriation	358,578	213,606	267,416	283,682	447,066
ENDING FUND BALANCE	\$ 480,796	\$ 5,593,656	\$ 3,940,011	\$ 770,225	\$ 1,194,032

ACC METROPOLITAN DISTRICT

CAPITAL PROJECTS FUND

2022 Preliminary Budget

with 2020 Actual, 2021 Adopted Budget and 2021 Estimated

	2020 Actual	01/21-09/21 YTD Actual	2021 Adopted Budget	2021 Estimated	2022 Preliminary Budget
BEGINNING FUND BALANCE	\$ 165,928	\$ 2,281,966	\$ 2,276,560	\$ 2,281,966	\$ 1,657,936
REVENUE					
Developer Advance	5,657,987	508,910	-	508,910	-
Transfer From Other Funds	-	-	-	-	-
Interest Income	10	0	50	-	-
2019A Loan Proceeds	3,464,766	5,075,060	600,000	5,075,060	575,060
2021A Loan Proceeds	-	-	-	-	-
Total Revenue	9,122,763	5,583,970	600,050	5,583,970	575,060
Total Funds Available	9,288,691	7,865,936	2,876,610	7,865,936	2,232,996
EXPENDITURES					
Developer Advance Reimb	-	1,560,000	-	1,560,000	-
Management / Accounting	8,236	7,039	6,000	9,000	6,000
District Management	5,882	3,215	9,000	9,000	9,000
Legal	24,287	8,272	15,000	15,000	15,000
Legal Fee - Condemnation	24,154	-	-	-	-
Engineering	707,032	269,614	600,000	600,000	600,000
Professional Services	11,966	2,574	15,000	15,000	15,000
Capital Outlay	6,672,924	3,388,332	600,000	4,000,000	600,000
Contingency	(4)	-	100,000	-	100,000
Total Expenditures	7,454,476	5,239,045	1,345,000	6,208,000	1,345,000
Transfers and Other Sources (Uses)					
City of Aurora Proj Cost Share	447,750	-	-	-	-
Total Expenditures Requiring Appropriation	7,454,476	5,239,045	1,345,000	6,208,000	1,345,000
ENDING FUND BALANCE	\$ 2,281,966	\$ 2,626,891	\$ 1,531,610	\$ 1,657,936	\$ 887,996

RESOLUTION NO. 2021-11-___
RESOLUTION TO ADOPT BUDGET AND APPROPRIATE SUMS OF MONEY
RESOLUTION OF THE BOARD OF DIRECTORS OF

ACC METROPOLITAN DISTRICT, ADAMS COUNTY, COLORADO, PURSUANT TO
SECTION 29-1-108, C.R.S., SUMMARIZING EXPENDITURES AND REVENUES FOR
EACH FUND, ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY
FOR THE BUDGET YEAR 2022

- A. The Board of Directors of ACC Metropolitan District (the “**District**”) has appointed Special District Management Services, Inc. to prepare and submit a proposed budget to said governing body at the proper time.
- B. Special District Management Services, Inc. has submitted a proposed budget to this governing body on November 3, 2021 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 3, 2021, 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 ACC METROPOLITAN DISTRICT, ADAMS COUNTY, COLORADO:

1. The budget, as submitted, amended, and summarized by fund, is hereby approved and adopted as the budget of the District for the year stated above.
2. The budget is hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.
3. The sums set forth as the total expenditures of each fund in the budget attached hereto as **Exhibit A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION TO ADOPT BUDGET AND
APPROPRIATE SUMS OF MONEY]**

RESOLUTION APPROVED AND ADOPTED on November 3, 2021.

ACC METROPOLITAN DISTRICT

By: _____
President

Attest:

By: _____
Secretary

EXHIBIT A

Budget

I, David Solin, hereby certify that I am the duly appointed Secretary of the ACC Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2022, duly adopted at a meeting of the Board of Directors of the ACC Metropolitan District held on November 3, 2021.

Secretary

RESOLUTION NO. 2021-11-___
RESOLUTION TO SET MILL LEVIES
RESOLUTION OF THE ACC METROPOLITAN DISTRICT LEVYING GENERAL
PROPERTY TAXES, PURSUANT TO SECTION 39-1-111, C.R.S., FOR THE YEAR
2021, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE 2022 BUDGET
YEAR

A. The Board of Directors of the ACC Metropolitan District (the “**District**”) has adopted an annual budget in accordance with the Local Government Budget Law, on November 3, 2021.

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 operating/general fund expenses from property tax revenue is identified in the budget.

D. The amount of money necessary to balance the budget for debt retirement/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 ACC Metropolitan District, Adams County, Colorado, that:

1. For the purpose of meeting all general operating expenses of the District during the 2022 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 2022 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 2022 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.

That the Secretary is hereby authorized and directed to immediately certify to the Board of County Commissioners of Adams County, Colorado, the mill levies for the District as set forth in the District’s Certification of Mill Levies, attached hereto as **Exhibit 1** and incorporated herein by reference, recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE OF RESOLUTION TO SET MILL LEVIES]

RESOLUTION APPROVED AND ADOPTED on November 3, 2021.

ACC METROPOLITAN DISTRICT

By: _____
President

Attest:

By: _____
Secretary

EXHIBIT 1

Certification of Tax Levies

I, _____, hereby certify that I am the duly appointed Secretary of the ACC Metropolitan District, and that the foregoing is a true and correct copy of the Certification of Mill Levies for the budget year 2021, duly adopted at a meeting of the Board of Directors of the ACC Metropolitan District held on November 4, 2020.

Secretary

RESOLUTION NO. 2021-11-____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
ACC METROPOLITAN DISTRICT
CALLING A REGULAR ELECTION FOR DIRECTORS
MAY 3, 2022**

A. The term of office to which Director Brenda Lamer has previously been appointed expires upon her upon her re-election, or the election of her successor at the Election, and upon such successor taking office.

B. Two (2) vacancies currently exist on the Board of Directors of the District.

C. In accordance with the provisions of the Special District Act (“**Act**”) and the Uniform Election Code (“**Code**”), the Election must be conducted to elect three (3) Directors to serve until the second regular election, to occur May 6, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the ACC Metropolitan District (the “**District**”) of the County of Adams, Colorado:

1. Date and Time of Election. The Election shall be held on May 3, 2022, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws. At that time, three (3) Directors shall be elected to serve until the second regular election, to occur May 6, 2025.

2. Precinct. The District shall consist of one (1) election precinct for the convenience of the eligible electors of the District.

3. Conduct of Election. The Election shall be conducted as an independent mail ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall have on file, no later than fifty-five (55) days prior to the Election, a plan for conducting the independent mail ballot Election.

4. Designated Election Official. David Solin shall be the Designated Election Official and is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code or other applicable laws. The Election shall be conducted in accordance with the Act, Code and other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished.

5. Call for Nominations. The Designated Election Official shall provide Call for Nominations as required under Section 1-13.5-501, C.R.S., as applicable.

6. Absentee Ballot Applications. NOTICE IS FURTHER GIVEN, pursuant to Section 1-13.5-1002, C.R.S., that applications for and return of absentee ballots may be filed with the Designated Election Official of the District, c/o Special District Management Services,

Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, between the hours of 8:00 a.m. and 5:00 p.m., until the close of business on the Tuesday immediately preceding the Election (April 26, 2022).

7. Self-Nomination and Acceptance Forms. Self-Nomination and Acceptance Forms are available and can be obtained from the Designated Election Official for ACC Metropolitan District at the above address.

8. Cancellation of Election. If the only matter before the electors is the election of Directors of the District and if, at 5:00 P.M. on March 1, 2022, the sixty-third day prior to the regular election, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with law.

9. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board of Director's intention that the various provisions hereof are severable.

10. Repealer. All acts, orders and resolutions, or parts thereof, of the Board of Directors which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

11. Effective Date. The provisions of this Resolution shall take effect as of the date adopted and approved by the Board of Directors of the District.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION
CALLING A REGULAR ELECTION FOR DIRECTORS
MAY 3, 2022]**

RESOLUTION APPROVED AND ADOPTED on November 3, 2021.

ACC METROPOLITAN DISTRICT

By: _____
President

Attest:

Secretary

PUBLIC IMPROVEMENT DEFERRAL AGREEMENT

This Agreement, made this _____ day of _____, 20____, by and between the ACC Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, referred to as "**District**," and the City of Aurora, Colorado, a municipal corporation for the State of Colorado, hereinafter referred to as "**Aurora**" or the "**City**."

WITNESSETH:

WHEREAS, pursuant to the authority granted to the District by its Service Plan, as approved by the City Council of the City of Aurora on September 8, 2003, as it may be amended from time to time (the "**Service Plan**"), the District was formed, among other things, to provide for the design, construction and financing of public improvements to benefit properties within its boundaries, which include the Aurora Commerce Center, in the City of Aurora, County of Adams, State of Colorado.

WHEREAS, the Service Plan for the District contemplated that the District would be responsible for certain improvements to Picadilly Road, including those improvements as set forth on the construction plans attached hereto and incorporated herein as **Exhibit A** (the "**Deferred Improvements**"), which construction plans have been approved by the City;

WHEREAS, certain of the Deferred Improvements will also require approval and permits from the Union Pacific Railroad Company ("**UPRR**") as well as the Colorado Public Utilities Commission ("**PUC**"), which UPRR and PUC permits and approvals have not yet been obtained;

WHEREAS, certain other improvements, including, but not limited to those identified on **Exhibit B** attached hereto (the "**Concurrent Obligations**"), are intended to be constructed concurrently with the Deferred Improvements and are the responsibility of the City or other third-parties;

WHEREAS, at this time the City and other third-parties are not yet ready to commence construction of the Concurrent Obligations;

WHEREAS, construction of the Deferred Improvements without construction of the Concurrent Obligations will result in inefficiencies and cost increases for both the Deferred Improvements and the Concurrent Obligations;

WHEREAS, the District has issued general obligation indebtedness that is to be repaid from the imposition of a mill levy and the ad valorem tax revenue generated therefrom;

WHEREAS, the District will benefit from the development of property within the District to create a tax base to repay the District's general obligation indebtedness;

WHEREAS, certain real property within the District is anticipated to be developed, namely: Aurora Commerce Center Subdivision Filing No 3, Lots 1 and 2, and Block 1 (the "**Property**");

WHEREAS, in connection with the development of the Property, the District has the obligation to complete the Deferred Improvements.

WHEREAS, the District has requested that the Property be allowed to develop and an Occupancy Permit from Aurora granted therefor without having installed the Deferred Improvements; and

WHEREAS, pursuant to City Code Section 146-5.3.19(b), the Director of Public Works has granted a deferral of the Deferred Improvements.

NOW, THEREFORE, in consideration of the foregoing premises and further consideration of Aurora deferring the installation of the Deferred Improvements, IT IS AGREED:

1. That Aurora shall issue the Occupancy Permit requested.
2. Within 180 days following the mutual execution hereof, the City and the District will agree on an intergovernmental reimbursement agreement (the "**Reimbursement IGA**") pursuant to which the Concurrent Improvements will be constructed. The Reimbursement IGA will provide the terms for the bidding, construction and funding of both the Deferred Improvements and Concurrent Improvements. The Reimbursement IGA will identify that if the District is the constructing party for both the Concurrent Improvements and the Deferred Improvements, that the City will segregate funds to pay for the Concurrent Improvements and make the same available to the District to draw upon as certain construction milestones are satisfied. If, however, the Reimbursement IGA identifies the City as the constructing party, then, the District will adopt an Appropriations Resolution that appropriates the funds necessary for the Deferred Improvements and the District will make the same available to the City as certain construction milestones are satisfied. The exact terms and conditions of the Reimbursement Agreement shall be mutually agreeable to the Parties and the same shall be deemed incorporated herein at such time as the Reimbursement IGA is executed.
3. That the District, for itself, its heirs, successors and assigns, agrees with Aurora that within six (6) months following the later to occur of: (a) the date the UPRR and PUC approvals/permits are obtained; (b) the date the Reimbursement IGA is approved by both Parties and executed; and (c) the date upon which Aurora gives written notice by Certified Mail to the District, the District shall commence construction of the Deferred Improvements in accordance with the Reimbursement IGA or cause an Appropriations Resolution to be adopted that commits payment to Aurora of sufficient funds, as determined by Aurora in a method of security as provided in Code Section 146-5.3.19(c), for the installation of the Deferred Improvements. Aurora may issue said notice at any time, including but not limited to, such time as the Director of Public Works determines that additional public improvement construction is to occur adjacent to or near the above-described Property.
4. Failure of the District to respond and comply (as defined in City Code Section 146-5.3.19(b) with the notice given by Aurora to commence construction of the public improvements or adopt the Appropriations Resolution committing funds for the installation of the Deferred Improvements shall constitute the District's consent to Aurora's pursuit of one or more of the following remedies:
 - A. Application of the funds which are payable or due the City to the construction of said public improvements or institute suit in any court of

competent jurisdiction to obtain the amount which may be due and owing to it either on any method of security or for breach of contract or such other remedy as may be appropriate.

- B. Require the District to withdraw from any existing authority to which the District belongs and to which the District currently remits revenue it receives from imposition of the ARI Mill Levy (as defined in the District's Service Plan) and require the District instead to deliver all revenue received from the ARI Mill Levy imposition to the City to pay for the costs of the Deferred Improvements.
5. In the event the City creates a special improvement district for the construction of the said public improvements with Aurora, the District, for itself, its heirs, successors, and assigns, agrees this Agreement shall constitute District's consent to and petition for the creation of a special improvement district by Aurora for the construction of the public improvements required by the above-referenced Covenant. The Property shall be assessed for the costs of construction, engineering, and incidentals in conjunction with the creation of said improvement district. Said costs shall represent the special benefits accruing to the Property due to the construction of said public improvements. The assessment of said costs shall constitute a lien against the Property described herein until fully paid.
 6. Given the fact that the timing for completion of the Deferred Improvements and Concurrent Improvements is currently not known, the City hereby agrees that the City's approval of the construction plans attached hereto as **Exhibit A** shall not lapse for a period of five (5) years following the date hereof.
 7. This Agreement shall be recorded with the Clerk and Recorder of Adams County, and shall run with the land, and shall be binding upon and inure to the benefit of the heirs, successors, and assignees of the parties hereto.

IN WITNESS WHEREOF, the Parties have caused their names to be hereunto subscribed this _____ day of _____, 20__.

DISTRICT:

ACC METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

By: _____

Title: _____

STATE OF COLORADO)
) ss.
County of)

The foregoing Agreement was acknowledged before me this _____ day of _____, 20__, by _____ as President of the ACC Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado.

Witness my hand and official seal.

Notary Public

My Commission expires: _____

CITY OF AURORA:

Director of Public Works

Approved as to form

Reviewed by City Engineer

Reviewed by Aurora Water

Reviewed by Real Property



141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
303-987-0835 • Fax: 303-987-2032

MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski
Executive Vice-President

DATE: August 31, 2021

RE: Notice of 2022 Rate Increase

A handwritten signature in blue ink that reads "Christel Gemski".

In accordance with the Management Agreement (“Agreement”) between the District and Special District Management Services, Inc. (“SDMS”), at the time of the annual renewal of the Agreement, the hourly rate described in Article III for management and all services shall increase by the CPI (5.28%) per hour.

We hope you will understand that it is necessary to increase our rates due to increasing gas and operating costs along with new laws and rules implemented by our legislature.