

RESOLUTION NO. 158 - 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING THE PROPOSED 2023 OPERATING PLAN AND BUDGET FOR THE CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City Council approved an amended Special District Policy (the "Policy"), on August 9, 2022 (Resolution 111-22), providing for certain financial and other limitations in the use of special districts as an available method in financing public infrastructure; and

WHEREAS, also on August 9, 2022 City Council approved an amended model template for submission of the operating plan and budgets required to be annually approved for business improvement district pursuant to Section 31-25-1211 Colorado Revised Statutes; and

WHEREAS, the Creekwalk Marketplace Business Improvement District (the "District") was originally created by Ordinance No. 16-18 adopted on February 23, 2016 along with approval of an initial operating plan and budget; and

WHEREAS, since that time, the District has submitted and Council has annually approved, operating plans and budgets for this District; and

WHEREAS, the District has submitted for review, and City Council has reviewed a proposed 2023 operating plan and budget ("2023 Operating Plan and Budget") for this District; and

WHEREAS, the District, requests approval of this 2023 Operating Plan and Budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS THAT:**

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

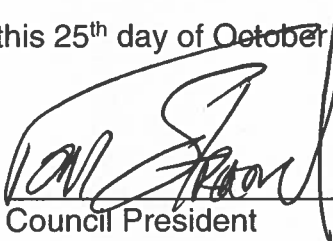
Section 2. This 2023 Operating Plan and Budget (attached as Exhibit 1) is hereby approved.

Section 3. The total debt of this District shall not exceed 10 percent of the total assessed valuation of the taxable property within the District, without the requirement for

separate City Council authorization adopted by an affirmative vote of no less than 2/3rds of the members of the entire City Council.

Section 4. This Resolution shall be effective upon its approval by City Council.

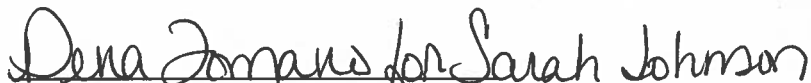
DATED at Colorado Springs, Colorado, this 25<sup>th</sup> day of October 2022.



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Council President

ATTEST:



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Sarah B. Johnson, City Clerk

**2023 OPERATING PLAN AND BUDGET**

**CREEKWALK  
MARKETPLACE  
BUSINESS  
IMPROVEMENT  
DISTRICT**

City of Colorado Springs, El Paso County, Colorado

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EXHIBIT A - Director Contact Information

EXHIBIT B - BID Budget 2023

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    Debt Service Fund

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EXHIBIT D – Terms and Definitions

2023  
OPERATING PLAN FOR THE  
CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT

1. PURPOSE AND SCOPE OF THIS DISTRICT

**A. Requirement for this Operating Plan.** The Business Improvement District Act, specifically Section 31-25-1211, C.R.S., requires that the Creekwalk Marketplace Business Improvement District (the “District”) file an operating plan and budget with the City Clerk no later than September 30 of each year.

Under the statute, the City is to approve the operating plan and budget within 30 days of the submittal of all required information.

The District operates under the authorities and powers allowed under the Business Improvement District Act, Section 31-25-1201, *et seq.*, Colorado Revised Statutes, as amended, as further described and limited by this Operating Plan.

**B. What Must Be Included in the Operating Plan?** Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, *et seq.*, C.R.S., as amended, this Operating Plan specifically identifies: (1) the composition of the Board of Directors; (2) the services and improvements to be provided by the District; (3) the taxes, fees, and assessments to be imposed by the District; (4) the estimated principal amount of the bonds to be issued by the District; and (5) such other information as the City may require.

The District’s original 2016 Operating Plan and subsequent Operating Plans, previously approved by the City are incorporated herein by reference, and shall remain in full force and effect except as specifically or necessarily modified hereby.

**C. Purposes.** As may be further articulated in prior years’ Operating Plans, the ongoing and/or contemplated purposes of this District for 2023 include financing, acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and public improvements allowed under Colorado law for business improvement districts.

**D. Ownership of Property or Major Assets.** The District will own public improvements as constructed if such improvements are not otherwise dedicated to other public entities for operation and maintenance, including certain street, parking, roads, water, sanitation, storm sewer, and landscaping improvements.

**E. Contracts and Agreements.** It is anticipated that the District may enter into various agreements as required to facilitate the funding, construction, operation and maintenance of public improvements including agreements with the urban renewal entity overlapping the boundaries of the District. The District is party to that certain Cooperation Agreement with the Colorado Springs Urban Renewal Authority, dated June 3, 2019, which sets forth the parties’ intent to cooperate as to the provision and financing of certain public improvements. The District is also party to that certain Intergovernmental Agreement for Street Maintenance with the City of Colorado Springs, dated June 6, 2019, which sets forth the District’s responsibility to operate and maintain certain

streets and rights of way within the District. The District may also enter into agreements with other districts encompassing adjacent developments in order to cooperate on infrastructure projects.

## 2. ORGANIZATION AND COMPOSITION OF THE BOARD OF DIRECTORS

**A. Organization.** The Creekwalk Marketplace Business Improvement District was organized by the City of Colorado Springs, Colorado, by Ordinance No. 16-18 on February 23, 2016.

**B. Governance.** The District is governed by an elected board of directors.

**C. Current Board.** The persons who currently serve as the Board of Directors are:

- 1) Danny Mientka
- 2) Rebecca Mientka
- 3) Deirdre Aden-Smith
- 4) Melissa Harrison
- 5) Kelly Nelson

Director and other pertinent contact information is provided in **EXHIBIT A**.

**D. Term Limits.** The District's election on May 3, 2016 included a ballot question to eliminate term limits pursuant to Article 18, Section 11 of the Colorado Constitution. The question passed.

**E. Advisory Board.** The Board of Directors may appoint one or more advisory boards to assist the Board of Directors on such matters as the Board of Directors desires assistance. The Board of Directors shall, upon the appointment of an advisory board, set forth its duties, duration, and membership. The Board of Directors may provide rules of procedure for the advisory board or may delegate to the advisory board the authority to provide such rules. No advisory boards have yet been appointed.

## 3. BOUNDARIES, INCLUSIONS AND EXCLUSION

The current District boundary map is depicted in **EXHIBIT C**. In addition to prior inclusions, an additional inclusion was approved on November 24, 2021 pursuant to Ordinance No. 21-93. The District does not anticipate inclusion or exclusion requests in the coming year.

## 4. PUBLIC IMPROVEMENTS

The District will be primarily concerned with the provision of Public Improvements and services within the boundaries of the District; however, there may be instances to provide improvements or services outside of the boundaries of the District as part of the urban renewal project. The District shall have the authority to provide these improvements and services, but the revenue-raising powers of the District to recoup the costs of extraterritorial improvements and services shall be as limited by state law.

The public improvements that the District anticipates it will construct, install or cause to be constructed and installed, include those public improvements the costs of which may, in accordance with the Business Improvement District Act, Section 31-25-1201, *et seq.*, C.R.S., lawfully be paid for by the District, including, without limitation, water services, safety protection devices, sanitation services, marketing, streetscape improvements, street improvements, curbs, gutters, culverts, drainage facilities, sidewalks, parking facilities, paving, lighting, grading, landscaping and storm and wastewater management facilities and associated land acquisition and remediation.

## **5. ADMINISTRATION, OPERATIONS, SERVICES, PROPERTY OWNERSHIP AND MAINTENANCE**

The District shall provide for ownership, operation, and maintenance of District facilities as activities of the District itself or by contract with other units of government or the private sector. The District does not have any employees.

## **6. FINANCIAL PLAN AND BUDGET**

**A. 2023 Budget.** The 2023 Budget for the District is attached as **EXHIBIT B**.

**B. Authorized Indebtedness.** The District held an election on May 3, 2016 for the purpose of authorizing debt, taxes, revenue limits, spending limits, special assessments, and such other matters as may be necessary or convenient for the implementation of Art. X., Sec. 20 of the Colorado Constitution, and the Operating Plan. The electors of the District approved a cumulative total of \$650,000,000 in debt authorization. As set forth in the District's original operating plan, the initial maximum debt authorization for the District is \$50,000,000. This maximum debt authorization amount shall not be exceeded without express prior approval by the City.

**C. Maximum Debt and Operating Mill Levies.** The mill levy limitations in the original Operating Plan remain unchanged. The Maximum Debt Mill Levy is fifty (50) mills. The Maximum Operating Mill Levy is ten (10) mills. The mill levy caps set forth in this paragraph may be subject to upward or downward adjustments addressing any Mill Levy Adjustment or any abatement occurring after, but not before January 1, 2006. Such upward or downward adjustments are to be determined by the Board of Directors in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenue generated by the mill levy, as adjusted for changes occurring after January 1, 2006, are neither diminished nor enhanced as a result of such changes.

**D. District Revenues.** The District receives revenues derived from property taxes, urban renewal funds, and developer advances. The District also receives public improvement fees to support public improvement construction and existing bonds. See 2023 budget attached as **EXHIBIT B**.

**E. Existing Debt Obligations.** On July 31, 2019, the District issued its \$24,230,000 Limited Tax Supported and Special Revenue Senior Bonds Series 2019A and \$2,500,000 Limited Tax Supported and Special Revenue Subordinate Bonds Series 2019B (together, the "2019 Bonds") for the purpose of constructing capital improvements with a public purpose necessary for



development. The City Council approved this issuance by Resolution No. 51-19 as required by the 2019 Operating Plan.

On December 23, 2021, the District issued its Series 2021A Limited Tax Supported and Special Revenue Senior Bonds in the principal amount of \$11,040,000 and its Series 2021B Limited Tax Supported and Special Revenue Subordinate Bonds in the principal amount of \$2,500,000.

Following the issuance of the Bonds in 2019 and 2021, the District has \$9,730,000 in remaining debt authorization.

**F. Future Debt Obligations.** The District does not anticipate issuing bonds in 2023.

**G. Developer Funding Agreements.** The District has received developer advances to fund its operations and capital projects. Developer advances are recorded as revenue for budget purposes with an obligation for future repayment when the District is financially able to reimburse the Developer from bond proceeds and other legally available revenue.

The District and SNA Development, LLC entered into a Facilities Funding and Reimbursement Agreement dated as of June 1, 2016. Simple interest will accrue at a rate of 6% per annum. At the end of 2022, it is anticipated that the District will have an outstanding developer advance obligation in the amount of \$3,974,355 in principal and \$258,567 in interest.

The District and the Developer have entered into an Operations Reimbursement Agreement dated March 14, 2018. Reimbursements for advances made by the Developer to the District in each year shall include interest compounded annually on the outstanding amount due from the District to the Developer at the annual rate of 8%. At the end of 2022, it is anticipated that the District will have an outstanding developer advance obligation in the amount of \$481,154 in principal and \$111,977 in interest.

Any Developer Funding Agreements entered into by this District after January 1, 2023 shall be limited to a term of no greater than twenty (20) years, from the time of the first such agreement, after which time any remaining balances must be either converted to Debt or shall no longer be considered an obligation of the District. The Interest Rate on any new Developer Funding Agreements entered into after January 1, 2023 shall not exceed the Index Rate plus 400 basis points, and interest shall only accrue on the principal balance.

**H. Other Financial Obligations.** The District may enter into agreements including reimbursement or similar agreements and leases; as well as agreements for ongoing services such as legal, administration, compliance, budget, audit, etc.

**I. City Charter Limitations.** In accordance with 7-100 of the City Charter, the District shall not issue any Debt instrument for any purpose other than construction of capital improvements with a public purpose necessary for development. As set forth in 7-100 of the City Charter, the total Debt of any proposed District shall not exceed 10 percent of the total assessed valuation of the taxable property within the District unless approved by at least a two-thirds vote of the entire City Council.

**J. Limited Default Provisions.** Limited tax general obligation bonds issued by the District shall be structured and/or credit enhancements provided such that the bonds cannot default as long as the District is imposing the required maximum allowed mill levy.

**K. Privately Placed Debt and Related Party Privately Placed Debt.** Prior to the issuance of any Privately Placed Debt for capital related costs, the District shall obtain the certification of an External Financial Advisor regarding the fairness and feasibility of the interest rate and the structure of the Debt. The Interest Rate for Related Party Privately Placed Debt shall not exceed the Index Rate by more than 400 basis points. Related Party Privately Placed Debt shall not be issued with an optional call date of greater than five (5) years from the date of issuance.

**L. End User Fee Limitation.** The District shall not impose an End User Fee for the purpose of servicing District Debt without prior approval of City Council.

**M. Debt Not and Obligation of the City.** The debt of the District will not constitute a Debt or obligation of the City in any manner. The faith and credit of the City will not be pledged for the repayment of the debt of the District. This will be clearly stated on all offering circulars, prospectus, or disclosure statements associated with any securities issued by the District.

**N. Land Development Entitlements.** The District shall not issue Debt, enter into any other Long Term Financial Obligation or certify a Debt Mill Levy unless a Land Development Entitlement has been approved for the Property.

## 7. MUNICIPAL OVERSIGHT OF DISTRICT ACTIVITIES

**A. Audit.** The District agrees to submit an annual audit to the City Finance Department no later than March 1st of each year which is performed by an independent certified public accounting firm. Even if the State grants an audit exemption, the District must submit an annual audit as specified above.

**B. SID Formation.** The District affirms that it will provide an Amended Operating Plan and seek prior approval of City Council prior to formation of any Special Improvement District or Authority within its boundaries in the future.

**C. City Authorization Prior to Debt Issuance.** In accordance with the City's Special District Policy, and notwithstanding any statements of intent in the Budget and Operating Plan, this District shall request and obtain approval of City Council prior to issuance of any Debt in accordance with the financing plan for the District as previously approved. The standards for City approval shall generally be consistency with the City's Special District Policy, as it may be amended, along with the most recently approved operating plan and budget and any requirements or limitations contained therein to the extent that they are consistent with the financing plans for the District.

**D. Public Improvement Fees.** The District utilizes public improvement fees ("PIF") to provide necessary funding revenues for the improvements to be financed by the District. In addition to the PIF the District currently receives, the District may also utilize revenues from a new, increased or expanded PIF specifically authorized in this Operating Plan and Budget.

This District will not utilize any revenues from a new, increased or expanded public improvement fee (PIF) unless specifically authorized in this or a subsequent operating plan and budget, or separately approved by City Council. The imposition of a PIF and any provisions for adjustment of a PIF that have been previously approved by City Council shall not be subject to this restriction.

**E. *Condemnation.*** The Colorado Revised Statutes do not authorize BIDs to use powers of eminent domain. The exercise of eminent domain authority by any City-authorized district is also specifically prohibited without express prior City Council approval.

**F. *Concealed Carry Prohibition.*** The District shall not adopt or enact an ordinance, resolution, rule or other regulation that prohibits or restricts an authorized permittee from carrying a concealed handgun in a building or specific area under the direct control or management of the District as provided in C.R.S. § 18-12-214.

**G. *Eligible Expenses or Costs for Reimbursement.*** In addition to any limits or prohibitions contained in Colorado Revised Statutes, the District shall not issue debt for or otherwise fund any costs or expenses not allowed for by the Special District Policy.

**H. *Intergovernmental Agreements.***

As noted previously, the District is party to that certain Cooperation Agreement with the Colorado Springs Urban Renewal Authority, dated June 3, 2019, which sets forth the parties' intent to cooperate as to the provision and financing of certain public improvements. The District is also party to that certain Intergovernmental Agreement for Street Maintenance with the City of Colorado Springs, dated June 6, 2019, which sets forth the District's responsibility to operate and maintain certain streets and rights of way within the District. The District may also enter into agreements with other districts encompassing adjacent developments in order to cooperate on infrastructure projects.

**I. *Overlapping Districts.***

Certain property included into the District in 2021 (El Paso County Parcel Identification No. 6430209003) may overlap with the Cheyenne Creek Park and Water Metropolitan District, which imposed a mill levy of .500 in tax levy year 2021. The purpose of the Cheyenne Creek Park and Water Metropolitan District is to maintain a consistent flow of water in the Cheyenne Creek from April through October.

**8. 2023 ACTIVITIES, PROJECTS AND CHANGES**

**A. *Activities***

It is anticipated that the District will primarily be engaged in activities in connection with the urban renewal project for the area and continuing with development activities.

**B. *Projects and Public Improvements***

The District will continue undertaking Creekwalk North public improvement projects in 2023.

**C. *Summary of 2023 Activities and Changes from Prior Year***

**Boundary changes:** None anticipated.

**Changes to board or governance structure:** Not anticipated for the upcoming year.

**Mill levy changes:** Prior year's mill levies were 1.000 mill for general operating and 50.000 mills for debt service, for a total of 51.000 mills. For the upcoming year, the general operating mill levy will increase to 10.000 mills and the debt service mill levy will remain at 50.000 mills, for a total of 61.000 mills. The increase in operations and maintenance activities necessitates the increase in the operating mill levy component.

**New, refinanced or fully discharged debt:** Not anticipated for the upcoming year.

**Elections:** May 2, 2023.

**Major changes in development activity or valuation:** Continuation of Creekwalk North improvements as previously anticipated which will result in additional assessed valuation as anticipated in the bond financing plans approved by City.

**Ability to meet current financial obligations:** See attached 2023 Budget attached as EXHIBIT B.

**9. DISCLOSURE AND COMMUNICATION.**

The District shall maintain a website that includes content similar to that required for metropolitan districts by Colorado Revised Statutes § 32-1-104.5 and as required by Section K of the Special District Policy, to the extent this content is applicable to BIDs. The District's website is <https://creekwalkmarketplacebid.com/>.

**10. DISSOLUTION**

The District is anticipated to have ongoing operations and maintenance obligations that will necessitate perpetual existence. If the District no longer has such obligations, the District will seek to dissolve pursuant to C.R.S § 31-25-1225.

**11. CONCLUSION**

It is submitted that this Operating Plan and Budget for the District meets the requirements of the Business Improvement District Act and further meets applicable requirements of the Colorado Constitution and other law. It is further submitted that the types of services and improvements to be provided by the District are those services and improvements which satisfy the purposes of Part 12 of Article 25 of Title 31, C.R.S.

**EXHIBIT A**  
**Director and Other Contact Information**

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT**

**BOARD OF DIRECTORS:**

<b>NAME &amp; ADDRESS</b>	<b>POSITION</b>	<b>TERM</b>	<b>PHONE #/E-MAIL</b>
Danny Mientka 90 South Cascade Avenue, Suite 1500 Colorado Springs, Colorado 80903	President	2020-2023	719.448.4034 <a href="mailto:danny@theequitygroup.net">danny@theequitygroup.net</a>
Deirdre Aden-Smith 90 South Cascade Avenue, Suite 1500 Colorado Springs, Colorado 80903	Vice President	2022-2025	719.448.4025 <a href="mailto:deirdre@theequitygroup.net">deirdre@theequitygroup.net</a>
Rebecca Mientka 90 South Cascade Avenue, Suite 1500 Colorado Springs, Colorado 80903	Secretary	2020-2023	719.963.9342 <a href="mailto:beckymientka@gmail.com">beckymientka@gmail.com</a>
Melissa Harrison 90 South Cascade Avenue, Suite 1500 Colorado Springs, Colorado 80903	Assistant Secretary	2022-2025	262.496.4012 <a href="mailto:mc.christensen03@gmail.com">mc.christensen03@gmail.com</a>
Kelly S. Nelson 90 South Cascade Avenue, Suite 1500 Colorado Springs, Colorado 80903 <a href="mailto:kelly@theequitygroup.net">kelly@theequitygroup.net</a>	Assistant Secretary	2022-2025	<a href="mailto:kelly@theequitygroup.net">kelly@theequitygroup.net</a>

**LEGAL COUNSEL:**

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Denver, Colorado 80203  
303-839-3845  
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**DISTRICT MANAGER/STAFF:**

None.

**ACCOUNTANT:**

Carrie Bartow, CPA  
CliftonLarsonAllen LLP  
102 South Tejon, Suite 350  
Colorado Springs, CO 80903  
(w) 719-635-0300 x 77839  
(f) 719-473-3630  
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**AUDITOR:**

BiggsKofford, P.C.  
Attention: Josephus Le Roux  
630 Southpointe Court, Suite 200  
Colorado Springs, Colorado 80906

**EXHIBIT B**  
**2023 BID Budget**

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT**

**ANNUAL BUDGET**

**FOR THE YEAR ENDING DECEMBER 31, 2023**

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
SUMMARY  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

9/16/22

	ACTUAL 2021	BUDGET 2022	ACTUAL 6/30/2022	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCES	\$ 5,354,084	\$ 14,897,594	\$ 7,208,803	\$ 7,208,803	\$ 3,575,540
REVENUES					
Property taxes	42,704	58,169	59,344	59,344	128,091
Specific ownership tax	5,454	5,817	3,347	6,694	15,799
Interest income	1,862	9,000	5,312	11,350	10,150
Public improvement fees	805	562,000	76,691	250,000	960,000
Developer advance	2,511,247	97,800	81,616	1,372,986	2,126,656
CSURA TIF revenues	-	600,000	-	350,000	620,000
Other revenue	1,484	-	972	972	-
Bond issuance	13,540,000	-	-	-	-
CAM revenue	-	188,210	-	-	188,210
Total revenues	<u>16,103,556</u>	<u>1,520,996</u>	<u>227,282</u>	<u>2,051,346</u>	<u>4,048,906</u>
TRANSFERS IN	<u>2,792,400</u>	<u>3,574,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total funds available	<u>24,250,040</u>	<u>19,992,590</u>	<u>7,436,085</u>	<u>9,260,149</u>	<u>7,624,446</u>
EXPENDITURES					
General Fund	62,057	99,000	55,107	94,848	129,088
Debt Service Fund	1,355,652	2,203,000	947,148	1,957,016	2,226,514
Capital Projects Fund	12,831,128	9,171,544	1,688,644	3,632,745	2,021,000
Special Revenue Fund	-	188,210	-	-	188,210
Total expenditures	<u>14,248,837</u>	<u>11,661,754</u>	<u>2,690,899</u>	<u>5,684,609</u>	<u>4,564,812</u>
TRANSFERS OUT	<u>2,792,400</u>	<u>3,574,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total expenditures and transfers out requiring appropriation	<u>17,041,237</u>	<u>15,235,754</u>	<u>2,690,899</u>	<u>5,684,609</u>	<u>4,564,812</u>
ENDING FUND BALANCES	<u>\$ 7,208,803</u>	<u>\$ 4,756,836</u>	<u>\$ 4,745,186</u>	<u>\$ 3,575,540</u>	<u>\$ 3,059,634</u>
EMERGENCY RESERVE	\$ 100	\$ 100	\$ 100	\$ 100	\$ 800
DEBT SERVICE RESERVE - 2019 Bonds (Required Amount of \$2,119,525)	2,119,525	2,119,525	2,119,525	2,004,887	2,020,854
DEBT SERVICE RESERVE - 2021 Bonds (Required Amount of \$1,037,980)	1,038,190	-	1,038,190	1,037,980	1,037,980
DEBT SERVICE CAPITALIZED INTEREST	1,127,773	-	842,030	532,573	-
DEBT SERVICE SURPLUS - 2019 Bonds (Maximum \$1,000,000)	571,227	2,637,156	53,317	-	-
DEBT SERVICE SURPLUS - 2021 Bonds (Maximum \$500,000)	-	-	-	-	-
TOTAL RESERVE	<u>\$ 4,856,815</u>	<u>\$ 4,756,781</u>	<u>\$ 4,053,162</u>	<u>\$ 3,575,540</u>	<u>\$ 3,059,634</u>

No assurance is provided. See summary of significant assumptions.



**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
PROPERTY TAX SUMMARY INFORMATION  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

9/16/22

	ACTUAL 2021	BUDGET 2022	ACTUAL 6/30/2022	ESTIMATED 2022	BUDGET 2023
<b>ASSESSED VALUATION</b>					
Commercial	\$ 815,230	\$ 1,248,240	\$ 1,248,240	\$ 1,248,240	\$ 2,424,500
Vacant land	95,340	58,440	58,440	58,440	208,760
	<u>910,570</u>	<u>1,306,680</u>	<u>1,306,680</u>	<u>1,306,680</u>	<u>2,633,260</u>
Adjustments	(73,780)	(166,110)	(166,110)	(166,110)	(498,410)
Certified Assessed Value	<u>\$ 836,790</u>	<u>\$ 1,140,570</u>	<u>\$ 1,140,570</u>	<u>\$ 1,140,570</u>	<u>\$ 2,134,850</u>
<b>MILL LEVY</b>					
General	1.000	1.000	1.000	1.000	10.000
Debt Service	50.000	50.000	50.000	50.000	50.000
Total mill levy	<u>51.000</u>	<u>51.000</u>	<u>51.000</u>	<u>51.000</u>	<u>60.000</u>
<b>PROPERTY TAXES</b>					
General	\$ 837	\$ 1,141	\$ 1,141	\$ 1,141	\$ 21,349
Debt Service	41,840	57,028	56,492	57,028	106,742
Levied property taxes	42,677	58,169	57,633	58,169	128,091
Adjustments to actual/rounding	26	-	1,711	1,175	-
Budgeted property taxes	<u>\$ 42,703</u>	<u>\$ 58,169</u>	<u>\$ 59,344</u>	<u>\$ 59,344</u>	<u>\$ 128,091</u>
<b>BUDGETED PROPERTY TAXES</b>					
General	\$ 837	\$ 1,141	\$ 1,164	\$ 1,164	\$ 21,349
Debt Service	41,866	57,028	58,180	58,180	106,743
ARI	-	-	-	-	-
	<u>\$ 42,703</u>	<u>\$ 58,169</u>	<u>\$ 59,344</u>	<u>\$ 59,344</u>	<u>\$ 128,091</u>

No assurance is provided. See summary of significant assumptions.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
GENERAL FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

9/16/22

	ACTUAL 2021	BUDGET 2022	ACTUAL 6/30/2022	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCE	\$ (5,868)	\$ 100	\$ 4,644	\$ 4,644	\$ 100
<b>REVENUES</b>					
Property taxes	838	1,141	1,164	1,164	21,349
Specific ownership tax	107	114	66	132	2,633
Interest income	7	-	-	-	-
Other revenue	1,484	-	972	972	-
Developer advance	70,133	97,800	41,248	88,036	105,806
Total revenues	<u>72,569</u>	<u>99,055</u>	<u>43,450</u>	<u>90,304</u>	<u>129,788</u>
Total funds available	<u>66,701</u>	<u>99,155</u>	<u>48,094</u>	<u>94,948</u>	<u>129,888</u>
<b>EXPENDITURES</b>					
General and administrative					
Accounting	22,819	33,000	22,034	35,000	40,000
Auditing	3,300	3,500	3,525	3,525	4,000
Banking Fees	-	-	22	45	50
County Treasurer's fee	13	17	17	17	320
PIF collection expense	936	8,000	5,746	17,000	20,000
CORA Expense	-	-	1,875	1,875	-
Directors' fees	1,400	3,000	-	3,000	3,000
Dues and memberships	1,180	1,600	346	346	1,600
Insurance and bonds	5,524	6,000	6,317	6,317	6,600
Legal services	22,905	30,000	12,732	25,000	40,000
Miscellaneous	3,873	8,653	1,098	1,098	8,288
Payroll taxes	107	230	-	230	230
Election expense	-	5,000	1,395	1,395	5,000
Total expenditures	<u>62,057</u>	<u>99,000</u>	<u>55,107</u>	<u>94,848</u>	<u>129,088</u>
Total expenditures and transfers out requiring appropriation	<u>62,057</u>	<u>99,000</u>	<u>55,107</u>	<u>94,848</u>	<u>129,088</u>
ENDING FUND BALANCE	<u>\$ 4,644</u>	<u>\$ 155</u>	<u>\$ (7,013)</u>	<u>\$ 100</u>	<u>\$ 800</u>
EMERGENCY RESERVE	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 800</u>
TOTAL RESERVE	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 800</u>

No assurance is provided. See summary of significant assumptions.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
SPECIAL REVENUE FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

9/8/22

	ACTUAL 2021	BUDGET 2022	ACTUAL 6/30/2022	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES					
CAM Revenue	-	188,210	-	-	188,210
Total revenues	-	188,210	-	-	188,210
Total funds available	-	188,210	-	-	188,210
EXPENDITURES					
Operations and maintenance					
Repairs and maintenance	-	5,000	-	-	5,000
Utilities	-	31,100	-	-	31,100
General and Administrative	-	69,110	-	-	69,110
Exterior Expense and Maintenance	-	83,000	-	-	83,000
Total expenditures	-	188,210	-	-	188,210
Total expenditures and transfers out requiring appropriation	-	188,210	-	-	188,210
ENDING FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ -

No assurance is provided. See summary of significant assumptions.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
DEBT SERVICE FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

9/16/22

	ACTUAL 2021	BUDGET 2022	ACTUAL 6/30/2022	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCE	\$ 3,372,995	\$ 2,151,950	\$ 4,856,714	\$ 4,856,714	\$ 3,575,440
REVENUES					
Property taxes	41,866	57,028	58,180	58,180	106,742
Specific ownership tax	5,347	5,703	3,281	6,562	13,166
Public improvement fees	805	562,000	76,691	250,000	960,000
CSURA TIF revenues	-	600,000	-	350,000	620,000
Interest income	1,414	9,000	5,134	11,000	10,000
Total revenues	<u>49,432</u>	<u>1,233,731</u>	<u>143,286</u>	<u>675,742</u>	<u>1,709,908</u>
TRANSFERS IN					
Transfers from other funds	<u>2,791,170</u>	<u>3,574,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total funds available	<u>6,213,597</u>	<u>6,959,681</u>	<u>5,000,000</u>	<u>5,532,456</u>	<u>5,285,348</u>
EXPENDITURES					
Banking Fees	20	-	142	300	-
County Treasurer's fee	632	855	872	872	1,601
Miscellaneous	-	4,970	-	-	-
Paying agent fees	6,000	6,000	-	12,000	12,000
Bond interest - 2021 Bonds	-	842,175	271,634	594,844	618,913
Bond interest - 2019 Bonds	1,349,000	1,349,000	674,500	1,349,000	1,349,000
Bond Principal - 2019 Bonds	-	-	-	-	245,000
Total expenditures	<u>1,355,652</u>	<u>2,203,000</u>	<u>947,148</u>	<u>1,957,016</u>	<u>2,226,514</u>
TRANSFERS OUT					
Transfers to other fund	<u>1,230</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total expenditures and transfers out requiring appropriation	<u>1,356,882</u>	<u>2,203,000</u>	<u>947,148</u>	<u>1,957,016</u>	<u>2,226,514</u>
ENDING FUND BALANCE	<u>\$ 4,856,715</u>	<u>\$ 4,756,681</u>	<u>\$ 4,052,852</u>	<u>\$ 3,575,440</u>	<u>\$ 3,058,834</u>
DEBT SERVICE RESERVE - 2019 Bonds (Required Amount of \$2,119,525)	\$ 2,119,525	\$ 2,119,525	\$ 2,119,525	\$ 2,004,887	\$ 2,020,854
DEBT SERVICE RESERVE - 2021 Bonds (Required Amount of \$1,037,980)	1,038,190	-	1,038,190	1,037,980	1,037,980
DEBT SERVICE CAPITALIZED INTEREST	1,127,773	-	842,030	532,573	-
DEBT SERVICE SURPLUS - 2019 Bonds (Maximum \$1,000,000)	571,227	2,637,156	53,317	-	-
DEBT SERVICE SURPLUS - 2021 Bonds (Maximum \$500,000)	-	-	-	-	-
TOTAL RESERVE	<u>\$ 4,856,715</u>	<u>\$ 4,756,681</u>	<u>\$ 4,053,062</u>	<u>\$ 3,575,440</u>	<u>\$ 3,058,834</u>

No assurance is provided. See summary of significant assumptions.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
CAPITAL PROJECTS FUND  
2023 BUDGET  
WITH 2021 ACTUAL AND 2022 ESTIMATED  
For the Years Ended and Ending December 31,**

9/16/22

	ACTUAL 2021	BUDGET 2022	ACTUAL 6/30/2022	ESTIMATED 2022	BUDGET 2023
BEGINNING FUND BALANCE	\$ 1,986,957	\$ 12,745,544	\$ 2,347,445	\$ 2,347,445	\$ -
REVENUES					
Interest income	441	-	178	350	150
Developer advance	2,441,114	-	40,368	1,284,950	2,020,850
Bond issuance	13,540,000	-	-	-	-
Total revenues	<u>15,981,555</u>	<u>-</u>	<u>40,546</u>	<u>1,285,300</u>	<u>2,021,000</u>
TRANSFERS IN					
Transfers from other funds	<u>1,230</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total funds available	<u>17,969,742</u>	<u>12,745,544</u>	<u>2,387,991</u>	<u>3,632,745</u>	<u>2,021,000</u>
EXPENDITURES					
General and Administrative					
Accounting	6,211	10,000	1,228	5,000	6,000
Engineering	5,177	15,000	9,102	15,000	15,000
Capital Projects					
Bond issue costs	318,080	-	112,745	112,745	-
Repay developer advance	64,260	-	-	-	-
Capital outlay	12,437,400	9,146,544	1,565,569	3,500,000	2,000,000
Total expenditures	<u>12,831,128</u>	<u>9,171,544</u>	<u>1,688,644</u>	<u>3,632,745</u>	<u>2,021,000</u>
TRANSFERS OUT					
Transfers to other fund	<u>2,791,170</u>	<u>3,574,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total expenditures and transfers out requiring appropriation	<u>15,622,298</u>	<u>12,745,544</u>	<u>1,688,644</u>	<u>3,632,745</u>	<u>2,021,000</u>
ENDING FUND BALANCE	<u>\$ 2,347,444</u>	<u>\$ -</u>	<u>\$ 699,347</u>	<u>\$ -</u>	<u>\$ -</u>

No assurance is provided. See summary of significant assumptions.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
2023 BUDGET  
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

**Services Provided**

The District was organized to provide the financing, acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and public improvements allowed under Colorado law for business improvement districts. Specific improvements and services provided by the District include water services, traffic and safety protection, sanitation services, street improvements, parks and recreation, transportation, television relay and translation, mosquito control, security, fire protection and emergency medical. The District's service area is located entirely within the City of Colorado Springs, El Paso County, Colorado.

The District was organized by Ordinance of the City of Colorado Springs on February 23, 2016.

At an election held on May 3, 2016, the voters approved general indebtedness of \$600,000,000 at a maximum interest rate of 18% for each of the following improvements and services: streets, water supply, sanitary sewer, traffic and safety controls, parks and recreation, transportation, television relay and translation, mosquito control, security, fire protection and emergency medical. The election authorized indebtedness of \$50,000,000 each for operations and maintenance, reimbursement agreements, and debt refunding. The voters also approved an annual increase in taxes of up to \$5,000,000 at a mill levy rate without limitation or with such limitations as may be determined by the board for the purpose of the District's operations, maintenance, and other expenses and an annual increase in taxes of up to \$25,000,000 at a mill levy rate without limitation or with such limitations as may be determined by the board for the purpose of the District's capital expenditures. The election also allows the District to retain all revenues without regard to the limitations contained in Article X, Section 20 of the Colorado Constitution.

Pursuant to the District's Operating Plan filed annually with the City, the maximum debt mill levy is 50 mills, and the maximum operating mill levy for the payment of administrative, operations and maintenance expenses is 10 mills. The maximum debt authorization for the District is \$50,000,000.

The District has no employees and all 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 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

**Revenues**

**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 adopted mill levy imposed by the District.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
2023 BUDGET  
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

**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 10% of the property taxes collected.

**Developer Advance**

The District is in the development stage. As such, the operating and administrative expenditures will be mainly funded by the Developer. A major portion of the capital expenditures are also expected to be funded by the Developer. Developer advances are recorded as revenue for budget purposes with an obligation for future repayment when the District is financially able to reimburse the Developer from bond proceeds and other legally available revenue.

**Public Improvement Fees**

The District charges public improvement fees (PIF). The nature of the PIF is that of a fee imposed under private contract and not through the exercise of any governmental taxing authority. The PIF is applied to the sale of goods and services at a rate of 2.5%, in addition to all sales and use taxes that may be imposed and is collected by the retailers in the District and remitted to the District within 20 days after month end.

**CAM Revenue**

The District anticipates the collection of CAM revenue to offset the additional operations and maintenance expenses in 2023.

**Net Investment Income**

Interest earned on the District's available funds has been estimated based on an average interest rate of approximately 1.50%.

**Expenditures**

**Administrative Expenditures**

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

**Debt Service**

Principal and interest payments are provided based on the debt amortization schedule from the Series 2019A Bonds, Series 2019B, 2021A Bonds and 2021B (discussed under Debt and Leases).

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
2023 BUDGET  
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

**County Treasurer's Fees**

County Treasurer's collection fees have been computed at 1.5% of property taxes.

**Capital Outlay**

The District anticipates infrastructure improvements as noted in the Capital Projects fund.

**Debt and Leases**

On July 31, 2019, the District issued \$26,730,000 in Series 2019A Limited Tax Supported and Special Revenue Senior Bonds and Series 20B Subordinate Bonds for the purpose of defraying the cost of a portion of the Authorized Projects. The Bonds are limited obligations of the District secured by and payable from revenues. The Series 2019A Bonds, in the amount of \$24,230,000, are term bonds due on December 1, 2029 at an interest rate of 5.000%. The Series 2019B Subordinate Bonds, in the amount of \$2,500,000, are term bonds due December 15, 2049 at an interest rate of 8.000%.

On December 1, 2021, the District issued \$13,540,000 in Series 2021A Limited Tax Supported and Special Revenue Senior Bonds and Series 2021B Subordinate Bonds for the purpose of defraying the cost of a portion of the Authorized Projects. The Bonds are limited obligations of the District secured by and payable from revenues. The Series 2021A Bonds, in the amount of \$11,040,000, are term bonds due on December 1, 2049 at an interest rate of 5.000 – 5.750%. The Series 2021B Subordinate Bonds, in the amount of \$2,500,000, are term bonds due December 15, 2049 at an interest rate of 8.000%.

**Reserves**

**Debt Service Reserves**

The Series 2019 and 2021 Bonds are secured by funds held by the Trustee in the Reserves Funds in the required amount of \$2,119,525 and \$1,037,980 respectively. The Surplus Fund is to be funded up to a required maximum held amount of \$1,000,000 and \$500,000, respectively.

**Emergency Reserve**

The District has provided for an Emergency Reserve equal to at least 3% of fiscal year spending as defined under TABOR.

**This information is an integral part of the accompanying budget.**



**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY**

<b>Bonds and Interest Maturing in the Year Ending December 31,</b>	<b>\$24,230,000</b>		
	<b>Principal</b>	<b>Interest</b>	<b>Total</b>
	<b>Limited Property Tax Supported Revenue Bonds, Series 2019A Dated July 31, 2019 Interest Rates: 5.000% - 5.750% Interest Payable June 15 and December 15 Principal Due December 15</b>		
2022	-	1,349,000	1,349,000
2023	245,000	1,349,000	1,594,000
2024	300,000	1,336,750	1,636,750
2025	335,000	1,321,750	1,656,750
2026	390,000	1,305,000	1,695,000
2027	430,000	1,285,500	1,715,500
2028	490,000	1,264,000	1,754,000
2029	540,000	1,239,500	1,779,500
2030	605,000	1,212,500	1,817,500
2031	665,000	1,179,225	1,844,225
2032	740,000	1,142,650	1,882,650
2033	805,000	1,101,950	1,906,950
2034	900,000	1,057,675	1,957,675
2035	965,000	1,008,175	1,973,175
2036	1,060,000	955,100	2,015,100
2037	1,150,000	896,800	2,046,800
2038	1,255,000	833,550	2,088,550
2039	1,355,000	764,525	2,119,525
2040	1,425,000	690,000	2,115,000
2041	665,000	608,063	1,273,063
2042	730,000	569,825	1,299,825
2043	790,000	527,850	1,317,850
2044	860,000	482,425	1,342,425
2045	930,000	432,975	1,362,975
2046	1,010,000	379,500	1,389,500
2047	1,085,000	321,425	1,406,425
2048	1,175,000	259,038	1,434,038
2049	3,330,000	191,475	3,521,475
	<u>\$ 24,230,000</u>	<u>\$ 26,414,225</u>	<u>\$ 50,644,225</u>

No assurance is provided. See summary of significant assumptions.

**CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT  
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY**

<b>Bonds and Interest Maturing in the Year Ending December 31,</b>	<b>\$11,040,000</b>		
	<b>Principal</b>	<b>Interest</b>	<b>Total</b>
			<b>Limited Property Tax Supported Revenue Bonds, Series 2021A Dated December 1, 2021 Interest Rates: 5.000% - 5.750% Interest Payable June 15 and December 15 Principal Due December 15</b>
2022	\$ -	\$ 594,844	\$ 594,844
2023	-	618,913	618,913
2024	-	618,913	618,913
2025	-	618,913	618,913
2026	150,000	618,913	768,913
2027	175,000	611,413	786,413
2028	195,000	602,663	797,663
2029	220,000	592,913	812,913
2030	250,000	581,913	831,913
2031	280,000	568,163	848,163
2032	310,000	552,763	862,763
2033	350,000	535,713	885,713
2034	375,000	516,463	891,463
2035	425,000	495,838	920,838
2036	470,000	472,463	942,463
2037	510,000	446,613	956,613
2038	560,000	418,563	978,563
2039	605,000	387,763	992,763
2040	710,000	354,488	1,064,488
2041	330,000	313,663	643,663
2042	360,000	294,688	654,688
2043	395,000	273,988	668,988
2044	435,000	251,275	686,275
2045	470,000	226,263	696,263
2046	510,000	199,238	709,238
2047	555,000	169,913	724,913
2048	605,000	138,000	743,000
2049	1,795,000	103,213	1,898,213
	<u>\$ 11,040,000</u>	<u>\$ 12,178,469</u>	<u>\$ 23,218,469</u>

No assurance is provided. See summary of significant assumptions

**Creekwalk Marketplace Business Improvement District  
Schedule of Developer Advances & Bonds**

	Balance at December 31, 2021	Additions*	Repayments*	Balance at December 31, 2022*
G.O. Bonds - Series 2019A	\$ 24,230,000	\$ -	\$ -	\$ 24,230,000
G.O. Subordinate Bonds - Series 2019B	2,500,000	-	-	2,500,000
G.O. Bonds - Series 2021A	11,040,000	-	-	11,040,000
G.O. Subordinate Bonds - Series 2021B	2,500,000	-	-	2,500,000
Developer Advances - Capital	2,689,405	1,284,950	-	3,974,355
Accrued interest - Capital	53,070	205,497	-	258,567
Developer Advances - Operating	393,118	88,036	-	481,154
Accrued interest - Operating	77,006	34,971	-	111,977
	<u>\$ 43,482,599</u>	<u>\$ 1,613,454</u>	<u>\$ -</u>	<u>\$ 45,096,053</u>
	Balance at December 31, 2022*	Additions*	Repayments*	Balance at December 31, 2023*
G.O. Bonds - Series 2019A	\$ 24,230,000	\$ -	\$ (245,000)	\$ 23,985,000
G.O. Subordinate Bonds - Series 2019B	2,500,000	-	-	2,500,000
G.O. Bonds - Series 2021A	11,040,000	-	-	11,040,000
G.O. Subordinate Bonds - Series 2021B	2,500,000	-	-	2,500,000
Developer Advances - Capital	3,974,355	2,020,850	-	5,995,205
Accrued interest - Capital	258,567	346,782	-	605,349
Developer Advances - Operating	481,154	105,806	-	586,960
Accrued interest - Operating	111,977	42,725	-	154,701
	<u>\$ 45,096,053</u>	<u>\$ 2,516,163</u>	<u>\$ (245,000)</u>	<u>\$ 47,367,215</u>

\* Estimate


No assurance is provided. See summary of significant assumptions.

**EXHIBIT C**

**District Boundary Map**

# Creekwalk Marketplace BID



 Urban Renewal Boundary

## EXHIBIT D

### Terms and Definitions

The following terms and definitions from the City of Colorado Springs Special District Policy are specifically incorporated for use in this Operating Plan and Budget.

- a. **Authority-** An entity with separate legal powers or authorities, created by intergovernmental agreement (IGA) between or among Districts, or between or among one or more Districts, and another governmental entity.
- b. **City-** The City of Colorado Springs, acting legislatively through its City Council or administratively through its mayor or chief of staff consistent with Colorado Revised Statutes and the City Charter.
- c. **Combination of Districts-** Any combination of Metropolitan Districts, BIDs and/or GIDs that overlay each other that are organized by petition of a property developer that are specific to property within a single development project and do not serve any property outside of that project such as regional service district or non-developer controlled existing district.
- d. **C.R.S.-** Colorado Revised Statutes
- e. **Debt-** Any bond, note debenture, contract or other multiple year financial obligation of a District which is payable in whole or in part from, or which constitutes an encumbrance on, the proceeds of ad valorem property tax or End User Debt Service Fee imposed by the District, or pledged for the purposes of meeting the obligation.
- f. **Debt Mill Levy-** For the purpose of this Policy and its associated plans the debt mill levy is that portion of the overall mill levy of the District, pledged, dedicated or otherwise used to repay formally issued Debt or long terms.
- g. **Developer Funding Agreements-** Short or long-term obligations of Districts entered into between Districts and developers related to advancement of reimbursement of Public Improvements or operations and maintenance costs. Such agreements may or may not accrue interest, but do not qualify as formally issued Debt as defined under this Policy or under TABOR.
- h. **District –** This Barnes and Powers North Business Improvement District
- i. **End User-** A property owner anticipated to be have long term, multi-year responsibility for the tax and/or fee obligations of a District. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an end user. A master property developer or business entity that constructs homes or commercial structures for occupancy or ownership primarily by third parties, is not an end user.
- j. **End User Debt Service Fees-** Any fees, rates, tolls or charges assessed or pledged or otherwise obligated to End Users by a District for the payment of Debt. End User Debt Service Fees are not intended to include public improvement fees (PIFs) if authorized by this Operating Plan and Budget. .
- k. **External Financial Advisor-** A consultant that: (1) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of

such securities; (2) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place (also known as the Redbook); and (3) is not an officer of the Districts.

- l. Index Interest Rate-** The AAA 30-year MMD (Municipal Market Data) index interest rate.
- m. Interest Rate-**The annual rate of charge applied to Debt or other District financial obligations
- n. Land Development Entitlement** – A City-approved master plan, concept plan or other more detailed land use plan, zoning or combinations thereof, applicable to a substantial proportion of the property to be included in the District and sufficient to support the need for the District along with relevant public improvements financing assumptions and proposed limits.
- o. Maximum Debt Mill Levy-** The maximum mill levy a District or Combination of Districts is permitted to impose for the payment of Debt. For the purpose of this Policy, a mill levy certified for contractual obligations is part of the Maximum Debt Mill Levy.
- p. Maximum Operating Mill Levy-** The maximum mill levy a District or Combination of Districts is permitted to impose for operating and maintenance expenses.
- q. Mill Levy Adjustment** -Any statutory, legislative or constitutional changes that adjust or impact the assessed or actual valuation of property or the assessment ratio pursuant to which taxes are calculated
- r. Model BID Operating Plan and Budget-** The most recent version of the template for BID Operating Plans and Budgets adopted in accordance with this Policy.
- s. Planning and Community Development Department Director-** The Director of the Colorado Springs Planning and Community Development Department or other position which may be established for the purpose of administering this Policy, or their designee.
- t. Policy or Special District Policy** -The City's adopted Special District Policy as may be amended from time to time.
- u. Privately Placed Debt-** Debt that is not marketed to multiple independent accredited investors as defined in Rule 501(a) promulgated under the Securities Act of 1933 by a registered bond underwriter or placed directly with a chartered lending institution or credit union.
- v. Public Improvements** – Any capital or site improvements, (or directly related planning or engineering costs) legally determined to be eligible for ownership, maintenance and/or financing by a District in accordance with the applicable State statutes.
- w. Related Party Privately Placed Debt** - Privately Placed Debt that is or will be placed with and directly held by a party related to the issuing District.