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**Subject:** FW: INBID 2023 Operating Plan and Budget  
**Attachments:** CRS Title 31-25-1211 Approval of actions by municipality.pdf; Town of Timnath CO.pdf; INBID Final Audit 2021.pdf; 2023 Operating Plan and Budget - Interquest North BID.pdf

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**Subject:** INBID 2023 Operating Plan and Budget

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Dear Councilmember Henjum and Murray,

As both of you inferred at the City Council Meeting on October 25, 2022, the INBID discussion highlights an example of the lack of transparency and accountability for a local governmental entity that was approved by the City Council. This was one of my primary concerns with the membership's bias of the Special District Policy Working Group and the outcome of that process. Thank you for supporting the position to hold INBID accountable and transparent.

I respectfully request the City revise its BID Policy to require that BID District Boards submit to the City for City Council's approval a District Board's "approved Final Operating Plan and Budget" with documentation from the minutes of the District Board's public hearing on the budget. As Mr. Dykstra noted the small Town of Timnath Colorado requires the Ladera BID, which is represented by Mr. Dykstra's firm, to submit an approved budget to the Town Council for their review and approval.

There are so many examples of misrepresentations and lack of transparency and accountability in just this one BID. Based on Mr. Dykstra's responses and misrepresentations to City Council on Tuesday, this should be a concern for all City Councilmembers.

For example, Mr. Russ Dykstra, misrepresented the CRS 31 Statutes several times. First, when asked about continuation of this item he quotes: "the one caveat issue, this isn't my issue, it's a statutory issue, is the Statute Title 31 says the City Council **shall approve within 30 days of submittal** so ..... I just wanted to point out that **statutory limitation.**" Please find attached the actual wording of **CRS Title 31 -25-1211 Approval of actions by municipality:**

"The municipality **shall approve or disapprove** the operating plan and budget within thirty days after receipt of such operating plan and budget and all requested documentation relating thereto, **but not later than December 5<sup>th</sup>** of the year in which such documents are filed."

So, my question to all the City Councilmembers: Who does Mr. Dykstra represent? Is the City Attorney not able to advise City Council on the approval actions in the Title 31 Statutes? Instead, several Councilmembers just believe Mr. Dykstra who either intentionally misrepresented the Title 31 Statutes or is unaware of the **entire "caveat"** (his words) as displayed

above. And, upon further research on the Town of Timnath Colorado (Dykstra's example), their attached Resolution specifically states in the WHEREAS clause the December 5<sup>th</sup> date.

I found it interesting that Mr. Dykstra was asked to speak at the City Council Worksession on the BIDs despite Council President Strand repeatedly noting that outside parties are not allowed to provide input at Council Worksessions. Yet Mr. Dykstra was present and spoke as if he were City Staff! This is unacceptable!

In a second misrepresentation, Mr. Dykstra indicated that the statute quote: "specifically states a **preliminary** budget." Please have Mr. Dykstra cite the exact section in the Title 31 Statutes in which the word "preliminary budget" is found. Why would City Council approve a "preliminary" budget? Are all the BIDs 2023 Operating Plans and Budgets, in which Mr. Dykstra represents, "preliminary"? If so, you may want to ask for legal clarification on whether, each one of those 2023 Operating Plans and Budgets when finalized by the District's Board must be approved by City Council. The attached **Title 31-25-1211 Approval of Actions by municipality**, states "The operating plan and the budget, may, from time to time, be amended by the district **with the approval of the municipality** in substantially the same manner as the process for formulating the operating plan and budget for each year. **Any material departure** from the operating plan and budget (i.e. would 50 mills to 17 mills be a material departure?), as originally approved or amended from time to time, may be enjoined by an order of the municipality filed with the board."

Another misrepresentation by Mr. Dykstra or maybe his unawareness is the fact that the El Paso County Assessor's Office provides Final Assessed Valuation (AV) letters to local entities in late November, not as Mr. Dykstra represented that he would have final numbers for the Board's November 2<sup>nd</sup> budget meeting. Maybe City Council should request that the District provide the Preliminary AV and Final AV letters from the El Paso County Assessor's Office to determine if there is a substantial difference in the valuation used to develop the budget. He claims numbers are not available or known prior to the CRS submittal deadline of September 30<sup>th</sup>. This is not factual.

When asked about the cash balance, Mr. Dykstra said "there isn't this big stash of cash". Based on the attached 2021 Audit and attached "preliminary 2023 Operating Plan and Budget", this is another misrepresentation. On pages 3 and 4 in the 2021 Audit, the Debt Service Fund has a balance of \$3.2 million. On page 4 in the "preliminary" 2023 Operating Plan and Budget, the District estimates a Fund Balance at the EOY 2022 of **\$5.6 million** and by EOY 2023 **\$8.2 million**. Please ask the District to justify why this is not a "big stash of cash" when the actual Debt Service payment, as noted on page 4 of the "preliminary" 2023 Operating Plan and Budget, is a net \$1,522,710. Why would the District anticipate the issuance of \$3.0 million of bonds in 2023 with \$5.6 million in cash? Is this not an abuse of the BID bonding authority?

Yes, I understand the cash fund balance is restricted for debt service and the District Board has the fiduciary responsibility to use these monies to pay down debt and save the District interest costs. If most the District's Debt is privately held by the Developer or related parties, it is in the best interest of the District to reduce the Debt. City Council, as the approving entity of the 2023 Operating Plan and Budget, also has a fiduciary responsibility to end this District Board's abuse.

Another unethical and misrepresentation by Mr. Dykstra was his answer to Councilmember Henjum's question about the property owners in the District and payment of taxes. Mr. Dykstra again misrepresented what occurs in this District. Although Norwood may be the largest property owner and landlord in the District, as a landlord they incorporate the property tax payments into their Triple Net leases, so Norwood is not paying the taxes into the District. Mr. Dykstra said, "Norwood pays 80% of taxes to the District," but it is the businesses within the District that pay the taxes in their lease! This is unethical and unacceptable misrepresentation by Mr. Dykstra.

Finally, the games that have been played in INBID, such as exempting the Scheel's parking lot within the District from the Tax Rolls, as well as the property that was changed and developed into Residential, are examples of why there is distrust with this District and the Developer. City taxpayers have provided Scheel's a very beneficial economic development package and probably are unaware of the additional incentives provided by the District. This impacts the City taxpayer, School District taxpayer, Pikes Peak Library District taxpayer, etc. I understand by law, the Residential property must be excluded but it did not pay its proportionate share of the District Debt as required by CRS 31-25-1220 because Mr.

Dykstra or his firm found a “legal” loophole within the Debt documents that allowed the Developer to waive this requirement. It would be interesting to ask the District if any District monies funded any of the public infrastructure for this property. This is just another example of the conflict of interest when the Developer is allowed to privately place the Debt. Is it an “abuse” that occurred within this BID and shouldn’t City Council end these type of “abuses” for Districts that City Council approves?

This is a very clear case of the need for the oversight of City Council to protect small businesses from the abuse of developer-controlled Boards. I hope City Council ensures the mills are lowered to 17 mills, the bonds are repaid, and that no new debt is issued.

Unfortunately, I believe City Council and the Mayor, as elected officials, should represent all the citizens of Colorado Springs and not just the developers who appear to be controlling most the City’s policy decisions.

If you have any questions, please let me know.

*T. C. Hoiles*

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governing body of the municipality shall assume all powers and duties of the district, including the payment of any outstanding indebtedness.

**Source:** L. 88: Entire part added, p. 1132, § 1, effective May 6. L. 91: (1)(b) amended, p. 760, § 4, effective May 20. L. 2009: (2) amended, (HB 09-1118), ch. 130, p. 562, § 8, effective August 5. L. 2014: (1)(d) amended, (HB 14-1164), ch. 2, p. 69, § 28, effective February 18.

**Editor's note:** Section 9 of chapter 128, Session Laws of Colorado 1991, provides that section 4 of the act amending subsection (1)(b) does not apply to any business improvement district formed prior to May 20, 1991, pursuant to part 12 of article 25 of title 31, unless the board of directors of such district adopts a resolution directing that said section 4 applies to such district.

**Cross references:** For the legislative declaration in HB 14-1164, see section 1 of chapter 2, Session Laws of Colorado 2014.

**31-25-1210. Meetings.** Upon notice to each member of the board, the board shall hold meetings, which shall be held in a place to be designated by the board as often as the needs of the district require. The meetings of the board shall be subject to the provisions of part 4 of article 6 of title 24, C.R.S. The board shall act by resolution or motion.

**Source:** L. 88: Entire part added, p. 1134, § 1, effective May 6. L. 91: Entire section amended, p. 821, § 7, effective June 1.

**31-25-1211. Approval of actions by municipality.** No district created under the provisions of this part 12 shall issue bonds, levy taxes, fees, or assessments or provide improvements or services unless the municipality has approved an operating plan and budget for the district. The operating plan or budget shall specifically identify the services or improvements to be provided by the district, the taxes, fees, or assessments to be imposed by the district, the estimated principal amount of bonds to be issued by the district, and such additional information as the municipality may require. The district shall file an operating plan and its proposed budget for the next fiscal year with the clerk of the municipality no later than September 30 of each year. All of the business records of the district shall be considered public records, as defined in section 24-72-202 (6), C.R.S., and shall promptly be made available to the municipality upon request. For the purposes of this section, the business records of the district shall not include the business records of the owners of property in the district. The municipality may require the district to supplement the district's operating plan or budget where necessary. The municipality shall approve or disapprove the operating plan and budget within thirty days after receipt of such operating plan and budget and all requested documentation relating thereto, but not later than December 5 of the year in which such documents are filed. Thereafter, the services, improvements, and financial arrangements of the district shall conform so far as practicable to the operating plan and the budget. The operating plan and the budget may, from time to time, be amended by the district with the approval of the municipality in substantially the same manner as the process for formulating the operating plan and budget for each year. Any material departure from the operating plan and the budget, as originally approved or amended from time to time, may be enjoined by an order of the municipality filed with the board.

**Source:** L. 88: Entire part added, p. 1135, § 1, effective May 6. L. 91: Entire section amended, p. 760, § 5, effective May 20.

**31-25-1212. General powers of district.** (1) The district has the following powers, except as limited by the operating plan:

- (a) To have perpetual existence;
- (b) To have and use a corporate seal;
- (c) To sue and be sued and be a party to suits, actions, and proceedings;

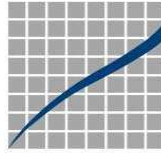
**INTERQUEST NORTH BUSINESS  
IMPROVEMENT DISTRICT  
El Paso County, Colorado**

**FINANCIAL STATEMENTS AND  
SUPPLEMENTARY INFORMATION**

**YEAR ENDED DECEMBER 31, 2021**

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
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**BiggsKofford**  
CERTIFIED PUBLIC ACCOUNTANTS

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## INDEPENDENT AUDITOR'S REPORT

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Board of Directors  
**Interquest North Business Improvement District**  
Colorado Springs, Colorado

### Opinions

We have audited the accompanying financial statements of the governmental activities and each major fund of Interquest North Business Improvement District ("District"), as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of December 31, 2021, and the respective changes in financial position, and the budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of the report. We are required to be independent of the District and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with auditing standards generally accepted in the United States of America, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.



## Other Matters

### *Required Supplementary Information*

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinions on the basic financial statements are not affected by this missing information.

### *Supplementary Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the District's basic financial statements. The supplementary information, as identified in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The supplementary information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

### *Other Information*

The other information, as identified in the table of contents, has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

*BiggsKofford, P.C.*

Colorado Springs, Colorado

March 7, 2022

## **BASIC FINANCIAL STATEMENTS**

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
STATEMENT OF NET POSITION  
DECEMBER 31, 2021**

**ASSETS**

Cash and Investments	\$ 354,899
Cash and Investments - Restricted	3,122,497
Receivable - County Treasurer	12,218
Receivable - PIF	150,058
Prepaid Insurance	1,878
Property Taxes Receivable	1,402,151
Capital Assets, Net	<u>14,050,795</u>
Total Assets	<u>19,094,496</u>

**LIABILITIES**

Accounts Payable	190,920
Accrued Interest Payable	110,628
Noncurrent Liabilities:	
Due Within One Year	175,000
Due in More Than One Year	<u>18,013,044</u>
Total Liabilities	<u>18,489,592</u>

**DEFERRED INFLOWS OF RESOURCES**

Property Tax Revenue	<u>1,402,151</u>
Total Deferred Inflows of Resources	<u>1,402,151</u>

**NET POSITION**

Net Investment in Capital Assets	(1,893,955)
Restricted for:	
Emergency Reserves	5,500
Debt Service	3,125,911
Unrestricted	<u>(2,034,703)</u>
Total Net Position	<u><u>\$ (797,247)</u></u>

See accompanying Notes to Basic Financial Statements.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
STATEMENT OF ACTIVITIES  
YEAR ENDED DECEMBER 31, 2021**

		Program Revenues			Net Revenues (Expenses) and Change in Net Position
Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	
<b>FUNCTIONS/PROGRAMS</b>					
Primary Government:					
Governmental Activities:					
General Government	\$ 827,561	\$ -	\$ -	\$ -	
Public Works - Transfer of Capital Improvements to Other Governments	765,636	-	-	-	
Interest on Long-Term Debt and Related Costs	1,253,025	-	-	-	
Total Governmental Activities	\$ 2,846,222	\$ -	\$ -	\$ -	
<b>GENERAL REVENUES</b>					
Property Taxes				1,318,262	
Specific Ownership Taxes				154,813	
Public Improvement Fees				1,708,495	
Net Investment Income				2,909	
Total General Revenues				3,184,479	
<b>CHANGE IN NET POSITION</b>					
Net Position - Beginning of Year				(1,135,504)	
<b>NET POSITION - END OF YEAR</b>					
				\$ (797,247)	

See accompanying Notes to Basic Financial Statements.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
DECEMBER 31, 2021**

	General	Debt Service	Capital Projects	Total Governmental Funds
<b>ASSETS</b>				
Cash and Investments	\$ 354,899	\$ -	\$ -	\$ 354,899
Cash and Investments - Restricted	5,500	3,086,481	30,516	3,122,497
Accounts Receivable - County Treasurer	12,218	-	-	12,218
Receivable - PIF	-	150,058	-	150,058
Prepaid Insurance	1,878	-	-	1,878
Property Taxes Receivable	27,493	1,374,658	-	1,402,151
	<u>\$ 401,988</u>	<u>\$ 4,611,197</u>	<u>\$ 30,516</u>	<u>\$ 5,043,701</u>
<b>LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES</b>				
<b>LIABILITIES</b>				
Accounts Payable	\$ 190,531	\$ -	\$ 389	\$ 190,920
Total Liabilities	190,531	-	389	190,920
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Property Tax Revenue	27,493	1,374,658	-	1,402,151
Total Deferred Inflows of Resources	27,493	1,374,658	-	1,402,151
<b>FUND BALANCES</b>				
Nonspendable:				
Prepaid Expenses	1,878	-	-	1,878
Restricted for:				
Emergency Reserves (TABOR)	5,500	-	-	5,500
Debt Service	-	3,236,539	-	3,236,539
Capital Projects	-	-	30,127	30,127
Assigned to:				
Subsequent Year's Expenditures	142,842	-	-	142,842
Unassigned:	33,744	-	-	33,744
Total Fund Balances	<u>183,964</u>	<u>3,236,539</u>	<u>30,127</u>	<u>3,450,630</u>
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	<u>\$ 401,988</u>	<u>\$ 4,611,197</u>	<u>\$ 30,516</u>	
Amounts reported for governmental activities in the statement of net position are different because:				
Capital assets used in governmental activities are not financial resources and, therefore, are not reported as assets in the funds.				14,050,795
Long-term liabilities, including bonds payable and Developer advance payable, are not due and payable in the current period and, therefore, are not reported as liabilities in the funds.				
Bonds Payable				(18,090,000)
Accrued Interest Payable - Bonds				(110,628)
Developer Advance				(310)
Accrued Interest Payable - Developer Advance				(97,734)
Net Position of Governmental Activities				<u>\$ (797,247)</u>

See accompanying Notes to Basic Financial Statements.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES  
GOVERNMENTAL FUNDS  
YEAR ENDED DECEMBER 31, 2021**

	General	Debt Service	Capital Projects	Total Governmental Funds
<b>REVENUES</b>				
Property Taxes	\$ 25,848	\$ 1,292,414	\$ -	\$ 1,318,262
Specific Ownership Taxes	154,813	-	-	154,813
Public Improvement Fees	-	1,708,495	-	1,708,495
Net Investment Income	250	2,641	18	2,909
Total Revenues	<u>180,911</u>	<u>3,003,550</u>	<u>18</u>	<u>3,184,479</u>
<b>EXPENDITURES</b>				
Current:				
Accounting	21,277	-	1,598	22,875
Auditing	3,950	-	-	3,950
Engineering	-	-	3,500	3,500
County Treasurer's Fee	388	19,409	-	19,797
PIF Collection Expense	10,397	-	-	10,397
Dues and Licenses	932	-	-	932
Insurance and Bonds	1,843	-	-	1,843
District Management	12,244	-	-	12,244
Legal Services	39,977	-	-	39,977
Miscellaneous	5,279	-	-	5,279
Ground Lease	100	-	-	100
Contingency	-	-	-	-
Operations and Maintenance	182,203	-	-	182,203
Debt Service:				
Bond Principal	-	160,000	-	160,000
Bond Interest	-	1,197,700	-	1,197,700
Capital Projects:				
Capital Outlay	-	-	6,340,310	6,340,310
Total Expenditures	<u>278,590</u>	<u>1,377,109</u>	<u>6,345,408</u>	<u>8,001,107</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	(97,679)	1,626,441	(6,345,390)	(4,816,628)
<b>OTHER FINANCING SOURCES (USES)</b>				
Bond Proceeds	-	-	6,340,000	6,340,000
Developer Advances	-	-	6,340,310	6,340,310
Repayment of Developer Advance - Principal	-	-	(6,340,000)	(6,340,000)
Total Other Financing Sources	<u>-</u>	<u>-</u>	<u>6,340,310</u>	<u>6,340,310</u>
<b>NET CHANGE IN FUND BALANCES</b>	(97,679)	1,626,441	(5,080)	1,523,682
Fund Balances - Beginning of Year	<u>281,643</u>	<u>1,610,098</u>	<u>35,207</u>	<u>1,926,948</u>
<b>FUND BALANCES - END OF YEAR</b>	<u>\$ 183,964</u>	<u>\$ 3,236,539</u>	<u>\$ 30,127</u>	<u>\$ 3,450,630</u>

See accompanying Notes to Basic Financial Statements.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
RECONCILIATION OF THE STATEMENT OF REVENUES,  
EXPENDITURES, AND CHANGES IN FUND BALANCES OF THE  
GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES  
YEAR ENDED DECEMBER 31, 2021**

Net Change in Fund Balances - Total Governmental Funds \$ 1,523,682

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. In the statement of activities, capital outlay is not reported as an expenditure. However, the statement of activities will report as depreciation expense, the allocation of the cost of any depreciable asset over the estimated useful life of the asset. Capital outlay, the conveyance of capital assets to other governments and depreciation expense in the current period are as follows:

Capital Outlay	6,340,310
Dedication of Capital Improvements to Other Governments	(765,636)
Depreciation Expense	(543,873)

The issuance of long-term debt (e.g., bonds, the receipt of Developer advances) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. The net effect of these differences is the treatment of long-term debt and related items as follows:

Bond Issuance	(6,340,000)
Developer Advance	(6,340,310)
Repayment of Developer Advance - Principal	6,340,000
Bond Principal Payment	160,000

Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

Accrued Interest on Bonds Payable - Change in Liability	(35,901)
Accrued Interest on Developer Advances - Change in Liability	(15)
	(51)

Change in Net Position of Governmental Activities \$ 338,257

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN  
FUND BALANCE – BUDGET AND ACTUAL  
YEAR ENDED DECEMBER 31, 2021**

	Original and Final Budget	Actual Amounts	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>			
Property Taxes	\$ 25,849	\$ 25,848	\$ (1)
Specific Ownership Taxes	131,829	154,813	22,984
Net Investment Income	1,628	250	(1,378)
Total Revenues	159,306	180,911	21,605
<b>EXPENDITURES</b>			
General and Administrative:			
Accounting	30,000	21,277	8,723
Auditing	4,000	3,950	50
County Treasurer's Fee	388	388	-
PIF Collection Expense	20,000	10,397	9,603
Dues and Licenses	700	932	(232)
Insurance and Bonds	2,000	1,843	157
District Management	15,000	12,244	2,756
Legal Services	50,000	39,977	10,023
Miscellaneous	2,000	5,279	(3,279)
Ground Lease	100	100	-
Contingency	18,005	-	18,005
Operations and Maintenance	417,807	182,203	235,604
Total Expenditures	560,000	278,590	281,410
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	(400,694)	(97,679)	303,015
<b>OTHER FINANCING SOURCES (USES)</b>			
Transfers from (to) Other Funds	417,807	-	(417,807)
Total Other Financing Sources (Uses)	417,807	-	(417,807)
<b>NET CHANGE IN FUND BALANCE</b>	17,113	(97,679)	(114,792)
Fund Balance - Beginning of Year	317,803	281,643	(36,160)
<b>FUND BALANCE - END OF YEAR</b>	\$ 334,916	\$ 183,964	\$ (150,952)

See accompanying Notes to Basic Financial Statements.



**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 1 DEFINITION OF REPORTING ENTITY**

Interquest North Business Improvement District (the District), a quasi-municipal corporation was organized by ordinance of the city of Colorado Springs (the City) on October 26, 2004, and is governed pursuant to provisions of the Colorado Business Improvement Act (Title 31). The District's service area is located entirely within the City in El Paso County, Colorado. 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 parking facilities, roadways, lighting, driveways, public utilities, and landscaping.

The District follows the Governmental Accounting Standards Board (GASB) accounting pronouncements, which provide guidance for determining which governmental activities, organizations and functions should be included within the financial reporting entity. GASB pronouncements set forth the financial accountability of a governmental organization's elected governing body as the basic criterion for including a possible component governmental organization in a primary government's legal entity. Financial accountability includes, but is not limited to, appointment of a voting majority of the organization's governing body, ability to impose its will on the organization, a potential for the organization to provide specific financial benefits or burdens and fiscal dependency.

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

The District's annual budget is required to be submitted to and approved by the City, thus enabling the City to impose its will on the District. Consequently, the District is considered to be a component unit of the City.

**NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The more significant accounting policies of the District are described as follows:

**Government-wide and Fund Financial Statements**

The government-wide financial statements include the statement of net position and the statement of activities. These financial statements include all of the activities of the District. The effect of interfund activity has been removed from these statements. Governmental activities are normally supported by property taxes.

The statement of net position reports all financial and capital resources of the District. The difference between the sum of assets and deferred outflows of resources and the sum of liabilities and deferred inflows of resources is reported as net position.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Government-wide and Fund Financial Statements (Continued)**

The statement of activities demonstrates the degree to which the direct and indirect expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment.

Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for the governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. The major sources of revenues susceptible to accrual are property taxes and public improvement fees. All other revenue items are considered to be measurable and available only when cash is received by the District. The District determined that Developer advances are not considered as revenue susceptible to accrual. Expenditures, other than interest on long-term obligations, are recorded when the liability is incurred or the long-term obligation is due.

The District reports the following major governmental funds:

The General Fund is the District's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The Debt Service Fund accounts for the resources accumulated and payments made for principal and interest on long-term debt of the governmental funds.

The Capital Projects Fund is used to account for financial resources to be used for the acquisition and construction of capital equipment and facilities.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Budgets**

In accordance with the State Budget Law, the District's Board of Directors holds public hearings in the fall each year to approve the budget and appropriate the funds for the ensuing year. The appropriation is at the total fund expenditures and other financing uses level and lapses at year-end. The District's Board of Directors can modify the budget by line item within the total appropriation without notification. The appropriation can only be modified upon completion of notification and publication requirements. The budget includes each fund on its basis of accounting unless otherwise indicated.

The District has amended its annual budget for the year ended December 31, 2021.

**Pooled Cash and Investments**

The District follows the practice of pooling cash and investments of all funds to maximize investment earnings. Except when required by trust or other agreements, all cash is deposited to and disbursed from a single bank account. Cash in excess of immediate operating requirements is pooled for deposit and investment flexibility. Investment earnings are allocated periodically to the participating funds based upon each fund's average equity balance in the total cash and investments.

**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.

Property taxes, net of estimated uncollectible taxes, are recorded initially as deferred inflow of resources in the year they are levied and measurable. The unearned property tax revenues are recorded as revenue in the year they are available or collected.

**Capital Assets**

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g. streets), are reported in the applicable governmental activities column in the government-wide financial statements. Capital assets are defined by the District as assets with an initial, individual cost of more than \$5,000. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Capital Assets (Continued)**

Capital assets which are anticipated to be conveyed to other governmental entities are recorded as construction in progress, and are not included in the calculation of net investment in capital assets component of the District's net position.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend the life of the asset are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable. Depreciation expense has been computed using the straight-line method over the following estimated economic useful lives:

Streets	30 Years
Storm Drainage	30 Years
Parks and Recreation	30 Years

**Deferred Inflow of Resources**

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The District has one item that qualifies for reporting in this category. Accordingly, the item, *deferred property tax revenue*, is deferred and recognized as an inflow of resources in the period that the amount becomes available.

**Equity**

**Net Position**

For government-wide presentation purposes when both restricted and unrestricted resources are available for use, it is the District's practice to use restricted resources first, then unrestricted resources as they are needed.

**Fund Balance**

Fund balance for governmental funds should be reported in classifications that comprise a hierarchy based on the extent to which the government is bound to honor constraints on the specific purposes for which spending can occur. Governmental funds report up to five classifications of fund balance: nonspendable, restricted, committed, assigned, and unassigned. Because circumstances differ among governments, not every government or every governmental fund will present all of these components. The following classifications describe the relative strength of the spending constraints:

*Nonspendable Fund Balance* – The portion of fund balance that cannot be spent because it is either not in spendable form (such as prepaid amounts or inventory) or legally or contractually required to be maintained intact.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Equity (Continued)**

**Fund Balance (Continued)**

*Restricted Fund Balance* – The portion of fund balance that is constrained to being used for a specific purpose by external parties (such as bondholders), constitutional provisions, or enabling legislation.

*Committed Fund Balance* – The portion of fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the government’s highest level of decision-making authority, the Board of Directors. The constraint may be removed or changed only through formal action of the Board of Directors.

*Assigned Fund Balance* – The portion of fund balance that is constrained by the government’s intent to be used for specific purposes, but is neither restricted nor committed. Intent is expressed by the Board of Directors to be used for a specific purpose. Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed.

*Unassigned Fund Balance* – The residual portion of fund balance that does not meet any of the criteria described above.

If more than one classification of fund balance is available for use when an expenditure is incurred, it is the District’s practice to use the most restrictive classification first.

**NOTE 3 CASH AND INVESTMENTS**

Cash and investments as of December 31, 2021 are classified in the accompanying financial statements as follows:

Statement of Net Position:

Cash and Investments	\$ 354,899
Cash and Investments - Restricted	3,122,497
Total Cash and Investments	<u>\$ 3,477,396</u>

Cash and investments as of December 31, 2021 consist of the following:

Deposits with Financial Institutions	\$ 15,345
Investments	3,462,051
Total Cash and Investments	<u>\$ 3,477,396</u>

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 3 CASH AND INVESTMENTS (CONTINUED)**

**Deposits with Financial Institutions**

The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulators. Amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the PDPA. PDPA allows the institution to create a single collateral pool for all public funds. The pool for all the uninsured public deposits as a group is to be maintained by another institution or held in trust. The market value of the collateral must be at least 102% of the aggregate uninsured deposits.

The State Commissioners for banks and financial services are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

At December 31, 2021, the District's cash deposits had a bank balance of \$15,345 and a carrying balance of \$15,345.

**Investments**

The District has not adopted a formal investment policy; however, the District follows state statutes regarding investments.

The District generally limits its concentration of investments to those noted with an asterisk (\*) below, which are believed to have minimal credit risk, minimal interest rate risk and no foreign currency risk. Additionally, the District is not subject to concentration risk or investment custodial risk disclosure requirements for investments that are in the possession of another party.

Colorado revised statutes limit investment maturities to five years or less unless formally approved by the Board of Directors. Such actions are generally associated with a debt service reserve or sinking fund requirements.

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- . Obligations of the United States, certain U.S. government agency securities, and securities of the World Bank
- . General obligation and revenue bonds of U.S. local government entities
- . Certain certificates of participation
- . Certain securities lending agreements
- . Bankers' acceptances of certain banks
- . Commercial paper
- . Written repurchase and certain reverse repurchase agreements collateralized by certain authorized securities
- . Certain money market funds
- . Guaranteed investment contracts
- \* Local government investment pools

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 3 CASH AND INVESTMENTS (CONTINUED)**

**Investments (Continued)**

As of December 31, 2021, the District had the following investments:

<u>Investment</u>	<u>Maturity</u>	<u>Amount</u>
Colorado Local Government Liquid Asset Trust (COLOTRUST)	Weighted-Average Under 60 Days	<u>\$ 3,462,051</u>

**COLOTRUST**

The District invested in the Colorado Local Government Liquid Asset Trust (COLOTRUST) (the Trust), an investment vehicle established for local government entities in Colorado to pool surplus funds. The State Securities Commissioner administers and enforces all State statutes governing the Trust. The Trust operates similarly to a money market fund and each share is equal in value to \$1.00. The Trust offers shares in two portfolios, COLOTRUST PRIME and COLOTRUST PLUS+. Both portfolios may invest in U.S. Treasury securities and repurchase agreements collateralized by U.S. Treasury securities. COLOTRUST PLUS+ may also invest in certain obligations of U.S. government agencies, highest rated commercial paper and any security allowed under CRS 24-75-601. A designated custodial bank serves as custodian for the Trust's portfolios pursuant to a custodian agreement. The custodian acts as safekeeping agent for the Trust's investment portfolios and provides services as the depository in connection with direct investments and withdrawals. The custodian's internal records segregate investments owned by the Trust. COLOTRUST is rated AAAM by Standard & Poor's. COLOTRUST records its investments at fair value and the District records its investment in COLOTRUST at net asset value as determined by fair value. There are no unfunded commitments, the redemption frequency is daily, and there is no redemption notice period.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 4 CAPITAL ASSETS**

An analysis of the changes in capital assets for the year ended December 31, 2021 follows:

	Balance at December 31, 2020	Increases	Decreases	Balance at December 31, 2021
<b>Governmental Activities:</b>				
Capital Assets, Not Being Depreciated:				
Water	\$ -	\$ 765,636	\$ 765,636	\$ -
Total Capital Assets, Not Being Depreciated	-	765,636	765,636	-
Capital Assets, Being Depreciated:				
Streets	10,624,266	4,016,379	-	14,640,645
Storm Drainage	1,201,652	1,023,605	-	2,225,257
Park and Recreation	-	534,690	-	534,690
Total Capital Assets, Being Depreciated	11,825,918	5,574,674	-	17,400,592
Less Accumulated Depreciation for:				
Streets	(2,701,627)	(461,979)	-	(3,163,606)
Storm Drainage	(104,297)	(67,538)	-	(171,835)
Park and Recreation	-	(14,356)	-	(14,356)
Total Accumulated Depreciation	(2,805,924)	(543,873)	-	(3,349,797)
Total Capital Assets Being Depreciated, Net	9,019,994	5,796,437	-	14,050,795
Capital Assets, Net	<u>\$ 9,019,994</u>	<u>\$ 6,562,073</u>	<u>\$ 765,636</u>	<u>\$ 14,050,795</u>

Depreciation expense was charged to functions/programs of the District as follows:

Governmental Activities:	
General Government	<u>\$ 543,873</u>
Total Depreciation Expense - Governmental Activities	<u>\$ 543,873</u>



**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 5 LONG-TERM OBLIGATIONS**

The following is an analysis of changes in the District's long-term obligations for the year ended December 31, 2021:

	Balance at December 31, 2020	Additions	Retirements	Balance at December 31, 2021	Due Within One Year
Series 2010 General Obligation Bonds	\$ 5,745,000	\$ -	\$ 130,000	\$ 5,615,000	\$ 140,000
Series 2016 General Obligation Bonds	4,630,000	-	30,000	4,600,000	35,000
Series 2020 General Obligation Bonds	1,535,000	6,340,000	-	7,875,000	-
Developer Advances	-	6,340,310	6,340,000	310	-
Interest on Developer Advances	97,719	15	-	97,734	-
Total	<u>\$ 12,007,719</u>	<u>\$ 12,680,325</u>	<u>\$ 6,500,000</u>	<u>\$ 18,188,044</u>	<u>\$ 175,000</u>

The details of the District's long-term obligations are as follows:

**\$6,500,000 Limited Tax General Obligation Bonds, Series 2010**

On December 3, 2010, the District issued \$6,500,000 in Limited Tax General Obligation Bonds (Series 2010 Bonds) dated December 3, 2010, for street improvements. The Series 2010 Bonds bear interest at a rate of 8.5% and are due December 1, 2040. Bond interest and principal payments are payable annually on December 1. Any accrued and unpaid interest will compound on December 1 of each year. The Series 2010 Bonds are subject to redemption prior to maturity, at the option of the District, without redemption premium.

**\$4,765,000 Series Limited Tax General Obligation Bonds, Series 2016**

On June 8, 2016, the District issued \$4,765,000 in Limited Tax General Obligation Bonds (Series 2016 Bonds). The Series 2016 Bonds mature on December 1, 2045, and bear an interest rate of 6.5% paid annually on December 1, with an optional call date on December 1, 2025. The first principal and interest payments are due on December 1, 2016. The proceeds from the Series 2016 Bonds were used to reimburse the Developer for capital infrastructure costs and to pay bond issuance costs.

**\$13,735,000 Series Limited Tax General Obligation Bonds, Series 2020**

On September 15, 2020, the District issued \$13,735,000 in Limited Tax General Obligation Bonds (Series 2020 Bonds). The Series 2020 Bonds mature on December 1, 2049, and bear an interest rate of 7.00% paid annually on December 1, with an optional call date on December 1, 2024. The Series 2020 Bonds will have a multi-tranche structure to finance construction of the public improvements over the course of the development, whereby the District made its first draw on September 15, 2020 in the amount of \$1,525,000, the second draw on March 1, 2021 in the approximate amount of \$5,500,000, the third draw on March 1, 2022 in the approximately amount of \$3,000,000, and the fourth and final draw on March 1, 2023 in the approximately amount of \$3,700,000. The first interest payments are due on December 1, 2020 and first principal payment due on December 1, 2024. The proceeds from the Series 2020 Bonds were used to reimburse the Developer for capital infrastructure costs and to pay bond issuance costs.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 5 LONG-TERM OBLIGATIONS (CONTINUED)**

**\$13,735,000 Series Limited Tax General Obligation Bonds, Series 2020 (Continued)**

The Series 2010 Bonds, the Series 2016 Bonds and the Series 2020 Bonds are secured by and payable from Pledged Revenue consisting of monies derived by the District from the following sources, net of any collection costs: 1) the Required Mill Levy, 2) the PIF Revenue, and, 3) any other legally available monies that the District determines to be treated as Pledged Revenue. Required Mill Levy means an ad valorem mill levy imposed upon all taxable property of the District each year in an amount sufficient to pay the principal, premium if any, and interest on the bonds as the same become due and payable. The maximum Required Mill Levy is 50.000 mills, adjusted for changes in the ratio of actual value to assessed value of property within the District. As of December 31, 2021, the adjusted maximum mill levy is 50.000 for debt service. For collection year 2021, the District levied 50.000 mills for debt service. PIF Revenue means the revenue derived from the imposition of the PIF and payable to the District pursuant to the PIF Covenant.

**Events of Default for the Bonds**

The occurrence of any one or more of the following events or the existence of any one or more of the following conditions shall constitute an event of default under the Indenture:

- i. The District fails or refuses to impose the required mill levy or to apply the pledged revenue as provided in the bond resolution;
- ii. The District defaults in the performance or observance of any other of the covenants in the bond resolution, and such default continues for 60 days after written notice specifying such default and requiring the same to be remedied is given to the District by the Owner.
- iii. The District files a petition under the federal bankruptcy laws or other applicable bankruptcy laws seeking to adjust the obligation represented by the bonds.

It is acknowledged that due to the limited nature of the pledged revenue, the failure to pay the principal of or interest on the Bonds when due shall not, of itself, constitute an event of Default under the Indenture.

**Remedies on Occurrence of Event of Default for the Revenue Bonds**

Upon the occurrence and continuance of an Event of Default, the Trustee shall have the following rights and remedies which may be pursued:

- i. Mandamus or Other Suit: The Owner may proceed by mandamus or any other suit, action, or proceeding at law or in equity, to enforce its rights.

**No Acceleration**

Notwithstanding the foregoing or anything else herein to the contrary, acceleration shall not be an available remedy for an Event of Default.

As of December 31, 2021, the District was not in default.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 5 LONG-TERM OBLIGATIONS (CONTINUED)**

The District's long-term obligations will mature as follows:

<u>Year Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 175,000	\$ 1,327,525	\$ 1,502,525
2023	185,000	1,313,350	1,498,350
2024	275,000	1,298,325	1,573,325
2025	291,000	1,276,800	1,567,800
2026	312,000	1,253,930	1,565,930
2027-2031	1,967,000	5,860,285	7,827,285
2032-2036	2,870,000	4,951,100	7,821,100
2037-2041	4,056,000	3,650,310	7,706,310
2042-2046	4,923,000	2,070,130	6,993,130
2047-2049	3,036,000	434,910	3,470,910
Total	<u>\$ 18,090,000</u>	<u>\$ 23,436,665</u>	<u>\$ 41,526,665</u>

**Authorized Debt**

On November 2, 2004, a majority of the qualified electors of the District authorized the issuance of indebtedness in an amount not to exceed \$9,900,000 at an interest rate not to exceed 12% per annum. On November 1, 2005, the District's electors authorized additional indebtedness of \$3,100,000 at an interest rate not to exceed 12% per annum. On November 6, 2018, the District's electors authorized additional indebtedness of \$225,000,000 at an interest rate not to exceed 18% per annum. At December 31, 2021, the District had authorized but unissued indebtedness in the following amounts allocated for the following purposes:

	Authorized November 2, 2004 Election	Authorized November 1, 2005 Election	Authorized November 6, 2018 Election	Authorization Used - Series 2010 Bonds	Authorization Used - Series 2016 Bonds	Authorization Used - Series 2020 Bonds	Remaining at December 31, 2021
Streets	\$ 9,900,000	\$ -	\$ 25,000,000	\$ 6,500,000	\$ 2,639,900	\$ 4,792,273	\$ 30,552,373
Water	-	2,500,000	25,000,000	-	1,525,100	920,328	26,895,228
Storm Drainage	-	600,000	25,000,000	-	600,000	1,625,257	26,625,257
Traffic and Safety	-	-	25,000,000	-	-	-	25,000,000
Parks and Recreation	-	-	25,000,000	-	-	537,142	25,537,142
Security	-	-	25,000,000	-	-	-	25,000,000
Operations and Maintenance	-	-	25,000,000	-	-	-	25,000,000
Refunding Debt	-	-	25,000,000	-	-	-	25,000,000
Reimbursement Agreements	-	-	25,000,000	-	-	-	25,000,000
Total	<u>\$ 9,900,000</u>	<u>\$ 3,100,000</u>	<u>\$ 225,000,000</u>	<u>\$ 6,500,000</u>	<u>\$ 4,765,000</u>	<u>\$ 7,875,000</u>	<u>\$ 234,610,000</u>

Per approval of the City Council on October 23, 2018 the City has increased the amount of debt to be issued by the District from \$13,000,000 to a total of \$25,000,000, without future approval by the City.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 5 LONG-TERM OBLIGATIONS (CONTINUED)**

**Developer Advances**

The District entered into a Facilities Funding and Reimbursement Agreement (Agreement) with the Developer (see Note 7). The District agrees to repay the Developer along with accrued interest, at a rate of 7% on the first day of the following year in which the advances were made. The Agreement does not constitute a multiple-fiscal year obligation.

During 2010, an independent engineer certified \$12,427,631 of public improvements constructed by the Developer on behalf of the District. The principal amount of these improvements was recorded by the District as bonds were issued. During 2016, an independent engineer certified \$866,756 of public improvements constructed by the Developer on behalf of the District. The accrued interest associated with these improvements was recognized by the District. During 2019, an independent engineer certified \$1,480,019 of public improvements constructed by the Developer on behalf of the District. During 2021, an independent engineer certified \$6,340,310 of public improvements constructed by the Developer on behalf of the District. In 2021, the District repaid \$6,340,000 of outstanding Developer advances, comprised of \$6,340,000 in principal and \$0 in accrued interest. As of December 31, 2021, outstanding Developer advances totaled \$310 and accumulated accrued interest totaled \$97,734.

**NOTE 6 NET POSITION**

The District has net position consisting of three components – net investment in capital assets, restricted and unrestricted.

Net investment in capital assets consists of capital assets, net of accumulated depreciation and reduced by the outstanding balances of bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets. As of December 31, 2021, the District had net investment in capital assets calculated as follows:

Net Investment in Capital Assets:	
Capital Assets, Net	\$ 14,050,795
Current Portion of Outstanding Long-Term Obligations	(154,247)
Noncurrent Portion of Outstanding Long-Term Obligations	<u>(15,790,503)</u>
Net Investment in Capital Assets	<u>\$ (1,893,955)</u>

Restricted net position consists of assets that are restricted for use either externally imposed by creditors, grantors, contributors, or laws and regulations of other governments or imposed by law through constitutional provisions or enabling legislation. The District had a restricted net position as of December 31, 2021 as follows:

Restricted Net Position:	
Emergency Reserves	\$ 5,500
Debt Service	<u>3,125,911</u>
Total Restricted Net Position	<u>\$ 3,131,411</u>

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 6 NET POSITION (CONTINUED)**

The District has a deficit unrestricted net position. This deficit amount is a result of the District being responsible for the repayment of developer advances (and accrued interest on those advances) and bonds issued for public improvements, some of which have been transferred to other governmental entities for ownership and maintenance.

**NOTE 7 RELATED PARTIES**

The Developer of the property which constitutes the District is Nor'wood Development Group. The members of the Board of Directors are officers of, employees of, or associated with the Developer and may have conflicts of interest in dealing with the District.

**NOTE 8 AGREEMENTS AND COMMITMENTS**

**Interquest Marketplace Public Improvement Fee Covenant Agreement**

On March 7, 2008, Interquest North LLC and Interquest Marketplace LLC entered into an agreement that authorized the Declaration of Covenants imposing and implementing the Interquest Marketplace Public Improvement Fee (PIF), naming the District as the collection agent and the recipient of such fees. The PIF, in the amount of 1.25%, is imposed on certain retail sales transactions occurring within the Interquest Marketplace PIF property area, upon which a sales tax would be payable to the State pursuant to the provisions of the State Sales Tax Statutes. The collection of the PIF revenues will be used by the District for the repayment of public improvement costs, as may be required to fulfill any bond requirements. During 2021, the District recorded \$1,708,495 in PIF revenue.

**Ground Lease**

On December 1, 2010, the District entered into a lease agreement with Interquest Marketplace LLC to lease an area within the Demised Premises, for the purpose of public parking, traffic and pedestrian circulation areas, landscaping, utilities, signage, drainage, sidewalks, pedestrian ways, public art, shelters, bus stops, ramps and curbs, and other similar facilities and for public events, festivals, recreation, concerts, and other public uses and services. This agreement does not represent a multi-fiscal year obligation and renews annually at the option of the District at the rate of \$100 per year upon appropriation in the District's annual budget. The lease agreement will expire on December 31, 2050.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 8 AGREEMENTS AND COMMITMENTS (CONTINUED)**

**Maintenance Agreement**

On May 27, 2020, the District entered into a Maintenance Agreement (Agreement) with Nor'wood Limited, Inc (Company). The Parties agree that the Company shall undertake to perform all maintenance responsibilities on behalf of the District for the District Property pursuant to this Agreement. The District shall pay the Company an annual lump sum payment in an amount to be determined based upon a percentage allocation of the maintenance services attributable to the District Property as compared to maintenance provided by Company to private improvements and common areas within the District. The District agrees to remit the annual payment amount within thirty (30) calendar days following receipt of a written invoice detailing the annual payment amount. The Parties may terminate this Agreement for convenience or for cause, in whole or in part, by written notice of termination given to the Company at least thirty (30) calendar days prior to the effective date of such termination. As of December 31, 2021, \$182,203 was due the Company.

**NOTE 9 RISK MANAGEMENT**

The District is exposed to various risks of loss related to torts; thefts of, damage to, or destruction of assets; errors or omissions; injuries to employees; or acts of God.

The District is a member of the Colorado Special Districts Property and Liability Pool (Pool). The Pool is an organization created by intergovernmental agreement to provide property, liability, public officials' liability, boiler and machinery and workers' compensation coverage to its members. Settled claims have not exceeded this coverage in any of the past three fiscal years.

The District pays annual premiums to the Pool for liability, property and public officials' liability coverage. In the event aggregated losses incurred by the Pool exceed amounts recoverable from reinsurance contracts and funds accumulated by the Pool, the Pool may require additional contributions from the Pool members. Any excess funds which the Pool determines are not needed for purposes of the Pool may be returned to the members pursuant to a distribution formula.

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
NOTES TO BASIC FINANCIAL STATEMENTS  
DECEMBER 31, 2021**

**NOTE 10 TAX, SPENDING, AND DEBT LIMITATIONS**

Article X, Section 20 of the Colorado Constitution, commonly known as the Taxpayer's Bill of Rights (TABOR), contains tax, spending, revenue and debt limitations which apply to the state of Colorado and all local governments.

Spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

TABOR requires local governments to establish Emergency Reserves. These reserves must be at least 3% of Fiscal Year Spending (excluding bonded debt service). Local governments are not allowed to use the emergency reserves to compensate for economic conditions, revenue shortfalls, or salary or benefit increases.

The District's management believes it is in compliance with the provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of the provisions, including the interpretation of how to calculate Fiscal Year Spending limits will require judicial interpretation.

On November 6, 2018, the District's voters authorized the District to increase property taxes \$25,000,000 annually, adjusted for inflation plus annual local growth in each subsequent fiscal year thereafter, at a mill levy rate not to exceed one mill for general operations and maintenance. The election also allows the District to collect, spend, and retain all revenues without regard to the limitations contained within Article X, Section 20 of the Colorado Constitution (TABOR).

**NOTE 11 LITIGATION**

There is a lawsuit pending in which the District is involved. District management and its legal counsel estimate that the potential claims, if any, against the District not covered by insurance resulting from such litigation would be insignificant.

## **SUPPLEMENTARY INFORMATION**



**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
DEBT SERVICE FUND  
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE  
BUDGET AND ACTUAL  
DECEMBER 31, 2021**

	Original and Final Budget	Actual Amounts	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>			
Property Taxes	\$ 1,292,443	\$ 1,292,414	\$ (29)
Public Improvement Fees	1,497,495	1,708,495	211,000
Net Investment Income	9,555	2,641	(6,914)
Total Revenues	<u>2,799,493</u>	<u>3,003,550</u>	<u>204,057</u>
<b>EXPENDITURES</b>			
Current:			
County Treasurer's Fee	19,387	19,409	(22)
Bond Interest - 2010 Series	488,525	488,325	200
Bond Interest - 2016 Series	300,950	300,950	-
Bond Interest - 2020 Series	396,200	408,425	(12,225)
Bond Principal - 2010 Series	130,000	130,000	-
Bond Principal - 2016 Series	30,000	30,000	-
Contingency	9,938	-	9,938
Total Expenditures	<u>1,375,000</u>	<u>1,377,109</u>	<u>(2,109)</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	1,424,493	1,626,441	201,948
<b>OTHER FINANCING SOURCES (USES)</b>			
Transfers from (to) Other Funds	(417,807)	-	417,807
Total Other Financing Sources (Uses)	<u>(417,807)</u>	<u>-</u>	<u>417,807</u>
<b>NET CHANGE IN FUND BALANCE</b>	1,006,686	1,626,441	619,755
Fund Balance - Beginning of Year	<u>1,412,348</u>	<u>1,610,098</u>	<u>197,750</u>
<b>FUND BALANCE - END OF YEAR</b>	<u>\$ 2,419,034</u>	<u>\$ 3,236,539</u>	<u>\$ 817,505</u>

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
CAPITAL PROJECTS FUND  
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE  
BUDGET AND ACTUAL  
DECEMBER 31, 2021**

	Budgets		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
<b>REVENUES</b>				
Net Investment Income	\$ -	\$ -	\$ 18	\$ 18
Total Revenues	-	-	18	18
<b>EXPENDITURES</b>				
Current:				
Accounting	-	-	1,598	(1,598)
Engineering	-	-	3,500	(3,500)
Capital Improvements:				
Capital Outlay	5,500,000	6,340,310	6,340,310	-
Contingency	-	5,690	-	5,690
Total Expenditures	5,500,000	6,346,000	6,345,408	592
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	(5,500,000)	(6,346,000)	(6,345,390)	610
<b>OTHER FINANCING SOURCES (USES)</b>				
Bond Proceeds	5,500,000	6,340,000	6,340,000	-
Developer Advances	5,500,000	6,340,310	6,340,310	-
Repayment of Developer Advance	(5,500,000)	(6,340,000)	(6,340,000)	-
Transfers from (to) Other Funds	-	5,690	-	(5,690)
Total Other Financing Sources (Uses)	5,500,000	6,346,000	6,340,310	(5,690)
<b>NET CHANGE IN FUND BALANCE</b>	-	-	(5,080)	(5,080)
Fund Balance - Beginning of Year	-	-	35,207	35,207
<b>FUND BALANCE - END OF YEAR</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 30,127</u>	<u>\$ 30,127</u>

## **OTHER INFORMATION**

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY  
DECEMBER 31, 2021**

Year Ending December 31,	\$6,500,000 Series 2010 General Obligation Refunding Bonds Dated December 3, 2010 Interest Rate 8.50% Principal and Interest Due December 1		\$4,765,000 Series 2016 Limited Tax General Obligation Bonds Dated June 8, 2016 Interest Rate 6.50% Principal and Interest Due December 1	
	Principal	Interest	Principal	Interest
2022	\$ 140,000	\$ 477,275	\$ 35,000	\$ 299,000
2023	150,000	465,375	35,000	296,725
2024	165,000	452,625	40,000	294,450
2025	180,000	438,600	40,000	291,850
2026	195,000	423,300	45,000	289,250
2027	210,000	406,725	45,000	286,325
2028	230,000	388,875	50,000	283,400
2029	250,000	369,325	50,000	280,150
2030	270,000	348,075	55,000	276,900
2031	290,000	325,125	60,000	273,325
2032	315,000	300,475	60,000	269,425
2033	345,000	273,700	70,000	265,525
2034	375,000	244,375	70,000	260,975
2035	405,000	212,500	70,000	256,425
2036	355,000	178,075	165,000	251,875
2037	385,000	147,900	180,000	241,150
2038	415,000	115,175	185,000	229,450
2039	450,000	79,900	200,000	217,425
2040	490,000	41,650	210,000	204,425
2041	-	-	515,000	190,775
2042	-	-	550,000	157,300
2043	-	-	585,000	121,550
2044	-	-	620,000	83,525
2045	-	-	665,000	43,225
2046	-	-	-	-
2047	-	-	-	-
2048	-	-	-	-
2049	-	-	-	-
<b>Total</b>	<b>\$ 5,615,000</b>	<b>\$ 5,689,050</b>	<b>\$ 4,600,000</b>	<b># \$ 5,664,425</b>

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY  
DECEMBER 31, 2021**

<u>Year Ending December 31,</u>	\$7,875,000 Series 2020 Limited Tax General Obligation Bonds - Draws 1-3 Dated September 15, 2020 Interest Rate 7.00% Principal and Interest Due December 1		
	Principal	Interest	Total All Bonds
2022	\$ -	\$ 551,250	\$ 1,502,525
2023	-	551,250	1,498,350
2024	70,000	551,250	1,573,325
2025	71,000	546,350	1,567,800
2026	72,000	541,380	1,565,930
2027	79,000	536,340	1,563,390
2028	87,000	530,810	1,570,085
2029	92,000	524,720	1,566,195
2030	91,000	518,280	1,559,255
2031	108,000	511,910	1,568,360
2032	115,000	504,350	1,564,250
2033	117,000	496,300	1,567,525
2034	127,000	488,110	1,565,460
2035	135,000	479,220	1,558,145
2036	146,000	469,770	1,565,720
2037	147,000	459,550	1,560,600
2038	171,000	449,260	1,564,885
2039	178,000	437,290	1,562,615
2040	190,000	424,830	1,560,905
2041	340,000	411,530	1,457,305
2042	365,000	387,730	1,460,030
2043	391,000	362,180	1,459,730
2044	419,000	334,810	1,457,335
2045	445,000	305,480	1,458,705
2046	883,000	274,330	1,157,330
2047	942,000	212,520	1,154,520
2048	1,011,000	146,580	1,157,580
2049	1,083,000	75,810	1,158,810
	<u>1,083,000</u>	<u>75,810</u>	<u>1,158,810</u>
Total	<u>\$ 7,875,000</u>	<u># \$ 12,083,190</u>	<u>\$ 41,526,665</u>

**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT  
SCHEDULE OF ASSESSED VALUATION, MILL LEVY, AND PROPERTY TAXES COLLECTED  
DECEMBER 31, 2021**

Year Ending December 31,	Prior Year Assessed Valuation for Current Year Tax Levy	Mills Levied	Total Property Taxes		Percent Collected to Levied
			Levied	Collected	
2017	\$ 15,029,140	57.089 (1)	\$ 857,998	\$ 858,818	100.10 %
2018	22,338,180	51.000	1,139,247	1,134,824	99.61
2019	25,406,250	51.329 (2)	1,304,077	1,304,077	100.00
2020	26,518,520	51.000	1,352,445	1,352,445	100.00
2021	25,848,860	51.000	1,318,292	1,318,262	100.00
Estimated for the Year Ending December 31, 2022	\$ 27,493,160	51.000	\$ 1,402,151		

Notes:

(1) Includes a levy of 6.089 for collection of refunds and abatements from the prior year.

(2) Includes a levy of 0.329 for collection of refunds and abatements from the prior year.

NOTE: Property taxes collected in any one year include collection of delinquent property taxes levied in prior years. Information received from the County Treasurer does not permit identification of specific year of levy if delinquent taxes are collected.

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 53, SERIES 2022**

**A RESOLUTION APPROVING THE 2023 LADERA BUSINESS IMPROVEMENT  
DISTRICT OPERATING PLAN AND BUDGET**

**WHEREAS**, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

**WHEREAS**, the Town of Timnath approved the organization of the Ladera Business Improvement District (the “Ladera BID”) on December 14, 2021, pursuant to Ordinance 165, Series 2021; and

**WHEREAS**, pursuant to sec. 31-25-1211, C.R.S., the Ladera BID is required to file an Operating Plan and proposed budget for the next fiscal year with the Town Clerk by September 30 of each year; and

**WHEREAS**, pursuant to sec. 31-25-1211, C.R.S., the Town shall approve or disapprove the Operating Plan and Budget within thirty days of receipt and not later than December 5<sup>th</sup> of the year filed; and

**WHEREAS**, attached hereto as Exhibit A is the 2023 Ladera Business Improvement District Operating Plan and Budget filed with the Town by the Ladera BID; and

**WHEREAS**, the Town Council is familiar with the Operating Plan and Budget and finds approval to be in the best interest of the Town, its residents, and the general public.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AS FOLLOW:**

**Section 1. Approval**

The 2023 Operating Plan and Budget is hereby approved in the form as attached hereto.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON OCTOBER 25, 2022.**

**TOWN OF TIMNATH, COLORADO**

\_\_\_\_\_  
Mark J. Soukup, Mayor