

# Hamilton Creek Metropolitan District

2015 Budget

Adopted November 12, 2014

# HAMILTON CREEK METROPOLITAN DISTRICT

## 2015 Debt Service Fund Budget

	2013	2014	9	3	2014	2015
	Actual	Budget	Months	Month	Projected	Budget
			YTD	Estimate		
<b>BEGINNING FUND BALANCE</b>	55,055	(46,124)	(46,124)		(46,124)	(11,002)
<b>REVENUES</b>						
Property tax	315,613	305,865	305,865	0	305,865	305,385
Specific ownership tax	15,101	14,600	12,111	3,600	15,711	15,400
Development fees	0	0	5,000	0	5,000	0
Water tap fees	10,000	10,000	0	0	0	10,000
Water project loan / grant	50,000	0	0	0	0	0
<b>TOTAL REVENUES</b>	390,714	330,465	322,976	3,600	326,576	330,785
<b>EXPENDITURES</b>						
Treasurer fees	15,788	15,293	15,320	0	15,320	15,269
Bond administration	0	0	0	0	0	0
Bond attorney	0	0	0	0	0	0
Bond miscellaneous	0	0	0	0	0	0
Transfer to general fund	476,104	267,304	243,225	32,909	276,134	298,304
<b>SUBTOTAL</b>	491,892	282,597	258,545	32,909	291,454	313,573
<b>INCREASE (DECREASE) RESERVES</b>	(101,179)	47,868			35,122	17,212
<b>INCREASE (DECREASE) EMERGENC</b>	0	0			0	0
<b>ACCUMULATED RESERVES</b>	(49,524)	(1,656)			(14,402)	2,810
<b>ACCUMULATED EMERGENCY</b>	3,400	3,400			3,400	3,400
<b>ENDING FUND BALANCE</b>	(46,124)	1,744			(11,002)	6,210

This document is a true and accurate copy of the budget for the Hamilton Creek Metropolitan District adopted for 2015 by the Board of Directors on November 12, 2014.

HAMILTON CREEK METROPOLITAN DISTRICT

SEAL

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Thomas N. Hand, President

# HAMILTON CREEK METROPOLITAN DISTRICT

## 2015 General Fund Budget

	2013	2014	9	3	2014	2015
	Actual	Budget	Months	Month	Projected	Budget
			YTD	Estimate		
<b>BEGINNING FUND BALANCE</b>	0	0			0	0
<b>REVENUES</b>						
User fees	62,758	65,000	52,267	14,500	66,767	65,000
Interest	195	400	571	100	671	400
Miscellaneous	0	0	0	0	0	0
Transfer from debt fund	476,104	267,304	243,225	32,909	276,134	298,304
<b>TOTAL REVENUES</b>	<b>539,057</b>	<b>332,704</b>	<b>296,063</b>	<b>47,509</b>	<b>343,572</b>	<b>363,704</b>
<b>EXPENDITURES</b>						
Road maintenance	7,395	20,000	33,425	2,000	35,425	40,000
Road maintenance	33,275	35,000	27,610	10,000	37,610	35,000
Water system maintenance	81,776	66,000	54,984	10,500	65,484	66,000
Forest maintenance	11,160	12,000	4,760	0	4,760	6,000
Utilities	9,793	7,600	6,565	1,900	8,465	8,600
Septic system cleaning	14,120	14,000	14,360	0	14,360	15,000
Administration	39,000	39,000	29,250	9,750	39,000	39,000
Audit	5,000	5,500	5,500	0	5,500	5,500
Director fees	1,700	2,000	1,300	400	1,700	2,000
Insurance	3,774	4,000	3,877	0	3,877	4,000
Legal	595	1,000	760	300	1,060	1,000
Office supplies and postage	1,444	1,800	1,045	450	1,495	1,800
Membership dues	717	1,000	715	0	715	1,000
Telephone	1,325	1,500	1,081	375	1,456	1,500
Miscellaneous	375	500	736	125	861	500
Loan repayment / interest	108,158	121,804	110,095	11,709	121,804	121,804
Capital - road	0	0	0	0	0	0
Capital - water system	219,450	0	0	0	0	15,000
Capital - other	0	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>539,057</b>	<b>332,704</b>	<b>296,063</b>	<b>47,509</b>	<b>343,572</b>	<b>363,704</b>
<b>NET INCOME</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ENDING FUND BALANCE</b>	<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>

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HAMILTON CREEK METROPOLITAN DISTRICT

SEAL

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Thomas N. Hand, President

## HAMILTON CREEK METROPOLITAN DISTRICT

### 2015 Budget Message

The Hamilton Creek Metropolitan District operates under a court approved bankruptcy plan agreed to by all bondholders in January 1990 and effective on February 1, 1990. Under the Plan, all revenues collected from ad valorem taxes, water taps, user fees, development fees and interest income go toward the payment of interest on the "New Bonds" after the District has first paid its operating expenses, bond principal and contribution to capital reserves. The principal on the Bonds was paid off December 1, 2004. There are no interest payment dates after December 1, 2004.

The District takes the position that the Tabor Amendment is a retrospective law and is not retroactive on the District's Amended Plan for Adjustment of Debt. It is the District's understanding that the spirit and intent of the Tabor Amendment is to prevent governmental entities from unnecessarily raising taxes and creating excessive and unwarranted burdens upon taxpayers. The District shares this philosophy. The District wishes to continue to provide service to its taxpayers in the most efficient and cost effective way possible without placing an unnecessary burden on them. The only viable means of promoting the health and welfare of the District is to proceed under the terms of the Plan.

Services to be delivered. The Hamilton Creek Metropolitan District is organized as a Colorado Special District. The 2015 budget includes funding to provide water service, septic system pumping, forest management, road maintenance and snow plowing.

System of accounting. The District utilizes a modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when they are susceptible to accrual, i.e., both measurable and available. Available means collectable within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred, if measurable.

Fund accounting. The District uses Fund Accounting to segregate monies based on designated uses. The funds are the General Fund for operations, the Debt Fund for bond principal and interest payments, and the Capital Fund for capital improvements as authorized by the bankruptcy ruling. Primary revenues for the General Fund and Capital Fund are transferred as needed to pay operation costs from the Debt Fund.

Presentation of the budget consolidates the General and Capital Funds to a single page to provide a better overall view of the District operations.

Property taxes. The mill levy for 2015 is 40 mills, the amount set by the 1990 bankruptcy ruling. The District is unsure at this time regarding how long the mill levy imposed by the ruling will apply as the principal of the bonds has been paid off and the documentation (bonds) returned by the holders.

The assessed valuation of the District is \$7,634,630. Based on the mill levy this will realize \$305,385 in tax revenue. The Summit County Treasurer collection fee of 5% will be \$15,269.

Development fees. A fee of \$5,000 is collected on the original sale of property from the developer. A \$5,000 fee is also collected on any property on which an assessor unit (as defined and/or approved by Summit County) is built. The last developer lot was sold in 2014 and the development fee collected.

Water tap fees. Tap fees are collected prior to authorizing a building permit. Tap fees for 2015 are \$10,000. The District has 100 improved lots. One new home was completed in 2014. There are 19 unimproved lots. The District cannot assume all of these properties will be built on as owners may abandon lot lines (subject to approval by Summit County Government), or not build on lots to provide more open space around their property. The District anticipates one tap fee for new construction to be sold in 2015.

Bond interest and principal. The District has no outstanding bond principal after the principal payment on December 1, 2004. The principal payment was funded by US Treasury Strips purchased in 1985 from proceeds from the original bond. The 1990 bankruptcy ruling allowed the District to first pay operating expenses, bond principal and reserve a capital fund amount prior to any interest payment. Interest not paid to the bondholders is referred to as accrued interest and is paid prior to any current interest payments. As the 1990 bankruptcy ruling allows the District to operate on a “cash flow” basis, the 10<sup>th</sup> Circuit Court of Appeals held the District would never be in default as long as it operated in accordance with the plan. Language in the opinion stated the debt was perpetually escapable from contingencies in the Plan. The District no longer accrues or reflects accrued interest as a payable per the legal interpretation of the court rulings.

User fees. District customers in 2015 will be billed in arrears. The quarterly rates per residence are:

Base rate	\$ 130	
Usage from 0 to 15,000 gallons	\$ 3	per 1,000 gallons
Usage from 15,001 to 25,000 gallons	\$ 5	per 1,000 gallons
Usage from 25,001 to 40,000 gallons	\$ 10	per 1,000 gallons
Usage over 40,000 gallons	\$ 15	per 1,000 gallons

The District will provide service to 100 homes that is projected to realize \$65,000 in user fees for 2015.

Interest. All District funds are held in interest bearing accounts. Funds are transferred to a non-interest-bearing checking account as payment checks are issued. Interest is paid to the District from Summit County collection of past due property taxes.

Snow removal. The District contracts for snow removal on the roads and paved driveways within the District. The contract for the upcoming winter season is based on an hourly rate of \$130 per hour. A minimum of \$1,200 per month is payable from November through April 30th. There is an additional fee for any sand used on the roads. The 2015 budget for snow removal is \$35,000.

Road maintenance. The District does annual maintenance on the roadways, including crack

filling and patching to extend the life of the roadway prior to needing to resurface the roads. The basis of the road maintenance budget is:

Crack filing	\$ 20,000
Asphalt patches	10,000
Shoulder & drainage repair	<u>10,000</u>
TOTAL	\$ 40,000

Water maintenance. The District contracts operation of the water system to a licensed water operator. The contract includes routine water testing as required by the State of Colorado and overall supervision of the operation of the District's wells, water tank and distribution system. Maintenance work required beyond the contracted services is an additional cost. The District has used surface water from Hamilton Creek as the exclusive source of water since August 2003. Allocation of the water maintenance budget is:

Operations contract	\$ 48,000
Other repairs and maintenance	10,000
Chemicals, testing and supplies	4,000
System upgrades	<u>4,000</u>
TOTAL	\$ 66,000

Forest Maintenance. Substantial portions of the area served by the Metropolitan District are forested. The budget allocated \$6,000 to continued forest maintenance. The primary use of the funding is for the chipping and removal of dead trees collected by the owners.

Utilities. The utility billing is for the cost of electricity to run the well pump and heat the pump house. The cost will fluctuate based on the water volume used by the District and the season.

Septic pumping. The District is following a schedule of pumping individual septic systems on a three-year cycle. It is anticipated this schedule may be modified in the future to reflect the year round occupancy of some District residents. A total of 35 septic systems were pumped in 2014. There are 26 systems scheduled for pumping in 2015.

Administration. Services provided by the administrator include billing, financial statements, financial management, budget preparation and the general supervision of District operations.

Audit. The CPA firm of Yanari, Watson, McGaughey P.C.. prepared the 2013 audit for the District. They are contracted for the 2014 audit. Yanari, Watson, McGaughey specializes in governmental audits and are considered experts in governmental accounting.

Director fees. The District compensates directors \$100 for each board meeting attended. There are five directors and quarterly meetings.

Insurance. The District is a member of the Special District insurance pool that provides competitive rates on property, content, liability and public officer insurance.

Office supplies and postage. Costs are for billing, correspondence postage, Consumer Confidence Report preparation, web site maintenance and office supplies. All records of the District are being scanned and stored electronically. The District web site has public information available including budgets, board minutes and the annual audit.

Membership dues. The District belongs to the Special Districts Association of Colorado. The Association provides newsletters, seminars and lobbying efforts on behalf of special districts. Also, the insurance for the District is through a liability pool organized by the Special District Association. Membership cost is based on the District budget. The District also belongs to the Rural Water Association. This Association provides specialized information for small public water suppliers, training seminars and an annual trade show attended by representatives of the District.

Miscellaneous expenses. Bank fees and other minor expenses not allocated to other areas.

Capital Fund and Notes Payable. The District completed construction of a new water treatment facility in 2014. The facility utilizes microfiltration for water treatment. The facility was funded by existing reserves and \$600,000 in loans from residents. The loans from the residents are paid annually with a final payment in 2018.

The lower property valuations in Hamilton Creek have reduced District income by \$80,000 compared to 2011. The reduction does not affect annual operations, but extends the time for future water system and road improvements. The District expects to begin roadway improvements following the water loan payments. The plan may be a single improvement that is financed or annual improvements of specific areas based on capital funds available. Future water improvements include an emergency backup water source, water infrastructure improvements, and additional fire protection hydrants. The 2015 budget of \$15,000 would be used for water system improvements.

**HAMILTON CREEK METROPOLITAN DISTRICT**  
**RESOLUTION TO ADOPT BUDGET AND APPROPRIATE REVENUES**

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE HAMILTON CREEK METROPOLITAN DISTRICT, COLORADO, SETTING THE MILL LEVY AND APPROPRIATING SUMS OF MONEY FOR THE 2015 CALENDAR YEAR.

WHEREAS, the Board of Directors of the Hamilton Creek Metropolitan District has appointed Bob Polich, District Administrator, to prepare and submit a proposed budget to the Board of Directors at the proper time; and;

WHEREAS, Mr. Polich has submitted a proposed budget to this Board on November 12, 2014, for its consideration, and;

WHEREAS, the 2014 valuation for assessment for the Hamilton Creek Metropolitan District as certified by the County Assessor, subject to a final certification adjustment by November 26, 2014, is \$7,634,630 and;

WHEREAS, upon due and proper notice, published in accordance with the law, the proposed budget was open for inspection by the public at a public place, a public hearing was held on November 12, 2014, and interested taxpayers were given the opportunity to file or register any objections to the proposed budget.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HAMILTON CREEK METROPOLITAN DISTRICT, COLORADO:

Section 1. That the budget as submitted and attached as Exhibit A is approved and adopted as the budget of the Hamilton Creek Metropolitan District for 2015.

Section 2. That the budget approved and adopted shall be signed by the President of the District and made a part of the public records of the District.

Section 3. That for the purpose of meeting all bonds and interest of the Hamilton Creek Metropolitan District during the 2015 budget year, there is levied a tax of 40.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District.

Section 4. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Summit County, Colorado, the above mill levies for the Hamilton Creek Metropolitan District.

Section 5. That the sums set forth in the budget are appropriated from the revenue of each fund, to each fund, for purposes stated.

Adopted November 12, 2014.

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Thomas N. Hand, President

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Attest:



## HAMILTON CREEK METROPOLITAN DISTRICT

### CERTIFICATION OF TAX LEVIES

To: County Commissioners of Summit County, Colorado

This is to certify that the tax levy to be assessed by you upon all property within the limits of the Hamilton Creek Metropolitan District, based on a total assessed valuation of \$7,634,630 (updated by the County Assessor by November 26, 2104 to \_\_\_\_\_) as determined and fixed by the Board of Directors on November 12, 2014 is:

Hamilton Creek Metropolitan District General Obligation Bond  
Series 1985, 11.25%; Addendum Additional Provisions by the  
United States Bankruptcy Court; December 1, 2004.

Debt Service Fund	40.000 mills	\$ 305,385
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Updated and final \_\_\_\_\_

Pursuant to the Order of the United States Bankruptcy Court approving the District's Amended Plan for Adjustment of Debts, all ad valorem tax revenues, as well as any other sources of revenues, including developer's fees, users' fees and tap fees are to be deposited into the District's Debt Service or Capital Fund for the purposes of paying the new bond principal and interest. The District is allowed to transfer enough money from this fund to the General Operating Fund for the purpose of meeting operating expenses. The Order also sets the District's mill levy at 40.000 mills for 2015.

You are hereby authorized and directed to extend this levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Hamilton Creek Metropolitan District, this 12th day of November 2014.

HAMILTON CREEK METROPOLITAN DISTRICT

SEAL

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Thomas N. Hand, President