

**DEVILS HEAD METROPOLITAN DISTRICT  
2022 ANNUAL REPORT  
(For Activities Completed in 2022, and With Information About Prospective Years)**

Pursuant to the Service Plan for Devils Head Metropolitan District (the “District”), the District shall be responsible for submitting an annual report to the County no later than August 1 of each year.

I. District Description –*Title 32 Metropolitan District*

- a. Board members, officers, titles, and terms:

*Thomas Clark, President, 2022-2025  
Bryan Horan, Secretary, 2023-2027  
Andrew Trietley, Director, 2022-2025  
Darwin Horan, Director, 2022-2025  
Josh Brgoch, Director, 2023-2027*

- b. Changes in board membership in the past year:

*None*

- c. Name and address for official District contact:

*Russell W. Dykstra, Esq.  
Spencer Fane LLP  
1700 Lincoln Street, Suite 2000  
Denver, CO 80203  
(303) 839-3800  
[rdykstra@spencerfane.com](mailto:rdykstra@spencerfane.com)*

- d. Elections held in the past year and their purpose:

*The May 2, 2023 regular election for the purpose of electing board members was canceled pursuant to Section 1-13.5-513(6), C.R.S.*

II. Boundary changes for the report year and proposed changes for the coming year:

*None.*

III. List of intergovernmental agreements (existing or proposed) and a brief description of each detailing the financial and service arrangements.

- a. Contracts for operations, debt, and other contractual obligations with sub-districts or operating and taxing districts – *None.*

- b. Reimbursement agreements with developers and/or builders for advances to fund capital costs and administrative/operational and maintenance costs of the District:

*Facilities Funding and Acquisition Agreement between the District and Developer – Developer to advance funds to the District to fund capital costs; District to reimburse Developer when funds become available.*

*Reimbursement Agreement between District and Developer – Developer to advance funds to the District to fund administration, operation, and maintenance costs; District to reimburse Developer when funds become available.*

IV. Service Plan:

- a. List and description of services authorized in the Service Plan:

*The District has the authority to provide the services and public improvements pursuant to C.R.S. §§ 32-1-1001 and 32-1-1004, including, but not limited to, Water, Storm Sewer, Sanitation and Wastewater Treatment, Street Improvements, Traffic Safety Protection, Parks and Recreation, Television Relay and Translation, Mosquito Control, Fire Protection, Covenant Enforcement and Design Review, and Security.*

- b. List and description of facilities authorized in the Service Plan:

*The facilities the District is authorized to provide pursuant to the Service Plan include, but are not limited to, flood and surface drainage improvements, including culverts, dams, retaining walls, access way inlets, detention and retention ponds, paving, roadside swales, curbs and gutters, disposal works and facilities, water quality facilities, all necessary and property equipment, and all necessary and incidental and appurtenant facilities; local, arterial, and collector streets and roadway improvements including, but not limited to, bridges, curbs, gutters, storm sewers and drainage facilities, detention and retention ponds, retaining walls and appurtenances, sidewalks, paving, lighting, grading, landscaping, streetscaping, placement of underground utilities, snow removal, tunnels, other street improvements, architectural enhancements; traffic control devices and safety controls on streets, including, but not limited to, signalization at intersections, traffic signs, area identification signs, directional assistance and driver information signs, and necessary and incidental and appurtenance facilities; park and recreation improvements and facilities, including, but not limited to, grading, soil preparation, sprinkler systems and other irrigation systems for entryway monumentation and landscaping, fencing, pavilions, playgrounds, playing fields, open space, bike trails, pedestrian trails, pedestrian bridges, picnic areas, common area landscaping, streetscaping, storage buildings and facilities, weed control, paving, decorative paving, outdoor functional and decorative lighting, community events, and other services, programs, and facilities; television relay and translator facilities; and fire cisterns.*

- c. List and description of any extraterritorial services, facilities, and agreements:

*None.*

V. Development Progress:

- a. Indicate the estimated year of build-out, as set forth in the Service Plan

*2034*

- b. List the services provided with the date service began compared to the date authorized by the Service Plan

*Not applicable as development has not occurred yet.*

- c. List changes made to the Service Plan, including when the change was authorized, when it was implemented or is expected to be implemented

*N/A*

- d. List facilities to be acquired or constructed or leased back as set forth in the Service Plan and compare the date of completion or operation with the date authorized by the Service Plan

*Not applicable as development has not occurred yet.*

- e. List facilities not completed. Indicate the reason for incompleteness and provide a revised schedule, if any

*Not applicable as development has not occurred yet.*

- f. List facilities currently under construction with the percentage complete and an anticipated date of completion

*Not applicable as development has not occurred yet.*

- g. Indicate the population of the District for the previous five (5) years and provide population projections for the next five (5) years

*The population of the District since formation is zero. Pursuant to the financial projections in the Service Plan, the population is anticipated to grow by six every year starting in 2019, with an estimated population upon completion of 96 residents.*

- h. List the planned number of housing units by type and the number of commercial and industrial properties with respective square footage and anticipated dates of completion/operation. Compare the completed units and completed commercial and industrial properties to the amount planned in the Service Plan.

***32 single family residential units are anticipated to be constructed. The financial projections in the Service Plan anticipated the construction of 2 units each year starting in 2019 and ending in 2034.***

- i. List any enterprises created by and/or operated by or on behalf of the District, and summarize the purpose of each

*N/A*

VI. Financial Plan and Financial Activities:

- a. Provide a copy of the audit or exemption from the audit for the reporting year

***See attached Exhibit A.***

- b. Provide a copy of the current year budget, showing the reporting and previous years:

***See attached Exhibit B.***

- c. Show revenues and expenditures of the District for the previous five (5) years and provide projections for the next five (5) years. Include any non-District or non-governmental financial support. Include and list individually all fees, rates, tolls, etc., with a summary of the purpose of each. Show other miscellaneous tax revenue, such as specific ownership taxes. For the same period, show actual and projected mill levies by purpose (showing mill levies for each individual general obligation, revenue-based obligation, or contractual obligation).

***See attached Exhibit B.***

- d. List all debt that has been issued, including all individual issuances with a schedule of service until the debt is retired

***None***

- e. List individually all authorized but unissued debt, including the purpose, ballot issue letter designation and election date, and amounts authorized and unissued

***See attached Exhibit C.***

- f. List the total amount of debt issued and outstanding as of the date of the annual report and compare to the maximum authorized debt level as set forth in the Service Plan

***The District has not issued debt.***

- g. Enterprises of the District:

- i. Include revenues of the enterprise, showing both direct support from the District and all other sources

***N/A***

- ii. Include expenses of the enterprise, showing both direct payments to the District and all other obligations

***N/A***

- h. Detail contractual obligations:

- i. Describe the type of obligation, current year dollar amount, and any changes in the payment schedule, e.g. balloon payments

***None.***

- ii. Report any inability of the District to pay current obligations that are due within the current budget year

***None.***

- iii. Describe any District financial obligations in default

***None.***

- i. Actual and Assessed Valuation History:

- i. Report the annual actual and assessed valuation for the current year and for each of seven (7) years prior to current year

***District was formed in 2018.***

***2019 - \$14,310***

***2020 - \$14,310***

***2021 - \$14,310***

***2022 - \$15,100***

- ii. For each year, compare the certified assessed value with the Service Plan estimate for that year. If Service Plan estimates are not available, indicate the same and report the certified value

<b>Year</b>	<b>Certified Assessed Valuation</b>	<b>Service Plan</b>
<b>2019</b>	<b>\$14,310</b>	<i>Not available</i>
<b>2020</b>	<b>\$14,310</b>	<b>\$174,000</b>
<b>2021</b>	<b>\$14,310</b>	<b>\$606,000</b>
<b>2022</b>	<b>\$15,100</b>	<b>\$1,055,280</b>

j. Mill Levy History

- i. Report the annual mill levy for the current year and for each of the seven (7) years prior to current year. Break the mill levies out by purpose (e.g., debt issuance and operations and maintenance)

*The District did not impose a mill levy in 2018 or 2019.*

<b>Year</b>	<b>Mill Levy</b>	<b>Purpose</b>
<b>2018</b>	<b>0.000</b>	<b>n/a</b>
<b>2019</b>	<b>0.000</b>	<b>n/a</b>
<b>2020</b>	<b>20.000</b> <b>50.000</b>	<b>General Operating</b> <b>General Obligation</b> <b>Bond and Interest</b>
<b>2021</b>	<b>20.000</b> <b>50.000</b>	<b>General Operating</b> <b>General Obligation</b> <b>Bond and Interest</b>
<b>2022</b>	<b>20.000</b> <b>50.000</b>	<b>General Operating</b> <b>General Obligation</b> <b>Bond and Interest</b>

- ii. For each year, compare the actual mill levy with the Service Plan estimate for that year. If Service Plan estimates are not available, indicate the same and report the actual mill levies.

<b>Year</b>	<b>Actual Debt Service Levy</b>	<b>Service Plan Debt Service Mill Levy</b>	<b>Actual O&amp;M Mill Levy</b>	<b>Service Plan O&amp;M Mill Levy</b>

<b>2018</b>	<b>None</b>	<b>50.000</b>	<b>None</b>	<b>10.000 mills, initial up to 20.000 mills</b>
<b>2019</b>	<b>None</b>	<b>50.000</b>	<b>None</b>	<b>10.000 mills, initial up to 20.000 mills</b>
<b>2020</b>	<b>50.000</b>	<b>50.000</b>	<b>20.000</b>	<b>10.000 mills, initial up to 20.000 mills</b>
<b>2021</b>	<b>50.000</b>	<b>50.000</b>	<b>20.000</b>	<b>10.000 mills, initial up to 20.000 mills</b>
<b>2022</b>	<b>50.000</b>	<b>50.000</b>	<b>20.000</b>	<b>10.000 mills, initial up to 20.000 mills</b>

k. Miscellaneous Taxes History:

- i. Report the annual miscellaneous tax revenue for the current year and for each of the seven (7) years prior to the current year. Break the tax revenue out by purpose (e.g., general operations, revenue-based obligations, debt by issue, contractual obligations, other)

*N/A*

- ii. For each year, compare the actual miscellaneous tax revenue with the Service Plan estimate for that year (if provided in Plan). If the Service Plan estimates are not available, indicate the same and report the actual taxes.

*N/A*

l. Estimated Assessed Valuation of District at 100% Build-Out:

- i. Provide an updated estimate and compare this with the Service Plan estimate.

***The Service Plan estimates that value at full build-out as \$10,591,425.00. There are no updates at this time.***

m. Estimated Amount of Additional General Obligation Debt to be Issued by the District between the End of Current Year and 100% Build-Out:

- i. Provide an updated estimate based on current events. Do not include refunding bonds.

***The District anticipates issuing bonds as provided in the Service Plan, however, the timing of such issuance may be delayed.***

- n. Access information to obtain a copy of the rules and regulations adopted by the Board:

***As of the date of this report the Board has not adopted rules and regulations. The District website is: <https://www.devilsheadmd.com/>***

- o. A summary of litigation involving public improvements owned by the District:

***None.***

Prepared By: Spencer Fane LLP  
1700 Lincoln Street, Suite 2000  
Denver, CO 80203  
By: Russell W. Dykstra  
Russell W. Dykstra, Counsel for the District  
July 11, 2023

Note: As per Section 32-1-104(2), a copy of this report (without attachments) should also be submitted to:

Douglas County Assessor: [assessors@douglas.co.us](mailto:assessors@douglas.co.us)  
Douglas County Treasurer: [dctreasurer@douglas.co.us](mailto:dctreasurer@douglas.co.us)



**EXHIBIT A**  
**AUDIT EXEMPTION**

# APPLICATION FOR EXEMPTION FROM AUDIT

## SHORT FORM

**NAME OF GOVERNMENT  
ADDRESS**

<b>Devis Head Metropolitan District</b>
c/o Spencer FaneLLP
1700 Lincoln Street, Suite 2000
Denver, CO 80203
Russ Dykstra
303-839-3800
rdykstra@spencefane.com

**For the Year Ended  
12/31/22  
or fiscal year ended:**

**CONTACT PERSON  
PHONE  
EMAIL**

### PART 1 - CERTIFICATION OF PREPARER

I certify that I am skilled in governmental accounting and that the information in the application is complete and accurate, to the best of my knowledge.

**NAME:  
TITLE  
FIRM NAME (if applicable)  
ADDRESS  
PHONE  
DATE PREPARED**

Diane Wheeler
District Accountant
Simmons & Wheeler, P.C.
304 Inverness Way South, Suite 490, Englewood CO 80112
303-689-0833

### PREPARER (SIGNATURE REQUIRED)

Please indicate whether the following financial information is recorded using Governmental or Proprietary fund types	<b>GOVERNMENTAL</b> <small>(MODIFIED ACCRUAL BASIS)</small>	<b>PROPRIETARY</b> <small>(CASH OR BUDGETARY BASIS)</small>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## PART 2 - REVENUE

REVENUE: All revenues for all funds must be reflected in this section, including proceeds from the sale of the government's land, building, and equipment, and proceeds from debt or lease transactions. Financial information will not include fund equity information.

Line#	Description	Round to nearest Dollar	Please use this space to provide any necessary explanations
2-1	Taxes: Property (report mills levied in Question 10-6)	\$ 1,057	
2-2	Specific ownership	\$ 94	
2-3	Sales and use	\$ -	
2-4	Other (specify): Interest income	\$ 2	
2-5	Licenses and permits	\$ -	
2-6	Intergovernmental: Grants	\$ -	
2-7	Conservation Trust Funds (Lottery)	\$ -	
2-8	Highway Users Tax Funds (HUTF)	\$ -	
2-9	Other (specify):	\$ -	
2-10	Charges for services	\$ -	
2-11	Fines and forfeits	\$ -	
2-12	Special assessments	\$ -	
2-13	Investment income	\$ -	
2-14	Charges for utility services	\$ -	
2-15	Debt proceeds (should agree with line 4-4, column 2)	\$ -	
2-16	Lease proceeds	\$ -	
2-17	Developer Advances received (should agree with line 4-4)	\$ 8,908	
2-18	Proceeds from sale of capital assets	\$ -	
2-19	Fire and police pension	\$ -	
2-20	Donations	\$ -	
2-21	Other (specify):	\$ -	
2-22	Developer advance receivable	\$ 342	
2-23		\$ -	
2-24	(add lines 2-1 through 2-23) <b>TOTAL REVENUE</b>	\$ 10,403	

## PART 3 - EXPENDITURES/EXPENSES

EXPENDITURES: All expenditures for all funds must be reflected in this section, including the purchase of capital assets and principal and interest payments on long-term debt. Financial information will not include fund equity information.

Line#	Description	Round to nearest Dollar	Please use this space to provide any necessary explanations
3-1	Administrative	\$ 91	
3-2	Salaries	\$ -	
3-3	Payroll taxes	\$ -	
3-4	Contract services	\$ -	
3-5	Employee benefits	\$ -	
3-6	Insurance	\$ 262	
3-7	Accounting and legal fees	\$ 11,839	
3-8	Repair and maintenance	\$ -	
3-9	Supplies	\$ -	
3-10	Utilities and telephone	\$ -	
3-11	Fire/Police	\$ -	
3-12	Streets and highways	\$ -	
3-13	Public health	\$ -	
3-14	Capital outlay	\$ -	
3-15	Utility operations	\$ -	
3-16	Culture and recreation	\$ -	
3-17	Debt service principal (should agree with Part 4)	\$ -	
3-18	Debt service interest	\$ -	
3-19	Repayment of Developer Advance Principal (should agree with line 4-4)	\$ -	
3-20	Repayment of Developer Advance Interest	\$ -	
3-21	Contribution to pension plan (should agree to line 7-2)	\$ -	
3-22	Contribution to Fire & Police Pension Assoc. (should agree to line 7-2)	\$ -	
3-23	Other (specify):	\$ -	
3-24		\$ -	
3-25		\$ -	
3-26	(add lines 3-1 through 3-24) <b>TOTAL EXPENDITURES/EXPENSES</b>	\$ 12,192	

If TOTAL REVENUE (Line 2-24) or TOTAL EXPENDITURES (Line 3-26) are GREATER than \$100,000 - **STOP**. You may not use this form. Please use the "Application for Exemption from Audit - LONG FORM".

## PART 4 - DEBT OUTSTANDING, ISSUED, AND RETIRED

Please answer the following questions by marking the appropriate boxes.

	Yes	No		
4-1 Does the entity have outstanding debt? If Yes, please attach a copy of the entity's Debt Repayment Schedule.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
4-2 Is the debt repayment schedule attached? If no, MUST explain: <b>Cash Flow and Developer Note Payable</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
4-3 Is the entity current in its debt service payments? If no, MUST explain: <b>N/A</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
4-4 Please complete the following debt schedule, if applicable: (please only include principal amounts)(enter all amount as positive numbers)				
	Outstanding at end of prior year*	Issued during year		
	Retired during year	Outstanding at year-end		
General obligation bonds	\$ -	\$ -	\$ -	\$ -
Revenue bonds	\$ -	\$ -	\$ -	\$ -
Notes/Loans	\$ -	\$ -	\$ -	\$ -
Lease Liabilities	\$ -	\$ -	\$ -	\$ -
Developer Advances	\$ 39,013	\$ 8,908	\$ -	\$ 47,921
Other (specify):	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 39,013</b>	<b>\$ 8,908</b>	<b>\$ -</b>	<b>\$ 47,921</b>

\*must tie to prior year ending balance

Please answer the following questions by marking the appropriate boxes.

	Yes	No
4-5 Does the entity have any authorized, but unissued, debt? If yes: How much? \$ 420,000,000.00 Date the debt was authorized: 11/6/2018	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4-6 Does the entity intend to issue debt within the next calendar year? If yes: How much? \$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4-7 Does the entity have debt that has been refinanced that it is still responsible for? If yes: What is the amount outstanding? \$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4-8 Does the entity have any lease agreements? If yes: What is being leased? What is the original date of the lease? Number of years of lease? Is the lease subject to annual appropriation? What are the annual lease payments? \$ -	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please use this space to provide any explanations or comments:

## PART 5 - CASH AND INVESTMENTS

Please provide the entity's cash deposit and investment balances.

	Amount	Total
5-1 YEAR-END Total of ALL Checking and Savings Accounts	\$ 3,009	
5-2 Certificates of deposit	\$ -	
<b>Total Cash Deposits</b>		\$ 3,009
Investments (if investment is a mutual fund, please list underlying investments):		
	\$ -	
	\$ -	
	\$ -	
	\$ -	
<b>Total Investments</b>		\$ -
<b>Total Cash and Investments</b>		\$ 3,009

Please answer the following questions by marking in the appropriate boxes

	Yes	No	N/A
5-4 Are the entity's Investments legal in accordance with Section 24-75-601, et. seq., C.R.S.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5-5 Are the entity's deposits in an eligible (Public Deposit Protection Act) public depository (Section 11-10.5-101, et seq. C.R.S.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If no, MUST use this space to provide any explanations:

## PART 6 - CAPITAL AND RIGHT-TO-USE ASSETS

Please answer the following questions by marking in the appropriate boxes.

Yes                      No

- 6-1 Does the entity have capital assets?  Yes       No
- 6-2 Has the entity performed an annual inventory of capital assets in accordance with Section 29-1-506, C.R.S.,? If no, MUST explain:  Yes       No

Complete the following capital & right-to-use assets table:	Balance - beginning of the year*	Additions (Must be included in Part 3)	Deletions	Year-End Balance
Land	\$ -	\$ -	\$ -	\$ -
Buildings	\$ -	\$ -	\$ -	\$ -
Machinery and equipment	\$ -	\$ -	\$ -	\$ -
Furniture and fixtures	\$ -	\$ -	\$ -	\$ -
Infrastructure	\$ -	\$ -	\$ -	\$ -
Construction In Progress (CIP)	\$ -	\$ -	\$ -	\$ -
Leased Right-to-Use Assets	\$ -	\$ -	\$ -	\$ -
Other (explain):	\$ -	\$ -	\$ -	\$ -
Accumulated Depreciation/Amortization (Please enter a negative, or credit, balance)	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Please use this space to provide any explanations or comments:

## PART 7 - PENSION INFORMATION

Please answer the following questions by marking in the appropriate boxes.

Yes                      No

- 7-1 Does the entity have an "old hire" firefighters' pension plan?  Yes       No
- 7-2 Does the entity have a volunteer firefighters' pension plan?  Yes       No

If yes: Who administers the plan?

Indicate the contributions from:

Tax (property, SO, sales, etc.):	\$ -
State contribution amount:	\$ -
Other (gifts, donations, etc.):	\$ -
<b>TOTAL</b>	<b>\$ -</b>

What is the monthly benefit paid for 20 years of service per retiree as of Jan 1? \$ -

Please use this space to provide any explanations or comments:

## PART 8 - BUDGET INFORMATION

Please answer the following questions by marking in the appropriate boxes.

Yes                      No                      N/A

- 8-1 Did the entity file a budget with the Department of Local Affairs for the current year in accordance with Section 29-1-113 C.R.S.?  Yes       No       N/A
- 
- 8-2 Did the entity pass an appropriations resolution, in accordance with Section 29-1-108 C.R.S.? If no, MUST explain:  Yes       No       N/A

If yes: Please indicate the amount budgeted for each fund for the year reported:

Governmental/Proprietary Fund Name	Total Appropriations By Fund
General Fund	\$ 50,001
Debt Service Fund	\$ 11

## PART 9 - TAXPAYER'S BILL OF RIGHTS (TABOR)

Please answer the following question by marking in the appropriate box

Yes

No

**9-1** Is the entity in compliance with all the provisions of TABOR [State Constitution, Article X, Section 20(5)]?



Note: An election to exempt the government from the spending limitations of TABOR does not exempt the government from the 3 percent emergency reserve requirement. All governments should determine if they meet this requirement of TABOR.

**If no, MUST explain:**

## PART 10 - GENERAL INFORMATION

Please answer the following questions by marking in the appropriate boxes.

Yes

No

**10-1** Is this application for a newly formed governmental entity?



**10-1**

If yes: Date of formation:

**10-2** Has the entity changed its name in the past or current year?



If yes: Please list the NEW name & PRIOR name:

**10-3** Is the entity a metropolitan district?



Please indicate what services the entity provides:

Financing for the design, acquisition, construction and installation of streets, lighting, traffic and safety controls, sewer improvements, landscaping

**10-4** Does the entity have an agreement with another government to provide services?



If yes: List the name of the other governmental entity and the services provided:

**10-5** Has the district filed a *Title 32, Article 1 Special District Notice of Inactive Status* during



If yes: Date Filed:

**10-6** Does the entity have a certified Mill Levy?



If yes:

Please provide the following mills levied for the year reported (do not report \$ amounts):

Bond Redemption mills  
General/Other mills  
Total mills

	50.000
	20.000
	70.000

Please use this space to provide any explanations or comments:

## PART 11 - GOVERNING BODY APPROVAL

Please answer the following question by marking in the appropriate box		YES	NO
12-1	If you plan to submit this form electronically, have you read the new Electronic Signature Policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Office of the State Auditor — Local Government Division - Exemption Form Electronic Signatures Policy and Procedure

#### Policy - Requirements

The Office of the State Auditor Local Government Audit Division may accept an electronic submission of an application for exemption from audit that includes governing board signatures obtained through a program such as DocuSign or Echosign. Required elements and safeguards are as follows:

- The preparer of the application is responsible for obtaining board signatures that comply with the requirement in Section 29-1-604 (3), C.R.S., that states the application shall be personally reviewed, approved, and signed by a majority of the members of the governing body.
- The application must be accompanied by the signature history document created by the electronic signature software. The signature history document must show when the document was created and when the document was emailed to the various parties, and include the dates the individual board members signed the document. The signature history must also show the individuals' email addresses and IP address.
- Office of the State Auditor staff will not coordinate obtaining signatures.

**The application for exemption from audit form created by our office includes a section for governing body approval. Local governing boards note their approval and submit the application through one of the following three methods:**

- 1) Submit the application in hard copy via the US Mail including original signatures.
- 2) Submit the application electronically via email and either,
  - a. Include a copy of an adopted resolution that documents formal approval by the Board, **or**
  - b. Include electronic signatures obtained through a software program such as DocuSign or Echosign in accordance with the requirements noted above.

Print the names of ALL members of current governing body below. Print Board Member's Name		A MAJORITY of the members of the governing body must complete and sign in the column below.
Board Member 1	Thomas Clark	I <u>Thomas Clark</u> , attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed <u>Tom Clark</u> Date: <u>Mar 21, 2023</u> My term Expires: <u>2025</u>
Board Member 2	Bryan Horan	I <u>Bryan Horan</u> , attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed <u>BH</u> Date: <u>Mar 21, 2023</u> My term Expires: <u>2023</u>
Board Member 3	Andrew Trietley	I <u>Andrew Trietley</u> , attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed _____ Date: _____ My term Expires: <u>2025</u>
Board Member 4	Darwin Horan	I <u>Darwin Horan</u> , attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed <u>DH</u> Date: <u>Mar 21, 2023</u> My term Expires: <u>2025</u>
Board Member 5	Josh Brgoch	I <u>Josh Brgoch</u> , attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed <u>Joshua Brgoch</u> Date: <u>Mar 21, 2023</u> My term Expires: <u>2023</u>
Board Member 6		I _____, attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed _____ Date: _____ My term Expires: _____
Board Member 7		I _____, attest I am a duly elected or appointed board member, and that I have personally reviewed and approve this application for exemption from audit. Signed _____ Date: _____ My term Expires: _____



# Devil's Head 2022

Interim Agreement Report










2023-03-22


Created:	2023-03-21
By:	Diane Wheeler (diane@simmonswheeler.com)
Status:	Out for Signature
Transaction ID:	CBJCHBCAABAAFMMiGAj_FVzyzumL0knqn-JbU7r9qpKL

## Agreement History

Agreement history is the list of the events that have impacted the status of the agreement prior to the final signature. A final audit report will be generated when the agreement is complete.

## "Devil's Head 2022" History

-  Document created by Diane Wheeler (diane@simmonswheeler.com)  
2023-03-21 - 8:43:26 PM GMT
-  Document emailed to Diane Wheeler (diane@simmonswheeler.com) for signature  
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-  Document emailed to Tom Clark (tclark@ventanacap.com) for signature  
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-  Document emailed to Bryan Horan (bhoran@ventanacap.com) for signature  
2023-03-21 - 8:45:35 PM GMT
-  Document emailed to Andrew Trietley (atrietley@ventanacap.com) for signature  
2023-03-21 - 8:45:36 PM GMT
-  Document emailed to Joshua Brgoch (jbrgoch@ventanacap.com) for signature  
2023-03-21 - 8:45:36 PM GMT
-  Document emailed to dhoran@ventanacap.com for signature  
2023-03-21 - 8:45:36 PM GMT
-  Document e-signed by Diane Wheeler (diane@simmonswheeler.com)  
Signature Date: 2023-03-21 - 8:45:43 PM GMT - Time Source: server
-  Email viewed by Tom Clark (tclark@ventanacap.com)  
2023-03-21 - 8:54:23 PM GMT

 Document e-signed by Tom Clark (tclark@ventanacap.com)

Signature Date: 2023-03-21 - 8:54:33 PM GMT - Time Source: server

 Email viewed by Joshua Brgoch (jbrgoch@ventanacap.com)

2023-03-21 - 9:34:54 PM GMT

 Document e-signed by Joshua Brgoch (jbrgoch@ventanacap.com)

Signature Date: 2023-03-21 - 9:35:07 PM GMT - Time Source: server

 Email viewed by dhoran@ventanacap.com

2023-03-22 - 0:22:17 AM GMT

 Signer dhoran@ventanacap.com entered name at signing as Darwin Horan

2023-03-22 - 0:23:13 AM GMT

 Document e-signed by Darwin Horan (dhoran@ventanacap.com)

Signature Date: 2023-03-22 - 0:23:15 AM GMT - Time Source: server

 Email viewed by Bryan Horan (bhoran@ventanacap.com)

2023-03-22 - 1:46:37 AM GMT

 Document e-signed by Bryan Horan (bhoran@ventanacap.com)

Signature Date: 2023-03-22 - 1:47:20 AM GMT - Time Source: server

Names and email addresses are entered into the Acrobat Sign service by Acrobat Sign users and are unverified unless otherwise noted.

**EXHIBIT B  
BUDGET**

LETTER OF BUDGET TRANSMITTAL

Date: January 14, 2023

To: Division of Local Government  
1313 Sherman Street, Room 521  
Denver, Colorado 80203

Attached are the 2023 budget and budget message for DEVILS HEAD METROPOLITAN DISTRICT in Douglas County, Colorado, submitted pursuant to Section 29-1-113, C.R.S. This budget was adopted on December 6, 2022. If there are any questions on the budget, please contact:

Simmons & Wheeler PC  
Attn: Diane Wheeler  
304 Inverness Way South, Suite 490  
Englewood, CO 80112  
Telephone: 303-689-0833

I, Tom Clark, as President of the Devils Head Metropolitan District, hereby certify that the attached is a true and correct copy of the 2023 budget.

By: Thomas M Clark

**RESOLUTION**  
**TO ADOPT 2023 BUDGET, APPROPRIATE SUMS OF MONEY,**  
**AND AUTHORIZE THE CERTIFICATION OF THE TAX LEVY**  
**DEVILS HEAD METROPOLITAN DISTRICT**

A RESOLUTION SUMMARIZING REVENUES AND EXPENDITURES FOR EACH FUND, ADOPTING A BUDGET, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT, AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN FOR THE DEVILS HEAD METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2023, AND ENDING ON THE LAST DAY OF DECEMBER, 2023,

WHEREAS, the Board of Directors of the Devils Head Metropolitan District has authorized its consultants to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget has been submitted to the Board of Directors of the District for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was available for inspection by the public at a designated public office, a public hearing was held on December 6, 2022 and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves or fund balances so that the budget remains in balance, as required by law; and

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is \$275; and

WHEREAS, the Board of Directors finds that it is required to temporarily lower the operating mill levy to render a refund for \$0; and

WHEREAS, the amount of money necessary to balance the budget for voter-approved bonds and interest is \$686; and

WHEREAS, the amount of money necessary to balance the budget for contractual obligation purposes from property tax revenue as approved by voters from property tax revenue is \$0; and

WHEREAS, the amount of money necessary to balance the budget for capital expenditure purposes from property tax revenue as approved by voters or at public hearing is \$0; and

WHEREAS, the amount of money necessary to balance the budget for refunds/abatements is \$0; and

WHEREAS, the 2022 valuation for assessment for the District as certified by the County Assessor of Douglas County is \$13,730; and

WHEREAS, at an election held on November 6, 2018 the District has eliminated the revenue and expenditure limitations imposed on governmental entities by Article X, Section 20 of the Colorado Constitution and Section 29-1-301, C.R.S., as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DEVILS HEAD METROPOLITAN DISTRICT OF DOUGLAS COUNTY, COLORADO:

Section 1. Adoption of Budget. That the budget as submitted, and attached hereto and incorporated herein by this reference, and if amended, then as amended, is hereby approved and adopted as the budget of the Devils Head Metropolitan District for calendar year 2023.

Section 2. Budget Revenues. That the estimated revenues for each fund as more specifically set out in the budget attached hereto are accepted and approved.

Section 3. Budget Expenditures. That the estimated expenditures for each fund as more specifically set out in the budget attached hereto are accepted and approved.

Section 4. Levy of General Property Taxes. That the Board of Directors does hereby certify the levy of general property taxes for collection in 2023 as follows:

A. Levy for General Operating and Other Expenses. That for the purposes of meeting all general operating expense of the District during the 2023 budget year, there is hereby levied a tax of 20.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2022.

B. Temporary Tax Credit or Rate Reduction. That pursuant to Section 39-1-111.5, C.R.S. for the purposes of effect of a refund for the purposes set forth in Section 20 of Article X of the Colorado Constitution, there is hereby certified a temporary property tax credit or temporary mill levy rate reduction of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the boundaries of the District for the year 2022.

C. Levy for General Obligation Bonds and Interest. That for the purposes of meeting all debt retirement expense of the District during the 2023 budget year, as the funding requirements of the current outstanding general obligation indebtedness is detailed in the following "Certification of Tax Levies," there is hereby levied a tax of 50.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2022.

D. Levy for Contractual Obligations. That for the purposes of meeting the contractual obligation expense of the District during the 2023 budget year, as detailed in the following "Certification of Tax Levies," there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2022.

E. Levy for Capital Expenditures. That for the purposes of meeting all capital expenditures of the District during the 2023 budget year pursuant to Section 29-1-301(1.2) or 29-1-302(1.5), C.R.S., there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the boundaries of the District for the year 2022.

F. Levy for Refunds/Abatements. That for the purposes of recoupment of refunds/abatements of taxes pursuant to Section 39-10-114(1)(a)(I)(B), C.R.S., there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the boundaries of the District for the year 2022.

Section 5. Property Tax and Fiscal Year Spending Limits. That, being fully informed, the Board finds that the foregoing budget and mill levies do not result in a violation of any applicable property tax or fiscal year spending limitation.

Section 6. Certification. That the appropriate officers of the District are hereby authorized and directed to certify by December 15, 2022, to the Board of County Commissioners of Douglas County, Colorado, the mill levies for the District herein above determined and set, or be authorized and directed to certify to the Board of County Commissioners of Douglas County, Colorado, as herein above determined and set, but as recalculated as needed upon receipt of the final certification of valuation from the County Assessor on or about December 10, 2022 in order to comply with any applicable revenue and other budgetary limits or to implement the intent of the District. That said certification shall be in substantially the form set out and attached hereto and incorporated herein by this reference.

Section 7. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the budget attached hereto, are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated and no other.

*[remainder of page intentionally left blank; signature page follows]*

ADOPTED this 6<sup>th</sup> day of December 2022.

DEVILS HEAD METROPOLITAN  
DISTRICT

*Thomas M. Clark*

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President

ATTEST:



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Secretary



ATTACH COPY OF THE ADOPTED BUDGET AND  
THE CERTIFICATION OF TAX LEVIES

**DEVILS HEAD METROPOLITAN DISTRICT**  
**2023**  
**BUDGET MESSAGE**

Attached please find a copy of the adopted 2023 budget for the Devils Head Metropolitan District.

The Devils Head Metropolitan District has adopted budgets for two funds, a General Fund to provide for operating and maintenance expenditures and a Debt Service Fund to account for the repayment of principal and interest on the outstanding general obligation bonds.

The district's accountants have utilized the modified accrual basis of accounting and the budget has been adopted after proper postings, publications and public hearing.

The primary sources of revenue for the district in 2023 will be property taxes and developer advances. The district intends to impose a 70.000 mill levy on property within the district for 2023, of which 20.000 mills are dedicated to the General Fund and the balance of 50.000 mills will be allocated to the Debt Service Fund.

**Devils Head Metropolitan District**  
**Adopted Budget**  
**General Fund**  
**For the Year ended December 31, 2023**

	Actual <u>2021</u>	Adopted Budget <u>2022</u>	Actual <u>6/30/2022</u>	Estimate <u>2022</u>	Adopted Budget <u>2023</u>
Beginning fund balance	\$ -	\$ -	\$ 4,707	\$ 4,707	\$ -
Revenues:					
Property taxes	286	302	297	300	275
Specific ownership taxes	28	21	13	20	19
Developer Advance	17,221	49,678	6,803	14,077	49,706
Interest income	-	-	-	-	-
Total revenues	<u>17,535</u>	<u>50,001</u>	<u>7,113</u>	<u>14,397</u>	<u>50,000</u>
Total funds available	<u>17,535</u>	<u>50,001</u>	<u>11,820</u>	<u>19,104</u>	<u>50,000</u>
Expenditures:					
Accounting/Adm/Management	3,753	5,000	4,325	6,000	5,000
Legal	6,309	15,000	2,421	8,000	15,000
Insurance	2,686	4,000	262	5,000	4,000
Miscellaneous Expense	76	500	48	100	500
Treasurer's Fees	4	5	4	4	4
Contingency	-	24,761	-	-	24,761
Emergency reserve (3%)	-	735	-	-	735
Total expenditures	<u>12,828</u>	<u>50,001</u>	<u>7,060</u>	<u>19,104</u>	<u>50,000</u>
Ending fund balance	<u>\$ 4,707</u>	<u>\$ -</u>	<u>\$ 4,760</u>	<u>\$ -</u>	<u>\$ -</u>
Assessed valuation		<u>\$ 15,100</u>			<u>\$ 13,730</u>
Mill Levy		<u>20.000</u>			<u>20.000</u>

**Devils Head Metropolitan District**  
**Adopted Budget**  
**Debt Service Fund**  
**For the Year ended December 31, 2023**

	Actual <u>2021</u>	Adopted Budget <u>2022</u>	Actual <u>6/30/2022</u>	Estimate <u>2022</u>	Adopted Budget <u>2023</u>
Beginning fund balance	\$ 767	\$ 1,541	\$ 1,541	\$ 1,541	\$ 2,365
Revenues:					
Property taxes	716	755	742	755	686
Specific ownership taxes	52	53	33	80	49
Interest income	<u>17</u>	<u>-</u>	<u>1</u>	<u>-</u>	<u>-</u>
Total revenues	<u>785</u>	<u>808</u>	<u>776</u>	<u>835</u>	<u>735</u>
Total funds available	<u>1,552</u>	<u>2,349</u>	<u>2,317</u>	<u>2,376</u>	<u>3,100</u>
Expenditures:					
Treasurer's fees	<u>11</u>	<u>11</u>	<u>11</u>	<u>11</u>	<u>10</u>
Total expenditures	<u>11</u>	<u>11</u>	<u>11</u>	<u>11</u>	<u>10</u>
Ending fund balance	<u>\$ 1,541</u>	<u>\$ 2,338</u>	<u>\$ 2,306</u>	<u>\$ 2,365</u>	<u>\$ 3,090</u>
Assessed valuation		<u>\$ 15,100</u>			<u>\$ 13,730</u>
Mill Levy		<u>50.000</u>			<u>50.000</u>
Total Mill Levy		<u>70.000</u>			<u>70.000</u>

**CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments**

**TO The County Commissioners of Douglas County, Colorado  
 On behalf of the Devils Head Metro District  
 the Board of Directors  
 of the Devils Head Metro District**

**Hereby** officially certifies the following mills to be levied against the taxing entity's **GROSS** assessed valuation of: **\$13,730** Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area the tax levies must be calculated using the NET AV. The taxing entity 's total property tax revenue will be derived from the mill levy multiplied against the **NET** assessed valuation of: **\$13,730**

**Submitted:** *John Simmons* for budget/fiscal year 2023

<b>PURPOSE</b>	<b>LEVY</b>	<b>REVENUE</b>
1. General Operating Expenses	20.000 mills	\$275
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction	-0.000 mills	-\$0
<b>SUBTOTAL FOR GENERAL OPERATING:</b>	<b>20.000 mills</b>	<b>\$275</b>
3. General Obligation Bonds and Interest	50.000 mills	\$686
4. Contractual Obligations	0.000 mills	\$0
5. Capital Expenditures	0.000 mills	\$0
6. Refunds/Abatements	0.000 mills	\$0
7. Other	0.000 mills	\$0
8. Judgment	0.000 mills	\$0
<b>TOTAL:</b>	<b>70.000 mills</b>	<b>\$961</b>

**THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.).** Taxing entities that are Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.). Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

**CERTIFY A SEPARATE MILL LEVY FOR EACH BOND, CONTRACT, OTHER, AND/OR JUDGMENT:**

**BONDS**

- Purpose of Issue: Proposed General Obligation Debt  
 Series:  
 Date of Issue:  
 Coupon Rate: Proposed

Maturity Date:

Levy: 50.000

Revenue: \$686

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**CONTRACTS**

No Contracts Available

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**OTHER**

No Other Available

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**JUDGMENT**

No Judgment Available

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**Explanation of Change:**

Generated On Sat, 10 Dec 2022

**EXHIBIT C  
DEBT**

<b>Purpose</b>	<b>Ballot Issue</b>	<b>Election Date</b>	<b>Authorized Debt</b>	<b>Unissued Debt</b>
Water	F	11.06.18	\$30,000,000	\$30,000,000
Sanitation	G	11.06.18	\$30,000,000	\$30,000,000
Streets	H	11.06.18	\$30,000,000	\$30,000,000
Traffic and Safety	I	11.06.18	\$30,000,000	\$30,000,000
Parks and Recreation	J	11.06.18	\$30,000,000	\$30,000,000
Transportation	K	11.06.18	\$30,000,000	\$30,000,000
Television Relay	L	11.06.18	\$30,000,000	\$30,000,000
Security	M	11.06.18	\$30,000,000	\$30,000,000
Fire Protection	N	11.06.18	\$30,000,000	\$30,000,000
Operations and Maintenance	O	11.06.18	\$30,000,000	\$30,000,000
Refunding	P	11.06.18	\$30,000,000	\$30,000,000
Reimbursement Agreement	Q	11.06.18	\$30,000,000	\$30,000,000