

**Promontory Metropolitan District No. 1
Adams County, Colorado**

FINANCIAL STATEMENTS

With Independent Auditor's Report

December 31, 2020

Promontory Metropolitan District No. 1

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INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Promontory Metropolitan District No. 1
Adams County, Colorado

We have audited the accompanying financial statements of the governmental activities and each major fund of Promontory Metropolitan District No. 1 (the District) as of and for the year ended December 31, 2020, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes 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.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements 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 entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

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 Promontory Metropolitan District No. 1, as of December 31, 2020, and the respective changes in financial position thereof, 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.

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, who considers it to be an essential part of financial reporting for placing the basic financial statement in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other 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 supplemental information as listed in the table of contents is presented for purposes of legal compliance and additional analysis and is not a required part of the basic financial statements. The supplemental 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. The supplemental 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 information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Fisurf Focus Partners, LLC

Greenwood Village, Colorado
October 26, 2021

BASIC FINANCIAL STATEMENTS

Promontory Metropolitan District No. 1
STATEMENT OF NET POSITION
December 31, 2020

	Governmental Activities
Assets	
Cash and investments	\$ 233,680
Due from other governments	82,735
Prepaid expense	2,533
Capital assets, not being depreciated	1,637,477
Total Assets	1,956,425
Liabilities	
Accounts payable	295,283
Noncurrent liabilities:	
Due in more than one year	556,356
Total Liabilities	851,639
Net Position	
Restricted for:	
Emergencies	5,600
Unrestricted	1,099,186
Total Net Position	\$ 1,104,786

The accompanying Notes to Financial Statements are an integral part of these statements.

Promontory Metropolitan District No. 1
STATEMENT OF ACTIVITIES
For the Year Ended December 31, 2020

Functions/Programs:	Program Revenues			Net (Expense)	
	Expenses	Charges for Services	Operating Grants and Contributions	Grants and Contributions	Revenue and Changes in Net Position
Primary government					Governmental Activities
General government	\$ (59,615)	\$ -	\$ 185,860	\$ 988,157	\$ 1,114,402
Interest on long-term debt and related costs	(9,616)	-	-	-	(9,616)
Total primary government	\$ (69,231)	\$ -	\$ 185,860	\$ 988,157	1,104,786
		General Revenues:			
		Total general revenues			-
		Change in net position			1,104,786
		Net position - beginning			-
		Net position - ending			\$ 1,104,786

The accompanying Notes to Financial Statements are an integral part of these statements.

Promontory Metropolitan District No. 1

**BALANCE SHEET
GOVERNMENTAL FUNDS**

December 31, 2020

	<u>General</u>	<u>Capital Projects</u>	<u>Total Governmental Funds</u>
Assets			
Cash and investments	\$ 10,716	\$ 222,964	\$ 233,680
Due from other governments	24,174	58,561	82,735
Prepaid Expense	2,533	-	2,533
Total Assets	<u>37,423</u>	<u>281,525</u>	<u>318,948</u>
Liabilities and Fund Balance			
Liabilities			
Accounts payable	13,758	281,525	295,283
Total Liabilities	<u>13,758</u>	<u>281,525</u>	<u>295,283</u>
Fund Balances			
Nonspendable	2,533	-	2,533
Restricted for:			
Emergencies	5,600	-	5,600
Unassigned	15,532	-	15,532
Total Fund Balances	<u>23,665</u>	<u>-</u>	<u>23,665</u>
Total Liabilities and Fund Balances	<u>\$ 37,423</u>	<u>\$ 281,525</u>	

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

Long-term assets are not available to pay for current period expenditures and, therefore, are not reported in the funds:		
Capital assets		1,637,477
Long-term liabilities, including bonds payable and accrued interest, are not due and payable in the current period and therefore are not reported in the funds:		
Developer advance payable		(546,740)
Accrued interest Developer advances		<u>(9,616)</u>
Net position of governmental activities		<u>\$ 1,104,786</u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Promontory Metropolitan District No. 1
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
For the Year Ended December 31, 2020

	<u>General</u>	<u>Capital Projects</u>	<u>Total Governmental Funds</u>
Revenues			
Intergovernmental revenues	\$ 185,860	\$ 988,157	\$ 1,174,017
Total revenues	<u>185,860</u>	<u>988,157</u>	<u>1,174,017</u>
Expenditures			
General government			
Accounting	23,384	-	23,384
Elections	1,391	-	1,391
Insurance and bonds	672	-	672
Legal	33,987	-	33,987
Miscellaneous	181	-	181
Capital outlay	-	1,637,477	1,637,477
Total expenditures	<u>59,615</u>	<u>1,637,477</u>	<u>1,697,092</u>
Excess of revenue over (under) expenditures	<u>126,245</u>	<u>(649,320)</u>	<u>(523,075)</u>
Other financing sources (uses)			
Developer advances	-	546,740	546,740
Transfers in/(out)	(102,580)	102,580	-
Total other financing sources (uses)	<u>(102,580)</u>	<u>649,320</u>	<u>546,740</u>
Net change in fund balances	23,665	-	23,665
Fund balances - beginning	<u>-</u>	<u>-</u>	<u>-</u>
Fund balances - ending	<u>\$ 23,665</u>	<u>\$ -</u>	<u>\$ 23,665</u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Promontory Metropolitan District No. 1
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES OF
GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2020

Net change in fund balances - total governmental funds	\$	23,665
<p>Amounts reported for governmental activities in the statement of activities are different because:</p>		
<p>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 assets over the estimated useful life of the asset.</p>		
Capital outlay		1,637,477
<p>Long-term debt (e.g. bonds, Developer advances) provides current financial resources to governmental funds, while the repayment of principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position.</p>		
Developer advances		(546,740)
<p>Some revenues and 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.</p>		
Accrued interest payable developer advances - change in liability		<u>(9,616)</u>
Change in net position of governmental activities	\$	<u><u>1,104,786</u></u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Promontory Metropolitan District No. 1
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
GENERAL FUND

For the Year Ended December 31, 2020

	Original Budgeted Amounts	Final Budgeted Amounts	Actual	Variance with Final Budget - Positive (Negative)
REVENUES				
Intergovernmental revenues	\$ 163,911	\$ 185,753	\$ 185,860	\$ 107
Total revenues	<u>163,911</u>	<u>185,753</u>	<u>185,860</u>	<u>107</u>
EXPENDITURES				
General government				
Accounting	20,000	30,000	23,384	6,616
Elections	-	-	1,391	(1,391)
Insurance and bonds	7,500	7,500	672	6,828
Legal	30,000	40,000	33,987	6,013
Miscellaneous	2,000	2,000	181	1,819
Contingency	95,000	105,000	-	105,000
Total expenditures	<u>154,500</u>	<u>184,500</u>	<u>59,615</u>	<u>124,885</u>
Excess of revenues over (under) expenditures	<u>9,411</u>	<u>1,253</u>	<u>126,245</u>	<u>124,992</u>
Other financing sources (uses)				
Transfer to other funds		-	(102,580)	(102,580)
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>(102,580)</u>	<u>(102,580)</u>
Net change in fund balance	9,411	1,253	23,665	22,412
Fund balance - beginning	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance - ending	<u>\$ 9,411</u>	<u>\$ 1,253</u>	<u>\$ 23,665</u>	<u>\$ 22,412</u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Promontory Metropolitan District No. 1
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2020

Note 1 – Reporting Entity

Promontory Metropolitan District No. 1 (the District) was organized on November 14, 2019, as a quasi-municipal organization established under the State of Colorado Special District Act (Title 32, Article 1, Colorado Revised Statutes) concurrently with Promontory Metropolitan District Nos. 2-5 (the Districts). The District's service area is located in Adams County, Colorado. The District operates under a Service Plan approved by the County on August 27, 2019. The Districts were established to provide financing for the design, acquisition, installation and construction of streets, parks and recreation facilities, water systems, sanitation/storm sewer systems, transportation, mosquito control, safety protection, fire protection, television and relay translation, and security. Pursuant to the District Coordinating Services Agreement (Note 8), the District is the Coordinating District and District Nos. 2-5 are the Financing Districts.

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 is not financially accountable for any other organization, nor is the District a component unit of any other primary governmental entity.

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

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 (i.e., the statement of net position and the statement of activities) report information on all of the activities of the District. The effect of interfund activity has been removed from these statements. Governmental activities are normally supported by taxes and intergovernmental revenues.

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 of the District is reported as net position.

Promontory Metropolitan District No. 1

NOTES TO FINANCIAL STATEMENTS (continued)

December 31, 2020

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 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 revenue susceptible to accrual are intergovernmental revenues. 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 for those required to be accounted for in another fund.

The capital projects fund is used to account for financial resources to be used for the purchase, construction, operation, and maintenance of capital equipment and facilities.

Promontory Metropolitan District No. 1

NOTES TO FINANCIAL STATEMENTS (continued)

December 31, 2020

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 level and lapses at year end. The District's Board of Directors can modify the budget by line item within the total appropriation by fund without notification. The total appropriation can only be modified upon completion of notification and publication requirements. The budget includes each fund on its basis of accounting.

The District amended its annual budget for the year ended December 31, 2020.

Pooled Cash

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.

Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets, are reported in the applicable governmental activities column of the government-wide financial statements. Capital assets are defined by the District as those assets with a cost of \$5,000 or greater. 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.

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.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Major outlays for capital assets and improvements for which the District retains title are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable. Interest incurred during the construction phase of capital assets is not included as part of the capitalized value of the assets constructed.

Promontory Metropolitan District No. 1

**NOTES TO FINANCIAL STATEMENTS
(continued)**

December 31, 2020

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 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:

Non-spendable fund balance – The portion of fund balance that cannot be spent because it is either not in spendable form (such as inventory) or is legally or contractually required to be maintained intact.

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

Committed fund balance – The portion of fund balance constrained for specific purposes according to limitations imposed by the District's highest level of decision making authority, the Board of Directors prior to the end of the current fiscal year. 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 above criteria.

Promontory Metropolitan District No. 1

NOTES TO FINANCIAL STATEMENTS
(continued)

December 31, 2020

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

Note 3 – Cash and Investments

Cash and investments are reflected on the December 31, 2020 Statement of net position as follows:

Cash and investments	\$ 233,680
Total cash and investments	<u>\$ 233,680</u>

Cash and investments as of December 31, 2020 consist of the following:

Deposits with financial institutions	\$ 233,680
Total cash and investments	<u>\$ 233,680</u>

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. As of December 31, 2020, the federal insurance limit was \$250,000. 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 equal to 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, 2020, the District's cash deposits had a bank balance of \$233,008 and a carrying balance of \$233,680.

Investments

The District has not adopted a formal investment policy, but follows state statutes regarding investments. Colorado revised statutes limit investment maturities to five years or less unless formally approved by the District.

Promontory Metropolitan District No. 1

**NOTES TO FINANCIAL STATEMENTS
(continued)**

December 31, 2020

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

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

The District has no investments at December 31, 2020.

Note 4 – Capital Assets

An analysis of the changes in capital assets for the year ended December 31, 2020 follows:

	Balance at December 31, 2019	Additions	Deletions	Balance at December 31, 2020
Capital assets, not being depreciated				
Construction in progress	\$ -	\$ 1,637,477	\$ -	\$ 1,637,477
Total capital assets, not being depreciated	-	1,637,477	-	1,637,477
Capital assets, net	\$ -	\$ 1,637,477	\$ -	\$ 1,637,477

Note 5 – Long-Term Obligations

The District's outstanding long-term obligations at December 31, 2020, are as follows:

	Balance at December 31, 2019	Additions	Deletions	Balance at December 31, 2020	Due Within One Year
Other Debt:					
Developer advances - capital	\$ -	\$ 546,740	\$ -	\$ 546,740	\$ -
Accrued interest - capital	-	9,616	-	9,616	-
Total Long-Term Obligations	\$ -	\$ 556,356	\$ -	\$ 556,356	\$ -

Promontory Metropolitan District No. 1

NOTES TO FINANCIAL STATEMENTS (continued)

December 31, 2020

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

Developer Advances

Funding and Reimbursement Agreement

On December 3, 2019, the District and ELG Investors, LLC (Developer) entered into the Funding and Reimbursement Agreement (FARA). The Developer agrees to loan the District \$50,000 per annum for two years, up to \$100,000 the maximum loan amount. These funds shall be available to the District through December 31, 2021, the loan obligation termination date. The Developer may agree to renew its obligation providing written notice to the District, which will extend the loan obligation termination date, which date shall not be earlier than December 31 of the succeeding year.

Each loan advance under the FARA shall accrue simple interest at a rate of 6.5% per annum, from the date any such advance is made to the earlier of the date the Reimbursement Obligation is issued to evidence such advance or the date of repayment of such amount. Upon issuance of any Reimbursement Obligation, unless otherwise consented to by the Developer, any interest then accrued on any previously advanced amount shall be added to the amount of the loan advance and reflected as principal of the Reimbursement Obligation, and shall accrue interest as provided in such Reimbursement Obligation.

Reimbursement Obligations issued by the District shall be payable solely from the sources identified in the Reimbursement Obligation, including, but not limited to, ad valorem property tax revenues of the District, and shall be secured by the District's pledge to apply such revenues as required. Reimbursement Obligations shall not extend beyond thirty years from the date of the FARA, the maximum reimbursement obligation repayment term.

The District did not receive any funds under the FARA, nor did the District issue any Reimbursement Obligations during 2020.

Public Improvements Acquisition and Reimbursement Agreement

On December 3, 2019, the District entered into the Public Improvements Acquisition and Reimbursement Agreement (IARA) with the Developer, whereby the District agrees to reimburse the Developer for "District Eligible Costs" (Costs) for public improvements constructed on behalf of the District. Reimbursement is subject to the receipt by the District of an Application for Acceptance of District Eligible Costs from the Developer, an Engineer's Cost Certification that verifies all improvements are fit for their intended purpose and were constructed in accordance with their design, and an Accountant's Cost Certification. No later than 45 days following receipt of said documents, the District shall accept the Costs by adopting an Acceptance Resolution. Amounts owed to the Developer under the IARA bear interest at 6% from the effective date of the Acceptance Resolution. As of December 31, 2020, the outstanding balance under the agreement totaled \$556,356 consisting of \$546,740 of principal and \$9,616 of accrued interest.

Promontory Metropolitan District No. 1

NOTES TO FINANCIAL STATEMENTS (continued)

December 31, 2020

Debt Authorization

On November 5, 2019, the District's electorate authorized total indebtedness of \$1,104,000,000 for the purpose of providing certain improvements and facilities, and entering into one or more intergovernmental agreements with one or more public entities for the purpose of financing the costs of public improvements, facilities, systems, programs or projects which the District may lawfully provide for the purpose of providing for the operation and maintenance of the District and its facilities and properties, which agreement may constitute a multiple fiscal year obligation of the District to the extent authorized by law.

The District's Service Plan limits the District's issuance of debt to \$69,000,000. In the future, the District may issue a portion or all of the remaining authorized but unissued debt.

Note 6 – Net Position

The District reports net position consisting of two components – restricted and unrestricted.

Restricted assets include net position that is restricted for use either externally imposed by creditors, grantors, contributors, or laws of other governments, or imposed by law through constitutional provisions or enabling legislation. At December 31, 2020 the District has \$5,600 restricted for emergency reserves (Note 11).

The District has unrestricted net position of \$1,099,186 as of December 31, 2020.

Note 7 – Related Parties

All of the Board of Directors of the District are employees, owners or otherwise associated with the Developer and/or its affiliates and may have conflicts of interest with respect to certain transactions which come before the Board.

Note 8 – Agreements

District Coordinating Services Agreement

On December 3, 2019, the District entered into the District Coordinating Services Agreement with Promontory Metropolitan District Nos. 2-5. The District is the Coordinating District and District Nos. 2-5 are the Financing Districts. The agreement sets forth the services the District will perform on behalf of Districts related to administrative services and ownership, operation and maintenance of public improvements. It is the intent that each Financing District will impose an ad valorem mill levy against the taxable property within its boundaries, to pay for the services provided by the District. The agreement is subject to annual appropriation, and does not constitute a multiple fiscal year obligation.

Promontory Metropolitan District No. 1

**NOTES TO FINANCIAL STATEMENTS
(continued)**

December 31, 2020

Note 9 – Interfund Transfers

The District transferred \$102,580 from the General Fund to the Capital Project Fund to pay for capital expenditures.

Note 10 – 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 District Property and Liability Pool (the Pool) as of December 31, 2020. 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.

Note 11 – 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.

November 5, 2019, a majority of the District's electors authorized the District to collect, spend or retain all currently levied taxes and other revenue of the District for 2019 and any year thereafter, without regard to any limitations under TABOR.

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.

Promontory Metropolitan District No. 1

**NOTES TO FINANCIAL STATEMENTS
(continued)**

December 31, 2020

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 interpretation of how to calculate Fiscal Year Spending limits, will require judicial interpretation.

Note 12 – Noncompliance with Colorado Revised Statutes

Colorado Revised Statutes require that local governments submit audited financial statements for calendar year-end by July 31, or September 30 if granted an extension, of the following year. The District was not in compliance with this statutory requirement for the year ended December 31, 2020.

SUPPLEMENTAL INFORMATION

Promontory Metropolitan District No. 1
SCHEDULE OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL -
CAPITAL PROJECTS FUND

For the Year Ended December 31, 2020

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Final Budget - Positive (Negative)</u>
REVENUES				
Intergovernmental revenues	\$ 819,553	\$ 1,606,244	\$ 988,157	\$ (618,087)
Total revenues	<u>819,553</u>	<u>1,606,244</u>	<u>988,157</u>	<u>(618,087)</u>
EXPENDITURES				
Organizational costs	100,000	100,000	-	100,000
Capital outlay	2,250,000	2,922,000	1,637,477	1,284,523
Contingency	500,000	500,000	-	500,000
Total expenditures	<u>2,850,000</u>	<u>3,522,000</u>	<u>1,637,477</u>	<u>1,884,523</u>
Excess of revenues (under) expenditures	<u>(2,030,447)</u>	<u>(1,915,756)</u>	<u>(649,320)</u>	<u>1,266,436</u>
Other financing sources (uses)				
Developer advance	2,030,447	2,542,005	546,740	(1,995,265)
Developer repayment	-	(626,249)	-	626,249
Transfers in/(out)	-	-	102,580	102,580
Total other financing sources (uses)	<u>2,030,447</u>	<u>1,915,756</u>	<u>649,320</u>	<u>(1,266,436)</u>
Net change in fund balance	-	-	-	-
Fund balance - beginning	-	-	-	-
Fund balance - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>