

**RESOLUTION NO. 21-004**

**A RESOLUTION OF THE ARBORS OF ROCKWOOD COMMUNITY IMPROVEMENT DISTRICT AMENDING THE BUDGET OF THE DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2021; APPROVING THE PROPOSED BUDGET OF THE DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2022 WITH INSTRUCTIONS TO FORWARD SAME TO THE CITY OF EUREKA, MISSOURI IN COMPLIANCE WITH THE COMMUNITY IMPROVEMENT DISTRICT ACT; AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, The Arbors of Rockwood Community Improvement District (the “*District*”) is a community improvement district and a political subdivision of the State of Missouri organized under the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “*CID Act*”); and

**WHEREAS**, Section 67.010 of the Revised Statutes of Missouri, as amended, requires each political subdivision of the State of Missouri to prepare an annual budget prior to the beginning of the ensuing fiscal year; and

**WHEREAS**, Section 67.030 of the Revised Statutes of Missouri, as amended, allows each political subdivision to revise, alter, increase or decrease the items contained in the budget; provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; and

**WHEREAS**, Section 67.1471 of the CID Act requires that the District shall submit the proposed annual budget prior to the beginning of each fiscal year to the Board of Aldermen of the City of Eureka, Missouri (the “*City*”).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ARBORS OF ROCKWOOD COMMUNITY IMPROVEMENT DISTRICT, AS FOLLOWS:**

**Section 1. Amendment of Budget for Fiscal Year 2021.** The budget of the District for the fiscal year ending June 30, 2021, is hereby amended as set forth on **Exhibit A**, attached hereto and incorporated herein by reference.

**Section 2. Approval of Proposed Budget for Fiscal Year 2022.** The proposed budget of the District for the fiscal year ending June 30, 2022 is hereby approved as set forth on **Exhibit A**, attached hereto and incorporated herein by reference.

**Section 3. District to Forward Proposed Budget to City.** The District’s Administrator or Treasurer shall send a copy of the proposed budget for the fiscal year ending June 30, 2022 to the City’s Board of Aldermen for its review and comment in accordance with the CID Act. If the District does not receive written comments from the City on or before the date that is the later of 60 days prior to the first day of the fiscal year ending June 30, 2022 or 30 days after submission to the City, the proposed budget shall become the final budget.

**Section 4. Execution of Resolution.** The Chair of the Board of Directors of the District is hereby authorized and directed to execute this Resolution for an on behalf of and as the act and deed of the District. The Secretary or the Assistant Secretary of the District is hereby authorized and directed to attest to this Resolution.

**Section 5. Further Authority.** All actions heretofore taken by the authorized officials, officers, representatives, agents and employees of the District in connection with the transactions contemplated by this Resolution are hereby confirmed and approved, and the District shall, and the officials, officers, representatives, agents and employees of the District are hereby authorized and directed to, take such further action, and execute and deliver such other documents and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 6. Severability.** The sections, paragraphs, sentences, clauses and phrases of this Resolution shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the valid portions of this Resolution are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the District has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 7. Governing Law.** This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**Section 8. Effective Date.** This Resolution shall take effect and be in full force upon its adoption by the Board of Directors of the District.

Passed this 23<sup>rd</sup> day of June, 2021.

I, the undersigned, Chair of The Arbors of Rockwood Community Improvement District, hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the District at a meeting held, after proper notice, on June 23, 2021.



**THE ARBORS OF ROCKWOOD COMMUNITY  
IMPROVEMENT DISTRICT**

  
\_\_\_\_\_  
Chair, Board of Directors  
KEVIN M. COFFEY

WITNESS my hand and official seal this 23<sup>rd</sup> day of June, 2021.

ATTEST:

  
\_\_\_\_\_  
Assistant Secretary, Board of Directors

EXHIBIT A

**THE ARBORS OF ROCKWOOD  
COMMUNITY IMPROVEMENT DISTRICT**

**AMENDED BUDGET FOR THE FISCAL YEAR  
ENDING JUNE 30, 2021**

**AND**

**PROPOSED BUDGET FOR FISCAL YEAR ENDING  
JUNE 30, 2022**

Kevin Coffey  
Director/Chair/Executive Director

Jeremy Roth  
Vice Chair/Director

Barb Flint  
Director

Craig Sabo  
Secretary/Treasurer/Director

John Eilermann  
Director

Laura Lashley  
Assistant Treasurer/Assistant Secretary

**BUDGET MESSAGE BY  
DISTRICT ADMINISTRATOR LAURA LASHELY**

On October 18, 2016, pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “*CID Act*”), The Arbors of Rockwood Community Improvement District (the “*District*”) was established by Ordinance No. 2394 of the City of Eureka, Missouri (the “*City*”), for the purpose of undertaking certain public improvements within the boundaries of the District (the “*CID Project*”) and financing the CID Project by providing revenues to repay any obligations issued in relation to the CID Project. On February 22, 2017, in accordance with the CID Act, the District’s Board of Directors adopted Resolution No. 17-005 authorizing a special assessment to be levied against certain real property within the boundaries of the District (the “*Assessment*”).

Pursuant to Resolution No. 17-004, the Board of Directors of the District approved and authorized the execution of a Development Agreement dated as of February 22, 2017 (the “*Development Agreement*”) among the City, the District and Brewster Road, LLC (the “*Developer*”), to provide the process by which the District will reimburse the Developer for certain costs related to the CID Project, to provide for the payment of Operating Costs (as defined in the Development Agreement) and to provide assurances to the City regarding the implementation of the CID Project.

For the fiscal year ended June 30, 2017, the District received \$0 of revenue and had \$0 of expenditures.

For the fiscal year ended June 30, 2018, the District had net Assessment revenues of \$16,278 and a Developer contribution of \$100. The District had total expenditures of \$11,777, consisting of administration fees of \$6,500, an insurance premium of \$1,260, legal fees of \$3,900, bank fees of \$17 and reimbursement of \$100 to the Developer for the initial bank deposit. The District had \$4,601 of funds on hand at June 30, 2018.

For the fiscal year ended June 30, 2019, the District had net Assessment revenues of \$69,973. The District had total expenditures of \$7,782, consisting of administration fees of \$6,500, an insurance premium of \$1,280 and bank fees of \$2. The District Net Income for Fiscal Year Ending 2019 was \$62,191. The District ending fund balance was \$68,052 as of June 30, 2019.

For the fiscal year ended June 30, 2020, the District net Assessment revenues were \$116,205. The District total expenditures were \$10,455, consisting of administration fees of \$6,500, an insurance premium of \$1,280, and legal fees of \$2,675. The District ending fund balance of \$173,802 at June 30, 2020.

On June 23, 2021, the District’s Board of Directors approved Resolution No. 21-[\_\_\_], approving Reimbursable Project Costs (as defined in the Development Agreement) in the amount of \$3,413,574.00.

For the fiscal year ending June 30, 2021, the District anticipates net Assessment revenues of approximately \$157,120. The District anticipates total expenditures of approximately \$291,930, consisting of administration fees of approximately \$6,500, an insurance premium of approximately \$1,280, legal fees of approximately \$9,025, project cost reimbursement of approximately \$275,000 and bank fees of approximately \$125. The District anticipates an ending fund balance of approximately \$38,992 at June 30, 2021.

For the fiscal year ending June 30, 2022, the District anticipates net Assessment revenues of approximately \$196,100. The District anticipates total expenditures of approximately \$195,396, consisting of administration fees of approximately \$7,316, an insurance premium of approximately \$1,280, audit fee of approximately \$2,750, legal fees of approximately \$3,900, project cost reimbursement of approximately \$180,000 and bank fees of approximately \$150. The District anticipates an ending fund balance of approximately \$39,696 at June 30, 2021.

**The Arbors of Rockwood Community Improvement District  
Proposed Budget  
Fiscal Year Ended June 30, 2022**

	<b>Proposed Budget FYE 2022</b>
<b>Income</b>	
Special Assessment	\$ 196,100
<b>Total Income</b>	\$ 196,100
<b>Expense</b>	
<b>Administration Expenses</b>	
Administration Fee	\$ 7,316
Auditor	2,750
Insurance	1,280
Legal	3,900
<b>Total Administration Expenses</b>	\$ 15,246
Project Cost Reimbursement	\$ 180,000
<b>Bank Fee</b>	
Service Charge	\$ 150
<b>Total Bank Fee</b>	\$ 150
<b>Total Expense</b>	\$ 195,396
<b>Net Income</b>	\$ 704
Beginning Balance	\$ 38,992
Ending Balance	\$ 39,696

	Outstanding Beginning	Issued	Retired	Outstanding Year End
Certificates	\$ 3,138,574	-	\$ (180,000)	\$ 2,958,574

**The Arbors of Rockwood Community Improvement District  
Budget to Actual  
Fiscal Year Ended June 30, 2021**

	Actual July 2020 to Feb 2021	Amended Budget FYE 2021	Original Budget FYE 2021
<b>Income</b>			
<b>Special Assessment</b>	\$ 157,112	\$ 157,120	\$ 144,500
<b>Total Income</b>	\$ 157,112	\$ 157,120	\$ 144,500
<b>Expense</b>			
<b>Administration Expenses</b>			
Administration Fee	\$ 6,500	\$ 6,500	\$ 6,500
Auditor	-	-	2,750
Insurance	1,296	1,280	1,280
Legal	6,031	9,025	9,025
<b>Total Administration Expenses</b>	\$ 13,827	\$ 16,805	\$ 19,555
<b>Project Cost Reimbursement</b>	\$ -	\$ 275,000	\$ 275,000
<b>Bank Fee</b>			
Service Charge	\$ 83	\$ 125	\$ 5
<b>Total Bank Fee</b>	\$ 83	\$ 125	\$ 5
<b>Total Expense</b>	\$ 13,909	\$ 291,930	\$ 294,560
<b>Net Income</b>	\$ 143,203	\$ (134,810)	\$ (150,060)
<b>Beginning Balance</b>	\$ 173,802	\$ 173,802	\$ 172,572
<b>Ending Balance</b>	\$ 317,004	\$ 38,992	\$ 22,512

	Outstanding Beginning	Issued	Retired	Outstanding Year End
<b>Certificates</b>	\$ -	\$ 3,413,574	\$ (275,000)	\$ 3,138,574

Note: Legal budget was increased to allow for the 2019 legal budget unused and the 2020 portion of legal budget unused. The additions in the budget for FYE 2021 will allow legal time needed to review certificate of reimbursable cost submissions.

**The Arbors of Rockwood Community Improvement District**  
**Budget to Actual**  
**Fiscal Year Ended June 30, 2020**

	<u>Actual FYE 2020</u>	<u>Amended 2020 Budget</u>	<u>Original 2020 Budget</u>
<b>Income</b>			
Special Assessment	\$ 116,205	\$ 116,205	\$ 102,410
<b>Total Income</b>	<u>\$ 116,205</u>	<u>\$ 116,205</u>	<u>\$ 102,410</u>
<b>Expense</b>			
<b>Administration Expenses</b>			
Administration Fee	\$ 6,500	\$ 6,500	\$ 6,500
Auditor	-	-	2,750
Insurance	1,280	1,280	1,280
Legal	2,675	3,900	3,900
<b>Total Administration Expenses</b>	<u>\$ 10,455</u>	<u>\$ 11,680</u>	<u>\$ 14,430</u>
Project Cost Reimbursement	\$ -	\$ -	\$ 100,000
<b>Bank Fee</b>			
Service Charge	\$ -	\$ 5	\$ 5
<b>Total Bank Fee</b>	<u>\$ -</u>	<u>\$ 5</u>	<u>\$ 5</u>
<b>Total Expense</b>	<u>\$ 10,455</u>	<u>\$ 11,685</u>	<u>\$ 114,435</u>
<b>Net Income</b>	<u><u>\$ 105,750</u></u>	<u><u>\$ 104,520</u></u>	<u><u>\$ (12,025)</u></u>
Beginning Balance	\$ 68,052		
Ending Balance	\$ 173,802		