



**RE: File No. 2016-0184-\_\_\_\_\_**

September 30, 2020

City and County of Denver  
c/o Denver City Clerk, Paul Lopez  
201 W. Colfax Avenue Dept. 608  
Denver, CO 80202

Dear Mr. Lopez:

The Five Points Business Improvement District (FPBID) submits the attached preliminary budget and operating plan for 2020.

The FPBID Board will hold a Public Hearing on the proposed 2020 Budget and Operating Plan on Wednesday, October 14, 2020; and will proceed with the certification of property owner assessments prior to December 5<sup>th</sup>, 2020, pursuant to State Statute (C.R.S. 31-25-1211).

In addition to the 2021 Budget and Operating Plan, also attached are:

1. A copy of the 2020 year-to-date "budget to actual" financial reports, including projected 2020 year-end budget.
2. Due to events in 2020 there were two material departures from the 2020 Operating Plan. The first was the creation of the FPBID COVID-19 Small Business Grant Relief Fund and the development of the Five Points Walkway, a mural project to celebrate the Black Lives Matter movement and this time in history. More information can be found on both programs in the report.
3. The Public Hearing notice-publications scheduled to run in the October 1<sup>st</sup> and 8<sup>th</sup> editions of the Denver Weekly News of the October 14, 2020 Public Hearing regarding the 2021 FPBID Budget.
4. The FPBID has no planned or outstanding indebtedness.
5. A copy of the Audit Exemption application and form from the State of Colorado.
6. The Five Points BID organizational By-laws and Code of Conduct adopted in November of 2019.
7. A list of official BID Board motions and actions in 2020, to date, Minutes available upon request or at [www.fivepointsbid.com](http://www.fivepointsbid.com).
8. A copy of the current Board of Directors list.

9. The 2020 FPBID board member attendance records, to date.
10. A list of activities performed in 2020 and planned for 2021.
11. Information related to the BID's COVID-19 Small Business Relief Grant Fund  
And,
12. Also attached are cleaning and maintenance records and amenities audits tracked by the BID in 2020, to date.

Please contact me at 303.571.8226 if you have questions or require additional information.

Sincerely,



Beth Moyski

On behalf of the FPBID Board

Cc:

Michael Kerrigan, CCD Financial Analyst Specialist

Paul Books, FPBID Board President

Vincent Martinez, FPBID Staff Lead and Administrative Manager

Tom George, Spencer Fane LLP, FPBID Attorney



## 2021 Operating Plan and Budget

File No. 2016-0184-\_\_\_\_\_

**Name:** Five Points Business Improvement District (FPBID)

**Legal Authority:** A Colorado Business Improvement District is organized pursuant to the Business Improvement District Act, Section 31-26-11201 *et seq.*, Colorado Revised Statutes and Denver Ordinance Number 2016-0341.

**BID Boundaries:** The FPBID area generally encompasses the commercial property on Welton Street, beginning at the north side of 20<sup>th</sup> Street going northeast along Welton Street terminating at Downing Street and 30<sup>th</sup> Avenue. Additionally, the parcel located adjacent to Welton Street on the southeast corner at Washington Street and 26<sup>th</sup> Avenue is included, as well as the parcels located on the southeast side of California Street between 26<sup>th</sup> and 27<sup>th</sup> Streets. Personal property is not included in the FPBID boundary.

**City Services:** FPBID services will be designed to supplement existing City services and will be in addition to City services that are currently provided along the Welton Street corridor. FPBID services will not replace any existing City services.

**Work Program:** The recommended work program includes activities and priorities developed by business and property owners. The 2021 work program will be finalized by the FPBID on October 14, 2020 and may be modified annually thereafter.

*Enhanced Maintenance may include:*

- Litter pick-up and sweeping
- Emptying and cleaning trash receptacles
- Power washing walkways
- Removing graffiti
- Maintaining tree wells
- Other efforts as appropriate

*Physical Improvements may include:*

- Additional pedestrian lighting and signage
- Right of Way Amenities
- Public art
- Other initiatives as appropriate

*Economic Development may include:*

- Attracting new businesses to the Welton corridor

- Encouraging responsible development that services the existing and future residential community
- Generate employment and business opportunities for neighborhood residents

*Safety may include:*

- Working to ensure that the Welton Corridor remains safe by working with Denver police and private security
- Establishing business “Block Captains” and strategies to monitor illicit activity
- Installing halo cameras and additional flood lights if necessary

*Marketing and Promotions may include:*

- Communications and public relations efforts
- Programming and managing events
- Investor and consumer marketing
- Other efforts as appropriate

**Assessment Methodology/Budget:** The assessment is based on a mill levy imposed on commercial real properties (exempt and residential properties are not included in the FPBID).

The budget is based upon a 10 mill levy on taxable commercial real property, raising an *estimated* \$220,000 for the general fund in 2021.

The FPBID board will hold a public hearing on the budget on October 14, 2020 at the regular monthly Board of Directors meeting.

**BID Governance:** The Five Points BID Board consists of seven members appointed by the Mayor and approved by City Council to allow for a diversity of property types, uses and geography. The number of Board Members was increased from five to seven members in 2020 as approved by the Mayor and City Council.

**Program Management Structure:** The FPBID delivers programs and services for the BID through a mill levy. The FPBID has its own board, work program and a staffing component. The FPBID replaces all the maintenance and repair functions of the Welton Street Maintenance District and the Five Points Historic District (FPHD) while involving community stakeholders, businesses, and property owners.

**Term:** The Five Points Business Improvement District has an initial ten-year term which started in 2016. This allows for property owners to evaluate the FPBID’s effectiveness at the end of the term. If the BID is deemed successful, the BID will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

**Five Points Business Improvement District  
2021 Proposed Budget Summary**

	2020 Budget Approved	2020 Actual through August	2020 Projected Actual	2021 Budget Approved
<b>Beginning Cash and Fund Balance</b>	\$ 192,773	\$ 262,428	\$ 262,428	\$ 99,767
<b>Income and Other Sources</b>				
Mill Levy Income-FPBID	210,000	227,963	215,000	220,000
FPBD Loan Payment	-	-	-	-
Total Income and Other Sources of Funds	210,000	227,963	215,000	220,000
<b>Total Available Resources</b>	<b>\$ 402,773</b>	<b>\$ 490,391</b>	<b>\$ 477,428</b>	<b>\$ 319,767</b>
<b>Expenditures</b>				
Maintenance	90,509	67,261	110,474	96,461
Marketing/Branding	50,110	28,138	68,277	88,800
Administrative	26,997	13,850	27,880	28,700
Contingency Funds	7,500	-	7,500	7,500
Total Ongoing Expenditures	175,116	109,249	214,131	221,461
Capital Purchases	100,000	26,000	163,530	50,000
<b>Total Expenditures</b>	<b>\$ 275,116</b>	<b>\$ 135,249</b>	<b>\$ 377,661</b>	<b>\$ 271,461</b>
<b>Ending Cash and Fund Balance</b>	<b>\$ 127,657</b>	<b>\$ 355,141</b>	<b>\$ 99,767</b>	<b>\$ 48,306</b>

**Five Points Business Improvement District  
FY2021 Preliminary Budget**

	2020 Approved Budget	2020 Actual YTD thru August	2020 Projected Actual	Projected Variance Increase (Decrease)	2021 Preliminary Budget	Variance 2021 Preliminary vs 2020 Projected Increase (Decrease)	% Change from 2020 Projected
<b>Beginning Cash and Fund Balance</b>	\$ 192,773	\$ 262,428	\$ 262,428	\$ 69,655	\$ 99,767	(162,661)	-61.98%
<b>Income and Other Sources of Funds</b>							
Mill Levy Income-FPBID	210,000	227,963	215,000	5,000	220,000	5,000	2.33%
Total Income and Sources of Funds	210,000	227,963	215,000	5,000	220,000	5,000	2.33%
<b>Total Available Resources</b>	\$ 402,773	\$ 490,391	\$ 477,428	\$ 74,655	\$ 319,767	\$ (157,661)	-33.02%
<b>Expenditures</b>							
<i>Maintenance</i>							
General Maintenance Contract	68,474	39,943	68,474	-	66,461	(2,013)	-3.03%
Other Maintenance	4,000	12,540	15,000	(11,000)	6,000	(9,000)	-150.00%
Snow Removal	10,000	8,621	10,000	-	12,000	2,000	16.67%
Utilities	2,500	1,227	2,000	500	2,000	-	0.00%
Tree & Landscape Maintenance	5,535	4,930	15,000	(9,465)	10,000	(5,000)	-50.00%
Total Maintenance	90,509	67,261	110,474	(19,965)	96,461	(14,013)	-14.53%
<i>Marketing/Branding</i>							
Banners	5,850	1,277	1,277	4,573	5,000	3,723	74.46%
Events/Activation	10,500	10,000	20,000	(9,500)	23,800	3,800	15.97%
Holiday Lighting	8,220	-	12,000	(3,780)	15,000	3,000	20.00%
Holiday Event					10,000		
Marketing Administration					30,000	30,000	0.00%
Marketing Programs	25,540	16,861	35,000	(9,460)	5,000	(30,000)	-600.00%
Total Marketing/Branding	50,110	28,138	68,277	(18,167)	88,800	20,523	23.11%
<i>Administrative</i>							
General Administration	17,280	9,407	21,996	(4,716)	22,000	4	0.02%
Bank Charges & Fees	100	72	100	-	100	-	0.00%
Dues & Memberships	617	556	556	61	600	44	7.33%
Insurance	3,000	2,728	2,728	272	3,000	272	9.07%
Legal Fees	6,000	1,087	2,500	3,500	3,000	500	16.67%
Total Administrative	26,997	13,850	27,880	(883)	28,700	820	2.86%
<i>Contingency Funds</i>	7,500	-	7,500	-	7,500	-	0.00%
<b>Total Ongoing Expenditures</b>	<b>175,116</b>	<b>109,249</b>	<b>214,131</b>	<b>(39,015)</b>	<b>221,461</b>	<b>7,330</b>	<b>3.31%</b>
<i>Capital Expenditures</i>	100,000	26,000	94,530	5,470	50,000	(44,530)	-89.06%
Gateway signage (\$25,000)					-	-	0.00%
Xcel Pole Banner Brackets & Banners (\$15,000)					-	-	0.00%
Security Expenditures (\$10,000)					-	-	0.00%
<i>Use of Reserve Funds (Grant fund and FP Walkway)</i>	-	-	69,000	(69,000)		(69,000)	0.00%
<b>Total Expenditures</b>	\$ 275,116	\$ 135,249	\$ 377,661	(102,545)	\$ 271,461	(106,200)	-39.12%
<b>Ending Cash and Fund Balance</b>	\$ 127,657	\$ 355,142	\$ 99,767	\$ (27,890)	\$ 48,306	(51,461)	-106.53%



**NOTICE AS TO PROPOSED**

**2021 FIVE POINTS BUSINESS IMPROVEMENT DISTRICT BUDGET**

To Run October 1, 2020 and October 8, 2020 in the Denver Weekly News

NOTICE IS HEREBY GIVEN that the proposed budget for the ensuing year of 2021 has been submitted to the Five Points Business Improvement District ("District"). Such proposed budget will be considered at a meeting and public hearing of the Board of Directors of the District to be held by Zoom

([https://us02web.zoom.us/webinar/register/WN\\_iQskEUQvSP2LKLGYWwkiZw](https://us02web.zoom.us/webinar/register/WN_iQskEUQvSP2LKLGYWwkiZw)) at 2:30 p.m. on Wednesday, October 14, 2020. A copy of the proposed 2021 budget is available for public inspection at the offices of the District, 1515 Arapahoe Street, Tower 3 Suite 100, Denver, Colorado. Any interested elector within the District may, at any time prior to final adoption of the 2021 budget, file or register any objections thereto.

Dated: September 23, 2020

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT

By: /s/ Vincent Martinez  
On behalf of the FPBID Board

# APPLICATION FOR EXEMPTION FROM AUDIT

## LONG FORM

NAME OF GOVERNMENT  
ADDRESS

Five Points Business Improvement District
1515 Arapahoe St, Tower 3, Suite 100
Denver, CO80202
Charlene Laus
303-571-8213
Claus@downtowndenver.com>

For the Year Ended  
12/31/2019  
or fiscal year ended:

CONTACT PERSON  
PHONE  
EMAIL  
FAX

## CERTIFICATION OF PREPARER

I certify that I am an independent accountant with knowledge of governmental accounting and that the information in the Application is complete and accurate to the best of my knowledge. I am aware that the Audit Law requires that a person independent of the entity complete the application if revenues or expenditure are at least \$100,000 but not more than \$750,000, and that independent means someone who is separate from the entity.

NAME:  
TITLE  
FIRM NAME (if applicable)  
ADDRESS  
PHONE  
DATE PREPARED  
RELATIONSHIP TO ENTITY

Diane K Wheeler
District Accountant
Simmons & Wheeler, P.C.
304 Inverness Way South, Suite 490, Englewood, CO 80112
303-689-0833
CPA engaged to prepare financial statements for the District

**PREPARER** (SIGNATURE REQUIRED)

Has the entity filed for, or has the district filed, a Title 32, Article 1 Special District Notice of Inactive Status during the year? [Applicable to Title 32 special districts only, pursuant to Sections 32-1-103 (9.3) and 32-1-104 (3), C.R.S.]

YES	NO	If Yes, date filed:
<input type="checkbox"/>	<input type="checkbox"/>	



# PART 1 - FINANCIAL STATEMENTS - BALANCE SHEET

\* Indicate Name of Fund

NOTE: Attach additional sheets as necessary.

Line #	Description	Governmental Funds		Description	Proprietary/Fiduciary Funds		Please use this space to provide explanation of any items on this page
		General Fund	Fund*		Fund*	Fund*	
<b>Assets</b>				<b>Assets</b>			
1-1	Cash & Cash Equivalents	\$ 213,634	\$ -	Cash & Cash Equivalents	\$ -	\$ -	
1-2	Investments	\$ -	\$ -	Investments	\$ -	\$ -	
1-3	Receivables	\$ 224,654	\$ -	Receivables	\$ -	\$ -	
1-4	Due from Other Entities or Funds	\$ -	\$ -	Due from Other Entities or Funds	\$ -	\$ -	
	All Other Assets [specify...]			Other Current Assets	\$ -	\$ -	
1-5	Prepaid/deposits	\$ 47,970	\$ -				
1-6		\$ -	\$ -	<b>Total Current Assets</b>	\$ -	\$ -	
1-7		\$ -	\$ -	Capital Assets, net (from Part 6-4)	\$ -	\$ -	
1-8		\$ -	\$ -	Other Long Term Assets [specify...]	\$ -	\$ -	
1-9		\$ -	\$ -		\$ -	\$ -	
1-10		\$ -	\$ -		\$ -	\$ -	
1-11	<b>(add lines 1-1 through 1-10) TOTAL ASSETS</b>	\$ 486,258	\$ -	<b>(add lines 1-1 through 1-10) TOTAL ASSETS</b>	\$ -	\$ -	
1-12	<b>TOTAL DEFERRED OUTFLOWS OF RESOURCES</b>	\$ -	\$ -	<b>TOTAL DEFERRED OUTFLOWS OF RESOURCES</b>	\$ -	\$ -	
1-13	<b>TOTAL ASSETS AND DEFERRED OUTFLOWS</b>	\$ 486,258	\$ -	<b>TOTAL ASSETS AND DEFERRED OUTFLOWS</b>	\$ -	\$ -	
<b>Liabilities</b>				<b>Liabilities</b>			
1-14	Accounts Payable	\$ -	\$ -	Accounts Payable	\$ -	\$ -	
1-15	Accrued Payroll and Related Liabilities	\$ -	\$ -	Accrued Payroll and Related Liabilities	\$ -	\$ -	
1-16	Accrued Interest Payable	\$ -	\$ -	Accrued Interest Payable	\$ -	\$ -	
1-17	Due to Other Entities or Funds	\$ -	\$ -	Due to Other Entities or Funds	\$ -	\$ -	
1-18	All Other Current Liabilities	\$ -	\$ -	All Other Current Liabilities	\$ -	\$ -	
1-19	<b>TOTAL CURRENT LIABILITIES</b>	\$ -	\$ -	<b>TOTAL CURRENT LIABILITIES</b>	\$ -	\$ -	
1-20	All Other Liabilities [specify...]	\$ -	\$ -	Proprietary Debt Outstanding (from Part 4-4)	\$ -	\$ -	
1-21		\$ -	\$ -	Other Liabilities [specify...]:	\$ -	\$ -	
1-22		\$ -	\$ -		\$ -	\$ -	
1-23		\$ -	\$ -		\$ -	\$ -	
1-24		\$ -	\$ -		\$ -	\$ -	
1-25		\$ -	\$ -		\$ -	\$ -	
1-26		\$ -	\$ -		\$ -	\$ -	
1-27		\$ -	\$ -		\$ -	\$ -	
1-28	<b>(add lines 1-19 through 1-27) TOTAL LIABILITIES</b>	\$ -	\$ -	<b>(add lines 1-19 through 1-27) TOTAL LIABILITIES</b>	\$ -	\$ -	
1-29	<b>TOTAL DEFERRED INFLOWS OF RESOURCES</b>	\$ 223,830	\$ -	<b>TOTAL DEFERRED INFLOWS OF RESOURCES</b>	\$ -	\$ -	
<b>Fund Balance</b>				<b>Net Position</b>			
1-30	Nonspendable Prepaid	\$ -	\$ -	Net Investment in Capital Assets	\$ -	\$ -	
1-31	Nonspendable Inventory	\$ -	\$ -				
1-32	Restricted Emergency reserve	\$ 8,253	\$ -	Emergency Reserves	\$ -	\$ -	
1-33	Committed [specify...]	\$ -	\$ -	Other Designations/Reserves	\$ -	\$ -	
1-34	Assigned [specify...]	\$ -	\$ -	Restricted	\$ -	\$ -	
1-35	Unassigned:	\$ 254,175	\$ -	Undesignated/Unreserved/Unrestricted	\$ -	\$ -	
1-36	<b>Add lines 1-30 through 1-35</b> This total should be the same as line 3-33 <b>TOTAL FUND BALANCE</b>	\$ 262,428	\$ -	<b>Add lines 1-30 through 1-35</b> This total should be the same as line 3-33 <b>TOTAL NET POSITION</b>	\$ -	\$ -	
1-37	<b>Add lines 1-28, 1-29 and 1-36</b> This total should be the same as line 1-13 <b>TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND BALANCE</b>	\$ 486,258	\$ -	<b>Add lines 1-28, 1-29 and 1-36</b> This total should be the same as line 1-13 <b>TOTAL LIABILITIES, DEFERRED INFLOWS, AND NET POSITION</b>	\$ -	\$ -	

**PART 2 - FINANCIAL STATEMENTS - OPERATING STATEMENT - REVENUES**

Line #	Description	Governmental Funds		Description	Proprietary/Fiduciary Funds		Please use this space to provide explanation of any items on this page
		General Fund	Fund*		Fund*	Fund*	
<b>Tax Revenue</b>				<b>Tax Revenue</b>			
2-1	Property [include mills levied in Question 10-6]	\$ 139,534	\$ -	Property [include mills levied in Question 10-6]	\$ -	\$ -	
2-2	Specific Ownership	\$ 11,332	\$ -	Specific Ownership	\$ -	\$ -	
2-3	Sales and Use Tax	\$ -	\$ -	Sales and Use Tax	\$ -	\$ -	
2-4	Other Tax Revenue [Taxes from DURA]:	\$ 13,603	\$ -	Other Tax Revenue [specify...]:	\$ -	\$ -	
2-5		\$ -	\$ -		\$ -	\$ -	
2-6		\$ -	\$ -		\$ -	\$ -	
2-7		\$ -	\$ -		\$ -	\$ -	
2-8	<b>Add lines 2-1 through 2-7 TOTAL TAX REVENUE</b>	\$ 164,469	\$ -	<b>Add lines 2-1 through 2-7 TOTAL TAX REVENUE</b>	\$ -	\$ -	
2-9	Licenses and Permits	\$ -	\$ -	Licenses and Permits	\$ -	\$ -	
2-10	Highway Users Tax Funds (HUTF)	\$ -	\$ -	Highway Users Tax Funds (HUTF)	\$ -	\$ -	
2-11	Conservation Trust Funds (Lottery)	\$ -	\$ -	Conservation Trust Funds (Lottery)	\$ -	\$ -	
2-12	Community Development Block Grant	\$ -	\$ -	Community Development Block Grant	\$ -	\$ -	
2-13	Fire & Police Pension	\$ -	\$ -	Fire & Police Pension	\$ -	\$ -	
2-14	Grants	\$ -	\$ -	Grants	\$ -	\$ -	
2-15	Donations	\$ -	\$ -	Donations	\$ -	\$ -	
2-16	Charges for Sales and Services	\$ -	\$ -	Charges for Sales and Services	\$ -	\$ -	
2-17	Rental Income	\$ -	\$ -	Rental Income	\$ -	\$ -	
2-18	Fines and Forfeits	\$ -	\$ -	Fines and Forfeits	\$ -	\$ -	
2-19	Interest/Investment Income	\$ 546	\$ -	Interest/Investment Income	\$ -	\$ -	
2-20	Tap Fees	\$ -	\$ -	Tap Fees	\$ -	\$ -	
2-21	Proceeds from Sale of Capital Assets	\$ -	\$ -	Proceeds from Sale of Capital Assets	\$ -	\$ -	
2-22	All Other [specify...]:	\$ -	\$ -	All Other [specify...]:	\$ -	\$ -	
2-23		\$ -	\$ -		\$ -	\$ -	
2-24	<b>Add lines 2-8 through 2-23 TOTAL REVENUES</b>	\$ 165,015	\$ -	<b>Add lines 2-8 through 2-23 TOTAL REVENUES</b>	\$ -	\$ -	
<b>Other Financing Sources</b>				<b>Other Financing Sources</b>			
2-25	Debt Proceeds	\$ -	\$ -	Debt Proceeds	\$ -	\$ -	
2-26	Developer Advances	\$ -	\$ -	Developer Advances	\$ -	\$ -	
2-27	Other [specify...]:	\$ -	\$ -	Other [specify...]:	\$ -	\$ -	
2-28	<b>Add lines 2-25 through 2-27 TOTAL OTHER FINANCING SOURCES</b>	\$ -	\$ -	<b>Add lines 2-25 through 2-27 TOTAL OTHER FINANCING SOURCES</b>	\$ -	\$ -	<b>GRAND TOTALS</b>
2-29	<b>Add lines 2-24 and 2-28 TOTAL REVENUES AND OTHER FINANCING SOURCES</b>	\$ 165,015	\$ -	<b>Add lines 2-24 and 2-28 TOTAL REVENUES AND OTHER FINANCING SOURCES</b>	\$ -	\$ -	\$ 165,015

**IF GRAND TOTAL REVENUES AND OTHER FINANCING SOURCES for all funds (Line 2-29) are GREATER than \$750,000 -STOP. You may not use this form. An audit may be required. See Section 29-1-604, C.R.S., or contact the OSA Local Government Division at (303) 869-3000 for assistance.**

**PART 3 - FINANCIAL STATEMENTS - OPERATING STATEMENT - EXPENDITURES/EXPENSES**

Line #	Description	Governmental Funds		Description	Proprietary/Fiduciary Funds		Please use this space to provide explanation of any items on this page
		General Fund	Fund*		Fund*	Fund*	
	<b>Expenditures</b>			<b>Expenses</b>			
3-1	General Government	\$ 169,698	\$ -	General Operating & Administrative	\$ -	\$ -	
3-2	Judicial	\$ -	\$ -	Salaries	\$ -	\$ -	
3-3	Law Enforcement	\$ -	\$ -	Payroll Taxes	\$ -	\$ -	
3-4	Fire	\$ -	\$ -	Contract Services	\$ -	\$ -	
3-5	Highways & Streets	\$ -	\$ -	Employee Benefits	\$ -	\$ -	
3-6	Solid Waste	\$ -	\$ -	Insurance	\$ -	\$ -	
3-7	Contributions to Fire & Police Pension Assoc.	\$ -	\$ -	Accounting and Legal Fees	\$ -	\$ -	
3-8	Health	\$ -	\$ -	Repair and Maintenance	\$ -	\$ -	
3-9	Culture and Recreation	\$ -	\$ -	Supplies	\$ -	\$ -	
3-10	Transfers to other districts	\$ -	\$ -	Utilities	\$ -	\$ -	
3-11	Other [specify...]:	\$ -	\$ -	Contributions to Fire & Police Pension Assoc.	\$ -	\$ -	
3-12		\$ -	\$ -	Other [specify...]	\$ -	\$ -	
3-13		\$ -	\$ -		\$ -	\$ -	
3-14	Capital Outlay	\$ 53,092	\$ -	Capital Outlay	\$ -	\$ -	
	Debt Service			Debt Service			
3-15	Principal	\$ -	\$ -	Principal	\$ -	\$ -	
3-16	Interest	\$ -	\$ -	Interest	\$ -	\$ -	
3-17	Bond Issuance Costs	\$ -	\$ -	Bond Issuance Costs	\$ -	\$ -	
3-18	Developer Principal Repayments	\$ -	\$ -	Developer Principal Repayments	\$ -	\$ -	
3-19	Developer Interest Repayments	\$ -	\$ -	Developer Interest Repayments	\$ -	\$ -	
3-20	All Other [specify...]:	\$ -	\$ -	All Other [specify...]:	\$ -	\$ -	
3-21		\$ -	\$ -		\$ -	\$ -	
3-22	<b>Add lines 3-1 through 3-21 TOTAL EXPENDITURES</b>	\$ 222,790	\$ -	<b>Add lines 3-1 through 3-21 TOTAL EXPENSES</b>	\$ -	\$ -	<b>GRAND TOTAL</b>
3-23	Interfund Transfers (In)	\$ -	\$ -	Net Interfund Transfers (In) Out	\$ -	\$ -	\$ 222,790
3-24	Interfund Transfers Out	\$ -	\$ -	Other [specify...][enter negative for expense]	\$ -	\$ -	
3-25	Other Expenditures (Revenues):	\$ -	\$ -	Depreciation	\$ -	\$ -	
3-26		\$ -	\$ -	Other Financing Sources (Uses) (from line 2-28)	\$ -	\$ -	
3-27		\$ -	\$ -	Capital Outlay (from line 3-14)	\$ -	\$ -	
3-28		\$ -	\$ -	Debt Principal (from line 3-15, 3-18)	\$ -	\$ -	
3-29	<b>(Add lines 3-23 through 3-28) TOTAL TRANSFERS AND OTHER EXPENDITURES</b>	\$ -	\$ -	<b>(Line 3-26, plus line 3-27, less line 3-24, less line 3-25) TOTAL GAAP RECONCILING ITEMS</b>	\$ -	\$ -	
3-30	Excess (Deficiency) of Revenues and Other Financing Sources Over (Under) Expenditures Line 2-29, less line 3-22, plus line 3-29	\$ (57,775)	\$ -	Net Increase (Decrease) in Net Position Line 2-29, less line 3-22, plus line 3-29, plus line 3-23, less line 3-24	\$ -	\$ -	
3-31	Fund Balance, January 1 from December 31 prior year report	\$ 320,203	\$ -	Net Position, January 1 from December 31 prior year report	\$ -	\$ -	
3-32	Prior Period Adjustment (MUST explain)	\$ -	\$ -	Prior Period Adjustment (MUST explain)	\$ -	\$ -	
3-33	Fund Balance, December 31 Sum of Line 3-30, 3-31, and 3-32 This total should be the same as line 1-36.	\$ 262,428	\$ -	Net Position, December 31 Line 3-30 plus line 3-31 This total should be the same as line 1-36.	\$ -	\$ -	

**IF GRAND TOTAL EXPENDITURES for all funds (Line 3-22) are GREATER than \$750,000 - STOP. You may not use this form. An audit may be required. See Section 29-1-604, C.R.S., or contact the OSA Local Government Division at (303) 869-3000 for assistance.**

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

Please answer the following questions by marking the appropriate boxes.

YES                      NO

Please use this space to provide any explanations or comments:

<p>4-1 Does the entity have outstanding debt? <input type="checkbox"/></p> <p>4-2 Is the debt repayment schedule attached? If no, MUST explain: <input type="checkbox"/></p> <p>4-3 Is the entity current in its debt service payments? If no, MUST explain: <input type="checkbox"/></p> <p>4-4 Please complete the following debt schedule, if applicable: (please only include principal amounts)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 30%;"></th> <th style="width: 15%;">Outstanding at beginning of year*</th> <th style="width: 15%;">Issued during year</th> <th style="width: 15%;">Retired during year</th> <th style="width: 15%;">Outstanding at year-end</th> </tr> </thead> <tbody> <tr> <td>General obligation bonds</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Revenue bonds</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Notes/Loans</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Leases</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Developer Advances</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Other (specify):</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> <tr style="font-weight: bold;"> <td>TOTAL</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> <td style="text-align: right;">\$ -</td> </tr> </tbody> </table>		Outstanding at beginning of year*	Issued during year	Retired during year	Outstanding at year-end	General obligation bonds	\$ -	\$ -	\$ -	\$ -	Revenue bonds	\$ -	\$ -	\$ -	\$ -	Notes/Loans	\$ -	\$ -	\$ -	\$ -	Leases	\$ -	\$ -	\$ -	\$ -	Developer Advances	\$ -	\$ -	\$ -	\$ -	Other (specify):	\$ -	\$ -	\$ -	\$ -	TOTAL	\$ -	\$ -	\$ -	\$ -	<p style="font-size: small;">*must agree to prior year ending balance</p>
	Outstanding at beginning of year*	Issued during year	Retired during year	Outstanding at year-end																																					
General obligation bonds	\$ -	\$ -	\$ -	\$ -																																					
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Other (specify):	\$ -	\$ -	\$ -	\$ -																																					
TOTAL	\$ -	\$ -	\$ -	\$ -																																					

<b>Please answer the following questions by marking the appropriate boxes.</b>		<b>YES</b>	<b>NO</b>
<p>4-5 Does the entity have any authorized, but unissued, debt? If yes: How much? <input style="width: 100px;" type="text"/> \$ - Date the debt was authorized: <input style="width: 100px;" type="text"/></p> <p>4-6 Does the entity intend to issue debt within the next calendar year? If yes: How much? <input style="width: 100px;" type="text"/> \$ -</p> <p>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 style="width: 100px;" type="text"/> \$ -</p> <p>4-8 Does the entity have any lease agreements? If yes: What is being leased? <input style="width: 300px; height: 20px;" type="text"/> What is the original date of the lease? <input style="width: 300px; height: 20px;" type="text"/> Number of years of lease? <input style="width: 300px; height: 20px;" type="text"/> Is the lease subject to annual appropriation? <input type="checkbox"/> What are the annual lease payments? <input style="width: 100px;" type="text"/> \$ -</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>		

## PART 5 - CASH AND INVESTMENTS

<b>Please provide the entity's cash deposit and investment balances.</b>		<b>AMOUNT</b>	<b>TOTAL</b>																
<p>5-1 YEAR-END Total of ALL Checking and Savings accounts</p> <p>5-2 Certificates of deposit</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="width: 10%; text-align: right;">\$ 213,634</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: right;">\$ -</td> <td></td> </tr> <tr style="font-weight: bold;"> <td style="text-align: right;">TOTAL CASH DEPOSITS</td> <td></td> <td style="text-align: right;">\$ 213,634</td> </tr> </table>		\$ 213,634			\$ -		TOTAL CASH DEPOSITS		\$ 213,634									
	\$ 213,634																		
	\$ -																		
TOTAL CASH DEPOSITS		\$ 213,634																	
<p>Investments (if investment is a mutual fund, please list underlying investments):</p>																			
<p>5-3</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;"></td><td style="width: 10%; text-align: right;">\$ -</td><td style="width: 10%;"></td></tr> <tr><td></td><td style="text-align: right;">\$ -</td><td></td></tr> <tr><td></td><td style="text-align: right;">\$ -</td><td></td></tr> <tr><td></td><td style="text-align: right;">\$ -</td><td></td></tr> <tr style="font-weight: bold;"> <td style="text-align: right;">TOTAL INVESTMENTS</td> <td></td> <td style="text-align: right;">\$ -</td> </tr> <tr style="font-weight: bold;"> <td style="text-align: right;">TOTAL CASH AND INVESTMENTS</td> <td></td> <td style="text-align: right;">\$ 213,634</td> </tr> </table>		\$ -			\$ -			\$ -			\$ -		TOTAL INVESTMENTS		\$ -	TOTAL CASH AND INVESTMENTS		\$ 213,634
	\$ -																		
	\$ -																		
	\$ -																		
	\$ -																		
TOTAL INVESTMENTS		\$ -																	
TOTAL CASH AND INVESTMENTS		\$ 213,634																	

<b>Please answer the following question by marking in the appropriate box</b>		<b>YES</b>	<b>NO</b>	<b>N/A</b>
<p>5-4 Are the entity's Investments legal in accordance with Section 24-75-601, et. seq., C.R.S.?</p> <p>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.)? If no, MUST explain:</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>			

## PART 6 - CAPITAL ASSETS

Please answer the following question by marking in the appropriate box YES NO Please use this space to provide any explanations or comments:

- 6-1 Does the entity have capitalized 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

6-3 Complete the following Capital Assets table for GOVERNMENTAL FUNDS:

	Balance - beginning of the year*	Additions	Deletions	Year-End Balance
Land	\$ -	\$ -	\$ -	\$ -
Buildings	\$ -	\$ -	\$ -	\$ -
Machinery and equipment	\$ -	\$ -	\$ -	\$ -
Furniture and fixtures	\$ -	\$ 53,092	\$ -	\$ 53,092
Infrastructure	\$ -	\$ -	\$ -	\$ -
Construction In Progress (CIP)	\$ -	\$ -	\$ -	\$ -
Other (explain):	\$ -	\$ -	\$ -	\$ -
Accumulated Depreciation (Enter a negative, or credit, balance)	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 53,092</b>	<b>\$ -</b>	<b>\$ 53,092</b>

6-4 Complete the following Capital Assets table for PROPRIETARY FUNDS:

	Balance - beginning of the year*	Additions	Deletions	Year-End Balance
Land	\$ -	\$ -	\$ -	\$ -
Buildings	\$ -	\$ -	\$ -	\$ -
Machinery and equipment	\$ -	\$ -	\$ -	\$ -
Furniture and fixtures	\$ -	\$ -	\$ -	\$ -
Infrastructure	\$ -	\$ -	\$ -	\$ -
Construction In Progress (CIP)	\$ -	\$ -	\$ -	\$ -
Other (explain):	\$ -	\$ -	\$ -	\$ -
Accumulated Depreciation (Enter a negative, or credit, balance)	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

\*must agree to prior year ending balance

## PART 7 - PENSION INFORMATION

Please answer the following question by marking in the appropriate box YES NO Please use this space to provide any explanations or comments:

- 7-1 Does the entity have an "old hire" firemen's pension plan?  YES  NO
- 7-2 Does the entity have a volunteer firemen's 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? \$ -

### PART 8 - BUDGET INFORMATION

Please answer the following question by marking in the appropriate box		YES	NO	N/A	Please use this space to provide any explanations or comments:										
8-1	Did the entity file a current year budget with the Department of Local Affairs, in accordance with Section 29-1-113 C.R.S.? If no, MUST explain:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
8-2	Did the entity pass an appropriations resolution in accordance with Section 29-1-108 C.R.S.? If no, MUST explain:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
If yes:	Please indicate the amount budgeted for each fund for the year reported														
<table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 70%; text-align: center; padding: 2px;">Fund Name</th> <th style="text-align: center; padding: 2px;">Budgeted Expenditures/Expenses</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;"></td> <td style="text-align: right; padding: 2px;">\$ -</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="text-align: right; padding: 2px;">\$ -</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="text-align: right; padding: 2px;">\$ -</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="text-align: right; padding: 2px;">\$ -</td> </tr> </tbody> </table>		Fund Name	Budgeted Expenditures/Expenses		\$ -		\$ -		\$ -		\$ -				
Fund Name	Budgeted Expenditures/Expenses														
	\$ -														
	\$ -														
	\$ -														
	\$ -														

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

Please answer the following question by marking in the appropriate box		YES	NO	Please use this space to provide any explanations or comments:
9-1	Is the entity in compliance with all the provisions of TABOR [State Constitution, Article X, Section 20(5)]? government from the 3 percent emergency reserve requirement. All governments should determine if they meet this	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

### PART 10 - GENERAL INFORMATION

Please answer the following question by marking in the appropriate box		YES	NO	Please use this space to provide any explanations or comments:
10-1	Is this application for a newly formed governmental entity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes:	Date of formation: <input style="width: 150px; height: 30px; border: 1px solid black;" type="text"/>			
10-2	Has the entity changed its name in the past or current year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes:	NEW name <input style="width: 350px; height: 20px; border: 1px solid black;" type="text"/>			
	PRIOR name <input style="width: 350px; height: 20px; border: 1px solid black;" type="text"/>			
10-3	Is the entity a metropolitan district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10-4	Please indicate what services the entity provides:	<input style="width: 400px; height: 20px; border: 1px solid black;" type="text"/>		
10-5	Does the entity have an agreement with another government to provide services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes:	List the name of the other governmental entity and the services provided:			
	<input style="width: 400px; height: 20px; border: 1px solid black;" type="text"/>			
10-6	Does the entity have a certified mill levy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If yes:	Please provide the number of <u>mills</u> levied for the year reported (do not enter \$ amounts):			
	Bond Redemption mills	<input style="width: 50px; border: 1px solid black;" type="text" value="0.000"/>		
	General/Other mills	<input style="width: 50px; border: 1px solid black;" type="text" value="10.000"/>		
	<b>Total mills</b>	<input style="width: 50px; border: 1px solid black;" type="text" value="10.000"/>		

Please use this space to provide any additional explanations or comments not previously included:

**OSA USE ONLY**

<b>Entity Wide:</b>		<b>General Fund</b>		<b>Governmental Funds</b>		<b>Notes</b>
Unrestricted Cash & Investments	\$ 213,634	Unrestricted Fund Balance	\$ 254,175	Total Tax Revenue	\$ 164,469	
Current Liabilities	\$ -	Total Fund Balance	\$ 262,428	Revenue Paying Debt Service	\$ -	
Deferred Inflow	\$ 223,830	PY Fund Balance	\$ 320,203	Total Revenue	\$ 165,015	
		Total Revenue	\$ 165,015	Total Debt Service Principal	\$ -	
		Total Expenditures	\$ 222,790	Total Debt Service Interest	\$ -	
		Interfund In	\$ -			
<b>Governmental</b>		Interfund Out	\$ -	<b>Enterprise Funds</b>		
Total Cash & Investments	\$ 213,634			Net Position	\$ -	
Transfers In	\$ -	<b>Proprietary</b>		- PY Net Position	\$ -	
Transfers Out	\$ -	- Current Assets	\$ -	<b>Government-Wide</b>		
Property Tax	\$ 139,534	Deferred Outflow	\$ -	- Total Outstanding Debt	\$ -	
Debt Service Principal	\$ -	- Current Liabilities	\$ -	- Authorized but Unissued	\$ -	
Total Expenditures	\$ 222,790	Deferred Inflow	\$ -	- Year Authorized	\$ 1/0/1900	
Total Developer Advances	\$ -	- Cash & Investments	\$ -			
Total Developer Repayments	\$ -	- Principal Expense	\$ -			

## PART 12 - 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?

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

#### 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.

Below is the certification and approval of the governing body. By signing, each individual member is certifying they are a duly elected or appointed officer of the local government. Governing members may be verified. Also by signing, the individual member certifies that this Application for Exemption from Audit has been prepared consistent with Section 29-1-604, C.R.S., which states that a governmental agency with revenue and expenditures of \$750,000 or less must have an application prepared by an independent accountant with knowledge of governmental accounting; completed to the best of their knowledge and is accurate and true. Use additional pages if needed.

Print the names of ALL members of the governing body below.

A MAJORITY of the members of the governing body must complete and sign in the column below.

	Full Name	A MAJORITY of the members of the governing body must complete and sign in the column below.
1	Nathan Beal	I, <u>Nathan Beal</u> , attest that 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>May 2023</u>
2	John Pirkopf	I, <u>John Pirkopf</u> , attest that 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>May 2023</u>
3	Paul Books	I, <u>Paul Books</u> , attest that 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>June 2020</u>
4	Madella Stiger	I, <u>Madella Stiger</u> , attest that 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>June 2023</u>
5	Renee C. King	I, <u>Renee C. King</u> , attest that 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>June 2020</u>
6	Full Name	I, _____, attest that 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: _____
7	Full Name	I, _____, attest that 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: _____



# FIVE POINTS BUSINESS IMPROVEMENT DISTRICT

## BYLAWS

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### Preamble

These bylaws are adopted pursuant to the laws of the State of Colorado and the ordinances of the City and County of Denver. In the event of a direct conflict between these bylaws and state law or city ordinance, the state law or city ordinance shall govern.

### Article I

#### General

Section 1. The name of the district shall be the “Five Points Business Improvement District”, also known as the “Five Points BID” or the “FPBID”.

### Article II

#### Directors and Officers

Section 1. To serve on the FPBID Board of Directors, individuals must be “electors” of the BID, as such term is defined in Section 31-25-1203, C.R.S.

Section 2. The BID’s Board of Directors (Board) shall be comprised of the number of directors provided by ordinance of the City and County of Denver.

Section 3. A vacancy on the Board occurs when a director ceases to be an elector of the Five Points BID, resigns, is removed from office as provided by law, or is deceased.

Section 4. A vacancy on the Board shall be filled in the manner provided by law.

Section 5. There shall be a Board president, two vice presidents serving as co-vice presidents, a secretary and a treasurer of the Board who shall be officers of the Five Points BID. The offices of secretary and of treasurer may be filled by one person. The Board may appoint an assistant secretary who need not be a member of the Board, and the Board may appoint an assistant secretary who is paid staff or a contractor to perform secretarial duties. Officers may be appointed by official action of the Board at any time.

Section 6. The Board president shall preside at all meetings of the Five Points BID Board, shall sign all documents on behalf of the Five Points BID upon approval by the Board, and shall have such other duties as the Board may direct. The president shall appoint such committees and task forces as are authorized by the Board.

Section 7. The vice-presidents shall perform the duties of the Board president in the absence of the Board president or in the event of the president's inability or refusal to act and shall have such other duties as the Board may provide.

Section 8. The secretary shall keep a record of all proceedings, minutes of meetings, certificates, contracts, and corporate acts of the Board.

Section 9. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed on behalf of the Five Points BID and shall make all required reports. The treasurer shall have the care and custody of all Five Points BID moneys and shall deposit such moneys in the manner provided by law and as authorized by the Board.

Section 10. The Board may provide such additional duties for any officer as it deems necessary.

Section 11. A vacancy in any office shall be filled by the Board at its next regular or special meeting.

Section 12. Directors and officers shall receive no compensation for their service but may be reimbursed for expenses incurred in the performance of their duties in the manner provide by the Board by resolution.

Section 13. Directors shall disclose and act regarding potential conflicts of interest as required by Colorado law, including but not limited to C.R.S. § 18-8-308; 24-18-109; 24-18-110; and 24-18-201 to 206. Directors shall disclose potential conflicts of interest in writing at least 72 hours before a meeting of the Board in which the conflict will arise. Such disclosure is to be made to the Board secretary (or Manager on behalf of the secretary), and to the BID's attorney's office. At the start of the Board's discussion, directors shall verbally disclose any potential conflict, not attempt to influence the decision of other Board members and shall not vote on the matter, as applicable, unless permitted by law.

### **Article III**

#### **Personnel and Management**

Section 1. The Five Points BID may employ such personnel or contract for such services as it deems necessary to exercise its powers and perform its duties and function. The terms and conditions of such employment or contracts, together with the duties to be performed, shall be determined by the Board in conformance with the law.

### **Article IV**

#### **Meetings**

Section 1. The regular meetings of the Board shall be held monthly on a recurring designated day of the month and regular time, with such day and time determined by the Board

at the end of each calendar year for the next calendar year. The selected day and time for the regular meeting for any given month may be changed by vote of the Board, and the posting of corresponding notices as required by Colorado law. Meetings shall be held at the Board approved designated location unless otherwise noticed in advance in accordance with Colorado law. If the regular meeting date falls on a legal holiday, the regular meeting shall be held on the following week, same business day at the same time and place, unless otherwise noticed. Meetings shall be held in a public and accessible place. As they are made aware, the FPBID Board or Staff shall make every reasonable effort to assure that accommodations are made to support those with disabilities.

Section 2. The president or any two members of the Board may call a special meeting of the Board upon at least twenty-four hours' written notice to each member. Such notice shall state the purpose for which such special meeting is called.

Section 3. Public notice of all meetings of the Board shall be given as provided by law and shall contain the date, time, place and type of meeting, and specific agenda information where possible. Public notice of any meeting shall be posted at least twenty-four (24) hours in advance at such public place or places as the Board may designate annually at its first regular meeting in the fiscal year. If and when practical, the Board shall cause notice to be posted with more than 48 hours' notice. Notice of meetings may also be distributed electronically.

Section 4. A majority of the directors then serving on the Board shall constitute a quorum of the Board for conduction its business. Directors may attend any meeting in person or by a telephonic connection, but any such connection shall permit any director attending in person to hear all discussion concerning any item upon which action is to be taken and shall permit all persons in attendance to hear the director attending by telephone.

Section 5. When a quorum is in attendance, action may be taken by the Board upon an affirmative vote of a majority of the directors in attendance, but a majority of all directors then-serving shall be required to approve the annual budget and operating plan, to approve budget and appropriation resolutions and certification of mill levies and special assessments, to elect officers, to amend the bylaws, and to approve any contracts or agreements that are in excess of one thousand dollars (\$1,000).

Section 6. Voting on all questions except election of officers shall be by a roll call vote which shall be entered into or appended to the minutes of the meeting. Election of officers shall be by secret ballot. No director may abstain from voting except in the case of a conflict of interest which has been disclosed as provided by law. No proxy voting shall be permitted.

Section 7. Action on any item shall be taken only at a regular or special meeting by motion or by resolution. Resolutions shall be used for all actions of a general and permanent nature, shall be in writing, shall, upon adoption, be authenticated by the secretary, and shall be contained in a well-bound book, properly indexed. All motions shall be set forth in the minutes

of the meeting. Resolutions and motions shall become effective on the day of adoption unless otherwise stated.

Section 8. The Board may adopt a separate guiding document which outlines Board code of conduct for meetings, which may be amended by the Board.

Section 9. All meetings of the Board for any purpose whatsoever shall be open to the public; provided, however, that this section shall not limit the authority of the Board to enter into executive session as allowed by law.

The procedures to enter into an executive session are presented below: (This is only a summary, consult the attorney for the BID as questions arise.)

During an open meeting:

1. Announce the detailed topic and legal authority for the Executive Session – the announcement must cite the specific law that allows the session (see the list a-h below). If the topic is not on the list, the Board is prohibited from entering the executive session.
2. Board vote – need 2/3 vote of quorum present in favor of the session.
3. Exclude public and all others at the Board’s discretion.
4. Record the executive session discussions electronically – keep the recording secret unless ordered otherwise by a court or the Board consents. No recording is required if the topic is attorney-client privileged (attorney must be present and must state on the record or attest that the discussion is privileged).
5. THE BOARD MUST TAKE NO ACTION, NO VOTE, NO DECISION IN EXECUTIVE SESSION.
6. Come out of executive session back into public session.
7. Complete the meeting.

Post executive session:

- a. If required for an attorney-client matter, have the attorney sign an attestation or other documentation concerning the content of the session.
- b. DESTROY EXECUTIVE SESSION RECORDING AFTER 90 DAYS UNLESS NEEDED FOR COURT.

The allowed purposes for an Executive Session are listed in §24-6-402(4), C.R.S.

- a. Purchase, acquire, lease, transfer or sale of real, personal or other property interest, but not to conceal a conflict of interest.
- b. Consult or receive advice from attorney on specific legal questions.

c. Confidential items per federal or state law, rules, regulations. Cite the statute or rule before session begins.

d. Security details – investigations – defenses against terrorism or to prevent disclosing items that could be used to commit crime or avoid prosecution.

e. Develop negotiating positions, strategy, or instruct negotiators.

f. Personnel matters, except about directors, an elected official, board appointments, general personnel policies, one employee if the employee requests an open meeting or if more than one employee is involved, then all request open meeting.

g. Documents to be kept secret according to the Colorado Open Records Act (such as medical information; confidential commercial data; names, addresses, and financial information about users of District facilities or services).

## **Article V**

### **Fiscal Matters**

Section 1. The fiscal year of the Five Points BID shall be the calendar year.

Section 2. The Board shall establish limits on the check writing authority of officers, employees, and agents of the Five Points BID, but two signatures shall be required on all checks One Thousand and No/100 Dollars (\$1,000.00) or over. The order of preference for Board member signature is as follows: 1. treasurer, 2. president, and 3. vice-president/secretary.

Section 3. The Board may authorize an officer, employee, or agent of the Five Points BID to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Five Points BID. Any such authorization shall specify the contract or instrument, or the category of contracts or instruments, so authorized.

Section 4. No loan or advance shall be made or contracted on behalf of the Five Points BID and no note, bond, or other evidence of indebtedness shall be executed or delivered in its name except in the manner provided by law and as authorized by the Board.

## **Article VI**

### **Amendments**

Section 1. These bylaws may be amended or repealed, and new bylaws adopted, by the Board at any regular or special meeting subject to the requirements of Section 5 Article IV of these bylaws.

## **Article VII**


### **Indemnification**

Section 1. The Five Points BID shall indemnify any director, officer, employee, or agent or any former director, officer, employee, or agent for any expense actually incurred in connection with any action, suite, or proceeding or for any loss or claim resulting from any such action, suit, or proceeding in which such person has been made a party by reason of being or having been such director, officer, employee, or agent, including any matter as to which such person is adjudged to be liable in such action, suite, or proceeding except for such person's willful and wanton acts or omissions in the performance of official duties.

Section 2. The Five Points BID is authorized to obtain such policy or policies of insurance for providing such indemnification and for such other purposes as the Board deems necessary.

Section 3. The indemnification provided in this article does not constitute a waiver, either partial or complete, of any immunities or limitations on judgments provided by law with respect to the Five Points BID or its directors, officers, employees, or agents.

6<sup>th</sup> Adopted by the Board of Directors of the Five Points Business Improvement District this day of NOVEMBER 2019.

  
\_\_\_\_\_  
President of the Board

Attest:

  
\_\_\_\_\_  
Director/Witness



## CODE OF CONDUCT

**Mission:** The Five Points Business Improvement District exists to strengthen and enhance the efforts of business and property owners who live, work in, or contribute to the Historic Five Points neighborhood of Denver. Our District Board's mission is to positively influence financial accountability and cultural responsibility as the area undergoes redevelopment and growth. The Five Points Business Improvement District will hold true to the best values of the past, embrace inclusive opportunities of the present and look forward to a vibrant future.

***The following code of conduct and meeting protocol are authorized pursuant to the Five Points BID By-laws, Article IV, Section 9 – and may be amended from time to time and separately from the approved By-laws by the sitting FPBID Board of Directors.***

### **Code of Conduct and Meeting Protocol:**

- The meetings shall be conducted within the allowed 90 minutes established by the agenda.
  - If a FPBID Board of Director meeting time exceeds the 90 minutes, a Board member must move to extend the meeting beyond the end time to a time increment that is certain, or move to table the item(s) that have not been addressed by the Board of Directors until the next regular meeting or specially called Board of Directors meeting.
- A Sargent of Arms may be appointed by the Board of Directors, if requested.
- The President of the Board, or their appointee, is responsible for running the meeting and recognizing those requesting to speak.
- Time for public comment shall be provided on every agenda.
  - All comments must be limited in subject matter to matters pertaining to the FPBID and/or the FPBID Board of Directors.
  - In order to treat each person equally and impartially, each person is allotted a total of 3 minutes in which to offer their comments. No one may yield their time to another.
- Invited and guest speakers making presentations to the Board of Directors shall limit presentations to no longer than ten (10) minutes, with written materials provided to the Board for review and consideration at least twenty-four (24) hours prior to the scheduled meeting.
  - Exceptions to the time limits must be approved by the Board of Directors.
- There shall be no drugs or alcohol permitted or present during Board meetings.
- Board members are expected to be courteous and respectful to each other, customers, staff, and consultants, and vice versa. Any Board Member may bring a perceived lack of courtesy or respect to the attention of the Board.



**2020 Board Actions – to date.** (Note: copies of the Minutes are available via [www.fivepointsbid.com](http://www.fivepointsbid.com) or upon request):

**January 2020:**

- Approved December 4, 2019 Minutes.
- Approved the November 2019 Financial Report.
- Motion and approval of the amended scope of work to the Marketing Communication Agreement with the Downtown Denver Partnership.
- Motion and approval of \$10,000 for sponsorship of the First Friday Jazz Hop event.

**February 2020:**

- Approved the January 8, 2020 Minutes.
- Motion and approval of the December 2019 Financial Report
- Motion and approval of a \$755 grant for the Swinging August Nights event.

**March 2020:**

- Approved the February 12, 2020 Minutes
- Motion and approval of the January 2020 Financial Report
- Motion and approval to the banner design concept for placement on Xcel light poles in the BID.

**April 2020:**

- Board meeting cancelled due to COVID-19 restrictions
- Informational meeting held by Zoom instead to provide information on COVID-19 small business assistance programs.

**May 2020:**

- Approval of the March 11, 2020 Minutes.
- Motion and approval of the February and March 2020 Financial Reports.
- Motion and approval to create the FPBID COVID-19 Small Business Relief Grant Fund
- Motion and approval to increase not to exceed amount for irrigation repairs in the 2600 and 2700 blocks of Welton Street to \$8,000.

**June 2020:**

- Approval of the May 13, 2020 Minutes.
- Motion and approval of the April 2020 Financial Report.
- Motion and approval to sign on in support of Downtown Colorado, Inc's letter to Governor Polis to encourage policy adjustments to allow for expanded patio seating for restaurants to combat COVID-19 capacity restrictions.



- Motion and approval to accept agreement with My City Bikes to provide web site enhancements.
- Motion and approval to allow the use of the FPBID bank account for use with the GoFundMe crowd sourcing campaign to raise funds for additional small business assistance to FPBID businesses.

**July 2020:**

- Approval of the June 10, 2020 Minutes.
- Motion and approval of the May 2020 Financial Report.
- Motion and approval to create a wall mural with a budget of \$25,000, located at 27<sup>th</sup> and Welton with the subject matter focused on the Black Lives Matter movement and this time in history.
- Motion and approval of continuing maintenance contract with Consolidated Services Group II, LLC for one year with a 60 – day contract release clause while a committee is formed in tandem to develop a Request for Proposals for a new contract period.
- Motion and approval to extend not to exceed amount for irrigation repairs and dead tree removal by an additional \$7,000.

**August 2020:**

- Approval of the July 15, 2020 Minutes.
- Motion and approval of the June 2020 Financial Report.



BID Board Members Contact Info

Executive Committee	
<p><b>Board President:</b>            Paul Books, President and Founder            Palisade Partners            2700 S. Broadway Street, Suite 200            Englewood, CO 80113  <a href="mailto:pbooks@palisadepartners.com">pbooks@palisadepartners.com</a>            720.248.7252            2<sup>nd</sup> Term Expires: June 20, 2024</p>	<p><b>Board Vice-President:</b>            John Pirkopf, Property Owner            2649 Champa Street            Denver, CO 80205  <a href="mailto:jpirkopf@gmail.com">jpirkopf@gmail.com</a>            303.219.0044            2<sup>nd</sup> Term Expires: June 20, 2023</p>
<p><b>Board Treasurer:</b>            Nathan Beal            St. Bernard Properties            3021 E. 7<sup>th</sup> Avenue            Denver, CO 80206  <a href="mailto:stbernardproperties@gmail.com">stbernardproperties@gmail.com</a>            303.667.2801            2<sup>nd</sup> Term Expires: June 20, 2023</p>	
Board Members	
<p>Ryan Cobbins, Owner            Coffee at the Point            710 E. 26<sup>th</sup> Avenue            Denver, CO 80205  <a href="mailto:ryan@coffeethepoint.com">ryan@coffeethepoint.com</a>            303.524.0688            1<sup>st</sup> Term Expires: June 20, 2024</p>	<p>Haroun Cowans, Chief Real Estate Officer            The Flyfisher Group            700 E. 24<sup>th</sup> Avenue            Denver, CO 80205  <a href="mailto:haroun@theflyfisher.com">haroun@theflyfisher.com</a>            720.394.2341            1<sup>st</sup> Term Expires: June 20, 2024</p>
<p>LaSheita Sayer, Owner            Zozo Group            2590 N. Washington Street            Denver, CO 80205  <a href="mailto:lasheita@zozogroup.com">lasheita@zozogroup.com</a>            303.949.2020            1<sup>st</sup> Term Expires: June 20, 2024</p>	<p>Maedella Stiger, Property Owner            2755 Welton Street            Denver, CO 80205  <a href="mailto:maedellans@yahoo.com">maedellans@yahoo.com</a>            303.295.9055            2<sup>nd</sup> Term Expires: June 20, 2023</p>



**2020 FPBID Board of Directors board meeting attendance:**

Present = **P**

Absent = **A**

Board Member	1/8/20	2/12/20	3/11/20	4/8/20 (Cancelled)	5/13/20	6/10/20	7/15/20	8/12/20	9/9/20	10/14/20	11/11/20	12/9/20
Paul Brooks	P	P	P		P	P	P	P	A			
Renee King*	P	A	A		P	P						
John Pirkopf	P	P	P		P	P	P	P	P			
Nathan Beal	P	P	P		P	P	P	A	P			
Maedella Stiger	P	P	P		A	P	P	P	P			
Ryan Cobbins**							P	P	P			
Haroun Cowans**							P	A	P			
LaSheita Sayer**							P	P	P			

Notes:

\* - Did not renew for second term. Term ended June, 2020

\*\* - New Board Member, first term began in July, 2020

**List of Activities for 2020 (as of September 2020):**

- Installed (November 2019) and removed corridor holiday lighting and banners (January 2020).
- Contracted with the Downtown Denver Partnership to provide administrative and accounting management services, in addition to oversight and provision of marketing-communications services to the FPBID.
  - Marketing-communications work includes re-branding;
  - Website upgrade and maintenance, including posting minutes on a monthly basis;
  - Developed and implemented a social media marketing plan;
  - Production and distribution of a quarterly FPBID newsletter.
- Created the FPBID COVID-19 Small Business Relief Grant Fund, providing \$40,000 in \$1,000 operational grants to 40 eligible businesses in the FPBID
- Passed resolution 2020-01: Setting date, time and location of the public hearing on the Proposed 2021 Budget
- Conducted special maintenance projects in the District:
  - Updated tree inventory
  - Reestablished operations and addressed multiple leaks, breaks and blockages of the irrigation lines on the 2600 and 2700 blocks of Welton
  - Repairs to electrical system for pedestrian lighting on the West sidewalk of the 2700 block of Welton
  - Removal and repairs to downed pedestrian light on West sidewalk of the 2600 block of Welton
  - Inventory of Xcel poles in BID for banner readiness
  - Fabrication of new, custom bike racks and trash receptacles; placement on hold while permit issues are worked through
- Planned:
  - Public Hearing re: proposed 2020 Budget, October 14, 2020
  - Installation of Five Points Walkway on 2700 block of Welton with Wall Mural focused on the Black Lives Matter movement and this time in history
  - Winter/holiday promotions to attract visitors to the BID during difficult COVID capacity restrictions

**FPBID Planned Activities for 2020:**

- Continuing to provide for the cleanliness of the District with power washing the sidewalks, provision of additional trash receptacles and customized bike racks.
- Continuing to market the corridor through banners, newsletters, social media and traditional media outlets.
- Develop and implement a District community security program.



**Five Points Business Improvement District COVID-19  
Small Business Relief Grant Fund**

**June 2020**

June 10, 2020

Dear Five Points Business Owner,

At its regular monthly meeting on May 13, 2020, the Five Points Business Improvement District (BID) voted to establish the Five Points BID COVID-19 Small Businesses Relief Grant Fund to assist businesses suffering from closures—partial or complete—due to the Covid 19 Health Crisis as documentation of the COVID Pandemic is widespread and unquestionable.

Money to be distributed shall come out of the BID budget. All entities that were in business as of January 1, 2020, and are located in properties that pay into the Five Points BID assessment (Welton Street between 20th & Downing) are eligible for a one-time \$1,000.00 grant. This is not a competitive grant; it is based on your location within the defined boundaries of the Five Points BID. Only one grant per business and/or property location.

The Five Points Business Improvement District mission is to strengthen and enhance the efforts of business and property owners who live, work in, or contribute to the Historic Five Points neighborhood of Denver. Our District Board's mission is to positively influence financial accountability and cultural responsibility as the area undergoes redevelopment and growth. The Five Points Business Improvement District will hold true to the best values of the past, embrace inclusive opportunities of the present and look forward to a vibrant future. The work of the BID is focused on the maintenance of the public right of way including trash and debris removal and snow shoveling, marketing and communications to promote business development, cultural promotion and preservation, as well as capital investment such as street lighting and trash receptacles.

Applications for the Five Points Business Improvement District COVID-19 Small Businesses Relief Grant Fund are due by July 31, 2020. Please call (720) 735-9042 with questions.

Sincerely,

Nathan Beal  
Paul Books  
Dr. Renee Cousins King  
John Pirkopf  
Maedella Stiger

The Five Points Business Improvement District Board of Directors



**Five Points Business Improvement District COVID-19  
Small Business Relief Grant Fund**

**June 2020**

**Verification of Eligibility Form**

\*All fields are required

Name of Business \_\_\_\_\_

Business Physical Address \_\_\_\_\_

Business Mailing Address (if different) \_\_\_\_\_

Name of Business Owner/Proprietor \_\_\_\_\_

Business Owner/Proprietor Phone Number (\_\_\_\_\_)\_\_\_\_\_

Business Owner/Proprietor Email Address \_\_\_\_\_

Best way to reach you: Phone or Email (circle one)

Name of Building/Property Owner \_\_\_\_\_

Was your Business within a property that paid into the Five Points BID as of January 1, 2020?  
 Yes  No

Did you continue in business through at least May 1, 2020?  
 Yes  No

Does the current economic uncertainty make this grant necessary to support your operations?  
 Yes  No

Please provide verification of your business by attaching copies of one of the following:

- Your business license
- An affidavit of insurance
- A statement from your landlord

Provide a brief statement indicating the financial impacts of the COVID-19 pandemic on your business (be specific).

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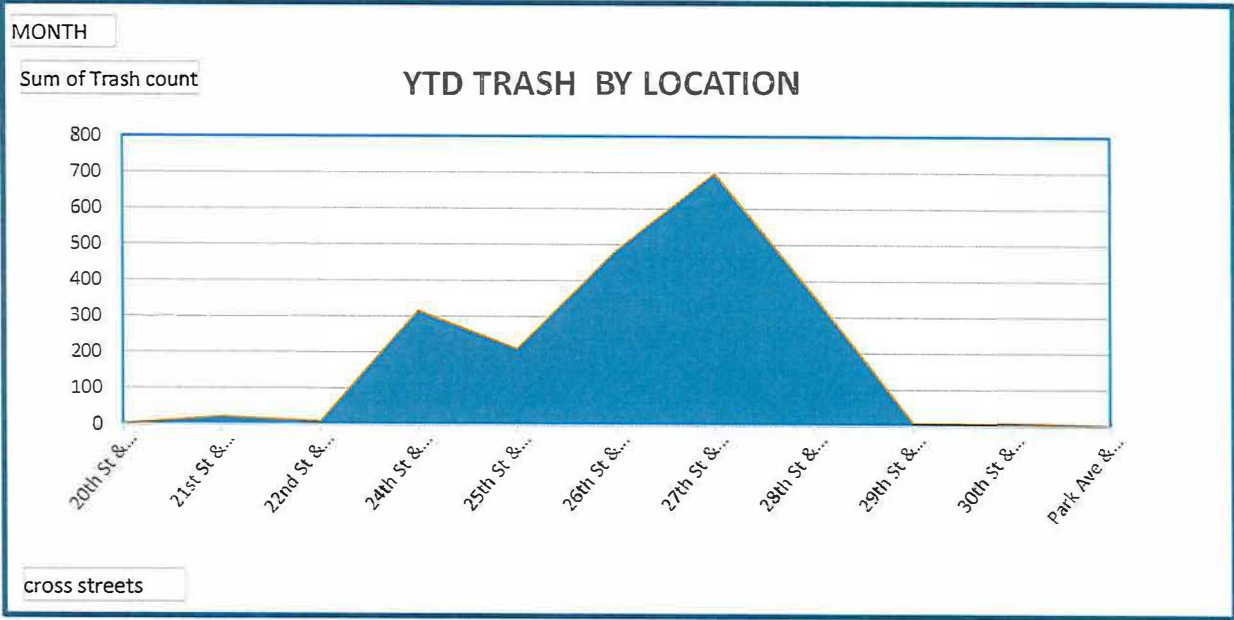
**Return this form via MAIL no later than 4:00 PM, July 31, 2020 to:**  
Five Points BID  
c/o Downtown Denver Partnership  
1515 Arapahoe Street, Tower 3, Suite 100  
Denver, CO 80202





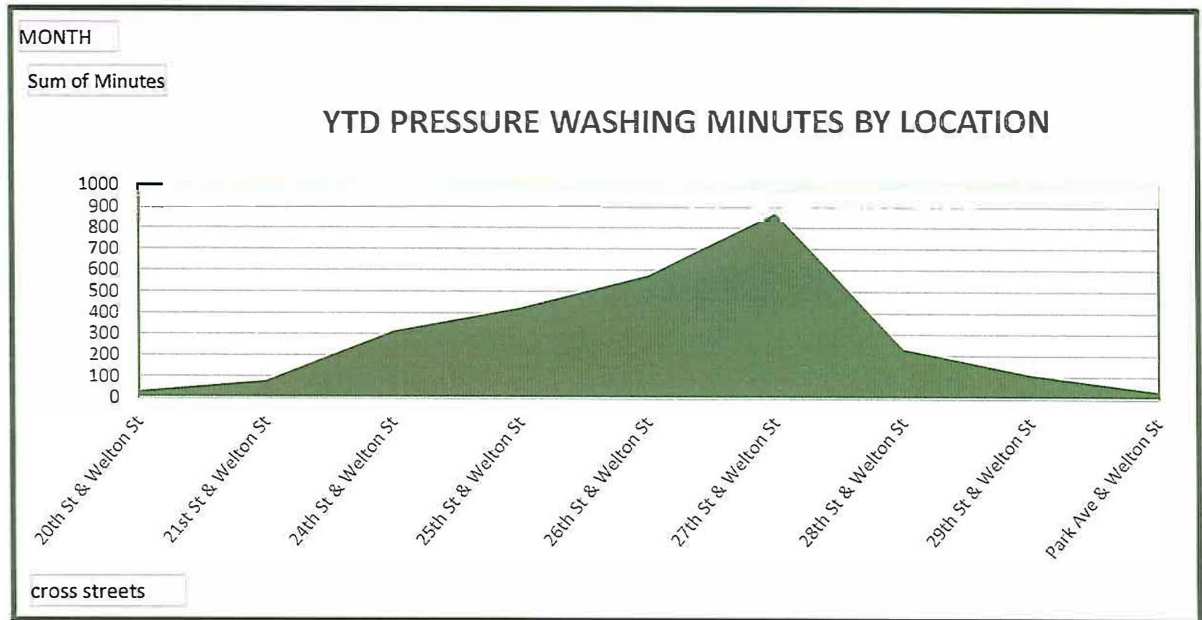
**FIVE POINTS BUSINESS IMPROVEMENT DISTRICT**

MONTH	(All)
<b>TRASH REMOVAL</b>	
Row Labels	Sum of Trash count
20th St & Welton St	1
21st St & Welton St	21
22nd St & Welton St	8
24th St & Welton St	316
25th St & Welton St	210
26th St & Welton St	483
27th St & Welton St	697
28th St & Welton St	361
29th St & Welton St	8
30th St & Welton St	7
Park Ave & Welton St	1
<b>Grand Total</b>	<b>2113</b>

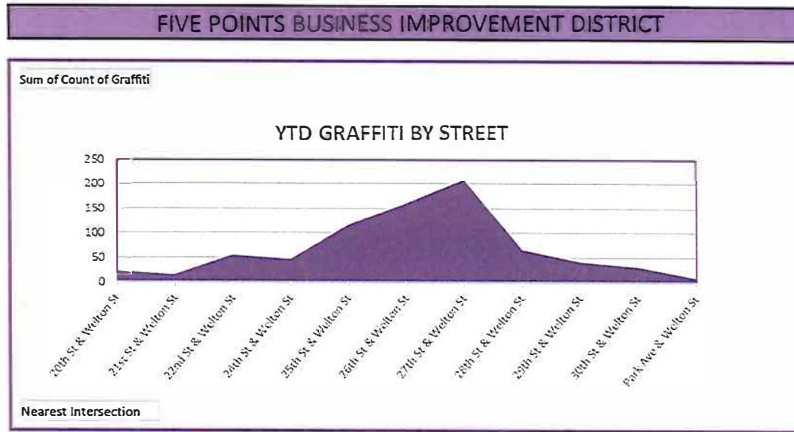


## FIVE POINTS BUSINESS IMPROVEMENT DISTRICT

MONTH <span style="float: right;">{(All)}</span>	
PRESSURE WASHING	
Row Labels	Sum of Minutes
20th St & Welton St	32
21st St & Welton St	79
24th St & Welton St	313
25th St & Welton St	423
26th St & Welton St	575
27th St & Welton St	870
28th St & Welton St	231
29th St & Welton St	111
Park Ave & Welton St	36
<b>Grand Total</b>	<b>2670</b>



GRAFFITI REMOVAL	
Row Labels	Sum of Count of Graffiti
20th St & Welton St	23
21st St & Welton St	15
22nd St & Welton St	55
24th St & Welton St	47
25th St & Welton St	116
26th St & Welton St	160
27th St & Welton St	208
28th St & Welton St	66
29th St & Welton St	42
30th St & Welton St	31
Park Ave & Welton St	9
<b>Grand Total</b>	<b>772</b>



GRAFFITI											
Sum of Count of Graffiti	Column Labels										
Row Labels	Bike Rack	Other	Parking Meter	PDU/ Electrical	Sidewalk	Street Light Pole	Street Sign	Trash Receptacle	TCC	Patio Railing	Grand Total
20th St & Welton St		2		4		11	5			1	23
21st St & Welton St		1	1			9	4				15
22nd St & Welton St		6		12		26	11				55
24th St & Welton St	1	5	1	27		9	3				46
25th St & Welton St		9		33		71	3				116
26th St & Welton St		25	5	41		71	17		1		160
27th St & Welton St		13	1	113		72	8				207
28th St & Welton St		1		16	2	42	3	1		1	66
29th St & Welton St		10		7		14	10	1			42
30th St & Welton St		1		8		15	1				25
Park Ave & Welton St				5		4					9
<b>Grand Total</b>		<b>1</b>	<b>73</b>	<b>8</b>	<b>266</b>	<b>2</b>	<b>344</b>	<b>65</b>	<b>2</b>	<b>1</b>	<b>764</b>

