



RE: File No. 2016-0184-_____

September 30, 2021

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 2022.

The FPBID Board will hold a Public Hearing on the proposed 2022 Budget and Operating Plan on Wednesday, October 13, 2021; and will proceed with the certification of property owner assessments prior to December 5th, 2021, pursuant to State Statute (C.R.S. 31-25-1211).

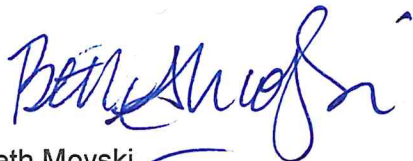
In addition to the 2021 Budget and Operating Plan, also attached are:

1. A copy of the 2021 year-to-date "budget to actual" financial reports, including projected 2021 year-end budget.
2. Due to events in 2021 there were two material departures from the 2020 Operating Plan. The first is the contracting of a new Marketing Communications firm. The second is related to work to establish up to four electric vehicle charging stations along the Welton Corridor, as a result of the Charge Ahead Colorado grant award in July of this year. Both of these adjustments resulted in pausing work on the creation of banners to be placed on the Xcel Energy light poles along Welton and also on the fabrication and installation of gateway elements for the FPBID Welton Corridor. More information can be found on all of these items in the report.
3. The Public Hearing notice-publications are scheduled to run in the September 30th and October 7th editions of the Denver Weekly News of the October 13, 2021 Public Hearing regarding the 2022 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.

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 2021 and planned for 2022.
11. While in 2020 the BID provided direct grants to businesses that applied for them as part of a special COVID-19 Small Business Relief Grant Fund, in 2021 the Board elected to increase activations and marketing efforts to drive consumer spending in the FPBID during the COVID-19 economic recovery. More information on new activations and programs throughout the year are included in the report.
12. Also attached are cleaning and maintenance records and amenities audits tracked by the BID in 2021, 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
Ryan Cobbins, FPBID Board President
Vincent Martinez, FPBID Assistant Secretary and Administrative Manager
Tom George, Spencer Fane LLP, FPBID Attorney



2022 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 20th Street going northeast along Welton Street terminating at Downing Street and 30th Avenue. Additionally, the parcel located adjacent to Welton Street on the southeast corner at Washington Street and 26th Avenue is included, as well as the parcels located on the southeast side of California Street between 26th and 27th 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 2022 work program will be finalized by the FPBID on October 13, 2021 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 health of corridor trees
- 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* \$245,000 for the general fund in 2022.

The FPBID board will hold a public hearing on the budget on October 13, 2021 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**

	2021 Budget Approved	2021 Actual through August	2021 Projected Actual	2022 Budget Proposed
Beginning Cash and Fund Balance	\$ 99,767	\$ 186,176	\$ 186,176	\$ 164,470
Income and Other Sources				
Mill Levy Income-FPBID	220,000	236,387	236,387	245,842
Donations	-	60,000	60,000	-
Refund - Sedgwick	-	1,000	1,000	-
Total Income and Other Sources of Funds	220,000	297,387	297,387	245,842
Total Available Resources	\$ 319,767	\$ 483,563	\$ 483,563	\$ 410,312
Expenditures				
Maintenance	96,461	64,631	100,402	115,556
Marketing/Branding	88,800	97,255	142,561	102,364
Administrative	28,700	18,660	28,630	28,730
Contingency Funds	7,500	-	5,000	7,500
Total Ongoing Expenditures	221,461	180,546	276,593	254,150
Capital Purchases	50,000	10,500	42,500	100,000
Total Expenditures	\$ 271,461	\$ 191,046	\$ 319,093	\$ 354,150
Ending Cash and Fund Balance	\$ 48,306	\$ 292,517	\$ 164,470	\$ 56,162

**Five Points Business Improvement District
FY2021 Proposed Adjusted Budget for New Programs**

	2021 Approved Budget	2021 Proposed Amendment	2021 Actual YTD thru August	2021 Projected Actual	Projected Variance Increase (Decrease)	2022 Proposed Budget	% Change from 2021 Projected
Beginning Cash and Fund Balance	\$ 99,767	\$ 186,176	\$ 186,176	\$ 186,176	86,409	164,470	-11.66%
Income and Other Sources of Funds							
Mill Levy Income-FPBID	220,000	236,387	236,387	236,387	16,387	245,842	4.00%
Donations/Sponsorships/Grants		60,000	60,000	60,000	60,000	-	-100.00%
Refund - Sedgwick		1,000	1,000	1,000	1,000	-	-100.00%
Total Income and Sources of Funds	220,000	297,387	297,387	297,387	77,387	245,842	-17.33%
Total Available Resources	\$ 319,767	\$ 483,563	\$ 483,563	\$ 483,563	\$ 163,796	\$ 410,312	-15.15%
Expenditures							
<i>Maintenance</i>							
General Maintenance Contract	66,461	63,902	43,796	63,902	2,559	62,733	-1.83%
Other Maintenance	6,000	9,500	5,363	9,500	(3,500)	6,000	-36.84%
Plazas Maintenance	0	0	0	0	-	13,323	N/A
Snow Removal	12,000	15,000	12,234	15,000	(3,000)	15,000	0.00%
Utilities	2,000	2,000	1,344	2,000	-	4,000	100.00%
Irrigation Repairs	0	0	0	0	-	1,500	N/A
Tree & Landscape Maintenance	10,000	10,000	1,894	10,000	-	13,000	30.00%
Total Maintenance	96,461	100,402	64,631	100,402	31,830	115,556	15.09%
<i>Marketing/Branding</i>							
Events/Activation sponsorships	23,800	66,500	62,936	66,500	(42,700)	-	-100.00%
Grants (\$2,500 2021 YTD; \$5K Total Awarded)						16,864	
FP History Stroll (\$500 2021 YTD)						1,000	
ASG Activations (\$59,935.58 2021YTD)						-	
Trick or Treat (\$1000 budgeted for 2021)						1,000	
Holiday Stroll 2022						10,000	
Summer Activation?						-	
Banners Pedestrian	5,000	4,000	3,014	4,000	1,000	3,500	-12.50%
Holiday Lighting	15,000	12,000	0	12,000	3,000	15,000	25.00%
Holiday Event Expense (Holiday Stroll 2021)	10,000	10,000	2,911	10,000	-	-	-100.00%
Marketing Administration	30,000	45,061	28,394	45,061	(15,061)	50,000	10.96%
Marketing Programs	5,000	5,000	0	5,000	-	5,000	0.00%
Total Marketing/Branding	88,800	142,561	97,255	142,561	(53,761)	102,364	-28.20%
<i>Administrative</i>							
General Administration	22,000	22,000	14,743	22,000	-	22,000	0.00%
Bank Charges & Fees	100	130	72	130	(30)	130	0.00%
Dues & Memberships	600	500	417	500	100	600	20.00%
Insurance	3,000	3,000	2,694	3,000	-	3,000	0.00%
Legal Fees	3,000	3,000	734	3,000	-	3,000	0.00%
Total Administrative	28,700	28,630	18,660	28,630	70	28,730	0.35%
<i>Contingency Funds</i>	7,500	5,000	0	5,000	2,500	7,500	50.00%
Total Ongoing Expenditures	221,461	276,593	180,546	276,593	(55,132)	254,150	-8.11%
<i>Capital Expenditures</i>						100,000	
Gateway signage (\$30,000)	25,000	-	-	-	25,000	-	N/A
Xcel Pole Banner Brackets & Banners (\$18,000)	15,000	-	-	-	15,000	-	N/A
Security Expenditures (\$10,000)	10,000	-	-	-	10,000	-	N/A
Charge Ahead Colorado Grant	-	32,000	-	32,000	(32,000)	-	-100.00%
Monument Repairs (\$10,000)	-	-	-	-	-	-	N/A
Trash Receptacles	-	10,500	10,500	10,500	(10,500)	-	-100.00%
2400 Block Streetlight Replacements	-	-	-	-	-	-	-
Billboard Campaign	-	-	-	-	-	-	N/A
Total Capital Expenditures	50,000	42,500	10,500	42,500	7,500	100,000	135.29%
<i>Use of Reserve Funds</i>	\$ -	-	-	-	(69,000)	-	N/A
Total Expenditures	\$ 271,461	\$ 319,093	\$ 191,046	\$ 319,093	(116,632)	\$ 354,150	10.99%
Ending Cash and Fund Balance	\$ 48,306	\$ 164,470	\$ 292,517	\$ 164,470	64,703	\$ 56,162	-65.85%



**NOTICE AS TO PROPOSED
2022 FIVE POINTS BUSINESS IMPROVEMENT DISTRICT BUDGET*
And 2021 FIVE POINTS BUSINESS IMPROVEMENT DISTRICT BUDGET AMENDMENT***

NOTICE IS HEREBY GIVEN that the proposed budget for the ensuing year of 2022 has been submitted to the Five Points Business Improvement District ("District").

NOTICE IS ALSO HEREBY GIVEN that a public hearing will be held by the Board of Directors of the Five Points Business Improvement District on the question of amending the budget of the District for fiscal year 2021.

The 2022 Proposed Budget and question of amending the 2021 Budget of the District 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_Rtx4ou1NQsW1MdUIExcqDA) at 10:00 a.m. on Wednesday, October 13, 2021.

A copy of the proposed 2022 Budget and proposed 2021 Budget Amendment 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 2022 budget or 2021 Budget Amendment, file or register any objections thereto.

Dated: September 10, 2021

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT

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

*Public notice is scheduled to run in the Denver Weekly News in the September 30th and October 7th Issues.

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

For the Year Ended
12/31/2020
or fiscal year ended:

CONTACT PERSON
PHONE
EMAIL
FAX

Charlene Laus
303-571-8213
Claus@downtowndenver.com>

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:	Diane K Wheeler
TITLE	
FIRM NAME (if applicable)	Simmons & Wheeler, P.C.
ADDRESS	304 Inverness Way South, Suite 490 Englewood, CO 80112
PHONE	303-689-0833
DATE PREPARED	3/24/2021
RELATIONSHIP TO ENTITY	CPA engaged to prepare exemption for district

PREPARER (SIGNATURE REQUIRED)

Diane Wheeler

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	
		General Fund	Fund*		Fund*	Fund*
Assets				Assets		
1-1	Cash & Cash Equivalents	\$ 185,312	\$ -	Cash & Cash Equivalents	\$ -	\$ -
1-2	Investments	\$ -	\$ -	Investments	\$ -	\$ -
1-3	Receivables	\$ 213,376	\$ -	Receivables	\$ -	\$ -
1-4	Due from Other Entities or Funds	\$ 864	\$ -	Due from Other Entities or Funds	\$ -	\$ -
	All Other Assets [specify...]			Other Current Assets	\$ -	\$ -
1-5		\$ -	\$ -		\$ -	\$ -
1-6		\$ -	\$ -	Total Current Assets	\$ -	\$ -
1-7		\$ -	\$ -	Capital Assets, net (from Part 6-4)	\$ -	\$ -
1-8		\$ -	\$ -	Other Long Term Assets [specify...]	\$ -	\$ -
1-9		\$ -	\$ -		\$ -	\$ -
1-10		\$ -	\$ -		\$ -	\$ -
(add lines 1-1 through 1-10) TOTAL ASSETS		\$ 399,552	\$ -	(add lines 1-1 through 1-10) TOTAL ASSETS		\$ -
TOTAL DEFERRED OUTFLOWS OF RESOURCES		\$ -	\$ -	TOTAL DEFERRED OUTFLOWS OF RESOURCES		\$ -
TOTAL ASSETS AND DEFERRED OUTFLOWS		\$ 399,552	\$ -	TOTAL ASSETS AND DEFERRED OUTFLOWS		\$ -
Liabilities				Liabilities		
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	\$ -	\$ -
TOTAL CURRENT LIABILITIES		\$ -	\$ -	TOTAL CURRENT LIABILITIES		\$ -
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		\$ -	\$ -		\$ -	\$ -
(add lines 1-19 through 1-27) TOTAL LIABILITIES		\$ -	\$ -	(add lines 1-19 through 1-27) TOTAL LIABILITIES		\$ -
TOTAL DEFERRED INFLOWS OF RESOURCES		\$ 213,376	\$ -	TOTAL DEFERRED INFLOWS OF RESOURCES		\$ -
Fund Balance				Net Position		
1-30	Nonspendable Prepaid	\$ -	\$ -	Net Investment in Capital Assets	\$ -	\$ -
1-31	Nonspendable Inventory	\$ -	\$ -		\$ -	\$ -
1-32	Restricted [specify...]	\$ -	\$ -	Emergency Reserves	\$ -	\$ -
1-33	Committed [specify...]	\$ -	\$ -	Other Designations/Reserves	\$ -	\$ -
1-34	Assigned [specify...]	\$ -	\$ -	Restricted	\$ -	\$ -
1-35	Unassigned:	\$ -	\$ -	Undesignated/Unreserved/Unrestricted	\$ -	\$ -
1-36	Add lines 1-30 through 1-35 This total should be the same as line 3-33 TOTAL FUND BALANCE	\$ -	\$ -	Add lines 1-30 through 1-35 This total should be the same as line 3-33 TOTAL NET POSITION	\$ -	\$ -
(add lines 1-28, 1-29 and 1-36) TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND BALANCE		\$ 213,376	\$ -	(add lines 1-28, 1-29 and 1-36) TOTAL LIABILITIES, DEFERRED INFLOWS, AND NET POSITION		\$ -

Please use this space to provide explanation of any items on this page

PART 2 - FINANCIAL STATEMENTS - OPERATING STATEMENT - REVENUES

		Governmental Funds				Proprietary/Fiduciary Funds		Please use this space to provide explanation of any items on this page
Line #	Description	General Fund	Fund*	Description	Fund*	Fund*		
Tax Revenue				Tax Revenue				
2-1	Property <small>[include mills levied in Question 10-6]</small>	\$ 224,015	\$ -	Property <small>[include mills levied in Question 10-6]</small>	\$ -	\$ -		
2-2	Specific Ownership	\$ 12,379	\$ -	Specific Ownership	\$ -	\$ -		
2-3	Sales and Use Tax	\$ -	\$ -	Sales and Use Tax	\$ -	\$ -		
2-4	Other Tax Revenue <small>[specify...]: Taxes Dura</small>	\$ 16,141	\$ -	Other Tax Revenue <small>[specify...]:</small>	\$ -	\$ -		
2-5		\$ -	\$ -		\$ -	\$ -		
2-6		\$ -	\$ -		\$ -	\$ -		
2-7		\$ -	\$ -		\$ -	\$ -		
2-8	Add lines 2-1 through 2-7 TOTAL TAX REVENUE	\$ 252,535	\$ -	Add lines 2-1 through 2-7 TOTAL TAX REVENUE	\$ -	\$ -		
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	\$ 4,280	\$ -	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	\$ 421	\$ -	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 <small>[specify...]:</small>	\$ -	\$ -	All Other <small>[specify...]:</small>	\$ -	\$ -		
2-23		\$ -	\$ -		\$ -	\$ -		
2-24	Add lines 2-8 through 2-23 TOTAL REVENUES	\$ 257,236	\$ -	Add lines 2-8 through 2-23 TOTAL REVENUES	\$ -	\$ -		
Other Financing Sources				Other Financing Sources				
2-25	Debt Proceeds	\$ -	\$ -	Debt Proceeds	\$ -	\$ -		
2-26	Developer Advances	\$ -	\$ -	Developer Advances	\$ -	\$ -		
2-27	Other <small>[specify...]:</small>	\$ -	\$ -	Other <small>[specify...]:</small>	\$ -	\$ -		
2-28	Add lines 2-25 through 2-27 TOTAL OTHER FINANCING SOURCES	\$ -	\$ -	Add lines 2-25 through 2-27 TOTAL OTHER FINANCING SOURCES	\$ -	\$ -		GRAND TOTALS
2-29	Add lines 2-24 and 2-28 TOTAL REVENUES AND OTHER FINANCING SOURCES	\$ 257,236	\$ -	Add lines 2-24 and 2-28 TOTAL REVENUES AND OTHER FINANCING SOURCES	\$ -	\$ -	\$ 257,236	

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*	
	Expenditures			Expenses			
3-1	General Government	\$ 205,922	\$ -	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	Small business relief grants	\$ 43,085	\$ -	Other [specify...]	\$ -	\$ -	
3-13		\$ -	\$ -		\$ -	\$ -	
3-14	Capital Outlay	\$ 84,481	\$ -	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	Add lines 3-1 through 3-21	\$ 333,488	\$ -	Add lines 3-1 through 3-21	\$ -	\$ -	
	TOTAL EXPENDITURES			TOTAL EXPENSES			GRAND TOTAL
3-23	Interfund Transfers (In)	\$ -	\$ -	Net Interfund Transfers (In) Out	\$ -	\$ -	\$ 333,488
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	(Add lines 3-23 through 3-28)			(Line 3-26, plus line 3-27, less line 3-24, less line 3-25)			
	TOTAL TRANSFERS AND OTHER EXPENDITURES	\$ -	\$ -	TOTAL GAAP RECONCILING ITEMS	\$ -	\$ -	
3-30	Excess (Deficiency) of Revenues and Other Financing Sources Over (Under) Expenditures			Net Increase (Decrease) in Net Position			
	Line 2-29, less line 3-22, plus line 3-29	\$ (76,252)	\$ -	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	\$ 262,428	\$ -	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			Net Position, December 31			
	Sum of Line 3-30, 3-31, and 3-32			Line 3-30 plus line 3-31			
	This total should be the same as line 1-36.	\$ 186,176	\$ -	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
4-1	Does the entity have outstanding debt?	<input type="checkbox"/>	<input type="checkbox"/>
4-2	Is the debt repayment schedule attached? If no, MUST explain:	<input type="checkbox"/>	<input type="checkbox"/>
4-3	Is the entity current in its debt service payments? If no, MUST explain:	<input type="checkbox"/>	<input type="checkbox"/>

Please use this space to provide any explanations or comments:

4-4 Please complete the following debt schedule, if applicable: (please only include principal amounts)

	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	\$ -	\$ -	\$ -	\$ -

*must agree to prior year ending balance

Please answer the following questions by marking the appropriate boxes.

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

PART 5 - CASH AND INVESTMENTS

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

	AMOUNT	TOTAL
5-1 YEAR-END Total of ALL Checking and Savings accounts	\$ 185,312	
5-2 Certificates of deposit	\$ -	
TOTAL CASH DEPOSITS		\$ 185,312
Investments (if investment is a mutual fund, please list underlying investments):		
5-3	\$ -	
	\$ -	
	\$ -	
	\$ -	
TOTAL INVESTMENTS		\$ -
TOTAL CASH AND INVESTMENTS		\$ 185,312

Please use this space to provide any explanations or comments:

Please answer the following question by marking in the appropriate box

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

PART 6 - CAPITAL ASSETS

- Please answer the following question by marking in the appropriate box
- | | YES | NO | |
|--|--------------------------|--------------------------|--|
| 6-1 Does the entity have capitalized assets? | <input type="checkbox"/> | <input type="checkbox"/> | Please use this space to provide any explanations or comments: |
| 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: | <input type="checkbox"/> | <input type="checkbox"/> | |

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	\$ 84,481	\$ -	\$ 137,573
Infrastructure	\$ -	\$ -	\$ -	\$ -
Construction In Progress (CIP)	\$ -	\$ -	\$ -	\$ -
Other (explain):	\$ -	\$ -	\$ -	\$ -
Accumulated Depreciation (Enter a negative, or credit, balance)	\$ -	\$ (21,114)	\$ -	\$ (21,114)
TOTAL	\$ 53,092	\$ 63,367	\$ -	\$ 116,459

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)	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -

*must agree to prior year ending balance

PART 7 - PENSION INFORMATION

- Please answer the following question by marking in the appropriate box
- | | YES | NO | |
|--|--------------------------|--------------------------|--|
| 7-1 Does the entity have an "old hire" firemen's pension plan? | <input type="checkbox"/> | <input type="checkbox"/> | Please use this space to provide any explanations or comments: |
| 7-2 Does the entity have a volunteer firemen's pension plan? | <input type="checkbox"/> | <input type="checkbox"/> | |

If yes: Who administers the plan?

Indicate the contributions from:

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

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 | |
|--|--------------------------|--------------------------|--------------------------|--|
| 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Please use this space to provide any explanations or comments: |
| 8-2 Did the entity pass an appropriations resolution in accordance with Section 29-1-108 C.R.S.? If no, MUST explain: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
- If yes: Please indicate the amount budgeted for each fund for the year reported

Fund Name	Budgeted Expenditures/Expenses
General Fund	\$ 275,116
	\$ -
	\$ -
	\$ -

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

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

PART 10 - GENERAL INFORMATION

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

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

OSA USE ONLY

Entity Wide:	General Fund	Governmental Funds	Notes
Unrestricted Cash & Investments \$	185,312 Unrestricted Fund Balan \$	- Total Tax Revenue \$	252,535
Current Liabilities \$	- Total Fund Balance \$	- Revenue Paying Debt Service \$	-
Deferred Inflow \$	213,376 PY Fund Balance \$	262,428 Total Revenue \$	257,236
	Total Revenue \$	257,236 Total Debt Service Principal \$	-
	Total Expenditures \$	333,488 Total Debt Service Interest \$	-
Governmental	Interfund In \$	-	
Total Cash & Investments \$	185,312 Interfund Out \$	- Enterprise Funds	
Transfers In \$	- Proprietary	Net Position \$	-
Transfers Out \$	- Current Assets \$	- PY Net Position \$	-
Property Tax \$	224,015 Deferred Outflow \$	- Government-Wide	
Debt Service Principal \$	- Current Liabilities \$	- Total Outstanding Debt \$	-
Total Expenditures \$	333,488 Deferred Inflow \$	- Authorized but Unissued \$	-
Total Developer Advances \$	- Cash & Investments \$	- Year Authorized	1/0/1900
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	
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: <u>[Signature]</u> Date: <u>Mar 25, 2021</u> 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: <u>[Signature]</u> Date: <u>Mar 25, 2021</u> 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: <u>[Signature]</u> Date: <u>Mar 26, 2021</u> My term Expires: _____
4	Maedella Stiger	I, <u>Maedella 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>May 2023</u>
5	LaSheita Sayer	I, <u>LaSheita Sayer</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: <u>[Signature]</u> Date: <u>Mar 30, 2021</u> My term Expires: <u>May 2024</u>
6	Haroun Cowans	I, <u>Haroun Cowans</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 2024</u>
7	Ryan Cobbins	I, <u>Ryan Cobbins</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: <u>[Signature]</u> Date: <u>Mar 26, 2021</u> My term Expires: <u>May 2024</u>

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT
BYLAWS

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

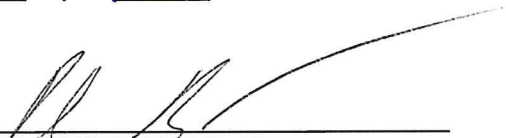
Indemnification

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.

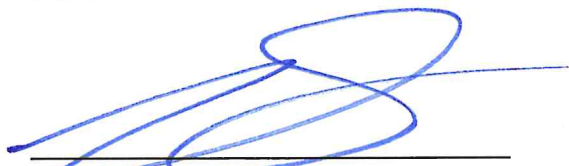
Section 3. The indemnification provided in this article does not constitute a waiver, either partial or complete, of any immunities or limitations on judgments provided by law with respect to the Five Points BID or its directors, officers, employees, or agents.

6th 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.



2021 Board Actions – to Date. (Note: copies of the Minutes are available via www.fivepointsbid.com or upon request):

January 2021:

- Approved November 11, 2020 and December 9, 2020 Board Meeting Minutes.
- Approved the October and November 2020 Financial Report.
- Motion and approval to publicly post monthly Board Meeting notice at the Rossonian Hotel building front entrance.
- Motion and approval to move forward with ZoZo group submitting an application for the State Colorado Charge Ahead grant program on behalf of the FPBID to support installation of electrical vehicle charging stations along the Welton Corridor.
- Motion and approval to ratify email vote amongst Board Members to: Allow the Five Points BID to act as the primary permit holder for the use of an outdoor seating area / drive thru lane on Clarkson Street between 26th Avenue and 28th Street and as such allow the use of the BID's insurance with the listed parties in the agreement as additional insured as well.
- Motion and approval to extend the Administrative Agreement with the Downtown Denver Partnership through the end of February and then vote on a year-long agreement in February after there is time to review the current agreement.
- Motion and approval to extend the MarCom agreement with the DDP for three months pending the review of a new contractor for the role.

February 2021:

- Approved the January 13, 2021 Board Meeting Minutes.
- Motion and approval of the December 2020 Financial Report.
- Motion and approval to renew the annual agreement with the DDP for 2021 of administrative oversight services for the FPBID.

March 2021:

- Approved the February 10, 2021 Board Meeting Minutes.
- Motion and approval of the January 2021 Financial Report.
- Motion and approval to revise the Event Assistance / Sponsorship Fund as presented to the Board.

April 2021:

- Approved the March 10, 2021 Board Meeting Minutes.
- Motion and approval of the February 2021 Financial Report.
- Motion and Approval of resolution to set public hearing for May 12th at 2:30 PM for the purpose of making a final adjustment to the 2020 Operating Budget of the FPBID.

- Motion and approval to ratify an email vote of the Board to extend the agreement for services with Wallace Marketing Group, through the DDP, through the end of April.
- Motion and approval to approve recommendation from the MarCom Contractor Hiring Committee for the DDP to enter into an agreement on behalf of the FPBID with Five Points Marketing Group for Marketing Communications services.
- Motion and approval to award \$2,500 in funding from the Event Assistance / Sponsorship Fund to the Five Points Street Art Summit so long as an activation along Welton Street takes place as part of the event.

May 2021:

- Approval of the April 14, 2021 Board Meeting Minutes.
- Motion and approval of the March 2021 Financial Reports.
- Motion and approval to accept the final amendments to the 2020 FPBID Operating Budget.
- Motion and approval to ratify an emergency email vote of the Board for the continuation of the Marketing Communications Agreement with the DDP for 1-year. It also instructed the DDP to hire Five Points Marketing Group as sub-contractor for the services.
- Motion and approval to accept Tree Health Program Contractor Search Committee recommendation to move forward with the selection of SavATree for services.

June 2021:

- Approval of the May 12, 2021 Board Meeting Minutes.
- Motion and approval of the April 2021 Financial Report.
- Motion and approval of the new slate of Board Officers to begin terms on July 1st.
- Motion and approval to accept the recommendation of the Maintenance and Snow Removal Contractor Search Committee to award Consolidated Services Group contract for services.
- Motion and approval to award \$2,500 in funding from the Event Assistance / Sponsorship Fund to the Juneteenth Music Festival.
- Motion and approval of the funding request of \$4,000 to the Jazz Along Welton activation during MLB All-Start Game Weekend.

July 2021:

- Motion and approval of the May 2021 Financial Report.

August 2021:

- Approval of the June 9, 2021 and July 14, 2021 Board Meeting Minutes.
- Motion and approval of the June 2021 Financial Report.
- Motion and approval for an expenditure of \$32,000 in 2021 for reimbursement of \$23,000 in 2022 for the implementation of the Charge Ahead Colorado grant program.

September 2021:

- Approval of the August 11, 2021 Board Meeting Minutes.

- Motion and approval of the July 2021 Financial Report.
- Motion and approval to pass a resolution to set a Public Hearing amending the 2021 FPBID Budget for October 13, 2021, at 10AM and provision of public notice at least two (2) weeks and one (1) week prior.
- Motion and approval to pass a resolution to set a Public Hearing on proposed 2021 FPBID Budget and Operating Plan for October 13, 2021, at 10AM and provision of public notice at least two (2) weeks and one (1) week prior.
- Motion and approval to ratify the emergency email vote of Board Members to provide funding to for one (1) hour of additional services by CSG to set up and strike proposed street amenities provided by the City and Denver to the Point Pedestrian Plaza at the Five Points Intersection.



BID Board Members Contact Info

Executive Committee	
<p>Board President: Ryan Cobbins, Owner Coffee at the Point 710 E. 26th Avenue Denver, CO 80205 ryan@coffeethepoint.com 303.524.0688 1st Term Expires: June 20, 2024</p>	<p>Board Co-Vice-President: LaSheita Sayer, Owner Melody Market / Zozo Group 2380 S. Broadway Denver, CO 80210 lasheita@zozogroup.com 303.949.2020 1st Term Expires: June 20, 2024</p>
<p>Board Co-Vice-President: Maedella Stiger, Property Owner 2755 Welton Street Denver, CO 80205 maedellans@yahoo.com 303.295.9055 2nd Term Expires: June 20, 2023</p>	<p>Board Treasurer: Nathan Beal St. Bernard Properties 3021 E. 7th Avenue Denver, CO 80206 stbernardproperties@gmail.com 303.667.2801 2nd Term Expires: June 20, 2023</p>
Board Members	
<p>Paul Books, President and Founder Palisade Partners 2700 S. Broadway Street, Suite 200 Englewood, CO 80113 pbooks@palisadepartners.com 720.248.7252 2nd Term Expires: June 20, 2024</p>	<p>Haroun Cowans 2590 Welton, Suite 200 Denver, CO 80205 haroun@goshendevlopment.com 720.394.2341 1st Term Expires: June 20, 2024</p>
<p>John Pirkopf, Property Owner 2649 Champa Street Denver, CO 80205 jpirkopf@gmail.com 303.219.0044 2nd Term Expires: June 20, 2023</p>	



2021 FPBID Board of Directors board meeting attendance:

Present = **P**

Absent = **A**

Board Member	1/13/21	2/10/21	3/10/21	4/14/21	5/12/21	6/9/21	7/14/21	8/11/21	9/8/21	10/13/21	11/10/21	12/8/21
Paul Brooks	P	P	P	P	P	P	A	P	P			
John Pirkopf	P	P	P	P	P	P	P	P	P			
Nathan Beal	P	A	P	P	P	P	A	P	P			
Maedella Stiger	P	A	P	A	P	P	P	P	A			
Ryan Cobbins	P	P	P	P	P	P	P	P	P			
Haroun Cowans	P	A	A	P	A	P	P	P	A			
LaSheita Sayer	P	P	P	P	P	P	P	P	P			

Notes:

List of Activities for 2021 (as of September 2021):

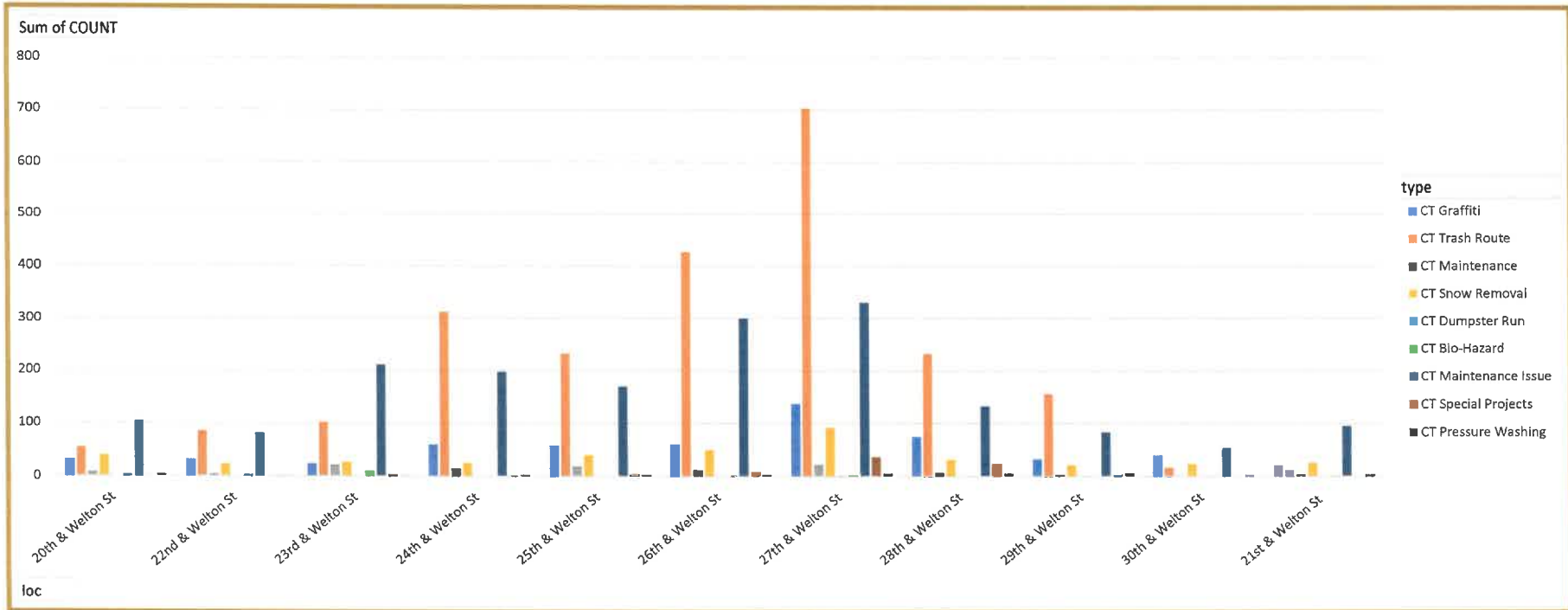
- Installed (November 2020) and removed corridor holiday lighting and banners (January 2021).
- Held the Five Points Holiday Stroll providing a passport to visitors, encouraging them to visit participating businesses on Saturday, December 5, 2020 and show that Five Points businesses are open during the pandemic.
- Promoted the #FivePointsHistoryStroll through Instagram February 21st – 28th as part of Black History Month. Provided map of culturally significant locations along the Welton Corridor for visitors to take self-guided tours and post pics at the locations for possible prizes at Five Points BID businesses.
- Held 3-day Jazz Along Welton event during MLB All-Star Game Weekend. Featured 6 bands on 2 stages (Cousins Plaza and Five Point Intersection Plaza).
- Developed Negro League life sized baseball card cutout exhibit at Sonny Lawson Park softball field, where Denver Negro League teams once played, as part of the activations in Five Points for MLB ASG. Exhibit stayed up throughout July.
- Worked throughout the year closely with several City departments in the development of a public gathering area on Clarkson between 26th Avenue and 28th Street and an enhanced pedestrian plaza at the Five Point Intersection. FPBID will be providing basic set up and break down of amenities daily and care of any planters and temporary trees. Expected Fall opening.
- RFP process for the following services:
 - New marketing communications contractor in April to replace outgoing contractor. Selected Five Points Marketing Group.
 - Maintenance and snow removal contractor: Consolidated Services Group.
 - Tree health services contractor: Mountain High SaveATree.
- Resolutions Passed:
 - 2021-01: Setting date, time and location of the public hearing for final budget amendment for the 2020 Fiscal Year.
 - 2021-02: Setting date, time and location of the public hearing for mid-year budget amendment for the 2021 Fiscal Year.
 - 2021-03: Setting date, time and location of the public hearing for proposed Fiscal Year 2022 Budget.
- Conducted special maintenance projects in the District:
 - Placed custom made bike racks and trash receptacles along the entire Welton Street Corridor within the FPBID.
 - Installed two new trees on the 2700 South Sidewalk (Oct. '20)
 - Removed dead trees from tree pits along Welton, remediated soil in preparation for planting of 23 new trees in September

- Trouble shooting solutions for tree grate leveling and centering after complications from tree planting project
- Continue to investigate irrigation line breaks on 2700 block of Welton; general location identified; repairs expected this fall.
- Found the power source and irrigation controls for the West side of the 2400 block of Welton; abandoned lines now under management of FPBID
- Planned for remainder of 2020:
 - Public Hearing re: proposed 2020 Budget, October 14, 2020
 - Hold Halloween Trick or Treat event with businesses along the Welton Street Corridor in the FPBID on Saturday, October 30th
 - Hold 2nd Annual Holiday Stroll December 4th
 - Restore power to 2400 block pedestrian lighting
 - Coordination with City permitting and desibl Studio to identify locations for installation of gateway signage for fabrication and installation in 2022
 - Coordination with Xcel and City Permitting for installation of street light banners in 2022
 - Reactivation of Five Points Historic Cultural District's Design Review Committee and add information to FPBID website
 - Installation of holiday lighting on 2600 and 2700 blocks of Welton and decorations throughout the district
 - Planning with original designers and any other necessary parties to repair and take over maintenance of historical monuments at Cousins Plaza and Five Point Intersection Plaza
 - Continue to brainstorm options for a security program partnership with FPBID public and private stakeholders

FPBID Planned Activities for 2022:

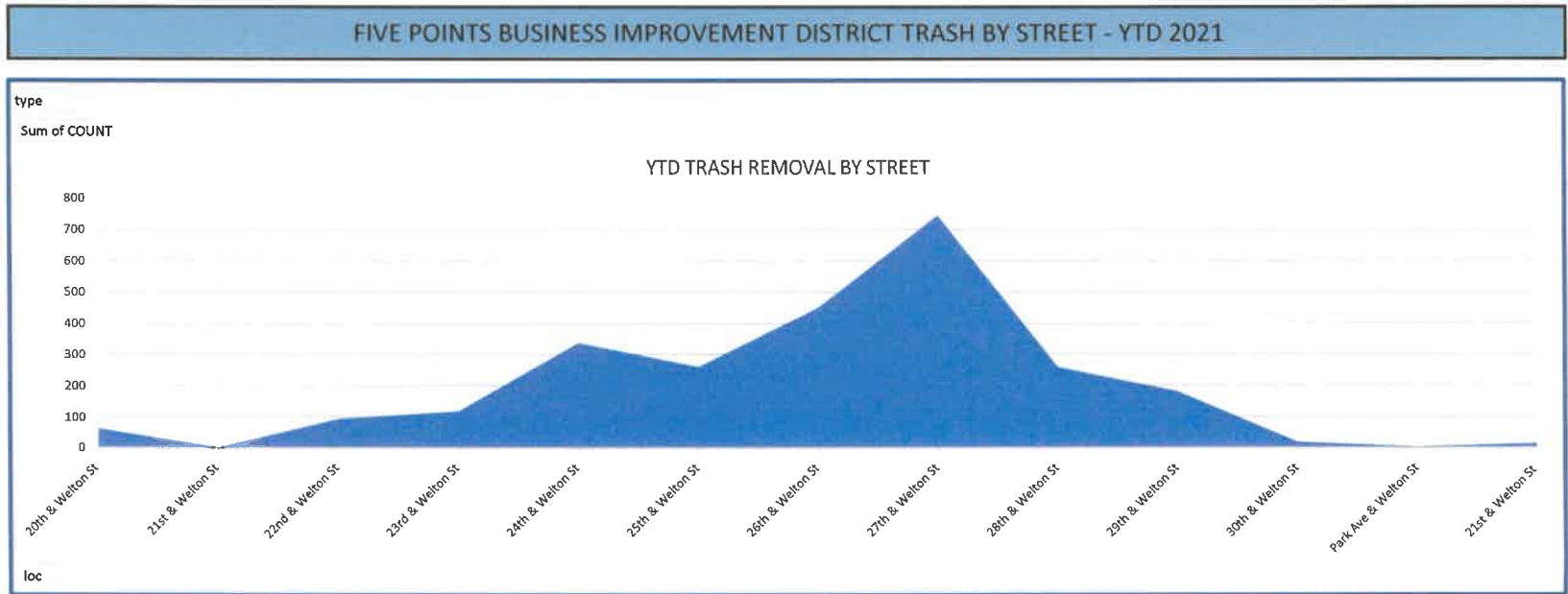
- Continuing to provide for the cleanliness and safety of the District with power washing and pan and brooming of the sidewalks, servicing and care of customized trash receptacles and bike racks, tree health management, identification of trip hazards, pedestrian lighting management and trouble shooting unexpected issues
- Continuing to market the corridor through banners, newsletters, activations along the corridor, social media and traditional media outlets
- Fabrication and installation of gateway signage
- Repairs to and installation of Xcel-street light pole banner brackets and printing and installation of banners
- Repair and take on management of the Historical Markers at Cousins Plaza and the Five Point Intersection Plaza
- Implement public-private partnership led Security Program

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT TOTAL MAINTENANCE - YTD 2021

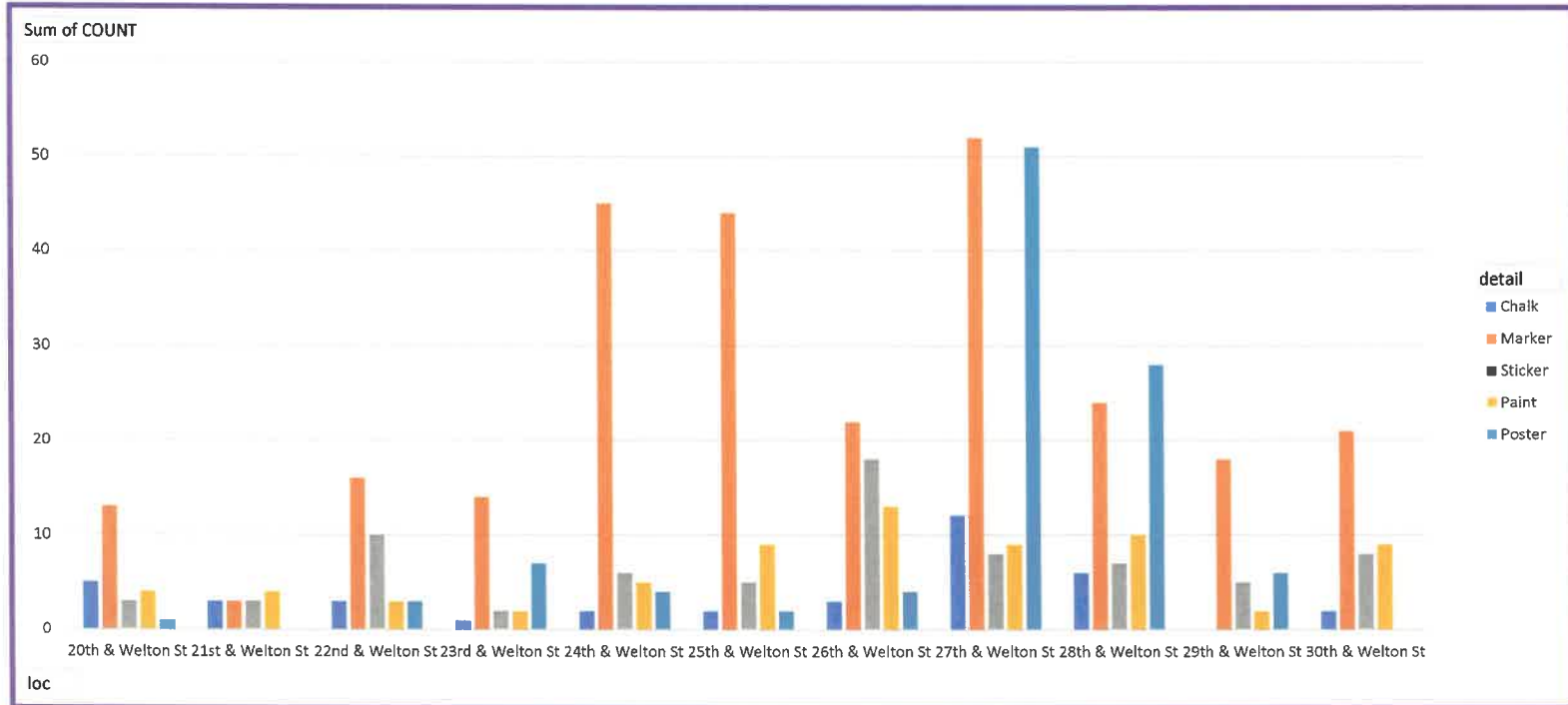


Maintenance										
	CT Graffiti	CT Trash Route	CT Maintenance	CT Snow Removal	CT Dumpster Run	CT Bio-Hazard	CT Maintenance Issue	CT Special Projects	CT Pressure Washing	Grand Total
20th & Welton St	32	54	8	39		5	105	1	4	248
22nd & Welton St	33	85	4	23		5	81		2	233
23rd & Welton St	24	102	21	26		10	211	4	2	400
24th & Welton St	60	313	15	25		1	198	2	3	617
25th & Welton St	60	233	19	40			170	5	3	530
26th & Welton St	60	428	12	50		2	300	10	3	865
27th & Welton St	137	704	23	93	2	3	331	37	6	1336
28th & Welton St	75	233	8	32		1	133	25	6	513
29th & Welton St	33	157	3	22	1		84	4	6	310
30th & Welton St	40	17	2	24	1		55		4	143
21st & Welton St	21	13	4	26		2	96		4	166
Grand Total	575	2339	119	400	4	29	1764	88	43	5361

TRASH REMOVAL	
Row Labels	Sum of COUNT
20th & Welton St	61
21st & Welton St	1
22nd & Welton St	92
23rd & Welton St	116
24th & Welton St	336
25th & Welton St	258
26th & Welton St	449
27th & Welton St	745
28th & Welton St	257
29th & Welton St	179
30th & Welton St	18
Park Ave & Welton S	3
21st & Welton St	13
Grand Total	2528



FIVE POINTS BUSINESS IMPROVEMENT DISTRICT GRAFFITI BY TYPE - YTD 2021



GRAFFITI REMOVAL

	Chalk	Marker	Sticker	Paint	Poster	Grand Total
20th & Welton St	5	13	3	4	1	26
21st & Welton St	3	3	3	4	0	13
22nd & Welton St	3	16	10	3	3	35
23rd & Welton St	1	14	2	2	7	26
24th & Welton St	2	45	6	5	4	62
25th & Welton St	2	44	5	9	2	62
26th & Welton St	3	22	18	13	4	60
27th & Welton St	12	52	8	9	51	132
28th & Welton St	6	24	7	10	28	75
29th & Welton St	0	18	5	2	6	31
30th & Welton St	2	21	8	9	0	40
Grand Total	39	272	75	70	106	562

type CT Graffiti	
GRAFFITI REMOVAL	
Row Labels	Sum of COUNT
20th & Welton St	35
21st & Welton St	3
22nd & Welton St	35
23rd & Welton St	34
26th & Welton St	72
24th & Welton St	63
25th & Welton St	68
27th & Welton St	171
28th & Welton St	82
29th & Welton St	45
30th & Welton St	62
21st & Welton St	25
Grand Total	695

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT GRAFFITI BY LOCATION - YTD 2021

