

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-1102
COMMITTEE OF REFERENCE:
Finance & Governance

A Bill

For an ordinance amending Ordinance No. 0341, Series of 2016, which created the Five Points Business Improvement District, to increase the number of members of the Board of Directors to be appointed and to increase the number of Board Members required for a quorum.

WHEREAS, the Board of Directors of the Five Points Business Improvement District ("District") has requested that the City Council of the City and County of Denver, Colorado increase the number of Directors on the District's Board of Directors (each a "Director") from five (5) members to seven (7) members, thereby increasing the number of Directors required for a quorum of the District's Board of Directors from three (3) to a majority of the then-current Directors.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Findings. That upon consideration of the request of the Board of Directors of the Five Points Business Improvement District, the City Council finds:

(a) **Initial Board of Directors.** That the District was created by Ordinance No. 0341, Series of 2016 (the "Creation Ordinance"), which in Section 7 authorized the Board of Directors of the District ("Board of Directors") to have five (5) members, with staggered terms. Section 8 of the Creation Ordinance specified in part that a quorum consists of three (3) members of the Board of Directors.

(b) **Compliance with Act.** That the Business Improvement District Act, Sections 31-25-1201, *et seq.*, C.R.S. (the "Act"), and specifically Section 31-25-1209(l)(b), C.R.S. provides that the City Council may, at any time, provide by ordinance for a Board of Directors consisting of not fewer than five members, and the City Council hereby finds that an increase in the number of directors from five (5) to seven (7) and the other amendments set forth herein comply with the Act.

Section 2. Amendment to Creation Ordinance. Section 2 of the Creation Ordinance provides in part "Any amendments to this Ordinance shall be approved by City Council." City Council hereby amends the Creation Ordinance as provided herein.

Section 3. Seven Member Board of Directors. Section 7 of the Creation Ordinance is amended, superseded, and replaced by the following: Pursuant to Section 31-25-1209(1)(b),

1 C.R.S., henceforth the Board of Directors of the District (the “Board”) shall consist of seven (7) electors
2 of the District, appointed by the Mayor and confirmed by City Council resolution. Each member of
3 the Board shall be an elector of the District, as that term is defined at Section 31-25-1203(4)(a),
4 C.R.S.

5 The terms of office shall be staggered to encourage continuity in the District’s governance. The
6 length of each term is four (4) years. In the event a director appointment is made in the middle of
7 such term, the newly appointed director shall serve until the end of the term that he or she was
8 appointed to fill. A director whose term has ended may be re-appointed by the Mayor and confirmed
9 by resolution of City Council.

10 **Section 4. Quorum.** Section 8 of the Creation Ordinance is amended, superseded, and
11 replaced by the following: In accordance with Section 31-25-1209(1)(b), C.R.S., members of the Board
12 shall be subject to the Colorado Open Meetings Law. A majority of the then-current Directors shall constitute a
13 quorum and an affirmative vote of a majority of the quorum is required for District action. Officers of the District
14 shall include a President, Vice-President, Secretary, three (3) Assistant Secretaries, and Treasurer. The
15 Directors shall elect the District’s officers. Within thirty (30) days after a vacancy occurs or as otherwise provided
16 by law, a successor shall be appointed by the Mayor and confirmed by resolution of City Council.

17 **Section 5. Repealer.** All acts, orders, resolutions, ordinances, or parts thereof, in conflict
18 with this Ordinance are hereby repealed, except that this section shall not be construed so as to
19 revive any act, order, resolution, or ordinance, or part thereof previously repealed.

20 **Section 6. Headers.** The headings on each section hereof are for convenience of reference
21 only and shall not be deemed to expand or limit the scope of any section.

22 **Section 7. Recordation.** This ordinance shall be recorded among the records of the Clerk
23 and Recorder of the City and County of Denver, State of Colorado by the City Clerk.

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25 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
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1 COMMITTEE APPROVAL DATE: October 22, 2019 by Consent
2 MAYOR-COUNCIL DATE: October 29, 2019
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
10 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: November 7, 2019
11
12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.
16
17 Kristin M. Bronson, Denver City Attorney
18 BY: _____, Assistant City Attorney DATE: _____