

## **2023 OPERATING PLAN AND BUDGET FOR THE CHERRY CREEK SUBAREA BUSINESS IMPROVEMENT DISTRICT**

### **PURPOSE AND SCOPE OF THIS DOCUMENT**

A. Why Approve the 2023 Operating Plan Now? The Business Improvement District Act, specifically Section 31-25-1211, C.R.S., requires that the Cherry Creek Subarea Business Improvement District file an operating plan and proposed budget with the City Clerk no later than September 30 of each year.

Under the statute, the City is to approve the operating plan and budget within 30 days of the submittal of all required information.

B. What Must Be Included in the Operating Plan? Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, *et seq.*, C.R.S, as amended, this Operating Plan specifically identifies: (1) the composition of the Board of Directors, (2) the services and improvements to be provided by the District, (3) the taxes, fees, and assessments to be imposed by the District, (4) the estimated principal amount of the bonds of the District, and (5) such other information as the City may require.

### **COMPOSITION OF THE BOARD OF DIRECTORS**

The members of the Board of Directors are appointed by the City. The current members of the Board are identified in the attached Exhibit A.

The terms of all current members of the Board expire on August 31, 2025.

### **SERVICES TO BE PROVIDED**

Activities of the District in 2023 will include the following:

1. Maintenance. The District will continue to maintain flower and tree landscaping with the focus on winter watering along the 15th Street corridor near Wewatta. The District will also provide for regular maintenance activities along the corridor including but not limited to cleaning walks, graffiti removal, irrigation repairs, street improvements, sidewalk repair and replacement, red tile repairs or replacement, and supplemental snow removal.

2. Landscaping. The District will replace dead and dying trees, and add hanging flower baskets within the District.

### **TAXES, FEES, ETC.**

The District imposes no fees and has no debt. It is authorized to levy property taxes in an amount not to exceed \$15,000 per year. The District's 2023 budget is as follows:

GENERAL OPERATING FUND

	<b>2022 Budget</b>	<b>2022 YTD</b>	<b>2023 Budget</b>
Balance at Beginning of Year	51,611	39,271	35,000
<b>Projected Revenues:</b>			
Ad Valorem Taxes and Specific Ownership Taxes *	15,000	14,569	15,000
Earned interest	4	47	47
Other Revenue (DDP Reimbursement)	-	-	-
<b>TOTAL REVENUE</b>	<b>15,004</b>	<b>14,616</b>	<b>15,047</b>
<b>Projected Expenditures:</b>			
Bank Fees	0	0	0
Operations, Maintenance	24,000	9,540	15,000
Sidewalk Replacement	35,000	2,559	68,000
Administration	2,500	2,530	2,500
Legal	3,000	636	3,000
<b>TOTAL EXPENDITURES</b>	<b>64,500</b>	<b>15,265</b>	<b>88,500</b>
Transfer from Special Project Fund	10,000	-	42,000
Transfers to Special Projects Fund	-	-	-
Reserve Fund **			
<b>Balance at Year End</b>	<b>11,797</b>	<b>38,622</b>	<b>3,547</b>

\*Includes the TIF revenue which is intended to allow the District to collect its allowed property tax revenue, and therefore does not increase revenues over the \$15,000 allowed by the District's voted authorization. Includes specific ownership taxes, if any.

\*\*emergency reserves = at least 3% of fiscal year spending of the Balance at End of Year is designated as the emergency reserve.

SPECIAL PROJECTS FUND

	<b>2022 Budget</b>	<b>2022 YTD</b>	<b>2023 Budget</b>
Balance at Beginning of Year	56,106	56,106	56,106
Transfers to General Operating Account	10,000	-	42,000
Transfers from General Operating Account	-	-	-
<b>Balance at Year End</b>	46,106	56,106	14,106

**DOWNTOWN DENVER DEVELOPMENT AUTHORITY AGREEMENT:**

In 2008 the Downtown Denver Development Authority (“DDA”) and the District entered into the Agreement to set forth their intent to cooperate to assure that the Cherry Creek Subarea BID Incremental Property Tax Revenues are made available to the Cherry Creek Subarea BID for purposes of operating the Cherry Creek Subarea BID in accordance with its Organizational Ordinance and Operating Plan. Said Agreement states in part as follows:

“In consideration of the Cherry Creek Subarea BID providing future services within its boundaries, subject to annual budget and appropriations, the DDA agrees to remit or cause to be remitted to the Cherry Creek Subarea BID the Cherry Creek Subarea BID Incremental Property Tax Revenues on a monthly basis. The parties anticipate that, in accordance with a Resolution of the DDA instructing the City Treasurer to do so, the remittance to the Cherry Creek Subarea BID of the Cherry Creek Subarea BID Incremental Property Tax Revenues will be made directly to the Cherry Creek Subarea BID by the City Treasurer and that there will be no material change from the procedure by which the Cherry Creek Subarea BID has historically received Property Tax revenues. The DDA will use its best efforts to ensure that the DUS Plan and City/DDA Cooperation Agreement are not modified to affect or change, and the DDA shall not take any action which affects or changes, the payment of the Cherry Creek Subarea BID Incremental Property Tax Revenues directly to the Cherry Creek Subarea BID by the City Treasurer, or the amount thereof.

Every year in which the DDA collects the Cherry Creek BID Incremental Property Tax Revenues, the DDA shall cause its staff or consultants to include sufficient revenues to pay the Cherry Creek Subarea BID Incremental Property Tax Revenues to the Cherry Creek Subarea BID to be included in the proposed annual budget and appropriations resolutions or measures of the DDA for presentation to the DDA governing body. Nothing herein shall impair the power of the DDA governing body to modify or eliminate such budget and appropriations for any given year by resolution. Any amounts of the Cherry Creek Subarea BID Incremental Property Tax Revenues that are unpaid in any year shall be included in the DDA’s proposed annual budget and appropriations for possible payment in the subsequent fiscal year.”

Payments have been made as provided in the Agreement.

## ANNUAL REPORT

1. 2022 year-to-date “budget to actual” financial reports, including projected 2022 year-end budget. *See above.*
2. Any material departures from the 2022 Operating Plan, and an explanation. *None.*
3. A copy of your Public Notice publication for the 2023 Budget. *The District held its annual budget hearing on September 28, 2022, and adopted its 2023 budget. A copy of the Public Notice proof of publication will be submitted to the City.*
4. The status of any planned or outstanding indebtedness. *None.*
5. The results of any audits conducted during the year, if not already submitted. *None.*
6. A copy of the By-laws, if any, in effect in 2022/2023. *None.*
7. A list of official board actions (motions) in the past year, which may be copies of Board meeting minutes. Minutes from the Board’s September 27, 2021, and September 28, 2022, meetings will be submitted to the City.
8. Current list of all Board members including name, address, phone, fax and email as well as term appointment and expiration date. *See Exhibit A.*
9. Board members’ attendance records for the past year. *The District’s only meeting was held on September 28, 2022. All Board Members were in attendance.*
10. A list of activities performed in 2022 and planned for in 2023. *See above. Also, the Board planned to undertake substantial sidewalk repairs along Wewatta Street in 2022, but for various reasons these repairs have not yet been completed. The BID intends to undertake these repairs in 2023.*
11. Please provide any readily available documentation of tangible impacts and performance measures that your BID provides and tracks. For instance this could include trend occupancy rates, business or citizen surveys, crime rates, lease rates, taxable retail sales, number of jobs created, pedestrian/visitor counts, and business license revenues. *See above; no tracking is performed.*
12. Any additional information that may be beneficial for the City Council budget approval process. *None.*

## CONCLUSION

The District Board appreciates the opportunity to continue to work with the City to help maintain our part of Denver.

**EXHIBIT A**

**CHERRY CREEK SUBAREA BUSINESS IMPROVEMENT DISTRICT**

City and County of Denver, Colorado

**Date Formed:**

April 27, 1992 (by ordinance)

**BOARD OF DIRECTORS:**

Paul Stann, President (w) 303-575-9130  
1772 Platte Street, Suite 100 (f) 303-575-9175  
Denver, CO 80202 (c) 303-888-0196  
Term expires: 08/31/2025 s2stann@aol.com

Dan Reagan, Secretary/Treasurer (w) 303-592-7672  
1800 15th Street, Suite 203 (f) 303-592-7855  
Denver, CO 80202 (c) 303-588-3819  
(general partner of Delgany Depot Development LLLP) dsreagan@reaganpartnership.com  
Term expires: 08/31/2025

David P. Veldman, Assistant VP/Secretary (w) 970-223-5555 x 4  
760 Whaler's Way #A-200 (f) 970-225-1100  
Fort Collins, CO 80525 (c) 970-567-8130  
Term expires: 08/31/2025 Dave@veldmanmorgan.com

Vacant

Vacant

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