



RE: File No. 2016-0184-008

September 30, 2022

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 2023.

The FPBID Board will hold a Public Hearing on the proposed 2022 Budget Amendment and 2023 Budget and Operating Plan on Wednesday, October 12, 2022; and will proceed with the certification of property owner assessments prior to December 5th, 2022, pursuant to State Statute (C.R.S. 31-25-1211).

In addition to the 2022 Budget and Operating Plan, also attached are:

1. A copy of the 2022 year-to-date “budget to actual” financial reports, including projected 2022 year-end budget.
2. There were two notable departures from the 2022 Operating Plan this year. Initially, the Board started the year with \$100,000 dedicated to Capital Expenditures with only \$60,000 identified for projects carried over from 2021. After holding a Board Planning Retreat with participation of FPBID stakeholders, the Board was able to identify five additional projects and activations to complete before the close of 2022. The Board also dedicated an additional \$61,000 to those projects in the 2022 Budget Amendment.

Additionally, the FPBID laid out a number of test activations for 2023 to determine effectiveness in driving visitors to and consumer spending in the BID while supporting the cultural significance of the Five Points Historic Cultural District. More information can be found on these items in the report.

The Second significant departure from the original 2022 Operating Plan was the adoption of an updated Mission Statement. In late August, the Board held the Planning Retreat mentioned above to discuss the Board Members’

understanding of the Mission Statement and determine if the statement needed updating.

The Board went through a number of facilitated exercises and came to the conclusion that the original statement needed to be more concise and seemed to attempt to encompass too many interests to be effective. In the end, the Board elected to accept the following updated Mission Statement:

“The Five Points Business Improvement District unites businesses and commercial property owners by maintaining the business corridor and catalyzing inclusive economic development and cultural preservation.”

The Board will continue to work with the retreat facilitator, Mary Cipollone of Big Onion Partnerships, to develop a value statement and set long-term organizational goals through the close of 2022.

3. The Public Hearing notice-publication is scheduled to run in the October 6th edition of the Denver Weekly News. The Public Hearing at the October 12, 2022 FPBID Board Meeting will cover the 2022 Budget Amendment as well as the 2023 Budget and Operating Plan.
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 2022, to date, Minutes available upon request or at www.fivepointsbid.com.
8. A copy of the current Board of Directors list.
9. The 2022 FPBID Board Member attendance records, to date.
10. A list of activities performed in 2022 and planned for 2023.
11. In 2022, the FPBID continued to support activations and marketing efforts aimed at driving visitors to and consumer spending in the FPBID while also spotlighting the significance of the Five Points Historic Cultural District to support BID businesses as we come out of the pandemic. More information on activations completed throughout the year and planned for next year are included in the report.
12. Also attached are cleaning and maintenance records and amenities audits tracked by the BID in 2022, 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

Ronald Fano, Spencer Fane LLP, FPBID Attorney



2023 Operating Plan and Budget
File No. 2016-0184-008

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 2023 work program will be finalized by the FPBID Board of Directors on October 12, 2022 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* \$265,000 for the general fund in 2023.

The FPBID board will hold a public hearing on the budget on October 12, 2022 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
2023 Proposed Budget Summary**

	2022 Approved Budget	2022 Actual through July	2022 Budget Projections & Amendments	2023 Proposed Budget
Beginning Cash and Fund Balance	\$ 282,470	\$ 236,095	\$ 236,095	\$ 209,618
Income and Other Sources				
Mill Levy Income-FPBID	245,842	293,683	294,000	264,943
DURA Payments	-	30,138	30,138	30,000
CCD Office of CASR EV Charger Grant Support	18,000	-	10,000	-
CCD - NACTO Grant (Soul Street)	-	9,999	9,999	-
Jazz Activation Grant	-	-	24,000	-
Trasnfer of funds from 14th Street LMD	-	30,654	30,654	-
Total Income and Other Sources of Funds	263,842	364,474	398,791	294,943
Total Available Resources	\$ 546,312	\$ 600,569	\$ 634,886	\$ 504,561
Expenditures				
Maintenance	119,056	65,825	127,766	128,320
Marketing/Branding	100,364	39,618	125,091	115,536
Administrative	28,730	16,356	36,053	60,830
Contingency Funds	7,500	-	15,000	5,000
Total Ongoing Expenditures	255,650	121,799	303,910	309,686
Capital Purchases	100,000	10,665	121,358	51,600
Total Expenditures	\$ 355,650	\$ 132,464	\$ 425,268	\$ 361,286
Ending Cash and Fund Balance	\$ 190,662	\$ 468,105	\$ 209,618	\$ 143,275

Five Points Business Improvement District
FY2022 Budget Projections & Amendments and 2023 Draft Budget

	2022 Approved Budget	2022 Actual through July	2022 Budget Projections & Amendments	2023 Proposed Budget
Beginning Cash and Fund Balance	282,470	236,095	236,095	209,618
Income and Other Sources of Funds				
Mill Levy Income-FPBID	245,842	293,683	294,000	264,943
DURA Payments	-	30,138	30,138	30000
CCD Office of CASR EV Charger Grant Support	18,000	-	10,000	-
CCD - NACTO Grant (Soul Street)	-	9,999	9,999	-
Jazz Activation Grant	-	-	24,000	-
Trasnfer of funds from 14th Street LMD	-	30,654	30,654	-
Total Income and Sources of Funds	263,842	364,474	398,791	\$294,943
Total Available Resources	\$546,312	\$600,569	\$634,886	\$504,561
Expenditures				
<i>Maintenance</i>				
General Maintenance Contract	62,733	36,127	67,766	68,270
Other Maintenance	9,500	2,177	13,000	2,000
Plazas Maintenance	13,323	6,270	10,000	15,000
Snow Removal	15,000	15,896	18,000	20,000
Utilities	4,000	1,686	4,000	3,500
Pedestrian Streetlight Maintenance & Repairs	-	-	-	2,000
Historical Monuments Maintenance & Repairs	-	-	-	2,000
Irrigation Repairs	1,500	1,084	2,000	1,500
Tree & Landscape Maintenance	13,000	2,585	13,000	14,050
Total Maintenance	\$119,056	\$65,825	\$127,766	\$128,320
<i>Marketing/Branding</i>				
Marketing Administration	50,000	29,077	51,333	50,000
Marketing Programs	5,000	-	5,000	5,000
Events & Activations Grant Fund	16,864	-	18,404	7,500
First Friday Jazz Hop	-	-	400	-
Juneteenth	-	-	4,700	-
Event Sponsorships/District Advertising	-	-	-	-
Five Point Jazz Festival Sponsorship	-	8,000	8,000	8,000
Juneteenth Music Festival Sponsorship	-	-	-	5,000
First Friday Jazz Hop Sponsorship	-	-	-	2,500
Five Points Atlas Advertising	-	1,668	1,668	3,336
FPBID Managed Activations	-	-	-	-
Holiday Stroll	10,000	240	10,000	10,000
Holiday Sound System	-	-	4,000	-
District Marketing/Placemaking	-	-	-	-
Constant Contact Email Service	-	360	540	600
Website Map & Listings (My City Bikes)	-	273	546	600
Holiday Lighting	15,000	-	15,000	15,000
Banners - Pedestrian Streetlights	3,500	-	3,500	3,500
Banners - Xcel Light Poles	-	-	-	2,500
Media Blitz Campaign	-	-	2,000	2,000
Total Marketing/Branding	\$100,364	\$39,618	\$125,091	\$115,536
<i>Administrative</i>				
General Administration	22,000	12,833	22,000	55,000
Bank Charges & Fees	130	48	130	130
Dues & Memberships	600	673	673	700
Planning Retreat	-	-	7,250	0

Five Points Business Improvement District
FY2022 Budget Projections & Amendments and 2023 Draft Budget

	2022 Approved Budget	2022 Actual through July	2022 Budget Projections & Amendments	2023 Proposed Budget
Insurance	3,000	2,802	3,000	3,000
Legal Fees	3,000	-	3,000	2,000
Total Administrative	\$28,730	\$16,356	\$36,053	\$60,830
<i>Contingency Funds</i>	7,500		15,000	\$5,000
Total Ongoing Expenditures	\$255,650	\$121,799	\$303,910	\$309,686
<i>Capital Expenditures</i>	100,000			
<i>Gateway signage</i>		-	30,000	0
<i>Activations 1 time (assess what works and consider for future. See Test Activations Tab)</i>				41600
<i>Xcel Pole Banner Brackets & Banners</i>		-	20,000	0
Security Expenditures		-	10000	10,000
Five Points Great Pumpkin			1,000	
Wakanda on Welton	-	-	10,000	-
Billboard Campaign	-	-	9,630	0
EV Charge Ahead Colorado Grant		-	-	0
Historical Monument Repairs & Reprint		-	12728	0
Pedestrian Streetlight Restoration & Replacement		10,665	28000	0
<i>Total Capital Expenditures</i>	100,000	10,665	\$121,358	\$51,600
<i>Use of Reserve Funds</i>	-	-	-	-
Total Expenditures	\$355,650	\$132,464	\$425,268	\$361,286
Ending Cash and Fund Balance	\$190,662	\$468,105	\$209,618	\$143,275

Proposed Test Activations (Capital Expenditures)		
Proposed Event	Budget	Month
Black Jazz History Experience	\$ 8,000.00	February
Flavors of Five Points	\$ 5,500.00	March
Easter (RNO Activation Grant + Social Media)	\$ -	April
Wednesdays on Welton	\$ 4,000.00	April
Five Points Sunset Jazz (May - October)	\$ 2,000.00	(May - October)
All Star Coaches Classic - Negro League History	\$ 5,000.00	July
4th of July (RNO Activation Grant + Social Media)	\$ -	July
Swinging August Nights	\$ 5,000.00	August
Street & Sidewalk Art Tours	\$ 5,000.00	September
Halloween (RNO Activation Grant + Social Media)	\$ -	October
Small Business Saturday	\$ 2,000.00	November
Thanksgiving (RNO Activation Grant + Social Media)	\$ -	November
Holiday Jingle Market to compliment Holiday Stroll	\$ 5,000.00	December ('22)
Total	\$ 41,500	

Tied to grant applications.
Implementation dependent on grant award.



**NOTICE AS TO PROPOSED
2023 FIVE POINTS BUSINESS IMPROVEMENT DISTRICT BUDGET*
And 2022 FIVE POINTS BUSINESS IMPROVEMENT DISTRICT BUDGET AMENDMENT***

NOTICE IS HEREBY GIVEN that the proposed budget for the ensuing year of 2023 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 2022.

The 2023 Proposed Budget and question of amending the 2022 Budget of the District will be considered at a meeting and public hearing of the Board of Directors of the District by Zoom (us02web.zoom.us/j/88687722038?pwd=akRJejMySWxrYXlxMnl2V2lweWJmdz09) at 10:00 a.m. on Wednesday, October 12, 2022.

A copy of the proposed 2023 Budget and proposed 2022 Budget Amendment is available for public inspection through a link on the Five Points BID website's home page (<https://www.fivepointsbid.com>) or at the administrative 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 2023 budget or 2022 Budget Amendment, file or register any objections thereto.

Dated: September 19, 2022

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 October 6th edition.

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
12/31/2021
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:
TITLE
FIRM NAME (if applicable)
ADDRESS
PHONE
DATE PREPARED
RELATIONSHIP TO ENTITY

Diane Wheeler
District Accountant
Simmons & Wheeler, P.C.
304 Inverness Way South, Suite 490 Englewood, CO 80112
303-689-0833
1/7/2022

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	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If Yes, date filed:

PART 1 - FINANCIAL STATEMENTS - BALANCE SHEET

* Indicate Name of Fund

NOTE: Attach additional sheets as necessary.

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

Line #	Description	Governmental Funds		Description	Proprietary/Fiduciary Funds		
		General Fund	Fund*		Fund*	Fund*	
Assets				Assets			
1-1		\$ 243,119	\$ -		\$ -	\$ -	
1-2	Cash & Cash Equivalents	\$ -	\$ -	Cash & Cash Equivalents	\$ -	\$ -	
1-3	Investments	\$ -	\$ -	Investments	\$ -	\$ -	
1-4	Receivables	\$ 947	\$ -	Receivables	\$ -	\$ -	
1-5	Due from Other Entities or Funds	\$ 291,988	\$ -	Due from Other Entities or Funds	\$ -	\$ -	
	Property Tax Receivable [specify...]			Other Current Assets	\$ -	\$ -	
1-6	All Other Assets	\$ -	\$ -		\$ -	\$ -	
1-7		\$ -	\$ -	Total Current Assets (from Part 6-4)	\$ -	\$ -	
1-8		\$ -	\$ -	Capital Assets, net [specify...]	\$ -	\$ -	
1-9		\$ -	\$ -	Other Long Term Assets	\$ -	\$ -	
1-10		\$ -	\$ -		\$ -	\$ -	
1-11	(add lines 1-1 through 1-10) TOTAL ASSETS	\$ 536,054	\$ -	(add lines 1-1 through 1-10) TOTAL ASSETS	\$ -	\$ -	
Deferred Outflows of Resources				Deferred Outflows of Resources			
1-12		\$ -	\$ -		\$ -	\$ -	
1-13	[specify...]	\$ -	\$ -	[specify...]	\$ -	\$ -	
1-14	(add lines 1-12 through 1-13) TOTAL DEFERRED OUTFLOWS	\$ -	\$ -	(add lines 1-12 through 1-13) TOTAL DEFERRED OUTFLOWS	\$ -	\$ -	
1-15	TOTAL ASSETS AND DEFERRED OUTFLOWS	\$ 536,054	\$ -	TOTAL ASSETS AND DEFERRED OUTFLOWS	\$ -	\$ -	
Liabilities				Liabilities			
1-16	Accounts Payabl e	\$ 9,699	\$ -	Accounts Payabl e	\$ -	\$ -	
1-17		\$ -	\$ -	Accrued Payroll and Related Liabilities	\$ -	\$ -	
1-18	Accrued Payroll and Related Liabilities	\$ -	\$ -	Accrued Interest Payable	\$ -	\$ -	
1-19	Unearned Property Tax Revenue	\$ -	\$ -	Due to Other Entities or Funds	\$ -	\$ -	
1-20	Due to Other Entities or Funds	\$ -	\$ -		\$ -	\$ -	
1-21	(add lines 1-16 through 1-20) TOTAL CURRENT LIABILITIES	\$ 9,699	\$ -	(add lines 1-16 through 1-20) TOTAL CURRENT LIABILITIES	\$ -	\$ -	
1-22	[specify...]	\$ -	\$ -	Proprietary Debt Outstanding (from Part 4-4)	\$ -	\$ -	
1-23	All Other Liabilities	\$ -	\$ -	Other Liabilities	\$ -	\$ -	
1-24		\$ -	\$ -		\$ -	\$ -	
1-25		\$ -	\$ -		\$ -	\$ -	
1-26		\$ -	\$ -		\$ -	\$ -	
1-27	(add lines 1-21 through 1-26) TOTAL LIABILITIES	\$ 9,699	\$ -	(add lines 1-21 through 1-26) TOTAL LIABILITIES	\$ -	\$ -	
Deferred Inflows of Resources				Deferred Inflows of Resources			
1-28		\$ 291,988	\$ -		\$ -	\$ -	
1-29	Deferred Property Taxes [specify...]	\$ -	\$ -	Pension Related [specify...]	\$ -	\$ -	
1-30	(add lines 1-28 through 1-29) TOTAL DEFERRED INFLOWS	\$ 291,988	\$ -	(add lines 1-28 through 1-29) TOTAL DEFERRED INFLOWS	\$ -	\$ -	
Fund Balance				Net Position			
1-31	Nonspendable Prepaid	\$ -	\$ -		\$ -	\$ -	
1-32	Nonspendable Inventory	\$ -	\$ -	Net Investment in Capital Assets	\$ -	\$ -	
1-33	[specify...]	\$ -	\$ -		\$ -	\$ -	
1-34	Restricted Committed [specify...]	\$ -	\$ -	Emergency Reserves	\$ -	\$ -	
1-35	Assigned [specify...]	\$ -	\$ -	Other Designations/Reserves	\$ -	\$ -	
1-36	Unassigned	\$ 234,367	\$ -		\$ -	\$ -	
1-37	Add lines 1-31 through 1-36 This total should be the same as line 3-33 TOTAL FUND BALANCE	\$ 234,367	\$ -	Restricted Undesignated/Uncommitted (from Part 4-4) Add lines 1-31 through 1-36 This total should be the same as line 3-33 TOTAL NET POSITION	\$ -	\$ -	
1-38	Add lines 1-27, 1-30 and 1-37 This total should be the same as line 1-15 TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND BALANCE	\$ 536,054	\$ -	Add lines 1-27, 1-30 and 1-37 This total should be the same as line 1-15 TOTAL LIABILITIES, DEFERRED INFLOWS, AND NET POSITION	\$ -	\$ -	

PART 2 - FINANCIAL STATEMENTS - OPERATING STATEMENT - REVENUES

Line #	Description	Governmental Funds		Description	Proprietary/Fiduciary Funds			
		General Fund	Fund*		Fund*	Fund*		
Tax Revenue				Tax Revenue				Please use this space to provide explanation of any items on this page
2-1	[include mills levied in Question 10-6]	\$ 207,347	\$ -	[include mills levied in Question 10-6]	\$ -	\$ -		
2-2	Property	\$ 13,669	\$ -	Property	\$ -	\$ -		
2-3	Specific Ownership	\$ -	\$ -	Specific Ownership	\$ -	\$ -		
2-4	Sales and Use Tax [specify...]:	\$ -	\$ -	Sales and Use Tax [specify...]:	\$ -	\$ -		
2-5	Other Tax Revenue Taxes from DURA	\$ 31,182	\$ -	Other Tax Revenue	\$ -	\$ -		
2-6		\$ -	\$ -		\$ -	\$ -		
2-7		\$ -	\$ -		\$ -	\$ -		
2-8	Add lines 2-1 through 2-7 TOTAL TAX REVENUE	\$ 252,198	\$ -	Add lines 2-1 through 2-7 TOTAL TAX REVENUE	\$ -	\$ -		
2-9		\$ -	\$ -		\$ -	\$ -		
2-10	Licenses and Permits (HUTF)	\$ -	\$ -	Licenses and Permits (HUTF)	\$ -	\$ -		
2-11	Highway Users Tax Funds (Lottery)	\$ -	\$ -	Highway Users Tax Funds (Lottery)	\$ -	\$ -		
2-12	Conservation Trust Funds	\$ -	\$ -	Conservation Trust Funds	\$ -	\$ -		
2-13	Community Development Block Grant	\$ -	\$ -	Community Development Block Grant	\$ -	\$ -		
2-14	Fire & Police Pension	\$ -	\$ -	Fire & Police Pension	\$ -	\$ -		
2-15	Grants	\$ 60,000	\$ -	Grants	\$ -	\$ -		
2-16	Donations	\$ -	\$ -	Donations	\$ -	\$ -		
2-17	Charges for Sales and Services	\$ -	\$ -	Charges for Sales and Services	\$ -	\$ -		
2-18	Rental Income	\$ -	\$ -	Rental Income	\$ -	\$ -		
2-19	Fines and Forfeits	\$ -	\$ -	Fines and Forfeits	\$ -	\$ -		
2-20	Interest/Investment Income	\$ -	\$ -	Interest/Investment Income	\$ -	\$ -		
2-21	Tap Fees	\$ -	\$ -	Tap Fees	\$ -	\$ -		
2-22	[specify...]:	\$ -	\$ -	[specify...]:	\$ -	\$ -		
2-23	Proceeds from Sale of Capital Assets Miscellaneous	\$ 1,250	\$ -	Proceeds from Sale of Capital Assets	\$ -	\$ -		
2-24	Add lines 2-8 through 2-23 TOTAL REVENUES	\$ 313,448	\$ -	Add lines 2-8 through 2-23 TOTAL REVENUES	\$ -	\$ -		
2-25	Other Financing Sources	\$ -	\$ -	Other Financing Sources	\$ -	\$ -		
2-26		\$ -	\$ -		\$ -	\$ -		
2-27	Debt Proceeds	\$ -	\$ -	Debt Proceeds	\$ -	\$ -		
2-28	Developer Advances [specify...]:	\$ -	\$ -	Developer Advances [specify...]:	\$ -	\$ -		
2-28	Other TOTAL OTHER FINANCING SOURCES	\$ -	\$ -	Other TOTAL OTHER FINANCING SOURCES	\$ -	\$ -	GRAND TOTALS	
2-29	Add lines 2-24 and 2-28 TOTAL REVENUES AND OTHER FINANCING SOURCES	\$ 313,448	\$ -	Add lines 2-24 and 2-28 TOTAL REVENUES AND OTHER FINANCING SOURCES	\$ -	\$ -	\$ 313,448	

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	\$ 254,707	\$ -	General Operating & Administrative	\$ -	\$ -	
3-2		\$ -	\$ -	Salaries	\$ -	\$ -	
3-3	Judicial Enforcement	\$ -	\$ -	Payroll Taxes	\$ -	\$ -	
3-4		\$ -	\$ -	Contract Services	\$ -	\$ -	
3-5	Highways & Streets	\$ -	\$ -	Employee Benefits	\$ -	\$ -	
3-6		\$ -	\$ -	Insurance	\$ -	\$ -	
3-7	Solid Waste	\$ -	\$ -	Accounting and Legal Fees	\$ -	\$ -	
3-8	Contributions to Fire & Police Pension Assoc.	\$ -	\$ -	Repair and Maintenance	\$ -	\$ -	
3-9	Health	\$ -	\$ -	Supplies	\$ -	\$ -	
3-10	Culture and Recreation	\$ -	\$ -	Utilities	\$ -	\$ -	
3-11	Transfers to other districts	\$ -	\$ -	Contributions to Fire & Police Pension Assoc.	\$ -	\$ -	
3-12	[specify...]:	\$ -	\$ -	Other	\$ -	\$ -	
3-13	Other	\$ -	\$ -	Capital Outlay	\$ -	\$ -	
3-14		\$ 10,550	\$ -	Capital Outlay	\$ -	\$ -	
3-15	Capital Outlay (should match amount in 4-4)	\$ -	\$ -	Capital Outlay (should match amount in 4-4)	\$ -	\$ -	
3-16		\$ -	\$ -	Principal	\$ -	\$ -	
3-17	Principal	\$ -	\$ -	Developer Principal Repayments	\$ -	\$ -	
3-18	Developer Principal Repayments	\$ -	\$ -	Bond Issuance Costs	\$ -	\$ -	
3-19	Bond Issuance Costs	\$ -	\$ -	Developer Interest Repayments	\$ -	\$ -	
3-20	All Other [specify...]:	\$ -	\$ -	All Other [specify...]:	\$ -	\$ -	
3-21		\$ -	\$ -		\$ -	\$ -	
3-22	Add lines 3-1 through 3-21	\$ 265,257	\$ -	Add lines 3-1 through 3-21	\$ -	\$ -	GRAND TOTAL
3-22	TOTAL EXPENDITURES	\$ 265,257	\$ -	TOTAL EXPENSES	\$ -	\$ -	\$ 265,257
3-23	Interfund Transfers (In)	\$ -	\$ -	Net Interfund Transfers (In) Out	\$ -	\$ -	
3-24	Interfund Transfers Out	\$ -	\$ -	Other [specify...][enter negative for expense]	\$ -	\$ -	
3-25	Other Expenditures (Revenues):	\$ -	\$ -		\$ -	\$ -	
3-26		\$ -	\$ -	Depreciation (Uses) (from line 2-28)	\$ -	\$ -	
3-27		\$ -	\$ -	Other Financing Sources (from line 3-14)	\$ -	\$ -	
3-28		\$ -	\$ -	Capital Outlay (from line 3-15, 3-18)	\$ -	\$ -	
3-29	(Add lines 3-23 through 3-28)	\$ -	\$ -	(Line 3-27, plus line 3-28, less line 3-26, less line 3-25, plus line 3-24) TOTAL GAAP RECONCILING ITEMS	\$ -	\$ -	
3-29	TOTAL TRANSFERS AND OTHER EXPENDITURES	\$ -	\$ -		\$ -	\$ -	
3-30	Excess (Deficiency) of Revenues and Other Financing Sources Over (Under) Expenditures Line 2-29, less line 3-22, less line 3-29	\$ 48,191	\$ -	Net Increase (Decrease) in Net Position Line 2-29, less line 3-22, plus line 3-29, less line 3-23	\$ -	\$ -	
3-31	Fund Balance, January 1 from December 31 prior year report	\$ 186,176	\$ -	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 Lines 3-30, 3-31, and 3-32 This total should be the same as line 1-37.	\$ 234,367	\$ -	Net Position, December 31 Sum of Lines 3-30, 3-31, and 3-32 This total should be the same as line 1-37.	\$ -	\$ -	

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:

4-1	Does the entity have outstanding debt?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4-2	Is the debt repayment schedule attached? If no, MUST explain: <input style="width: 450px; height: 15px;" type="text"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4-3	Is the entity current in its debt service payments? If no, MUST explain: <input style="width: 450px; height: 15px;" type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 [Section 29-1-605(2) C.R.S.]? How much? Date the debt was authorized: <input style="width: 80px; height: 15px;" type="text"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4-6	Does the entity intend to issue debt within the next calendar year? How much? <input style="width: 80px; height: 15px;" type="text"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4-7	Does the entity have debt that has been refinanced that it is still responsible for? What is the amount outstanding? <input style="width: 80px; height: 15px;" type="text"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4-8	Does the entity have any lease agreements? What is being leased? <input style="width: 370px; height: 15px;" type="text"/> What is the original date of the lease? <input style="width: 370px; height: 15px;" type="text"/> Number of years of lease? <input style="width: 370px; height: 15px;" type="text"/> Is the lease subject to annual appropriation? What are the annual lease payments? <input style="width: 80px; height: 15px;" type="text"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

PART 5 - CASH AND INVESTMENTS

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

AMOUNT TOTAL

Please use this space to provide any explanations or comments:

	TOTAL CASH DEPOSITS	\$	243,119
5-3		\$ -	
		\$ -	
		\$ -	
		\$ -	
	TOTAL INVESTMENTS	\$	-
	TOTAL CASH AND INVESTMENTS	\$	243,119

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 checked="" 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 style="width: 450px; height: 15px;" type="text"/>	<input checked="" 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 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 ¹	Additions ²	Deletions	Year-End Balance
Land	\$ -	\$ -	\$ -	\$ -
Buildings	\$ -	\$ -	\$ -	\$ -
Machinery and equipment	\$ -	\$ -	\$ -	\$ -
Furniture and fixtures	\$ 137,573	\$ -	\$ -	\$ 137,573
Infrastructure	\$ -	\$ -	\$ -	\$ -
Construction In Progress (CIP)	\$ -	\$ -	\$ -	\$ -
Other (explain):	\$ -	\$ -	\$ -	\$ -
Accumulated Depreciation (Enter a negative, or credit, balance)	\$ (21,114)	\$ (28,116)	\$ -	\$ (49,230)
TOTAL	\$ 116,459	\$ (28,116)	\$ -	\$ 88,343

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-end balance
 - Generally capital asset additions should be reported at capital outlay on line 3-14 and capitalized in accordance with the government's capitalization policy. Please explain any discrepancy

PART 7 - PENSION INFORMATION

* YES NO Please use this space to provide any explanations or comments:

- 7-1 Does the entity have an "old hire" firefighters' pension plan? YES NO
- 7-2 Does the entity have a volunteer firefighters' pension plan? YES NO
- If yes: Who administers the plan? YES NO

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	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 appropriated for each fund separately for the year reported															
<table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left; padding: 5px;">Governmental/Proprietary Fund Name</th> <th style="text-align: right; padding: 5px;">Total Appropriations By Fund</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">General Fund</td> <td style="text-align: right; padding: 5px;">\$ 319,093</td> </tr> <tr> <td style="padding: 5px;"> </td> <td style="text-align: right; padding: 5px;">\$ -</td> </tr> <tr> <td style="padding: 5px;"> </td> <td style="text-align: right; padding: 5px;">\$ -</td> </tr> <tr> <td style="padding: 5px;"> </td> <td style="text-align: right; padding: 5px;">\$ -</td> </tr> </tbody> </table>		Governmental/Proprietary Fund Name	Total Appropriations By Fund	General Fund	\$ 319,093		\$ -		\$ -		\$ -				
Governmental/Proprietary Fund Name	Total Appropriations By Fund														
General Fund	\$ 319,093														
	\$ -														
	\$ -														
	\$ -														

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)]?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Note: An election to exempt the government from the spending limitations of TABOR does not exempt the government from the 3 percent emergency reserve requirement. All governments should determine if they meet this requirement of TABOR.				

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; margin-left: 20px;" 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: 400px; height: 20px; margin-left: 10px;" type="text"/>										
PRIOR name <input style="width: 400px; height: 20px; margin-left: 10px;" 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: 460px; height: 20px;" 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: 460px; height: 20px;" 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):										
<table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tbody> <tr> <td style="padding: 5px;">Bond Redemption mills</td> <td style="text-align: right; padding: 5px;">0.000</td> </tr> <tr> <td style="padding: 5px;">General/Other mills</td> <td style="text-align: right; padding: 5px;">10.000</td> </tr> <tr> <td style="padding: 5px;">Total mills</td> <td style="text-align: right; padding: 5px;">10.000</td> </tr> </tbody> </table>		Bond Redemption mills	0.000	General/Other mills	10.000	Total mills	10.000			
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	\$	243,119	Unrestricted Fund Balan	\$	234,367	Total Tax Revenue	\$	252,198	
Current Liabilities	\$	9,699	Total Fund Balance	\$	234,367	Revenue Paying Debt Service	\$	-	
Deferred Inflow	\$	291,988	PY Fund Balance	\$	186,176	Total Revenue	\$	313,448	
			Total Revenue	\$	313,448	Total Debt Service Principal	\$	-	
			Total Expenditures	\$	265,257	Total Debt Service Interest	\$	-	
			Interfund In	\$	-				
Governmental			Interfund Out	\$	-	Enterprise Funds			
Total Cash & Investments	\$	243,119				Net Position	\$	-	
Transfers In	\$	-	Proprietary			PY Net Position	\$	-	
Transfers Out	\$	-	- Current Assets	\$					
Property Tax	\$	207,347	Deferred Outflow	\$		Government-Wide			
Debt Service Principal	\$	-	- Current Liabilities	\$		- Total Outstanding Debt	\$	-	
Total Expenditures	\$	265,257	Deferred Inflow	\$		- Authorized but Unissued	\$	-	
Total Developer Advances	\$	-	- Cash & Investments	\$		- Year Authorized		1/0/1900	
Total Developer Repayments	\$	-	- Principal Expense	\$					

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, __Nathan Beal_____, 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: __May 2023____
2	John Pirkopf	I, __John Pirkopf_____, 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: __May 2023____
3	Paul Books	I, __Paul Books_____, 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: _____
4	Maedella Stiger	I, __Maedella Stiger_____, 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: __May 2023____
5	LaSheita Sayer	I, __LaSheita Sayer_____, 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: __May 2024____
6	Haroun Cowans	I, __Haroun Cowans_____, 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: __May 2024____
7	Ryan Cobbins	I, __Ryan Cobbins_____, 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: __May 2024____

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

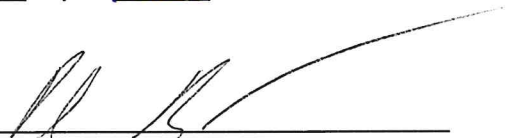
Indemnification

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.

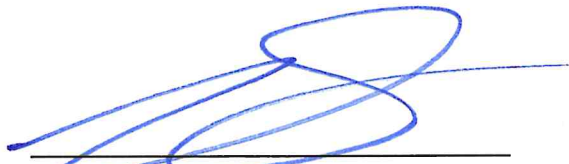
Section 3. The indemnification provided in this article does not constitute a waiver, either partial or complete, of any immunities or limitations on judgments provided by law with respect to the Five Points BID or its directors, officers, employees, or agents.

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.

2022 Board Actions – to Date. (Note: copies of the Minutes are available via www.fivepointsbid.com or upon request):

January 2022:

- Approved December 8, 2021 Board Meeting Minutes.
- Approved the November 2021 Financial Report.
- Motion and approval to publicly post monthly Board Meeting notice in front of Coffee at the Point.
- Motion and approval to set the regular Board Meetings on every second Tuesday of the month from 10:00 to 11:30 AM by Zoom, for the time being.
- Motion and approval to accept maintenance agreement with Consolidated Services Group (CSG) for custodial, maintenance and snow removal services in the BID.

February 2022:

- Motion and approval of the December 2021 Financial Report.
- Motion and approval to allot \$17,000 from Capital Expenditures to replace two missing pedestrian lights and restore power to all pedestrian lights at Welton at 25th Street.

March 2022:

- Approved the January 12 and February 9, 2022 Board Meeting Minutes.
- Motion and approval of the January 2022 Financial Report.
- Motion and approval to execute the Inter-Governmental Agreement with the City and County of Denver (CCD) to take ownership of Five Point Intersection pedestrian plaza amenities for \$10 and commitment for care and maintenance of the amenities.
- Motion and approval to ratify an email vote by the Board to increase funding for repairs to the historical monuments in Cousins Plaza and the Five Point Intersection Plaza from the originally budgeted amount of \$10,000 to \$12,728.

April 2022:

- Approved the March 19, 2022 Board Meeting Minutes.
- Motion and approval of the February 2022 Financial Report.
- Motion and approval to fund an \$8,000 sponsorship of the Five Points Jazz Festival to support use of BID businesses within the boundaries for additional entertainment stages during the festival.
- Motion and approval of a change order to the MarCom Management Agreement with the Downtown Denver Partnership (DDP) updating the agreement's term from May 1st through December 31st to align with the FPBID's Fiscal year for an amount not to exceed \$52,000 and selection of subcontractor based on FPBID input.

May 2022:

- Approval of the April 13, 2022 Board Meeting Minutes.
- Motion and approval of the March 2022 Financial Reports.

June 2022:

- No Board Meeting; No official Board actions taken in June.

July 2022:

- Motion and approval of the April and May 2022 Financial Reports.
- Motion and approval to set a special open meeting of the Board for the purpose of a planning retreat to review Mission and 2023 Work Plan and Budget.
- Motion and approval to authorize DDP to continue use of Five Points Marketing Group as subcontractor for Marketing and Communications services.

August 2022:

- Approval of the May 11, 2022 and July 13, 2022 Board Meeting Minutes.
- Motion and approval of the June 2022 Financial Report.
- Motion and approval of Resolution 2022-1 setting a public hearing concerning amending the 2022 Budget at the September 14, 2022 Regular FPBID Board Meeting.
- Motion and approval of Resolution 2022-2 setting a public hearing concerning the Proposed 2023 Budget at the September 14, 2022 Regular FPBID Board Meeting.
- Motion and approval of committing \$4,670 of Marketing/Branding funds in 2022 to start a FPBID Service Industry Employee 12-month pilot project with remaining funding dedicated in 2023.

September 2022:

- Motion and approval of the July 2022 Financial Report.
- Motion and approval of Events and Activations Grant Fund request by Curtis Park Neighbors in the amount of \$500 to provide live jazz performers at the Five Point Intersection Plaza.
- Motion and approval to update the FPBID's Mission Statement.
- Motion and approval of 2022 Budget Amendment and 2023 Preliminary Budget.
- Motion and approval to pass resolution 2022-03 to reset a Public Hearing amending the 2022 FPBID Budget for October 12, 2022, at 10AM.
- Motion and approval to pass resolution 2022-04 to set a Public Hearing on the preliminary 2022 FPBID Budget and Operating Plan for October 13, 2021, at 10AM.



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, Founder & President Goshen Development 1881 16th Street Denver, CO 80202 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	10/13/21	11/10/21	12/8/21	1/12/22	2/9/22	3/9/22	4/13/22	5/11/22	6/8/22*	7/13/22	8/10/22	9/14/22
Ryan Cobbins	P	P	A	P	P	P	P	P		A	P	P
LaSheita Sayer	P	P	P	P	P	P	P	P		P	P	P
Maedella Stiger	P	P	A	P	A	P	A	P		A	A	P
Nathan Beal	P	P	P	A	P	P	P	P		A	P	P
Paul Brooks	P	P	P	P	A	P	P	P		P	A	A
Haroun Cowans	P	P	P	P	P	P	A	P		P	P	A
John Pirkopf	P	P	P	P	P	P	P	P		P	P	P

Board Member	10/12/22	11/9/22	12/14/22
Ryan Cobbins			
LaSheita Sayer			
Maedella Stiger			
Nathan Beal			
Paul Brooks			
Haroun Cowans			
John Pirkopf			

Notes:

*Meeting Cancelled

List of Activities for November 2021 – September 2022:

- Installed (November 2021) and removed corridor holiday lighting and banners (January 2022).
- Held the Five Points Holiday Stroll providing a passport to visitors, encouraging them to visit participating businesses on Saturday, December 4, 2021 to drive pedestrian traffic to and increase consumer spending in the FPBID.
- Brought back Negro League baseball card cutouts displayed along the fence of the softball field at Sonny Lawson Park during Black History Month 2022.
- Continues to coordinate with the Department of Transportation and Infrastructure (DOTI) on planned improvements at intersections across Welton and at the Five Point Intersection Plaza for implementation this Fall.
- Collaborated with DOTI, Community Planning and Development (CPD) and business owners along the East side of the 2700 block of Welton in the implementation of a communal dining space and community gathering area, Soul Street on Clarkson.
- Expected Fall grand opening for Soul Street and the Welton Street amenities.
- Held Planning retreat to review and update Mission Statement prior to drafting 2022 Budget Amendment and 2023 Operating Budget.
- Approved sponsorship in the amount of \$8,000 for the Five Points Jazz Festival to support additional live music stages located in BID businesses along Welton within the event footprint.
- Co-hosted community volunteer event with CPD and Five Points Atlas to assemble furniture and fixtures for Soul Street on Clarkson.
- Approved Event Assistance Grant Fund award to Curtis Park Neighbors for \$500 to support paying musicians performing at the Five Points Intersection Plaza during the First Friday Jazz Hop.
- Resolutions Passed:
 - 2022-01: Setting date, time and location of the public hearing for a mid-year budget amendment for the 2022 Fiscal Year.
 - 2022-02: Setting date, time and location of the public hearing for proposed Fiscal Year 2023 Budget.
 - 2022-03: Rescheduling the date, time and location of the public hearing for a mid-year budget amendment for the 2022 Fiscal Year to 10.12.2022.
 - 2022-04: Rescheduling the date, time and location of the public hearing for proposed Fiscal Year 2023 Budget to 10.12.2022.
- Conducted special maintenance projects in the District:
 - Restored power to the pedestrian lights along the 2500 Block of Washington adjacent to the Rossonian.

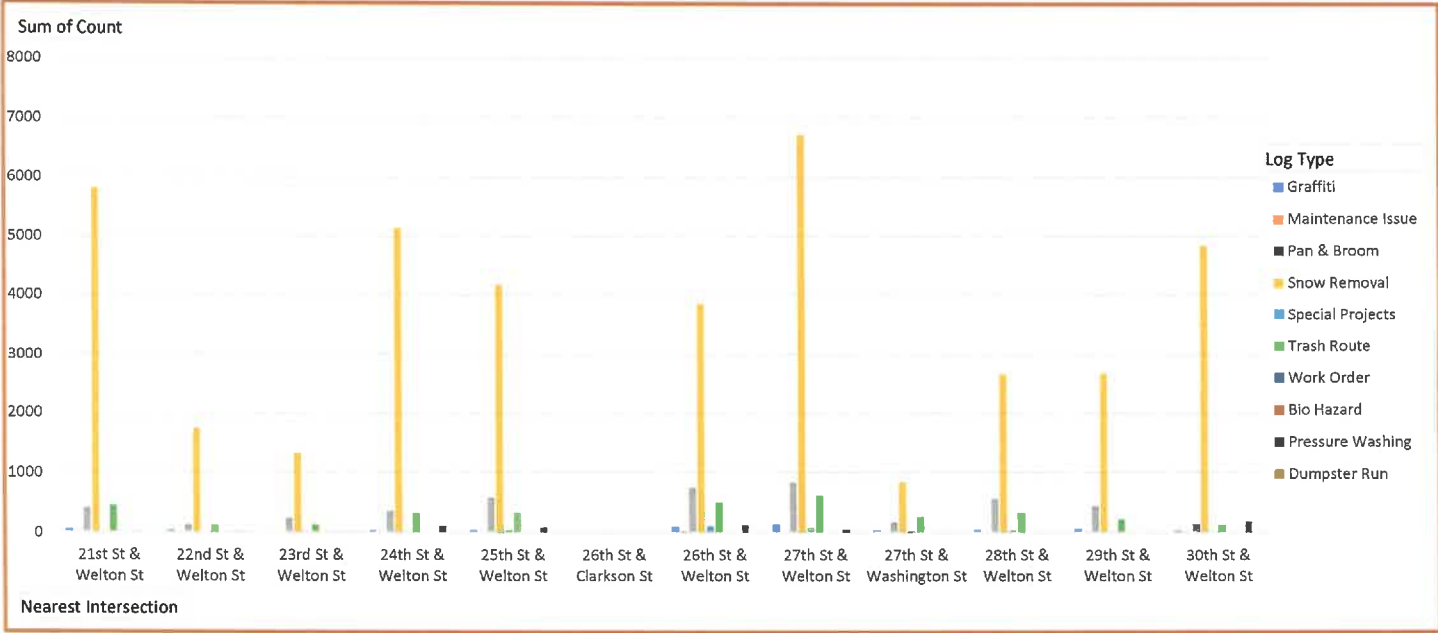
- Restored power to pedestrian lights at the Southwest corner of Welton and 25th Street; moved the two lights on 25th around the corner to the two missing light locations on Wellton.
- Removing dead trees and prepping tree pits for replacement of 11 trees along the corridor in early October.
- Replaced broken irrigation timers on both sides of the 2700 block of Welton.
- Restored irrigation to the final tree pit on the West side of the 2700 block's system.
- Planned for remainder of 2022:
 - Public Hearing re: proposed 2022 Budget Amendment and 2023 Operating Plan and Budget, October 12, 2022
 - Hold Five Points Great Pumpkin activation with businesses along the Welton Street Corridor in the FPBID on Saturday, October 29th, 3-6 PM.
 - Installation of holiday lighting on 2600 and 2700 blocks of Welton and decorations on remaining blocks of Welton in the BID.
 - Dependent on the awarding of multiple grant applications, add a Five Points Holiday Market to the Holliday Stroll event and add sound system to the Five Points Intersection Plaza to play holiday music.
 - Hold 3rd Annual Holiday Stroll December 10th
 - Coordination with City permitting and desibl Studio to identify locations for installation of gateway signage for fabrication and installation before the close of 2022
 - Printing and installation of banners for the 77 Xcel streetlight poles in the FPBID along the Welton Street Corridor
 - Repair and restore the graphic elements of the historical monuments in Cousins Plaza and the Five Points Intersection Plaza.
 - Take over management of maintenance and repairs of self-guided walking tour historical plaques and monuments in Downtown.
 - Host multi-day event centered on the release of Black Panther: Wakanda Forever release on November 11th.
 - Host BID-wide Safety Workshop with DPD Districts 2 and 6.

FPBID Planned Activities for 2023:

- 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, upkeep of Five Point Intersection Pedestrian Plaza and Soul Street on Clarkson, and troubleshooting unexpected issues

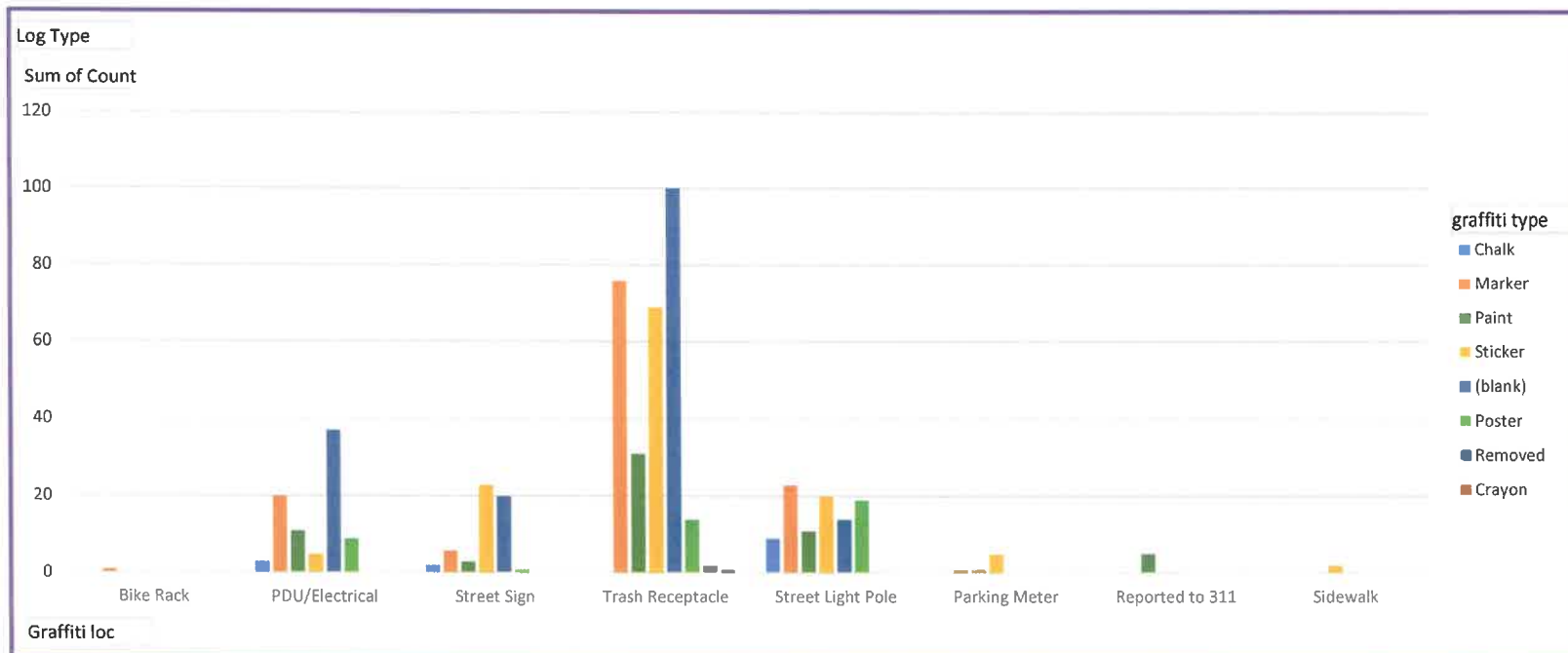
- Continuing to market the corridor through banners, newsletters, activations along the corridor, social media and traditional media outlets
- Implement public–private partnership led Security Program
- Allot sponsorship funding to Five Points Jazz Festival, Juneteenth Music Festival and First Friday Jazz hop.
- Expand Halloween plans to include day and night activations.
- Test new activations for potential to draw visitors to the district and district businesses, including:
 - Flavors of Five Points
 - Easter activations
 - Movie Month (Saturdays in July)
 - Expanded Halloween Activations
- Test activations dependent on awarding of Jazz Activations grant application
 - Black Jazz History Experience (February)
 - Swinging August Nights
 - Five Points Sunset Jazz

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT TOTAL MAINTENANCE - YTD 2022



Sum of Count	Column Labels										Grand Total
	Graffiti	Maintenance Issue	Pan & Broom	Snow Removal	Special Projects	Trash Route	Work Order	Bio Hazard	Pressure Washing	Dumpster Run	
21st St & Welton St	48	4	398	5814		449		1	18	2	6734
22nd St & Welton St	31	2	129	1749		112			19		2042
23rd St & Welton St	13	7	239	1333	10	133		1	4		1740
24th St & Welton St	37	1	357	5144	7	326	1		114	1	5988
25th St & Welton St	39	1	577	4190	20	321			93		5241
26th St & Clarkson St	3		5		2						10
26th St & Welton St	85	26	746	3875	106	492			140	4	5474
27th St & Welton St	126	2	836	6722	73	605	1	3	62	2	8432
27th St & Washington St	39	1	166	852	18	254		1	14		1345
28th St & Welton St	45	1	556	2668	37	330					3637
29th St & Welton St	54	1	439	2681	10	215			8		3408
30th St & Welton St	27	5	137	4845	12	119			191		5336
Grand Total	547	51	4585	39873	295	3356	2	6	663	9	49387

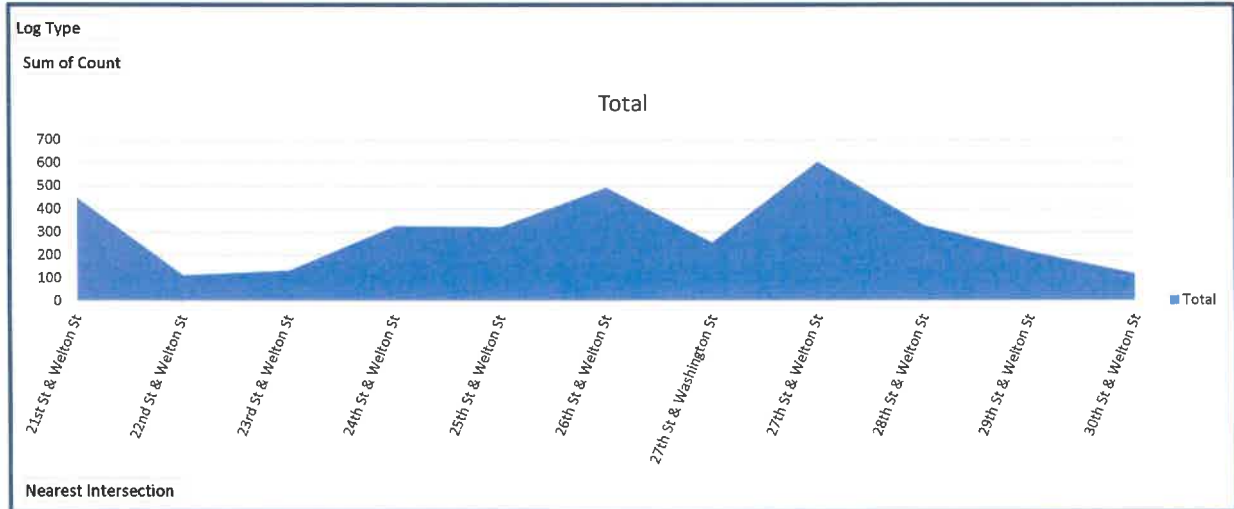
FIVE POINTS BUSINESS IMPROVEMENT DISTRICT GRAFFITI BY TYPE - YTD 2022



Log Type		Graffiti							
GRAFFITI BY TYPE / MEDIA									
Sum of Count	Column Labels	Marker	Paint	Sticker	(blank)	Poster	Removed	Crayon	Grand Total
Bike Rack		1							1
PDU/Electrical	3	20	11	5	37	9			85
Street Sign	2	6	3	23	20	1			55
Trash Receptacle		76	31	69	100	14	2	1	293
Street Light Pole	9	23	11	20	14	19			96
Parking Meter		1	1	5					7
Reported to 311			5						5
Sidewalk				2					2
Grand Total	14	127	62	124	171	43	2	1	544

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT TRASH REMOVAL - YTD 2022

Log Type	Trash Route
TRASH REMOVAL	
Row Labels	Sum of Count
21st St & Welton St	449
22nd St & Welton St	112
23rd St & Welton St	133
24th St & Welton St	326
25th St & Welton St	321
26th St & Welton St	492
27th St & Washington St	254
27th St & Welton St	605
28th St & Welton St	330
29th St & Welton St	215
30th St & Welton St	119
Grand Total	3356



FIVE POINTS BUSINESS IMPROVEMENT DISTRICT GRAFFITI BY LOCATION - YTD 2022

Log Type	(All)
GRAFFITI REMOVAL	
Row Labels	Sum of Count
21st St & Welton St	6734
22nd St & Welton St	2042
24th St & Welton St	5988
25th St & Welton St	5241
26th St & Welton St	5474
27th St & Washington St	1345
27th St & Welton St	8432
28th St & Welton St	3637
29th St & Welton St	3408
30th St & Welton St	5337
Grand Total	47638

