

**NOTICE OF SPECIAL MEETING
HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT**

NOTICE IS HEREBY GIVEN that the Board of Directors of the HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT, City of Loveland, Colorado, will hold a special meeting at 4:30 p.m, on August 30, 2023, at Desk Chair Workspace, located at 201 E 4th Street, Loveland, CO.

The meeting is being held for the purpose of addressing those matters set out in the agenda below and conducting such other business as may properly come before the Board.

The meeting is open to the public.

**HISTORIC LOVELAND BUSINESS
IMPROVEMENT DISTRICT**

AGENDA

Discussion and possible action on any of the following:

1. Call to Order
2. Disclosure of Potential Conflicts of Interest
3. Consider Approval of Agenda
4. Public Comment
5. Director Items
 - a. 2023-2024 Operating Plan and Proposed Budget
6. Financial Matters
 - a. Discuss timeline for approval of 2023/2024 Budget
7. Legal Matters
 - a. Resolution calling November 7, 2023 Special Election
8. Other Business
9. Adjournment

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT**

**CONCERNING SPECIAL ELECTION TO BE HELD ON
NOVEMBER 7, 2023
CONDUCTED BY MAIL BALLOT**

WHEREAS, the Historic Loveland Business Improvement District of the City of Loveland, County of Larimer, State of Colorado (hereinafter referred to as the “District”), is a duly organized and existing quasi-municipal corporation and political subdivision of the State of Colorado, existing and operating under and by virtue of the Constitution and laws of the State of Colorado, including but not limited to Part 12 of Article 25 of Title 31, C.R.S., as amended (the “Business Improvement District Act”); and

WHEREAS, the Board of Directors of the District has determined that the interest of the District and the public interest or necessity demand the levy of taxes to carry out the objects and purposes of the District, requiring the authorization to levy taxes; and

WHEREAS, Const. Colo. Art. X, Sec. 20 decrees that elections concerning ballot issues shall be decided, inter alia, in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years; and

WHEREAS, accordingly, the Board of Directors of the District has determined to submit to the electors of the District, at the special election to be held on November 7, 2023, the ballot questions and issues set forth in **Exhibit A** attached hereto; and

WHEREAS, pursuant to Section 1-13.5-101, et seq., C.R.S., the governing body of any political subdivision may make the determination to hold an election by mail ballot; and

WHEREAS, the District may choose to conduct an independent mail ballot election instead of coordinating with the county for a November election; and

WHEREAS, if such a determination is made, a designated election official shall be appointed by the governing body of the political subdivision to supervise the conduct of the election.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Historic Loveland Business Improvement District of the City of Loveland, Colorado:

1. That a special election to be conducted by mail ballot be called and held on November 7, 2023, within the Historic Loveland Business Improvement District at which election the eligible electors shall vote on the levy of taxes and other matters as described in the ballot issues and questions set forth in **Exhibit A** hereafter and certified to the designated election official no later than 60 days prior to the election, including the authority to appoint election judges pursuant to Section 1-7.5-401(2), C.R.S.;

2. That Courtney Linney of Spencer Fane LLP, or her designee, is hereby appointed

to serve as the Designated Election Official for the conduct of the election. The Designated Election Official is hereby granted the authority to undertake all reasonable actions that are necessary or convenient for the conduct of the election;

3. That the election shall be held and conducted in accordance with the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., as supplemented by Const. Colo. Art. X, Sec 20, the applicable Current Rules and Regulations Governing Election Procedures of the Secretary of State of the State of Colorado, and other relevant Colorado and federal law (collectively, hereafter all such law and rules shall be referred to as the “Relevant Law”);

4. That should any part or provision of this Resolution be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable;

5. That all acts, orders, resolutions, or parts thereof, of the District that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict;

6. That the provisions of this Resolution shall take effect immediately;

7. That all past actions taken by the District, its Board members individually and collectively, officers, agents, attorneys, the Designated Election Official, and consultants directed toward the lawful conduct of the election were done in the best interests of the District and said actions are hereby ratified and confirmed as if originally taken with full authority; and

8. That in the event of a conflict between this Resolution and Relevant Law, the Relevant Law shall control.

ADOPTED AND APPROVED as of the _____ day of _____, 2023.

**HISTORIC LOVELAND BUSINESS
IMPROVEMENT DISTRICT**

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

Exhibit A
Historic Loveland Business Improvement District Ballot Issues

BALLOT ISSUE A
(TAXES)

SHALL HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT TAXES BE INCREASED \$272,084 (FIRST FULL FISCAL YEAR AND ANNUALLY THEREAFTER), OR BY SUCH GREATER OR LESSER ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY IMPOSED ON ALL TAXABLE REAL PROPERTY WITHIN THE BOUNDARIES OF THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT NOT IN EXCESS OF 5.000 MILLS IN THE YEAR 2023 (FOR COLLECTION IN 2024) AND NOT IN EXCESS OF 10.000 MILLS IN ANY YEAR THEREAFTER AS MAY BE DETERMINED ANNUALLY BY THE BOARD OF DIRECTORS OF THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT (PROVIDED THAT SUCH MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO ACCOUNT FOR CHANGES IN LAW OR THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED OCCURRING IN 2023 OR THEREAFTER, SO THAT, TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY THE MILL LEVY, AS ADJUSTED, ARE NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH CHANGES), THE REVENUES THEREFROM TO BE USED FOR THE PURPOSE OF PAYING THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT'S ADMINISTRATION, OPERATIONS, MAINTENANCE, CAPITAL, AND OTHER EXPENSES; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT AS A VOTER-APPROVED REVENUE CHANGE IN 2023 AND IN EACH YEAR THEREAFTER, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, COLORADO REVISED STATUTES, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT'S REVENUES OR EXPENDITURES, AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, ALL WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT?

BALLOT ISSUE B
(TABOR)

SHALL THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT, AS A VOTER-APPROVED REVENUE CHANGE, BE AUTHORIZED TO COLLECT, RETAIN, AND EXPEND THE FULL AMOUNT OF REVENUES RECEIVED BY THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT IN 2023 AND EACH YEAR THEREAFTER, INCLUDING, WITHOUT LIMITATION, TAX REVENUES, FEES, RATES, TOLLS, CHARGES, GRANTS, LOANS, CONTRIBUTIONS, ASSESSMENTS AND ANY OTHER REVENUES IMPOSED, COLLECTED, OR AUTHORIZED BY LAW TO BE IMPOSED OR COLLECTED BY THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, COLORADO REVISED STATUTES, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT'S REVENUES OR EXPENDITURES, AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, ALL WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT?

2023 AND 2024 OPERATING PLAN AND PROPOSED BUDGET

HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT

City of Loveland, Colorado

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EXHIBIT A: District Budget

EXHIBITB: District Boundary Map

2023 AND 2024
OPERATING PLAN FOR HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT

1. PURPOSE AND SCOPE

A. Requirements for this Operating Plan

The Business Improvement District Act, section 31-25-1201, *et seq.*, C.R.S., as amended (the “Act”), and specifically section 31-25-1211, requires that the Historic Loveland Business Improvement District (the “District”) file an operating plan and proposed budget with the City Clerk of the City of Loveland (the “City”) no later than September 30 of each year. This is the District’s operating plan and proposed budget for 2023 and 2024 (the “Operating Plan”).

Under the Act, the City is to annually approve an operating plan and proposed budget within 30 days of the submittal of all required information, but not later than December 5 of each year.

The District will operate under the authorities and powers allowed under the Act, as further described and limited by this Operating Plan.

B. What Must Be Included in the Operating Plan

Pursuant to the provisions of the Act, 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 to be issued by the District, if any; and (5) such other information as the City may require.

C. Purposes

The ongoing and contemplated purposes of the District for 2023 and 2024 include:

- Provide operational and administrative resources to support the management of Downtown Loveland;
- Coordinate and leverage resources with the City of Loveland to provide Downtown safety and security and homeless services support;
- Deliver Downtown beautification and placemaking services, including but not limited to landscaping, maintenance, lighting, holiday décor, and other enhancements; and
- Support Downtown programming and activation through events and activities and marketing.

2. ORGANIZATION AND COMPOSITION OF THE BOARD OF DIRECTORS

A. Organization

The District was organized by Ordinance No. 4466, adopted on September 7, 1999.

B. Governance

The District is governed by an appointed, 9-member board of directors (the “Board of Directors” or “BID Board”).

The terms of office shall be staggered to encourage continuity in BID governance. The length of the term is three (3) years and the consecutive term limit shall be two (2) terms. After a member has fulfilled two consecutive terms, that person may not be a member of the Board of Directors for one (1) year before being eligible for reappointment.

The BID shall inform the City of Loveland of any BID Board vacancy that occurs for any reason. Appointment to the BID Board in future years shall occur as follows:

- The BID Board shall solicit and accept submissions of interest for any current or upcoming vacancy and/or establish a nominating committee to identify potential candidates for a vacancy.
- The BID Board shall provide the City of Loveland with one or more recommended nominees to fill the vacancy(ies), taking into account the qualifications thereof and the nominees willingness to serve.
- The City shall review the recommendation and may require additional information from the BID Board or the nominee. City Council will approve all BID Board appointments by resolution.
- The BID Board and the City of Loveland shall endeavor to fill any vacancy on the BID Board within 60 days.

C. Board

The Board of Directors is comprised of electors of the District who are appointed by the City Council to serve at the pleasure of the City Council. The following Directors have been appointed by the City Council and are currently serving as the Board of Directors:

1. Ray Steele, Jr.
2. Cheri Waneka
3. Jon-Mark Patterson
4. Kim Bernhardt
5. Caitlyn Wyrick
6. Jacob Fellure
7. Christina Gressianu

8. Kurtis Loomis
9. *Vacant*

3. DISTRICT BOUNDARIES

A map depicting the District’s boundaries is provided in Exhibit B. The District’s boundaries and service area include taxable real property only, and do not include any taxable personal property.

4. PUBLIC IMPROVEMENTS

The District is empowered to provide the financing, acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and public improvements allowed under Colorado law for business improvement districts, including “Improvements” as that term is defined in section 31-25-1203(5), C.R.S., services as described in section 31-25-1212(1)(f), and other powers granted to such districts under section 31-25-1212.

It is not expected that the District will undertake any public improvements planning, design, construction and/or work in 2023 or 2024.

5. ADMINISTRATION, OPERATIONS, SERVICES AND MAINTENANCE

A. 2023 Election

It is anticipated that the District will hold an election on November 7, 2023, to authorize the District to impose an ad valorem property tax mill levy and to seek related revenue and spending authority from the District’s electors.

B. Administration

The District is not expected to have employees, and all administrative functions are expected to be furnished by contract with the Loveland Downtown Partnership or other entities as determined appropriate.

C. Marketing

The District will undertake promotional and marketing activities in support of District activities, business recruitment, management and development consistent with the Section 31-25-1212, C.R.S.

D. Cooperation and Coordination with the City, the Loveland Downtown Partnership and the Loveland Downtown Development Authority

The Historic Loveland Business Improvement District (BID) will work in partnership with the Loveland Downtown Partnership (LDP) and the Loveland Downtown Development Authority (DDA) to deliver management, marketing, programming and special projects on behalf of Downtown stakeholders. Additionally, the BID will partner with the City of Loveland (City) to most effectively deliver services that address key needs and opportunities for Downtown and ensure its success and vibrancy. An agreement as to the roles of responsibilities of each has been codified through a Base Level of Services Agreement outlines commitments and sets out collective reporting requirements to ensure a true partnership focused on Downtown's future. It is important to note that the BID is designed to supplement existing City services. BID services shall not replace any existing City services.

6. FINANCIAL PLAN AND BUDGET

A. 2023 and 2024 Proposed Budget

The proposed 2023 and 2024 Budget for the District is attached as Exhibit B. The budget is shown as \$0 for 2023 as the BID currently has no tax authority. Assuming a successful 2023 election, the BID will be able to collect revenues beginning in 2024.

B. Authorized Indebtedness

The District is not authorized pursuant to this Operating Plan to issue any debt. However, as allowed by law, the BID may issue bonds or other multiple year financial obligations if it is authorized to do so by its voters in a future election and in a future operating plan approved by City Council. Any such election must comply with all applicable statutory requirements, including the TABOR Amendment, and the election would limit the amount of debt that may be issued to the amount that is approved by the BID voters.

C. Property Tax and Mill Levy Cap

The District is authorized to levy an ad valorem property tax mill levy and to impose, collect and spend rates, tolls, charges, special assessments, and any and all fees and revenue from other sources available to the District pursuant to the Act. The District shall not impose a mill levy in excess of 10 mills, but may adjust the mill levy from year-to-year depending on the needs of the District and as authorized by each annual operating plan. **For the tax year 2023, for collection in 2024, the mill levy will be 5 mills.**

In future years, the BID Board may increase and/or decrease the mill levy (so long as it never exceeds 10 mills). In order to do so, the following shall occur:

- The BID Board shall send out a notification to each commercial property owner in the BID notifying them of the proposed change and of a public meeting to be held.

- The BID Board shall then hold a public meeting to present the proposed mill levy change and reasons for the change, and hear comment.
- After that time, the BID Board may propose a mill levy change, but any mill levy change must be included in the BID's annual operating plan submitted to the City by September 30 of each year and must be approved by City Council, as part of the annual operating plan, before the change occurs.

The cost of the District's operations, maintenance and administrative costs shall be paid through a variety of revenue sources available to the District pursuant to the Act as deemed necessary, prudent and appropriate in the estimation of the Board of Directors.

D. Future Budgeting

Each calendar year, the BID Board will go through a process to certify the BID's property tax mill levy, as well as to approve the total BID budget for the following calendar year. This process will generally occur as follows:

- By August 25 of each year, the Larimer County Assessor shall provide to the BID the preliminary assessed value of all taxable property in the BID, which the BID may use to establish a draft budget for the coming year.
- By September 30, the BID Board must file its operating plan and proposed budget with the City of Loveland for the next year.
- The City of Loveland has 30 days after receipt of all required information from the BID to approve the operating plan and proposed budget. The City of Loveland may request further information from the BID Board as needed. All final information must be filed and approved by City Council no later than December 5.
- By December 10, final assessed value data will be provided to the BID Board by the Larimer County Assessor.
- By December 15, the BID Board must complete a public hearing, adopt a budget for the following year, and certify its mill levy to the Larimer County Assessor for collection in the following year.
- The final budget of the BID must be filed with the Colorado Division of Local Government by January 31.

E. District Revenues

See proposed 2023 and 2024 Budget attached hereto as Exhibit B.

7. ADDITION OF PROPERTIES TO THE BID

Additional property may be added to the BID only after a petition is signed by the property owner, filed with the City of Loveland, and approved by the Loveland City Council after public notice and hearing pursuant to C.R.S. § 31-25-1220.

8. CONCLUSION

This Operating Plan meets the requirements of the Act and further meets applicable requirements of the Colorado constitution and other law. The types of services and improvements to be provided by the District are those services and improvements which satisfy the purposes of the Act.

EXHIBIT A

District Budget 2023 and 2024

GENERAL OPERATING FUND

	2023 Budget	2023 YTD	2024 Budget
Balance at Beginning of Year	-	-	-
Revenues:			
Ad Valorem Taxes and Specific Ownership Taxes *	-	-	\$272,084
Earned interest	-	-	\$0
Other Revenue	-	-	\$0
TOTAL REVENUE	-	-	\$272,084
Expenditures:			
Operations, Maintenance	-	-	\$75,000
Business Promotion, Marketing and Events	-	-	\$25,000
Management/Administration	-	-	\$150,000
Accounting	-		\$5,000
Legal		-	\$3,500
TOTAL EXPENDITURES	-	-	\$258,500
Reserve Fund **			\$8,250
Balance at Year End	-	-	\$5,334

*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.

EXHIBIT B

District Boundary Map

