

STATE OF COLORADO
COUNTY OF ADAMS
PORTEOS BUSINESS IMPROVEMENT DISTRICT
2024 BUDGET RESOLUTION

The Board of Directors of the Porteos Business Improvement District, Adams County, Colorado held a special meeting on Monday, December 11, 2023 at the hour of 5:00 P.M. via MS Teams.

The following members of the Board of Directors were present:

Seth Rollert	President
Mark Adams	Treasurer
Melissa Shea	Secretary
Kristen Adams	Assistant Secretary
Yuriy Gorlov	Assistant Secretary

Also present were: Alan D. Pogue, Esq. and Hannah Pogue, Icenogle Seaver Pogue, P.C.; Bill Wichterman, A&C Properties, Inc.; Chris Fellows, Resolute Management LLC; Diane Wheeler, Simmons and Wheeler, P.C.; Barney Fix, Merrick & Company

The President reported that proper notice was made to allow the Board of Directors of the Porteos Business Improvement District to conduct a public hearing on the 2024 budget and, prior to the meeting, each of the directors had been notified of the date, time and place of this meeting and the purpose for which it was called. It was further reported that this meeting is a regular meeting of the Board of Directors of the District and that a notice of regular meeting was posted on a public website of the District/in the designated public place within the boundaries of the District no less than twenty-four hours prior to the holding of the meeting, and to the best of her/his knowledge, remains posted to the date of this meeting.

Thereupon, Director Gorlov introduced and moved the adoption of the following Resolution:

RESOLUTION

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET, APPROPRIATING SUMS OF MONEY TO EACH FUND IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN AND LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE PORTEOS BUSINESS IMPROVEMENT DISTRICT, ADAMS COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024 AND ENDING ON THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board of Directors (the “Board”) of the Porteos Business Improvement District (the “District”) has authorized its treasurer and accountant to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to the Board for its review and consideration on or before October 15, 2023; and

WHEREAS, due and proper notice was published on November 23, 2023 in the *Commerce City Sentinel Express* indicating (i) the date and time of the hearing at which the adoption of the proposed budget will be considered; (ii) that the proposed budget is available for inspection by the public at a designated place; (iii) that any interested elector of the District may file any objections to the proposed budget at any time prior to the final adoption of the budget by the District; and (iv) if applicable, the amount of the District’s increased property tax revenues resulting from a request to the Division of Local Government pursuant to Section 29-1-302(1), C.R.S.; and an original publisher’s Affidavit of Publication is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the proposed budget was open for inspection by the public at the designated place; and

WHEREAS, a public hearing was held on Monday, December 11, 2023 and interested electors were given the opportunity to file or register any objections to said proposed budget and any such objections were considered by the Board; and

WHEREAS, the budget being adopted by the Board has been prepared based on the best information available to the Board regarding the effects of Section 29-1-301, C.R.S., and Article X, Section 20 of the Colorado Constitution; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law; and

WHEREAS, pursuant to Section 29-1-113(1), C.R.S., the Board shall cause a certified copy of the budget, including the budget message and any resolutions adopting the budget, appropriating moneys and fixing the rate of any mill levy, to be filed with the Division of Local Government within thirty (30) days following the beginning of the fiscal year of the budget adopted; and

WHEREAS, pursuant to Section 32-1-1201, C.R.S., the Board shall determine in each year the amount of money necessary to be raised by taxation, taking into consideration those items required by law, and shall certify the rate so fixed to the board of county commissioners of each county within the District or having a portion of its territory within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORTEOS BUSINESS IMPROVEMENT DISTRICT, ADAMS COUNTY, COLORADO:

Section 1. Summary of 2024 Revenues and 2024 Expenditures. That the estimated revenues and expenditures for each fund for fiscal year 2024, as more specifically set forth in the budget attached hereto as Exhibit B and incorporated herein by this reference, are accepted and approved.

Section 2. Adoption of Budget. That the budget as submitted, and if amended, then as amended, and attached hereto as Exhibit B and is approved and adopted as the budget of the District for fiscal year 2024. In the event the final assessed valuation provided by the Adams County Assessor's Office differs from the assessed valuation used in the proposed budget, the District's accountant is hereby directed to modify and/or adjust the budget and mill levy certification as needed to reflect the final assessed valuation without the need for additional Board authorization.

Section 3. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the budget attached, are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated and no other.

Section 4. Budget Certification. That the budget shall be certified by Melissa Shea, Secretary of the District, and made a part of the public records of the District and a certified copy of the approved and adopted budget shall be filed with the Division of Local Government.

Section 5. 2024 Levy of General Property Taxes. That the attached budget indicates that the amount of money from general property taxes necessary to balance the budget for the General Fund for operating expenses is \$434,108 and that the 2023 valuation for assessment, as certified by the Adams County Assessor, is \$83,530,450. That for the purposes of meeting all general operating expenses of the District during the 2024 budget year, there is hereby levied a tax of 5.197 mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2024.


Section 6. Certification to County Commissioners. That the Board Secretary and/or District's accountant are hereby authorized and directed to immediately certify to the Board of County Commissioners of Adams County, the mill levy for the District hereinabove determined and set. That said certification shall be in substantially the following form attached hereto as Exhibit C and incorporated herein by this reference.

[The remainder of this page is intentionally left blank.]

The foregoing Resolution was seconded by Director Shea.

RESOLUTION APPROVED AND ADOPTED THIS 11TH DAY OF DECEMBER, 2023.

PORTEOS BUSINESS IMPROVEMENT DISTRICT

DocuSigned by:

AC224A9BC9834A3...
By: Seth Rollert
Its: President

STATE OF COLORADO
COUNTY OF ADAMS
PORTEOS BUSINESS IMPROVEMENT DISTRICT

I, Melissa Shea, hereby certify that I am a director and the duly elected and qualified Secretary of the Porteos Business Improvement District, and that the foregoing constitutes a true and correct copy of the record of proceedings of the Board of Directors of the District, adopted at a special meeting of the Board of Directors of the Porteos Business Improvement District, held on December 11, 2023, via MS Teams, as recorded in the official record of the proceedings of the District, insofar as said proceedings relate to the budget hearing for fiscal year 2024; that said proceedings were duly had and taken; that the meeting was duly held; and that the persons were present at the meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the District this 11th day of December, 2023.



DocuSigned by:
Melissa Shea
C9148C288504494...
Melissa Shea, Secretary

EXHIBIT A

Affidavit
Notice as to Proposed 2024 Budget

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Porteos BID (ISP)***
c/o Icenogle Seaver & Pogue, P.C.
4725 South Monaco Street, Suite 360
Denver CO 80237

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Adams } ss


This Affidavit of Publication for the Commerce City Sentinel Express, a weekly newspaper, printed and published for the County of Adams, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 11/30/2023, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Commerce City Sentinel Express

State of Colorado }
County of Adams } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 11/30/2023. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.



Carla Bethke
Notary Public
My commission ends April 11, 2026

CARLA BETHKE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20004025550
MY COMMISSION EXPIRES APRIL 11, 2026

Public Notice

NOTICE AS TO PROPOSED 2024 BUDGET HEARING PORTEOS BUSINESS IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN that a proposed budget has been submitted to the **PORTEOS BUSINESS IMPROVEMENT DISTRICT** for the ensuing year of 2024. A copy of such proposed budget has been filed in the office of Icenogle Seaver Pogue, P.C. at 4725 S. Monaco Street, Suite 360, Denver, Colorado, where same is open for public inspection. Such proposed budget will be considered at a special meeting of the PORTEOS BUSINESS IMPROVEMENT DISTRICT, to be held on **December 11, 2023 at 5:00 p.m.** via MS Teams: https://teams.microsoft.com/l/meetup-join/19%3amee1ng_MjY0YjRlYTkNTgzYS00OTU4LWl5Zml0ODU4ZTNlZTAwNjFm%40thread.v2/0?content=%7b%22id%22%3a%228e55246b-90b1-4bef-9dbd-02c674817a7b%22%2c%22oid%22%3a%22f5be40d5-7c7c-4df9-84bd-a0c625da5e4f%22%7d
Meeting ID: 262 401 137 003; Passcode: kLSmh3
Any interested electors of the PORTEOS BUSINESS IMPROVEMENT DISTRICT may inspect the proposed budget and file or register any objections at any time prior to final adoption of the 2024 budget.

BY ORDER OF THE BOARD OF DIRECTORS:
PORTEOS BUSINESS IMPROVEMENT DISTRICT

By: /s/ ICENOGLE SEAVER POGUE, P.C.

Legal Notice No. CCX1247
First Publication: November 30, 2023
Last Publication: November 30, 2023
Publisher: Commerce City Sentinel Express

**NOTICE AS TO PROPOSED 2024 BUDGET HEARING
PORTEOS BUSINESS IMPROVEMENT DISTRICT**

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[https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjY0YjRIYTktNTgzYS00OTU4LWI5ZmItODU4ZTNIZTAwNjFm%40thread.v2/0?context=%7b%22Tid%22%3a%228e55246b-90b1-4bef-9dbd-02c674817a7b%22%2c%22Oid%22%3a%22f5be40d5-7c7c-4df9-84bd-a0c625da5e4f%22%7d)

[join/19%3ameeting_MjY0YjRIYTktNTgzYS00OTU4LWI5ZmItODU4ZTNIZTAwNjFm%40thread.v2/0?context=%7b%22Tid%22%3a%228e55246b-90b1-4bef-9dbd-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjY0YjRIYTktNTgzYS00OTU4LWI5ZmItODU4ZTNIZTAwNjFm%40thread.v2/0?context=%7b%22Tid%22%3a%228e55246b-90b1-4bef-9dbd-02c674817a7b%22%2c%22Oid%22%3a%22f5be40d5-7c7c-4df9-84bd-a0c625da5e4f%22%7d)

[02c674817a7b%22%2c%22Oid%22%3a%22f5be40d5-7c7c-4df9-84bd-a0c625da5e4f%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjY0YjRIYTktNTgzYS00OTU4LWI5ZmItODU4ZTNIZTAwNjFm%40thread.v2/0?context=%7b%22Tid%22%3a%228e55246b-90b1-4bef-9dbd-02c674817a7b%22%2c%22Oid%22%3a%22f5be40d5-7c7c-4df9-84bd-a0c625da5e4f%22%7d)

Meeting ID: 262 401 137 003; Passcode: kLSmh3

Any interested electors of the PORTEOS BUSINESS IMPROVEMENT DISTRICT may inspect the proposed budget and file or register any objections at any time prior to final adoption of the 2024 budget.

**BY ORDER OF THE BOARD OF DIRECTORS:
PORTEOS BUSINESS IMPROVEMENT DISTRICT**

By: /s/ ICENOGLE SEAVER POGUE, P.C.

Published In: *The Commerce City Sentinel Express*

Published On: Thursday, November 30, 2023

EXHIBIT B

Budget Document
Budget Message

PORTEOS BUSINESS IMPROVEMENT DISTRICT
2024
BUDGET MESSAGE

Attached please find a copy of the adopted 2024 budget for the Porteos Business Improvement District.

The Porteos Business Improvement District has adopted a budget for one fund, a General Fund to provide for general operating expenditures.

The district's accountants have utilized the modified accrual basis of accounting, and the budget has been adopted after proper postings, publications and public hearing.

The primary source of revenue for the district in 2024 will be property taxes, public improvement fees and transfer from Velocity Metropolitan District. The district intends to impose a 5.197 mill levy on all property within the district for 2024.

Porteos Business Improvement District
Adopted Budget
General Fund
For the Year ended December 31, 2024

	Actual <u>2022</u>	Adopted Budget <u>2023</u>	Actual <u>06/30/23</u>	Estimate <u>2023</u>	Adopted Budget <u>2024</u>
Beginning fund balance	\$ 358,301	\$ 348,173	\$ 591,916	\$ 591,916	\$ 436,664
Revenues:					
Property taxes	100,450	179,686	177,303	178,000	434,108
Specific ownership taxes	6,794	14,379	5,479	11,000	34,729
Developer advances	-	-	-	-	-
Transfer from Velocity	104,561	-	44,418	44,418	51,367
Public Improvement Fees	265,857	70,000	173,240	250,000	70,000
Interest income	2,179	-	4,721	9,000	-
Total revenues	<u>479,841</u>	<u>264,065</u>	<u>405,161</u>	<u>492,418</u>	<u>590,204</u>
Total funds available	<u>838,142</u>	<u>612,238</u>	<u>997,077</u>	<u>1,084,334</u>	<u>1,026,868</u>
Expenditures:					
Accounting / audit	30,671	30,000	8,475	30,000	30,000
Engineering	-	10,000	-	-	10,000
Insurance/SDA dues	22,761	30,500	27,426	30,000	35,000
Legal	15,035	75,000	12,881	35,000	75,000
Management	-	1,500	-	-	1,500
Director's Fees	8,550	20,000	4,500	15,000	20,000
Miscellaneous	-	2,000	-	-	2,000
Utilities	64,315	30,000	14,841	55,000	30,000
Landscape Maintenance	103,386	40,000	17,452	60,000	60,000
Treasurer's fees	1,508	2,695	2,660	2,670	6,512
Repay developer advances	-	220,000	-	420,000	-
Contingency	-	136,692	-	-	748,756
Emergency reserve (3%)	-	13,851	-	-	8,100
Total expenditures	<u>246,226</u>	<u>612,238</u>	<u>88,235</u>	<u>647,670</u>	<u>1,026,868</u>
Ending fund balance	<u>\$ 591,916</u>	<u>\$ -</u>	<u>\$ 908,842</u>	<u>\$ 436,664</u>	<u>\$ -</u>
Assessed valuation		<u>\$ 35,937,290</u>			<u>\$ 83,530,450</u>
Mill Levy		<u>5.000</u>			<u>5.197</u>

EXHIBIT C

Certification of Tax Levy

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of Adams County, Colorado.

On behalf of the Porteos Business Improvement District,
 (taxing entity)^A

the Board of Directors
 (governing body)^B

of the Porteos Business Improvement District
 (local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ 83,530,450 assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ 83,530,450 (NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)
USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted: 01/09/2024 for budget/fiscal year 2024.
 (not later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)	LEVY²	REVENUE²
1. General Operating Expenses ^H	<u>5.197</u> mills	\$ <u>434,108</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	<u>5.197</u> mills	<u>\$ 434,108</u>
3. General Obligation Bonds and Interest ^J	_____ mills	\$ _____
4. Contractual Obligations ^K	_____ mills	\$ _____
5. Capital Expenditures ^L	_____ mills	\$ _____
6. Refunds/Abatements ^M	_____ mills	\$ _____
7. Other ^N (specify): _____	_____ mills	\$ _____
	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	<u>5.197</u> mills	<u>\$ 434,108</u>

Contact person: Diane K Wheeler Daytime phone: (303) 689-0833
 (print)

Signed: Diane K Wheeler Title: District Accountant

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.
² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

CERTIFICATION OF TAX LEVIES, continued

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.). Taxing entities that are

Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS^J:

1. Purpose of Issue: _____
 Series: _____
 Date of Issue: _____
 Coupon Rate: _____
 Maturity Date: _____
 Levy: _____
 Revenue: _____

2. Purpose of Issue: _____
 Series: _____
 Date of Issue: _____
 Coupon Rate: _____
 Maturity Date: _____
 Levy: _____
 Revenue: _____

CONTRACTS^K:

3. Purpose of Contract: _____
 Title: _____
 Date: _____
 Principal Amount: _____
 Maturity Date: _____
 Levy: _____
 Revenue: _____

4. Purpose of Contract: _____
 Title: _____
 Date: _____
 Principal Amount: _____
 Maturity Date: _____
 Levy: _____
 Revenue: _____

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.