



**MINUTES OF THE MAY 25, 2021
SPECIAL MEETING OF THE
ASPEN/PITKIN COUNTY HOUSING AUTHORITY**

CALL TO ORDER: Chairperson Skippy Mesirow called the Special Meeting to order at 2:00 p.m. The May 25, 2021 Special Meeting was held through Zoom Meetings.

ROLL CALL: Skippy Mesirow, Kelly McNicholas-Kury, Rick Head, John Ward and Alternates David Laughren and Francie Jacober were present. Rachel Richards and Carson Schmitz were absent

Staff Members in Attendance: Diane Foster, Assistant City Manager and Interim Executive Director; Cindy Christensen, Deputy Director; Bethany Spitz, Compliance, Systems & Policy Manager; Maddie Feder, Administrative Assistant II; and Thomas Smith, Attorney for APCHA.

Presentation on the Settlement:

- Attorney Tom Smith stated that the litigation with the Mulcahy's has been ongoing for over five years. The litigation was due to violations of his deed restriction. The settlement involves four lawsuits. Smith stated that the primary reason he is recommending the Board accept the Settlement Agreement and Mutual Release is to avoid the possibility on having to pay the interest on the loan. The possible downside by settling is the loss of recouping the attorney fees awarded to APCHA by the Court, along with the penalty of the delay of APCHA obtaining possession of the property after the purchase of the property
- Ben Johnston, attorney for Balcomb and Green, stated that he agrees with Smith on the Board approving the Settlement Agreement.

Mesirow opened the meeting to public comment on this subject. There being none, public comment was closed.

Mesirow opened the meeting up for Board Comments:

- Director Head stated that the benefits far exceed the cons of the settlement supports the approval of the Settlement Agreement.
- Director McNicholas-Kury stated that while she has been a bit frustrated over the matter, she supports the approval of the Settlement Agreement as well. She also stated that the BOCC supports this as well.

Kelly McNicholas-Kury left the Meeting at 2:15.

- Director Ward asked why the money is being dispersed prior to the settlement of the lawsuits. Johnston stated that the funds are in the Court registry and that they need to be released first before the next steps are taken. Smith stated that he will start working on the documentation to release the four lawsuits mentioned in the resolution as well as the Settlement Agreement.
- Chairman Mesirow asks is there any risk that we wouldn't get a clean title? Johnston states that there is always that risk, but they are contractually obligated to get it to us, and it goes both ways.

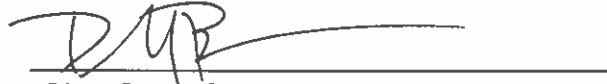
Director Ward made a motion to approve Resolution No. 3 (Series 2021), Approving the Settlement of Multiple Lawsuits regarding Deed Restricted Property located at 53 Forge Road, Aspen, Colorado; Director Head seconded the motion. ROLL CALL VOTE: Directors Mesirow, Jacober, Head, and Laughren voted yes. Motion passed.

Director Head made a motion to adjourn the meeting at 2:30 p.m. Director Jacober seconded the motion. ROLL CALL VOTE: Head, Laughren, Jacober, and Mesirow, were in favor. Motion passed. Meeting adjourned at 2:20 p.m.

THE ASPEN/PITKIN COUNTY HOUSING AUTHORITY



Skippy Mesirow, Chairperson



Diane Foster, Secretary