



**MINUTES OF THE SEPTEMBER 1, 2021
REGULAR MEETING OF THE
ASPEN/PITKIN COUNTY HOUSING AUTHORITY**

CALL TO ORDER: Chairperson Skippy Mesirow called the Regular Meeting to order at 4:00 p.m. The September 1, 2021 Regular Meeting was held in person and through Zoom Meetings.

ROLL CALL: Rachael Richards, David Laughren, Carson Schmitz, John Ward, Kelly McNicholas-Kury, and Alternates Skippy Mesirow and Francie Jacober were present. Alycin Bektesh was absent. John Ward joined the meeting at 4:30 p.m.

Staff Members in Attendance: Diane Foster, Interim Executive Director; Cindy Christensen, Deputy Director; Nicole Morehead, Administrative Assistant II; and Maddie Feder, Administrative Assistant II.

PUBLIC COMMENT: Chairman Mesirow opened the regular meeting to Public Comment for items not on the agenda.

Rick Head, Past Board Director, addressed the Board: *"Congratulations to my replacement, Alycin Bektesh, and thanks for her willingness to serve. I wish you all the best and good luck. I apologize that I am reading from my notes, but I have never quite mastered the ability to speak extemporaneously. When the suggestion was made to restructure the APCHA Board of Directors under a new IGA, one which would include elected officials, I must admit, I had my doubts and was a bit unsure of its workability, given the fact that it has been tried before and failed. After the change was made, I continued to be unsure of that decision until recently when I began to see real progress as it seemed for so many months, we were just spinning our wheels and not getting anything done. I believe now, however, we have righted the ship and I have complete confidence the current Board will continue its progress of amending, clarifying, and creating new regulations, tackling the capital reserve enigma, settling the Centennial lawsuit and so many other issues, going forward. I won't go into the process involved in how it was done, but here are few of the highlights, in my opinion, of some of the most important accomplishments in the last two years that the board should take pride of.*

- *Creating an RFP and vetting three great candidates for the position of Hearing Office;*
- *Utilizing new tools at their disposal for dealing with non-compliance issues was critical in allowing the Board to focus full time on policy deliberations;*
- *Constant and persistent tweaking of the APCHA housing regulations, which included fee increases and a fine structure;*
- *Policy approval for the Hearing Officer to use as a template for addressing infractions, as well as many other improvements, all contributing to the overall good of the program;*
- *Navigating and resolving an almost five-year nightmare with Mr. Lee Mulcahy and his mother, with an outcome acceptable to both parties, without the need for continued lengthy litigation;*
- *In addition to getting a five-year strategic plan ratified by Council and Commissioners.*

The Board's work continued uninterrupted by the inglorious departure of our last Executive Director, Mike Kosdrosky, a year ago. This may be a good time to acknowledge his replacement after that occurred while we began a search for a full-time, permanent Executive Director. Right out of the shoot, she hit the ground

running and was able to quickly get her arms around very complex issues facing the program, including completing the successful launch of the HomeTrek platform and assisting in the task of finding her replacement. In the beginning, I found it so helpful that she reached out to each Board member individually to understand our concerns and aspirations more fully for the program. I could go on and on describing the leadership skills demonstrated and the enormous contribution Assistant City Manager, Diane Foster has made. It has been an honor and a pleasure serving with you.

I'd like to welcome our new Executive Director, Matthew Gillen, as well and congratulate him on one of the best interviews I've ever witnessed and wish him all the best in his new role as Diane's replacement. In no special order, I'd also like to acknowledge a few others I've had the pleasure of working with over the past decade.

- *Tom Smith, our in-house attorney, for his sage counsel and in keeping us all out of jail, all at the expense of his golf game;*
- *Cindy Christensen, for her tireless work ethic and our mother hen for almost 30 years. She was the glue that kept the Board and staff together through many trying times and apparently has reluctantly given her ten-year notice of retirement;*
- *Bethany Spitz, our Compliance Manager, overseeing all the compliance issues, and for her tireless efforts in helping the Board restructure APCHA regulations line by line;*
- *Andrew Miller, Business Analyst, for his meticulous minute taking of our meetings, not to mention his enormous help in the implementation of the HomeTrek launch;*
- *Julie Kieffer, Qualification Specialist;*
- *Maddie Feder, for keeping us all connected on Zoom meetings during the COVID shutdown;*
- *And so many more of their contributions to the seamless and smooth administration of the APCHA office.*

And finally, to my fellow Board members new and old, thank you for your service. I have every confidence you will continue to tirelessly attack the daunting task before you and perhaps one day you'll receive some good press acknowledging the difficult work you do and that is so richly deserved."

EXECUTIVE DIRECTOR COMMENTS: Interim Director Foster updated the Board on the following:

- Interim Director Foster introduced Matthew Gillen, APCHA's new Executive Director.
- Matthew Gillen introduced himself and informed the Board that he has rented a house and his papers are in the State Department, and that he will be moving here at the end of September, early October. He provided a few updates on what he was currently doing at the State Department with helping the move-out of people in Kabul, Afghanistan. The Board then introduced themselves.
- The budget will be presented to the City on Friday, and a draft will be brought to the Board on the 15th.
- Staff is still working with ReVision to cut annual software costs and they are looking at security aspects. It is about a \$300,000 project, which we currently have funding.
- Staff has received approximately 86% of the required ownership Affidavit's back. Currently working on additional emails, emailers and actually posting on the property.

CONSENT CALENDAR: Director Schmitz made a motion to approve the Minutes of the Regular Meeting held August 18, 2021; Director Richards seconded the motion. **ROLL CALL VOTE:** Directors Laughren, Richards and Schmitz voted yes. McNicholas-Kury abstained. Motion passed.

2nd READING AND PUBLIC HEARING FOR RESOLUTION NO. 06 (SERIES 2021), AMENDMENTS TO THE APCHA EMPLOYEE HOUSING REGULATIONS:

- Removal of Special Review Regulations: The Board agreed to pass this Regulation change.
- Transfers outside the bid process: The Board agreed to pass this Regulation change.
- Limiting applications to only bid one category – allowing any household the ability to bid in their category or up one: The Board agreed to pass this Regulation change.
- Modification of Retirement and Disability Work History: Requiring at least a ten-year work history of full-time work in Pitkin County immediately prior to retirement age. Disability remained the same at four years. The Board agreed to pass this Regulation change.
- Death of a Qualified Employee. The Board agreed to pass this Regulation change.
- Leave of Absence Requests: If an owner's HOA will not approve, directs them to the Hearing Officer. The Board agreed to pass this Regulation change.

Chair Mesirow opened the Public Hearing to public comment. All public comments came via email to the Board and/or Staff. Chair Mesirow entered them into the record.

All public comments were emailed to the Board or staff. Chairman Mesirow read them aloud.

- David Harris: I write to support the proposed language edits under consideration concerning retirement qualifications which will allow individuals to continue to rent/own deed restricted housing in Aspen and Pitkin County when retired. While workforce housing is a critical element in our resort community, retirement is a natural progression. The standards proposed support the need for housing during working years, and yet allow people to truly be part of their community without being forced to relocate once retirement age is upon them. 62 is the minimum age to receive benefits under the federal Social Security standards, and this a reasonable standard. Those who contribute to the workforce, who have planned well and are able to retire at that age, should be force out of their community. Thanks to APCHA for all you do to keep our community great!
- Diane Moore: Aspen has been my home for over thirty years and was fortunate enough to have lived several years in one of the Williams Wood affordable housing units in the 1990's. It was a turning point for me as the free-market housing options for the workforce was prohibitively expensive and limited, and I probably would not have stayed and made Aspen my home if it wasn't for the availability of affordable housing through APCHA. I appreciate APCHA's efforts to strengthen and revise the regulations that reflect the realities of people in all age groups who live in our unique community. With that in mind, I am wiring this letter to support the proposed amendment to APCHA's regulations which will permit individuals currently renting or owning deed restricted housing to remain in their units at the retirement age of 62, along with meeting eh requirements of having lived 30 years in the community and 15 contiguous years in employee housing. This amendment is fair, realistic and respects the fat that those retirement age should be forced to relocate a potently leave their community because of their desire to retire at the age of 62. The decision to retire is a personal one, and there are many reasons and circumstances taken into consideration in the decision-making process. As a community, we should embrace those who have worked hard and contributed to our community in immeasurable ways, and once they are upon retirement age, they should not have to worry or stress about losing their home. I believe all of us want a diverse and viable community and revising the APCHA regulations to reflect a retirement age of sixty-two should be supported by the Board.
- Andrea Booher: I am writing to voice my support for the modification of the retirement regulation. I am a forty-year local and have long followed and supported APCHA's mission to provide long-term affordable workforce housing to strengthen the community and economy. I have worked for the Federal Emergency Management Agency (FEMA) as an emergency responder for more than thirty years. Though my frequent assignments prevented me from qualifying for employee housing, I have many friends who are vital components of our community and are approaching retirement age.

Within the federal system, one is able to retire at 55 if they have 30 years of service, or 60 after serving 20 years. The proposed amendment to the age of 62 with 30 years in the community/15 contiguous years in employee housing is appropriate, just and within the interest of maintaining a healthy, age diverse community as well as within the guidelines of APCA's mission.

Chair Mesirow closed the public hearing section of the meeting.

Director McNicholas-Kury made a motion to approve Resolution No. 06 (Series 2021), Adopting Amendments to the Aspen/Pitkin Employee Housing Regulations at Second Reading and Public Hearing; Director Schmitz seconded the motion. Directors Ward, Laughren, Richards, Schmitz, McNicholas-Kury voted yes. Motion passed.

DRAFT WORK PLAN DISCUSSION

- Interim Executive Director Foster started the presentation on the 2022 APCA Work Plan with a general overview of the plan. Mesirow asked the Board if they think anything should be cut from this plan or if anything is missing. McNicholas-Kury stated that she doesn't see anything about the affordability standard and would like to see that scheduled in the future. The Board discussed items like sellers' standards and capital reserves, as well as the amount of grant money that could be available to APCA. The Board expressed their interest in APCA exploring the use of possible grant money more, wanting either a new staff member or existing explore the grant possibilities. The 2022 Work Plan will be brought back at the next meeting for further review with the suggested changes.

DISCUSSION OF REVISED DEED RESTRICTION

- Deputy Director Christensen started the presentation on the discussion of revising the deed restriction. Mesirow stated that we are not trying to solve anything tonight, but we want to get a general sense of what we are looking for and so staff can go back, research, and then bring it back to us. Christensen stated that in relation to the CPI that right now, it has been increasing every month. This is unusual, that is why when you look at the charts in the packet you see a lot of red boxes. The suggested change to a flat 2.5% would not be as beneficial at this point vs. a year ago. There are additional potential changes relating to capital improvements by including other improvements that were not allowed in the past.
- Christensen stated that this would not affect rental units. Mesirow asked if we change it to a flat 3% would that be a better incentive. Foster stated that it is possible, in addition we would reset the new capital improvements. Richards stated that she wants a bit of clarification on the foreclosure clause. McNicholas-Kury brought up that if we were to change the deed restrictions would the banks be okay with it and what that would look like. Christensen stated that she will call around to some lenders and ask. The Board wants staff to come up with additional incentives we could put in the new deed restriction for homeowners. Staff will continue to work on updating the deed restriction and will bring back later in the year.

APCHA BOARD OF DIRECTOR'S COMMENTS

- Director McNicholas-Kury stated that Yom Kippur is the highest Jewish holiday that starts on the 15th. She suggested we possibly move the meeting if the Board wants. The Board agreed to still meet on the 15th. She stated that she has been helping Michael Sailor with the redevelopment of his deed-restricted property located in W/J Ranch. The stumbling block now is the valuation of the existing home as well as the new units. What he ultimately wants to do is have the sale of the one, cover the cost of both. McNicholas-Kury stated that she hasn't looked at if that goal is fair or attainable. She is

currently going through the buyer and seller's side of APCA right now and it is sparking her interest on being on this Board.

- Director Richards stated that she apologized for not being in person and feels the discussion goes a lot smoother with everyone there. However, for her health and the health of others, she wants to continue to join meetings virtually keeping the in-person numbers lower.
- Mesirow asked about the possibility of adding a third meeting per month at 2 hours maximum. The Staff suggested not going to a third meeting. Jacober suggested a 2.5-hour meeting instead of a 3-hour meeting. This will go into effect at the September 15, 2021 meeting.

Director Schmitz made a motion to adjourn the meeting at 7:03 p.m.; Director McNicholas-Kury seconded the motion. Directors Ward, Laughren, Richards, Schmitz, McNicholas-Kury voted yes. Motion passed. Meeting adjourned at 7:03 p.m.

THE ASPEN/PITKIN COUNTY HOUSING AUTHORITY



Skippy Mesirow, Chairperson



Diane Foster, Secretary

