

INTERGOVERNMENTAL AGREEMENT

No. 66(82)

THIS AGREEMENT Made and entered into this 8TH day of NOVEMBER, 1982, by and between the CITY OF ASPEN, COLORADO, a Colorado municipal corporation and the BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF ASPEN, COLORADO, a non-profit corporation hereinafter referred to as the "City") and the BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, a municipal corporation and the BOARD OF COMMISSIONERS OF THE PITKIN COUNTY HOUSING AUTHORITY a non-profit Corporation hereinafter referred to as the "County":

WITNESSETH:

WHEREAS, each the City and County have established separate housing authorities pursuant to C.R.S. 1973, Section 29-4-201 et seq. and 29-4-501 et seq., and

WHEREAS, each the City and County are authorized by reason of Article XIV Section 18 of the Colorado Constitution, Section 13.5 of the Aspen Home Rule Charter and C.R.S. 1973, Section 29-1-103 to contract to provide for the joint exercise of any function, service or facility lawfully authorized to each, and

WHEREAS, the City and County wish, by this agreement, to provide for the joint operation of their respective housing authorities, including the operation of a City/County housing office.

NOW, THEREFORE, in consideration of the mutual benefits to be derived herefrom it is agreed by the parties hereto as follows:

JOINT HOUSING AUTHORITY

The City and County do hereby establish a joint City/County Housing Authority and delegate to such Authority any and all powers, duties, rights and obligations of each the City of Aspen Housing Authority and the Housing Authority of Pitkin County, Colorado by virtue of C.R.S. 1973, Section 29-4-201 et seq. and 29-4-501 et seq., including (but not by limitation) the following:

1. To investigate housing conditions and needs in Aspen and Pitkin County and the means and methods of improving conditions.
2. To prepare, carry out and operate projects and provide for construction, reconstruction, improvement, alterations or repairs of any project or part of a project. All projects will be subject to zoning, review and approval process required by City or County Code.

3. To purchase, lease, obtain options upon or acquire by eminent domain, gift grant, bequest or otherwise property from persons, firms corporations, City and County or other government.
4. To issue bonds, borrow money, secure mortgages, obtain grants, gifts or otherwise obtain funds for completing and operating projects. Money borrowed by any means will only be repaid by revenues from Authority operations and in no way shall obligate the tax revenues of the City or County.
5. To manage existing low, moderate, and middle income rental or resale restricted housing in accordance with existing City or County Development approval, contracts, or financing requirements to assure compliance with City/County regulations or resolutions concerning rental or resale restricted housing. The Housing Office may negotiate contracts as required to accomplish management of the Housing.
6. To plan for (subject to any rights of the present Silverking owner) a project to provide low, moderate, middle income housing on Phase IV Silverking land to replace Silverking units that will be condominiumized for the free market.
7. To annually adopt qualifications for ownership and rental low, moderate and middle income housing within the City and County as required by existing agreements and land use regulations.
8. To maintain data indicating needs for low, moderate, and middle income housing in the City and County.
9. To provide for marketing, reviewing applicants and arranging for transfer of title of rental and resale restricted units.
10. To review GMP applications by developers for employee housing as requested by the Planning Office for conformance with housing needs.
11. To develop creative financing and construction methods as well as incentives for providing low, moderate and middle income housing, by the public or private sector.
12. To redefine principles for future studies of housing needs.
13. To review and recommend establishment of an employee rental computerized availability record system for use by employees, employers, owners, and occupants and the public sector.

14. To appoint a Housing Office Director and prepare an annual budget for Housing Office. The Housing Office Director shall serve as Secretary to the Board of the City/County Housing Authority.

BOARD OF DIRECTORS

The Board of Directors of the City/County Housing Authority shall consist of five Directors, each to serve a two year term, except that two of the initial Directors shall serve a one year term as specified below, in order to provide staggered terms. Said Directors shall be appointed in the following fashion:

- a. Two (2) Directors shall be appointed by the Board of County Commissioners.
- b. Two (2) Directors shall be appointed by the Aspen City Council.
- c. One (1) Director shall be appointed jointly by a majority of the Board of County Commissioners and Aspen City Council.

One appointment each by the Board of County Commissioners and the Aspen City Council to the initial Board of Directors shall be for a one (1) year term. Thereafter, all appointments shall be for two year terms.

Said Directors shall be residents of Pitkin County, provided that two (2) of said Directors shall also be residents of the City of Aspen. Further, said Directors shall not be members of the Board of County Commissioners or the Aspen City Council, and they shall not be employees of any local housing authority. The initial Board of Directors shall be:

- 1.
- 2.
- 3.
- 4.
- 5.

The Board shall comply with the by-laws of the Housing Authority of Pitkin County adopted on February 24, 1975, of record at Book 352 Page 693 of the records of the Pitkin County Clerk and Recorder.

1983 BUDGET

The parties hereby adopt the budget attached hereto for the period between January 1 - December 31, 1983. In expending the budget the Housing Director shall insofar as practical, devote the time and monies between the City and County functions as shown on

said budget. All work allocations among Housing Office personnel, including "exclusive" City or County work shall be the responsibility of the Housing Office Director. The Housing Office Director shall certify as to the distribution of office time in the form of bi-monthly time sheets which shall verify the actual employee time effort on specific program allocation. This information will be summarized in periodic reports submitted to the City Manager and the County Manager. The reports will also summarize the program and financial status of work contracted with the Housing Office.

ACCOUNTING, REPORTS, AND AUDIT

With respect to accounting, reporting and auditing the 1983 budget:

1. All accounting, payroll, and audit services for the Housing Office shall be performed by the Finance Department of the County.
2. Costs that can be directly attributed to the City shall be credited to the City and those directly attributed to the County credited to the County.
3. Revenues that can be directly attributed to the City shall be credited to the City and those directly attributed to the County credited to the County.
4. Costs and revenues that cannot be attributed to either the City or County shall be charged or credited to each entity in the proportion that the entity's direct costs bear to the total direct costs.
5. The City shall pay to the County monthly one-twelfth of its share of the attached 1983 budget. Revisions to the budget must be approved by a joint resolution City Council and Board of County Commissioners.
6. On or before March 15, 1982, the actual net cost of the Housing Office to the City and County shall be determined by the City and County Finance Directors and Housing Director, and the final reimbursement shall be settled and transacted.

LEGAL ASSISTANCE FOR HOUSING

Legal assistance for the Housing Office work will be provided by the City/County attorneys for specific City/County Housing Office programs.

ANNUAL RENEWAL AND TERMINATION

1. This agreement may be amended, renewed, or readopted annually at the time of the official adoption of the budgets of the City and County and if not amended, revised, and adopted, shall lapse and be terminated at the end of the calendar year for which it is effective and the Housing Office shall cease to exist.
2. This agreement may be terminated upon thirty day's written notice by either party to the other.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

BOARD OF COMMISSIONERS
OF THE HOUSING AUTHORITY
OF THE CITY OF ASPEN, COLORADO
AND THE ASPEN CITY COUNCIL

ATTEST:

Kathryn Koch
Clerk and Recorder

By: _____
Herman Edel
Mayor

BOARD OF COMMISSIONERS
OF THE HOUSING AUTHORITY
OF PITKIN COUNTY, COLORADO,
AND THE PITKIN COUNTY COMMISSIONERS

ATTEST:

Lewis Scanlan
Deputy Clerk and Recorder

By: _____
Helea Kalin Klanderud
Chairwoman

APPROVED AS TO FORM:

Wesley A. Light
Wesley A. Light
County Attorney

EXECUTION DELAYED BY CITY PENDING REVIEW

JOINT RESOLUTION OF THE ASPEN CITY COUNCIL
AND BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO, AMENDING
THE METHOD OF APPOINTMENT OF THE BOARD OF COMMISSIONERS
OF THE CITY AND COUNTY HOUSING AUTHORITIES
Resolution No. 82-131

WHEREAS, the City and County have, by intergovernmental agreement, provided for the establishment of a City/County Housing Authority, and

WHEREAS, said contract calls for the appointment of members of the Board of Commissioners other than is provided by C.R.S. 1973, 29-4-205 and 29-4-505, and

WHEREAS, the Colorado housing authority law provides that the City Council and Board of County Commissioners may, by resolution and after notice and hearing, change the method of appointment of commissioners and both City and County wish to do so to conform to the Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Aspen City Council and Board of County Commissioners of Pitkin County, Colorado, that the Board of Commissioners of the City/County Housing Authority from and after the effective date hereof shall be appointed jointly by the City Council and Board of County Commissioners all as provided in the Intergovernmental Agreement dated 8 NOVEMBER, 1982, establishing the City/County Housing Authority.

Approved at a joint meeting of the Council and Commissioners held 8 NOVEMBER, 1982.

ATTEST:

Lewis Scanlan
Deputy Clerk and Recorder

APPROVED AS TO FORM:

Hesley A. Lytle
County Attorney

ATTEST:

Kathryn Koch
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
PITKIN COUNTY, COLORADO

By: Helen Kalin Klanderud
Chairwoman

THE CITY OF ASPEN, COLORADO

By: _____
Herman Edel
Mayor