

PUBLIC MEETING

August 20, @ 8:30pm
100 North Wilcox Street, Second Floor
Castle Rock, Colorado

AGENDA

THIS MEETING IS OPEN TO THE PUBLIC. PLEASE NOTE THAT ALL TIMES INDICATED ON THE AGENDA ARE APPROXIMATE WITH THE REGULAR MEETING COMMENCING AT 8:30PM AND CONCLUDING UPON COMPLETION OF THE AGENDA. INTERESTED PARTIES ARE ENCOURAGED TO BE PRESENT EARLIER THAN THE SCHEDULED TIME.

8:30 **Call to Order / Roll Call:**

1. Appointment of Acting Chair and Acting Executive Director

8:35 **Unscheduled Public Comment** (*During this time, members of the public are invited to address the Authority on items which are NOT scheduled on the agenda. Comments are limited to four (4) minutes per speaker.*)

8:35 **Staff Report:**

2. Discussion about Castle Rock Urban Renewal Authority (CRURA) Governance Program.

9:00 **Adjourn**

CRURA MEMORANDUM

To: Castle Rock Urban Renewal Authority Board of Commissioners (BOC)
From: Bill Detweiler, Acting CRURA Executive Director
Date: August 20, 2013
RE: Castle Rock Urban Renewal Authority Board of Commissioners and Staff Review

I. Background and Introduction:

Staff intended to present a URA governance plan at the August 20th URA meeting. However, as we worked through preparation of the governance documents for the URA program it became apparent that staff needed feedback from the BOC to ensure we are covering the bases and creating documents that will provide proper administration of the program.

Issues that staff recognized as needing additional discussion between the BOC and staff include:

II. By-Laws:

Special Meetings: The first draft of By-Laws included State Statute provisions that allow the BOC to conduct special meetings with less than 24 hours public notice. This requirement is in place so the BOC can act on a financial issue quickly. Sometimes title companies and financial groups find themselves in need of quick action during the final phase of negotiations and settlement. Although very rare, other Colorado URA programs keep this provision in the By-Laws in case those special circumstances arise where an applicant needs immediate action by the BOC to complete a closing. Examples provided to our team include situations where the applicant contacts the Executive Director of the URA at 11:00 in the morning seeking action by the BOC that evening so a closing can occur the following day. Such a request does not give staff time to post the meeting 24 hours in advance of the BOC meeting, therefore the special meeting provision applies.

At the staff level we find this State Statute public notice provision unusual, unsettling, and potentially in conflict with the Colorado Open Meetings Laws. We know, based upon discussion with other URA Directors and our expert consultant that special circumstances arise and immediate action is needed. Another way to approach this issue is to include language in BOC approval of an application giving staff the administrative authority to approve such emergency actions upon signature by the URA Chair and Executive Director. Stated differently, we suggest another option exists to resolve the issue of immediate action on settlement or closing. Before we delete any provision to conduct special meetings with less than 24 hour notice or allow administrative action in the By-Laws we want to discuss this issue with the BOC.

Conflict of Interest: The conflict of interest provisions in the By-Laws are consistent with other such legal documents. However, because Town staff will provide support to the BOC, there could be instances where, especially as it relates to legal issues, a conflict may arise where the Town Attorney must advise Town Council on a pending application related to a URA application, and then the Town Attorney must change hats and provide advice to the BOC on the accompanying URA application. Although we do not envision the same potential conflict with other Town staff as it relates to legal issues, we suggest the BOC discuss the option of hiring outside General Counsel (under advisement from Bob whether permanent or on-call) to provide legal counsel for the BOC.

III. Budget

Staff is preparing final budget and budget policy documents for BOC action. As part of our review we identified an issue that remains open ended; use of a loan to cover the gap between expenditures and repayment of the loan when TIF is collected. As an example we may begin staff review and incur costs associated with a URA application in the later months of 2013. However, it may be 3 or more years after BOC action that the first TIF revenues are collected. That means the terms of the loan will not include a specific year for repayment, and instead, we may create a longer term loan with balloon payments after a certain number of years. Stated differently, we want the BOC to recognize that the BOC request to Council for a loan may not be in the same format or include the same terms as a loan typically acted upon by Council.

IV. BOC and Staff Responsibilities:

Staff feels comfortable with the draft roles and responsibilities outlined for BOC approval. However, we want to discuss an issue that may arise as we work through review and action on URA applications; BOC communication and open records laws. It is important the BOC remember that all communication and actions by the BOC are subject to the Colorado Open Records Act. Why emphasize this point? Because the Council and BOC act as independent agents, staff will keep separate records of all activities, similar to what we did when the DDA was formed and we supported all activities of the new group.

V. Service Agreements between the Town and BOC:

Similar to the budget discussion, the Service Agreement outlines that the Authority is expected to pay the Town for staff and consultant time associated with processing and acting on URA applications, and "how" the Town will be paid back. We want to discuss the general philosophy of how we can separate the Town and BOC duties and activities, while requiring the two entities to be linked financially.

VI. Update on Potential URA Projects:

Marcus Notheisen from EDC will provide an update of marketing efforts and potential use of the URA to assist with funding development activities. No specific discussion or direction from the BOC is needed, we simply want to provide information and answer questions as needed.

VII. Administrative Update:

There are several minor administrative issues that need clean up and those issues will be ongoing over the next several months. As an example, due to the independent nature of the BOC and the need to create separation between Council duties and BOC duties, we will create a separate email address for the BOC and use that email for future BOC communication. We need to create a Castle Rock URA web page and will do so with assistance from our Administration staff and Community Relations staff. My goal is to consistently communicate with the BOC, typically through email, as that is the best way to provide information to 7 individuals, and to ensure that we maintain the separation between Council activities and CRURA BOC activities.

VIII. Schedule and Upcoming Events

Late September or Early October Meeting (date unknown): Our goal for the 2nd URA meeting is to adopt the governance plan and conduct an "Introduction to URA" program where expert consultants and legal counsel will provide an overview of URA laws, policies, and practices and respond to questions about URA programs across the State and specific issues related to Castle Rock.

Late October or Early November Meeting (date unknown): Our plan for the 3rd meeting is to conduct a mock application hearing so the BOC and all involved at the staff and EDC level can practice running through a URA application. We will enlist the assistance of Anne Ricker to provide us with a mock application and guide the team through the application review and public hearing process.

November and December Budget Meetings: The BOC must adopt a 2014 budget. Our plan is to process and act on the URA budget under the same schedule Council acts on the Town budget. We will keep the BOC updated as budget dates approach.

Potential for URA Application this Year (dates unknown): The possibility exists that we may receive a URA application this year, although that possibility is very low at this time. We will keep the BOC updated on all discussions and issues involved with our first URA application.

T/DevelopmentReview/URA/StaffURAREports