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**To:** [Michael Brack](#); [Antoinette McVeigh](#); [Ed Cannon](#)  
**Subject:** Online Form Submittal: Fraser River Valley Housing Partnership Board Application  
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## Fraser River Valley Housing Partnership Board Application

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What interests you about serving on the board of the Fraser River Valley Housing Partnership?	I am interested in using my experience as a public finance legal expert, as a public official and as a current and former board member of several governmental and nonprofit organizations to help the Grand County community solve the shortage of affordable workforce housing.
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Why should the Town Board consider you for appointment to this board?	<p>I have direct, relevant experience and expertise in affordable workforce housing, in providing housing to members of the US military and in organizing and operating multi-jurisdictional governmental authorities like the Partnership in Colorado mountain resort communities that will be valuable to the Partnership, including:</p> <p>Colorado Middle Income Housing Authority (a/k/a Colorado Workforce Housing Trust Authority): I am the principal architect of the legal structure for and, together with Legislative Legal Services, the principal drafter of SB 22-232, which was passed by the Colorado legislature on May 11, 2022 and is pending signature by the Governor (with assurances that he will sign). SB 22-232 creates a new state authority, the Colorado Middle-Income Housing Authority, and appropriates \$1 million to the Authority for the purpose of financing, developing, owning, constructing and operating housing for members of the Colorado workforce who earn between 80% and 120% of area median income (AMI), increasing to 140% of AMI in Grand County and</p>
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other rural resort counties and higher where justified by local housing market conditions (which I assume is the case in Grand County).

My experience with SB 22-232 will be valuable to the Fraser River Valley Housing Partnership because the Partnership will need to solve many of the same state, federal and local legal and financial issues that I analyzed and solved for SB 22-232, including TABOR and other Colorado legal issues, federal tax and fair housing issues and Colorado local government and intergovernmental cooperation issues.

Military Housing: I served as lender's counsel for 66 transactions aggregating in excess of \$7.8 billion that financed over 50,000 units of housing for members of the US military. I served as lender's counsel on so many military housing transactions because I was the principal architect of a unique legal and financial structure that allowed my client to provide financing at a lower cost and on other terms more favorable to the federal government than the financing offered by other potential lenders.

My experience with military housing will be valuable to the Fraser River Valley Housing Partnership because the Partnership will need to solve many of the same federal, state and local legal and financial issues that I analyzed and solved for the military housing transactions, which were financed, owned and operated under a federal program that is quite similar to the program that the Fraser River Valley Housing Partnership will likely use to finance, own and operate its housing – public ownership of real estate, contracts with third-party developers and housing managers and bonds payable primarily from rents and other revenues from housing, supplemented under certain circumstances by governmental funding – in the case of the Partnership, pending the future identification of the source of and conditions on the governmental funding.

Roaring Fork Transportation Authority: I served as legal counsel to the local governments in the Roaring Fork Valley in connection with the organization of the Roaring Fork Transportation Authority and, until I retired from my law firm at the end of 2019, as bond counsel to the Authority for all its financings. I wrote the legislation authorizing the creation of the Authority, negotiated and drafted the intergovernmental agreement under which the Authority was formed and operates and drafted the several ballot questions for, and advised the Authority and the local governments on, the elections that authorized the funding for the Authority. The organization of the Roaring Fork Transportation Authority was complex because it required agreement by all the local governments in the Roaring Fork Valley and voter approval of a series of ballot questions authorizing a different sales tax percentage in each jurisdiction. Financings by the Authority are

complex because they are payable from the differing sale taxes authorized in those elections, other pre-existing sales taxes and other local revenues.

My experience with the Roaring Fork Transportation Authority will be valuable to the Fraser River Valley Housing Partnership because the Partnership will need to solve many of the same federal, state and local legal and financial issues that I analyzed and solved for the Roaring Fork Transportation Authority because the Partnership, like the Roaring Fork Transportation Authority, is formed under an intergovernmental agreement among Colorado local governments entered into pursuant to a state statute (the Multi-Jurisdictional Housing Authority statute for the Partnership; the Regional Transportation Authority Act for the Roaring Fork Transportation Authority); the Partnership, like the Authority, may decide to seek voter approval for sales taxes or other long-term public funding and, like the Authority, may want that funding to differ from jurisdiction to jurisdiction; and financings of the Partnership, like the Authority, may be payable from a mixture of voter-approved sales taxes and other funding sources.

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What relevant experience, skills, and/or talents do you feel would help you be a contributing member to this board? What other, if any, civic organizations are/were you involved in and what are/were your accomplishments?

In addition to the experience described in my answer to the preceding question, I believe the experience, skills and talents developed in my 45 years as a public finance attorney and in my community activities and my employment and education will help me be a contributing member of the board of the Partnership.

Public finance experience overview: 45 years experience providing public finance legal services to state and local governments, nonprofit organizations, financial institutions and other businesses in connection with a wide variety of public and public-private projects. 43 years as a partner (in early years, an associate) in two major Denver law firms (Kutak Rock LLP and Davis, Graham & Stubbs). Last two years, consulting on my own on public finance issues. My clients include the Colorado State Treasurer, the Colorado Department of Transportation, the E-470 and Northwest Parkway Public Highway Authorities, the developer of the Regional Transportation District's rail projects, the Roaring Fork Transportation Authority, Denver Public Schools, the lender for over 50,000 units of privatized military housing on military bases throughout the United States, the State of Wyoming, the Colorado Department of Labor and Employment, the Colorado Department of Personnel and Administration, the Colorado Department of Corrections, the Colorado Housing and Finance Authority, Boulder, Pueblo, Larimer and Pitkin Counties, the City of Aspen and a variety of other Colorado cities, counties, school districts and authorities.

I am an acknowledged expert on the Taxpayer's Bill of Rights (TABOR) and served as counsel to the State of Colorado, Colorado local governments and bondholders in many of the

major cases applying TABOR to public finance, including *Bickel, et al. v. City of Boulder, Boulder Valley School District and Boulder County*, 885 P.2d 215 (Colo. 1994); *Boulder County v. Dougherty, Dawkins, Strand & Bigelow Incorporated*, 890 P.2d 199 (Colo. App. 1994); *Bolt, et al. v. Arapahoe County School District Number Six a/k/a Littleton Public Schools, et al.*, 898 P.2d 525 (Colo. 1995); *Nicholl v. E-470 Public Highway Authority, et al.*, 896 P.2d 859 (Colo. 1995); *In re Interrogatories on House Bill 99-1325*, 979 P.2d 549 (Colo. 1999); and *Mesa County Bd. of County Comm'rs v. State of Colorado*, 203 P.3d 519 (Colo. 2009).

Community involvement: I currently serve as a Trustee and member of the Finance Committee of the Grand County Library District; as a member, appointed by Speakers of the House K.C. Becker and Alec Garnett, of the State Pension Review Subcommittee, which studies and makes recommendations to the Colorado legislature regarding the State Public Employees Retirement Association (PERA); and as a member of the board and director of downhill skiing for the Winter Park Skimeisters.

I previously served as an elected board member, Treasurer and Chair of the Finance Committee of Denver Public Schools; as a board member of the Colorado Association of School Boards (CASB); as a member of the Governor's Emergency Council for Economic Stabilization and Growth (in response to COVID19 pandemic); as a member of the Denver Metro Chamber of Commerce's State Pension (PERA) Study Group; as a member of the board of directors of a variety of nonprofit organizations in the education and senior living fields; as president of my neighborhood organization; and as chair of the governing committee of my children's school.

Employment: partner, Kutak Rock LLP 1992-2019; partner, Davis, Graham & Stubbs 1982-1992; associate attorney 1976-1982; self-employed consultant 2020-present.

Education: Georgetown Law School, J.D. 1976; University of Iowa, B.G.S. 1973.

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Why do you think you would be a good fit to serve as a member of the board?

I am a permanent resident and active member of the Grand County community; through my work at the state level, my work with Colorado local governments and my involvement in the Grand County community, I understand the workforce housing demands and needs in the community and how workforce housing projects can fulfill those needs; I have extensive experience working collaboratively with others on boards of directors to guide projects and agreements forward; and I have extensive experience serving as a spokesperson for community projects that I can draw on in serving as a spokesperson for

solutions to the workforce housing shortage in Grand County.

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