

**JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

OCTOBER 1, 2018

JACKSON, WYOMING

The Jackson Town Council met in conjunction the Teton County Commission in a regular joint information session in the Commissioners Chambers located at 200 S. Willow Street at 3:00 P.M. Upon roll call the following were found to be present:

Chair & Commissioners: Mark Newcomb, Natalia Macker, Paul Vogelheim, Greg Epstein, and Smokey Rhea.
Mayor & Council: Mayor Pete Muldoon, Jim Stanford, Bob Lenz, and Don Frank.
Hailey Morton Levinson was absent.
Staff: Sherry Daigle, Roxanne Robinson DeVries, Stacy Stoker, Keith Gingery, Steve Ashworth, Tyler Sinclair, Alyssa Watkins, Audrey Cohen-Davis, Lea Colasuonno, Larry Pardee, Darren Brugmann, Kassie Hansen, and Shelley Fairbanks.

Public comment was given by Robbie Skye Campbell regarding Cell Towers.

Public comment was given by Roberta Hendrickson regarding Cell Towers.

Public comment was given by Shirley Thomas regarding the Special Purpose Excise Tax.

Public comment was given by Pia Valar regarding Cell Towers.

Public comment was given by Dave Schwendt regarding Cell Towers.

Public comment was given by Rod Lewis regarding Cell Towers.

Consent Calendar. On behalf of the County, a motion was made by Smokey Rhea and seconded by Natalia Macker to approve item A as presented on the Consent Calendar. On behalf of the Town, a motion was made by Bob Lenz and seconded by Jim Stanford to approve item A as presented on the Consent Calendar.

- A. **Meeting Minutes.** To approve the September 10, 2018 regular joint meeting minutes as presented.

Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

IV. Discussion/Action Items.

A. New Special Restriction Templates.

Stacy Stoker, Housing Manager, presented to the Joint Board for consideration of approval of standard special restriction templates reflecting the updates to the Housing Standards in the Town of Jackson and Teton County Land Development Regulations (LRDs), and the updates to the Jackson/Teton County Housing Department Rules and Regulations (Housing Rules and Regulations). On July 4th, 2018 the Town Council and Board of County Commissioners updated the Housing Standards in the LDRs and the Housing Rules and Regulations. The Town and County Legal Departments have drafted new standard restriction templates, which reflect the updates.

Key Components of Restrictions:

Affordable Ownership Restriction:

- Income and asset limits according to income ranges 0%-50%; 50%-80%; 80%-120% of median family income for Teton County.
- At least one person in the household must be employed an average of 30 hours per week (1,560 hours per year) at a local business until retirement age (currently 62).
- Occupancy requirement (10 months per year).
- No ownership of residential property within 150 miles of Teton County at time of purchase or during ownership.
- Annual check-in to verify employment and occupancy.
- Weighted drawing to identify buyers.
- Appreciation is CPI capped at 3%

Restated Affordable Ownership Restriction

- Same as Affordable Ownership. This restriction will be recorded on all existing Affordable resales.

Affordable Rental Restriction:

- Income and Asset Limits according to income ranges 0%-50%; 50%-80%; 80%-120% of median family income for Teton County
- At least one person in the household must be employed an average of 30 hours per week (1,560 hours per year) at a local business until retirement age (currently 62).
- Must remain a rental – no owner occupancy.
- Rental rate may not exceed 30% of the low end of the income range; basic utilities and trash removal must be included.
- Tenants may not own residential property within 150 miles of Teton County.
- Tenants must occupy the unit a minimum of 80% of the lease term.
- Tenants must continue to qualify while renting.
- Tenants are identified by the owner of the unit.
- The Housing Department will conduct annual verification for qualification.

Workforce Ownership Restriction:

- No income limit, but the household must continue to earn a minimum of 75% of income from a local business until retirement age (currently 62).
- No asset limit, except no ownership of residential property within 150 miles of Teton County at time of purchase or during ownership.
- At least one person in the household must be employed an average of 30 hours per week (1,560 hours per year) at a local business.
- Units can be owner occupied and they can be rented as long as the tenants are qualified.
- Household must occupy the unit a minimum of 10 months per calendar year or in the case of a rental tenant must occupy the unit a minimum of 80% of the lease term.
- Initial sale price and buyer are determined by seller and buyer. Subsequent sales are weighted drawings, and maximum sales price is determined by the Housing Department. Appreciation is CPI capped at 3%.
- Annual compliance will be conducted by the Housing Department

Restated Workforce Ownership Restriction:

- Same as Workforce Ownership. This restriction will be recorded on all existing Employment-based resales.

Workforce Rental Restriction:

- Intended for non-condominium apartments.
- No income limit, but the household must continue to earn a minimum of 75% of income from a local business until retirement age (currently 62).
- No asset limit, except no ownership of residential property within 150 miles of Teton County at time of rental or during tenancy.
- At least one person in the household must be employed a minimum of 30 hours per week (1,560 hours per year) at a local business.
- Units must remain rentals.
- Tenants must occupy the unit a minimum of 80% of the lease term.

Updates:

This item was brought to the September 10, 2018 JIM. The Council and Board continued the item to allow for changes to be made. As staff and legal took another look at the restriction, the following changes were made:

- The term “Mortgagee” was kept as is. Legal determined that this is the correct term. A mortgagee is an entity that lends money to a borrower for the purpose of purchasing real estate. The borrower is known as the mortgagor.
- Added Qualified Mortgage language to Workforce Ownership restriction.
- Renumbered and reorganized Sections 2 and 3 of each restriction so Qualified Household is in Section 2 in all the restrictions to make them uniform.
- Added a maintenance requirement, which didn’t exist in some of the restrictions.
- Made the insurance provision consistent in all six restrictions.

- Added a default provision in the template(s) where absent to make it consistent in all restrictions.
- Clarified the language that allows termination and modifications to the restrictions consistently in all six documents as follows
 - Termination for failure to meet affordable housing goals: this may be made by the Town or County exclusively and unilaterally.
 - Termination Resulting from Foreclosure: This is only relevant to and therefore only in the ownership restrictions and provides the Housing authority the first option to purchase.
 - Amendment to the restriction generally: These may be made by Owner AND either the Town or County (respectively) in writing.
 - Corrections: These may be made by the Housing Department and only to correct a scrivener's errors, erroneous legal description or typographical error.
- Added a history of the creation of the Joint Housing Authority and the Housing Department to the Recitals.
- Additional minor, insubstantial changes to clean up the templates were also made. These included correcting spelling and formatting errors and reinsuring consistency between the template forms.

There was no discussion between the Joint Board and staff.

Public comment was given by Stefan Fodor on behalf of Sage Brush Investors,

Discussion between the Joint Board and Staff included the public comment given by Stefan Fodor. Process to amend these restrictions once approved, this item is time sensitive, financing.

Discussion between the Joint Board included, pulling the workforce rental section and voting on the other four (4) sections, agreement with all sections, requirements in restrictions for HUD financing, workforce rental unit restrictions, policy direction changes – 150 mile radius, amendments can be made once restrictions are approved, the restrictions should be consistent throughout, goal of templates is to not have to work on a case by case basis.

On behalf of the Town, a motion was made by Don Frank and seconded by Bob Lenz to continue this item to the November 5 meeting. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

On behalf of the County, a motion was made by Paul Vogelheim and seconded by Smokey Rhea to continue this item to the November 5 meeting. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

B. Strategic Plan Adoption Through Resolution

Steve Ashworth, Director of Parks and Recreation, presented to the Joint Board for consideration of approval to adopt the 2018 Parks and Recreation Strategic plan by resolution. The goal of the adoption is to recognize and acknowledge the goals and priorities for facilities, programs and services by the department. The strategic plan is a guiding document meant to aid in the decision-making process. The Department contracted with GreenPlay, LLC to develop the plan. GreenPlay, LLC was founded in 1999 as a consortium of experts to provide management and consulting services for park, recreation, open space, and related quality of life agencies. GreenPlay, LLC has successfully completed over 400 strategic planning projects throughout the country. The planning process began in May of 2017 with extensive community engagement and statistical analysis. Over the course of the last year, GreenPlay and staff have worked together to better understand the overall community's recreational, park and open space needs, and how best to serve and meet these needs. The strategic plan has utilized the Teton County/Jackson Comprehensive Plan as its foundation and incorporated the guiding principles of the Integrated transportation and Community Housing plans. The goal of the plan was to develop a vision and strategy to address the community's parks and recreation needs in the most effective manner. The plan identifies opportunities and challenges that the department faces, and provides recommendations of capital, programming and operational priorities for the next ten years.

There was no public comment.

Discussion among the Joint Board included Stilson and a school on the site, plan is a guiding document.

On behalf of the County, a motion was made by Natalia Macker and seconded by Smokey Rhea to adopt by resolution the 2018 Teton County/Jackson Parks and Recreation Department Strategic Plan as a guiding document. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

On behalf of the Town, a motion was made by Don Frank and seconded by Bob Lenz to adopt by resolution the 2018 Teton County/Jackson Parks and Recreation Department Strategic Plan as a guiding document. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

C. START Joint Powers Agreement

Larry Pardee, Town Manager, presented to the Joint Board for consideration of approval of the amendments to the START Joint Powers Agreement (JPA) which were discussed and directed at the retreat in February of 2018. The Town Council and the County Commission discussed potential amendments to the START JPA at the February joint retreat this year and the Town Council directed the Town Attorney to prepare draft amendments based on the discussion. Adopting the changes as proposed provides some clarification for the START Board and the Transit Director in managing daily operations and expectations for decision making and the changes should have a positive impact moving forward. The requested changes were focused on:

- Clarifying the role of the START Board as it relates to the broad policy decisions.
- Clarifying the role of the START Board for decisions that would affect the adopted budget.
- Clarifying the purpose of the operating plan and its relation to the budget.
- Communicating decisions that may affect the broader public, existing policy and the approved budget.
- Clarifying that internal operational and management decisions are made by the Transit Director as approved by the Town Manager.
- Clarifying that no new obligations regarding management, control, maintenance or supervision of property facilities or programs that significantly impact the broader public, the budget, or deviate from existing policy can be approved by the Board without the Town and County's approval.

Clarifying that the START Board can enter into contracts so long as they are within the approved budget, operating plan and policies already approved by the Town and County, also I would like to extend a special Thank You to Town Attorney, Audrey Cohen-Davis who reviewed the START JPA and spent notable time carefully listening to the audio from the meeting to ensure all points were captured and addressed in the proposed third amendment to the agreement. The Town Attorney also met with Transit Director, Darren Brugmann along with administrative staff from the Town and provided the proposed amendments to County staff, and the START Board for further review and comment. The amendments proposed accurately reflect the Council and Commissions discussion and direction provided at the retreat. Due to the issues associated with budget approval, administrative decision making, and the political nature of rates, fares, routes and funding, the Town Manager and County Administrator would like to suggest as we work forward into the future with the Elected officials on the JPA we transition the START Board into more of an advisory role similar in nature to the Parks and Recreation Board.

An advisory focus for this board would help to clarify decision making and set expectations in terms of what decisions can and may be overturned by the Council and Commission as well as the board's role in providing direction to the Transit Director and how that interaction functions successfully when combined with the Transit Director reporting directly to the Town Manager. An example is on page 2 of the agreement where the amendment clarifies that significant changes to the routing, scheduling, fares, etc. need to be communicated to the Town and County but the reality in many instances is that the elected officials are oftentimes acting as the final decision maker for these significant changes. As noted, the proposed amendments reflect the Council and Commission's direction and staff would encourage further adjustments be consider as we work forward in the future.

The Council and Commission have many options to consider including:

1. Approve the draft Third Amendment to the START JPA as presented and direct the Town Attorney to send the amendment to the Wyoming Attorney General for approval.
2. Adopt the amendments and direct staff to draft further amendments to the START JPA to reflect the role of the START Board as more of an advisory role.

3. Discuss the proposed amendments and continue the item to the next available Joint Information Meeting (JIM).
4. Take no action thereby keeping the current START JPA intact.
5. Other.

Audrey Cohen-Davis, Town Attorney, addressed the Joint Board regarding all comments from elected officials at the retreat, paragraphs 5, 8, 9, and 10.

Paragraph 5. Delegation of Authority for Operation, Regulation, Control and Maintenance of Property, Facilities and Programs, shall be amended with the following that reflects a clarification on **decisions affecting existing policy of the Parties.**

The Board is hereby delegated the authority to control, maintain, manage, operate and regulate the transit system described herein, whether individually or jointly owned, as well as all related equipment **and facilities.** Such authority specifically includes the routing and scheduling of bus services, establishing fares, advertising, and seasonal adjustments to bus services **within the approved operating plan submitted by the Board with the Budget ultimately approved by the Parties. Any significant changes or deviations that may affect the broader public, existing policy and the approved Budget shall be communicated to the Parties.**

Paragraph 8 shall be amended to reflect clarification on the operating plan:

The fiscal year of the Board shall be July 1 to June 30th of each year. The Board shall prepare and submit its proposed budget, together with its proposed operating plan, to the Parties not later than March 20th of each year. The operating plan shall be sufficiently detailed to eliminate ambiguities with regard to the nature and extent of any management decisions, proposed capital projects or expenditures or personnel hiring. **The operating plan shall also include any policy changes or deviations directed by both Parties that will affect the final Budget.** The Board will provide the Parties with reports detailing its activities and expenditures on a quarterly/seasonal basis. Upon approval of a START budget by the Town and County, the Board shall not be required to seek subsequent approval of expenditures from these agencies **so long as the Board does not exceed the approved Budget, except for internal operational and management decisions.** Notwithstanding the foregoing, the Board shall be required to comply with all applicable procurement procedures established by the Town.

Paragraph 9. Method of Operation, *paragraph 2*, shall be amended with the following that reflects a clarification on the day to day control, management, supervision, operation and regulation of the transit system and facilities:

Within the foregoing constraints, the day to day control, management **(including special event management)**, supervision, operation and regulation of the transit system and facilities shall be under the administration of the Board. No *new* obligations to engage in the management, control, maintenance or supervision of property, facilities or programs **that may significantly impact the broader public, the approved Budget or deviation from existing policy** may be delegated to the Board by the Town or County, or assumed by the Board, without the approval of both of the Parties. No capital projects may be undertaken

and no unbudgeted capital expenditures may be incurred without the prior approval of both Parties.

Paragraph 10. Agents and Employees, paragraph 1, shall be amended with the following that reflects a change in the authority regarding contracts, which shall now read as follows:

The Board shall, in carrying out the purposes, duties and functions set forth herein, have the authority to contract with organizations providing services, funding or facilities needed to carry out the purposes of this Agreement **within the approved Budget, operating plan, and policies approved by the Parties for each year.** All contracts with such organizations shall be approved as to form, in advance, by the Town Attorney and County Attorney.

Discussion between the Joint Board and staff included wording used in changes, quarterly or seasonal basis for reporting, broader public, approved operating plan, strike facilities from paragraph 5, approved operating plan approved by Joint Board, advisory vs authority board, March 20th date in full agreement change to February 14th, strike facilities as a whole not just paragraph 5, Darren Brugmann oversees the facility, facilities used for large events outside Town/County government uses is through Town Manager.

Changes to be made are as follows: striking facilities throughout the document, pp.5 approved budget shall be approved by the parties, pp.8 strike decisions insert expenditures, strike quarterly leave in seasonal, pp.9 strike or deviation insert or which deviates.

There was no public comment.

On behalf of the County, a motion was made by Natalia Macker and seconded by Smokey Rhea to continue this item to a date uncertain. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

On behalf of the Town, a motion was made by Don Frank and seconded by Bob Lenz to continue this item to a date uncertain. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

Executive Session.

There was no executive session held today.

Adjourn. On behalf of the County, a motion was made by Natalia Macker and seconded by Vogelheim to adjourn. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Bob Lenz and seconded by Jim Standford to adjourn to executive session. The vote showed all in favor and the motion carried.

The meeting adjourned at 5:00 p.m.

TETON COUNTY

ATTEST:

Mark Newcomb, Chair

Sherry L. Daigle, County Clerk