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AGENDA

SAN MIGUEL REGIONAL HOUSING AUTHORITY SPECIAL MEETING

Monday, February 28, 2022 @ 1:00 PM

Via Zoom

ID# 484.178.1222 PW: Board

CALL IN: 301-715-8592 or 253-215-8782

- I. CALL TO ORDER**
- II. REVIEW OF AGENDA**
- III. NEW BUSINESS**
 - A. Review of At-Large Board Members Letters of Interest
 - B. Review SMRHA Manager Applications
- IV. ACTION ITEMS**
 - A. Approval SMHRA FY 2022 Budget
 - B. Adoption of Notice of Violation Protocol
 - C. Appoint Designee to Negotiate NOV's on SMRHA's Behalf
- V. OTHER BUSINESS**
 - A. Status of IGA Between the Town of Telluride and San Miguel County
 - B. Board Availability for the April 4, 2022 Scheduled Board Meeting
- VI. ADJOURN**

Next Scheduled Meeting

March 7, 2022

11:30 A.M.

This agenda is subject to change including the addition of items or the deletion of items at any time. The lengths of discussions may be shorter or longer, at the Board's discretion. If you are planning to come speak to a matter, let the Executive Director know by calling 728-3034, ext. 3.

**San Miguel Regional Housing Authority
Draft Budget
FY 2022**

	<u>ToT</u>	<u>SMC</u>	<u>CDOH</u>	<u>Total</u>
FUNDING	92,625	92,625	24,067	209,317
Personnel Expense				
Salary/Wages				
Position 1	0	0		0
Position 2	0	0	0	0
Total Salary/Wages	0	0	0	0
Employee Benefits				
PERA = 14.22%	0	0	0	0
Medicare = 1.45%	0	0	0	0
SUTA = .003	0	0	0	0
Health Insurance	11,340	11,340		22,680 <i>Based on 2 EE</i>
Worker's Comp Ins	150	150		300
Total Employee Benefits	11,490	11,490	0	22,980
Total Personnel Expense	11,490	11,490	0	22,980
Operating Expenses				
Accounting Software	420	420		840
Advertising	900	900		1,800
Auditing Services	3,100	3,100		6,200
Cleaning Services	765	765		1,530
Computer Software/Hardware	4,881	4,881		9,763
Conference/Training	400	400		800
Copier Lease/Maintenance	875	875		1,751
Dues/Membership	310	310		620
Insurance	1,576	1,576		3,152
IT Services	750	750		1,500
Misc Expenses	400	400		800
Office Supplies	300	300		600
Outreach	450	450		900
Payroll Expense	739	739		1,479
Postage	325	325		650
Rent	5,136	5,136		10,272
Telephone	1,547	1,547		3,095
Travel	250	250		500
Website	300	300		600
Total Operating Expenses	23,425	23,425	0	46,851
Total Expenses	34,915	34,915	0	69,831
Reserves	57,710	57,710	24,067 #	139,486

SMRHA Administrative Hearings
Hearing Protocol Primer
February 2022

The San Miguel Regional Housing Authority (“SMRHA”) is a corporate and politic body organized under the Housing Authorities Law, SMRRS § 29-4-201, et seq. The Housing Authorities Law grants powers to the SMRHA that include § 29-4-209 (v) To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information, and (w) To issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the state, unable to attend before the authority, or excused from attendance;

Quasi-Judicial

They have powers and procedures resembling those of a court of law or judge, and are obliged to objectively determine facts and draw conclusions from them.

A SMRHA hearing is a quasi-judicial proceeding. The SMRHA has powers and procedures resembling those of a court of law or judge, and are obliged to objectively determine facts and draw conclusions from the procedures. The action taken and discretion exercised by SMRHA are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions. The SMRHA hearing should be much less formal than a court proceeding, but remain consistent with the fundamentals of fairness, impartiality, and thoroughness. A board may appoint a hearing officer to run the hearing so that it feels more like a judicial proceeding. Regardless, one member of the board should be in charge and manage the hearing.

1. Hearings: The leading board member or hearing officer acts in a quasi-judicial capacity and cannot talk to a party to an administrative adjudication without all other parties being present. An administrative adjudication is an adversarial proceeding in which the hearing officer must remain neutral in all respects. The hearing officer's staff does not have authority to give legal advice to any of the parties involved in the administrative process.

2. Pre-Hearing. Before the hearing begins:

a. Narrow Issues. The parties and the hearing officer should identify the issues in dispute to be resolved at the hearing. The possibility of fact stipulations should be explored, as well as whether some or all of the issues are appropriate for resolution by summary judgment or other dispositive motion.

b. Procedural Rules for the Hearing. The hearing officer can use a prehearing conference to set out the procedure for the hearing including the sequence and

manner of presenting evidence, burden of proof, cross-examination, argument, and pre- or post-hearing briefing (if warranted).

c. **Deadlines.** It is the hearing officer's responsibility to move matters along and to set deadlines. The hearing officer has the responsibility to issue prompt decisions on procedural issues and respond timely to parties' inquiries. Generally, deadlines for such matters as amendment of the accusation or statement of issues, exchange of witness lists and exhibits, permissible discovery, or prehearing motions are set at a prehearing conference.

d. **Organizing the Hearing.** The hearing officer should establish the order of oral presentations in the prehearing order or by other notice well before the hearing.

3. Mechanics of the Hearing. There is no standard model for a formal administrative hearing. It should have dignity and order similar to a judicial proceeding, but should be conducted less formally. The goal is to develop a fair, accurate, and concise record.

a. **Opening Statement.** The hearing officer should begin the hearing by introducing the case, his or her name, and a tentative agenda for the hearing and give any preliminary instructions concerning decorum, procedure, and hearing hours. In addition, a basic opening statement should include the following:

- 1) the title of case or matter;
- 2) the date, time, and place of hearing;
- 3) the persons present at the hearing or by telephone; and
- 4) the LUC or Covenant section under which the hearing is being conducted

b. **Burden of Proof.** An administrative agency to which rulemaking authority has been delegated has discretion to allocate the burden of proof in an administrative hearing if the underlying statute is silent on the issue.

- 1) **Preponderance of the evidence.** When a party has the burden of proving any claim by a preponderance of the evidence, it means you must be persuaded by the evidence that the claim is more probably true than not true.
- 2) **Clear and convincing evidence.** When a party has the burden of proving any claim or defense by clear and convincing evidence, it means that the party must present evidence that leaves you with a firm belief or conviction that it is highly probable that the factual contentions of the claim or defense are true. This is a higher standard of proof than proof by a preponderance of the evidence, but it does not require proof beyond a reasonable doubt.

c. **Participation and Appearances.** The hearing officer should ask each of the parties and their representatives to introduce themselves for the record. The

hearing officer should rule on requests to intervene or to participate on some other basis. If appropriate, the hearing officer should inform those present of their rights (or lack of rights) to participate in the hearing.

d. Witnesses should testify under oath. “Do you solemnly swear or affirm that the testimony you will give will be the truth, the whole truth, and nothing but the truth?”(CRS: § 29-4-505. Powers of authority, Section 29-4-209 (1) (v) & (w) § 30-10-308. Oaths administered and orders signed by chairman)

e. Compelling Testimony / Subpoenas. The CHA has the power to issues subpoenas. CRS Section 29-4-209 (1) (v) & (w)

f. Evidence by Affidavit. A party may introduce hearing evidence by affidavit if submitted timely to opposing party.

g. Witness Order. The party presenting its case calls witnesses, who are then sworn in by the hearing officer. Direct examination should then begin. Cross examination and redirect examination would then follow until that witness' testimony is presented in full. Normally, all of a party's should be called and examined before the next party begins to call witnesses.

h. Rules of Evidence. The THA may relax the strict application of the rules of evidence to administrative hearings, however, evidence should be relevant, material, and trustworthy.

4. Closing the Record. After closing arguments, the hearing officer will generally close the record. This means that no further evidence will be permitted. The hearing officer may extend the record closing date, however, to a specified date to receive specific documents. After the record is closed, the hearing officer will prepare a final decision.

5. Findings of Fact. The hearing officer may choose to request that the parties file proposed findings of fact and conclusions of law. The final decision of the hearing officer must include a ruling accepting or rejecting each of the proposed findings, with an explanation of the reasons for any rejections. If no proposed findings of fact were presented, the hearing officer must list those upon which the final decision was made.