



AGENDA
SPECIAL BOARD MEETING

Via Zoom teleconference

Tuesday, March 3, 2026

3:00 pm

Board Members:

**Michelle Miller (Chair), Dave Rose (Vice Chair), Theresa Bowen,
Peter Padilla (City Mem.), Tom Green (City Alt.), Michael Martinez (City Mgr)**

1. Call to Order – (Michelle Miller)

Board Chair... *"I will now call the March 3, 2026 Special Board Meeting to order at ___P.M. Please rise for the Pledge of Allegiance."*

2. Pledge of Allegiance – (Michelle Miller)

When Pledge is completed... *Board Chair announces..." We will now have roll call."*

3. Roll Call – (Debra Bristol)

When roll call is completed... *Board Chair announces..." We will now move to the next item."*

4. Seating of Alternate(s) – (Michelle Miller)

If need to seat alternate(s)... *"We will now seat the following alternate(s) ..."*

If no need to seat alternate(s)... *"It appears we do not need to seat any alternates today. We will now move on to the next item."*

5. Approval of Agenda – (Michelle Miller)

Board Chair... *"I will entertain a motion to approve the March 3, 2026 Special Board Meeting Agenda as presented."* Recommended motion... *"I move to approve the March 3, 2026 Special Board Meeting Agenda as presented."*

Board Chair... *"Can I get a second?"* (Wait for second.)

Board Chair... *"All in favor say 'aye'."* (Wait for response.)

Board Chair... *"Those opposed say 'nay'."* (Wait for response.)

Board Chair... *"The motion passes/fails and the Regular Agenda is approved/disapproved. We will now move on to the next item."*

6. Public Comment – (Michelle Miller)

If no public comment... *"It appears we do not have any public comment today. We will now move on to the next item."*

7. Board Discussion - (Michelle Miller)

DISCUSSION AROUND THE BOARD'S PREFERENCE FOR HOW TO PROCEED REGARDING AGENDA ITEM 10.A RESOLUTIONS: ID-78-26 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE CITY COUNCIL POLICY FOR THE APPOINTMENT OF MEMBERS TO CITY BOARDS, COMMISSIONS, AND AUTHORITIES." SPECIFICALLY, THE BOARD WILL DISCUSS AND DECIDE BY VOTE IF BHA SHOULD OR SHOULD NOT EXPRESS CONCERN THROUGH PUBLIC COMMENT AND/OR DIRECT COMMUNICATION WITH BRIGHTON CITY COUNCIL REGARDING "RESO 26 AMENDING BOARD AND COMMISSION APPT POLICY" TO BE VOTED ON BY CITY COUNCIL ON MARCH 3, 2026, PER THE POSTED AGENDA.

8. Adjournment – (Michelle Miller)

Board Chair... *"There being nothing further that appears on the Agenda, this March 3, 2026 Board meeting is hereby adjourned."*

Brighton Housing Authority's Board Meeting is scheduled for March 5, 2026, at 4 PM at Historic City Hall.

Notice of Non-Discrimination

It is the policy of the Brighton Housing Authority to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. The Brighton Housing Authority has a policy to provide language access services at no charge to persons with limited English proficiency (LEP) and persons with a disability who are served by the Authority.

For more information on non-discrimination or interpretation, please contact the Brighton Housing Authority at info@brightonhousing.org or 303-655-2160. The Brighton Housing Authority will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA) or will arrange for an interpreter in accordance with Title VI of the Civil Rights Act. Any request for an interpreter must be made by 9:00 a.m. on the Thursday prior to the Brighton Housing Authority's board meeting.

Aviso de No Discriminación

Es política de la Autoridad de Vivienda de Brighton proporcionar servicios, programas y actividades iguales sin importar la raza, el color, el origen nacional, la creencia, la religión, el sexo, la orientación sexual, la discapacidad o la edad, y sin tener en cuenta el ejercicio de los derechos garantizados por la ley estatal o federal. La Autoridad de Vivienda de Brighton tiene una política para proporcionar servicios de acceso al idioma sin cargo a personas con dominio limitado del inglés (LEP) y personas con discapacidades que son atendidas por la Autoridad.

Para obtener más información sobre la no discriminación o la interpretación, comuníquese con la Autoridad de Vivienda de Brighton en info@brightonhousing.org o al 303-655-2160. La Autoridad de Vivienda de Brighton hará adaptaciones razonables para los ciudadanos de acuerdo con la Ley de Estadounidenses con Discapacidades (ADA) o proporcionará un intérprete de acuerdo con el Título VI de la Ley de Derechos Civiles. Cualquier solicitud de un intérprete debe hacerse antes de las 9:00 a.m. del jueves anterior a la reunión de la Junta de la Autoridad de Vivienda de Brighton.

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MEMORANDUM

To: Board of Commissioners, Brighton Housing Authority

From: Counsel, Law Office of Mark Berry

Re: Legal and Governance Concerns Regarding Proposed City Policy on Appointment of Housing Authority Commissioners

Date: March 2, 2026

I. Purpose of This Memorandum

This memorandum analyzes the City of Brighton City Council's ("City's") proposed revisions to its board-appointment policy as they relate to the Brighton Housing Authority ("BHA"). The proposed change would allow the City Council to interview and appoint BHA Commissioners without prior BHA Board vetting, interviewing, or recommendation. For the reasons outlined below, this change conflicts with the Colorado Housing Authorities Law, violates the BHA Bylaws approved by the City Council, disregards long-standing practice, and undermines the statutory independence of the Authority. The BHA Board should oppose the proposed change and request that the City defer action until a Study Session with all affected boards, as suggested by Council Member Snyder.

II. The Housing Authority's Statutory Status Requires Independent Input in Commissioner Selection

A. Housing Authorities Are Independent Public Corporations Under Colorado Law

Under the Colorado Housing Authorities Law, a housing authority is:

- "a public body corporate and politic"
- "exercising public and essential governmental functions"
- "independent and autonomous in its operations"

See **C.R.S. § 29-4-204(1)** (establishing housing authorities as separate corporate entities once created).

Once established, the Authority is not a department of the City. It is a distinct governmental body with its own powers, duties, and governance structure. The City Council's statutory role is limited to the appointment of commissioners under **C.R.S. § 29-4-205(1)**. Nothing in the statute authorizes the City to control the Authority's internal governance or override its bylaws.

B. The Authority Has the Inherent Power to Adopt and Enforce Its Own Bylaws

Colorado law expressly authorizes a housing authority to:

- “make and execute bylaws”
- “govern its internal affairs”

See C.R.S. § 29-4-209(1)(a).

This statutory grant means the Authority—not the City—controls its bylaws unless the bylaws themselves reserve amendment authority to the City. The BHA Bylaws do not do so. Accordingly, the City Council cannot unilaterally amend or disregard the BHA Bylaws.

III. The Proposed Policy Directly Conflicts With the BHA Bylaws

The BHA Bylaws, approved by the City Council, state:

“Each Commissioner and Alternate Commissioner shall be recommended by the Board to be appointed through resolution by the City Council of the City.”

BHA Bylaws, Article II, Section 1.

This language is mandatory. It requires:

1. **BHA Board vetting and interviewing,**
2. **BHA Board voting,** and
3. **BHA Board recommendation**

before the City Council may consider or appoint a candidate.

The proposed policy would allow the City Council to bypass this process entirely. That is a direct violation of the Bylaws and an impermissible intrusion into the Authority’s statutory autonomy.

Because the City Council lacks authority under the Housing Authorities Law to amend BHA Bylaws, the City cannot adopt a policy that contradicts them.

IV. Long-Standing Practice Supports Maintaining BHA’s Recommendation Role

For more than twenty years, the City and the BHA have followed the same appointment procedure:

- BHA interviews and vets candidates.
- BHA votes and recommends a candidate.
- The City Council then interviews and appoints.

This process has worked without issue. At the most recent City Council meeting, **no concerns were raised** about BHA’s vetting process or the quality of its recommendations. The proposed change is therefore not a response to any identified problem.

Council Member Worth expressly stated that interviewers must have expertise in the subject matter and that the City Council should not be the sole selector—an observation that aligns with the BHA Board’s position and with the statutory structure of the Housing Authorities Law.

V. The Proposed Policy Change Is Being Advanced Without Required Input From the BHA

The City has not provided the BHA Board with notice, a draft for review, or an opportunity to comment—despite the fact that:

- A City Council Member, an Alternate, and the City Manager sit on the BHA Board;
- The proposed change directly affects BHA governance; and
- Council Member Snyder recommended that the matter be discussed in a Study Session with all affected boards.

The absence of consultation is inconsistent with the City’s stated desire to obtain input from all boards and utilize their expertise. It also undermines the collaborative relationship historically maintained between the City and the BHA.

VI. Distinguishing BHA From Other Boards and Commissions

The City Attorney noted that some boards (e.g., DDA, Planning Commission) prefer not to interview their own candidates. That distinction is irrelevant to BHA because:

- Those bodies are **not** independent public corporations under state statute.
- Their appointment processes are governed by City ordinance, not state law.
- Their bylaws do not contain mandatory recommendation requirements.

The Housing Authority is fundamentally different. Its independence is mandated by state law, and its bylaws require BHA recommendation before City appointment.

A uniform policy across all boards is therefore neither required nor legally appropriate.

VII. Recommendation

For the reasons above, the BHA Board should formally recommend that the City:

1. **Remove the BHA from the scope of the proposed policy change (keep BHA listed in I.C of the proposed policy)**, preserving the existing statutory and bylaw-mandated process.
2. **Defer any action** until a City Council Study Session is held with all affected boards, consistent with Council Member Snyder’s request.
3. **Acknowledge the binding effect of the BHA Bylaws** and the statutory independence of the Authority under the Colorado Housing Authorities Law.
4. **Continue the 20-year practice** in which BHA vets, interviews, and recommends candidates before City Council consideration.

This approach respects state law, honors the Authority’s independence, preserves a proven and effective process, and ensures that commissioner selection benefits from the expertise of those most familiar with BHA’s mission and operations.

CITY OF BRIGHTON
POLICY REGARDING THE INTERVIEW AND APPOINTMENT
PROCEDURES FOR CITY BOARD, COMMISSION, AND
AUTHORITY MEMBERS

I. General Provisions:

A. The City Council will appoint, by resolution, members to the following Boards, Commissions, and Authorities:

1. Brighton Housing Authority
2. District Plan Commission
3. Downtown Development Authority
4. Historic Preservation Commission
5. Parks and Recreation Advisory Board
6. Planning Commission/Board of Adjustment
7. Sustainability Advisory Board
8. Urban Renewal Authority
9. Youth Commission

B. The City Council will interview candidates for the following Board/Commission/Authority:

1. Planning Commission/Board of Adjustment
- ~~2. Brighton Housing Authority~~
- ~~3. Brighton Urban Renewal Authority~~
- ~~4.2. Downtown Development Authority~~

C. Each of the following Boards/Commissions/Authorities will interview candidates for their particular Board/Commission/Authority as more specifically set forth below:

1. District Plan Commission
2. Historic Preservation Commission
3. Parks and Recreation Advisory Board
4. Sustainability Advisory Board
5. Youth Commission (interviews are conducted with all applicants during a day training session conducted by Youth Services Staff)
- ~~5-6.~~ Brighton Housing Authority

II. Procedure:

A. Publication of Vacancies.

1. 60 days prior to the end of the term for the members of the applicable Board/Commission/Authority, the City Clerk's Office will advertise the vacancies for that Board/Commission/Authority by publication on the City's website, on the City's social media sites, at community events and by advertisement on the City's PEG Channel, or other means deemed appropriate by the City Clerk, and advise the City staff liaison to that Board/Commission/Authority of such publication. The City Clerk shall set a deadline for receipt of applications in such publication.

2. City Council and Board/Commission/Authority members shall make a reasonable effort to seek out and encourage qualified citizens to apply for consideration on the City's Board/Commissions/Authorities.
- B. Applications.
1. **Prior to the submittal of an application to the City Clerk, every applicant must attend at least one meeting of the Board/Commission/Authority for which an application will be submitted, if a meeting is scheduled within 60 days, or watch a meeting online if available, prior to consideration of the application.**
 2. The City Clerk will accept applications for the applicable Board/Commission/Authority until the deadline established in the publication. Applications submitted after such date will be kept on file for the following appointment and interview cycle.
 3. If an applicant designates more than one Board/Commission/Authority for which he/she wants to be considered, the applicant will be required to complete the application/interview process for the Board/Commission/Authority designated as the first priority on the application before being considered for the next priority.
 4. All applications submitted to the City Clerk's Office will be kept on file for a period of two years.
 5. The City Clerk will request updated member/vacancy information from the administrative staff for each Board/Commission/Authority, and review the official Board/Commission/Authority records for accuracy.
 6. Any Board /Authority Member or Commissioner whose term will be expiring who wishes to be considered for re-appointment must submit an Application to the City Clerk's Office for Re-Appointment within the same period of time as applications are being accepted. Such applicants for re-appointment will be interviewed with new applicants.
 7. A Board/Authority Member or Commissioner appointed to serve an unexpired term and who interviewed within the previous twelve (12) months for the same Board or Commission for which they seek re-appointment, does not require another interview, and their application will move forward to be considered for appointment by the City Council.
 8. Any Alternate serving on a Board/Commission/Authority will be notified by the City Clerk that a vacancy exists on the Board/Commission/Authority, and the Alternate will have the option to submit an application for the open position.
- C. Interviews by the Board/Commission/Authority.
1. Any Board/Commission/Authority may review applications and conduct interviews of applicants. The City Clerk's Office will send the application to the administrative staff of the Board/Commission/Authority. If

interviewed, the Board/Commission/Authority will provide a recommendation to the City Council Panel.

~~2.~~

~~3.2.~~ Each Board/Commission/Authority will conduct its interviews of applicants according to an established and consistent process.

~~4.3.~~ The administrative staff for each Board/Commission/Authority will schedule the date and time for such interviews and will be responsible for sending letters to each applicant stating a date, time, and location for the interviews.

~~5.4.~~ Each Board/Commission/Authority will prepare a set of interview questions to be asked of all applicants. Each applicant will be asked the same set of questions. Each Board/Commission/Authority will also prepare a set of interview questions for the City Council Panel interview to assure their questions are addressed and any expertise required is explored.

~~6.5.~~ Each Board/Commission/Authority will establish a process and procedure for consideration and evaluation of applicants after the interview process.

~~7.6.~~ Each applicant will be contacted to inform them whether they will be recommended for appointment to the City Council or if there will not be a recommendation.

~~8.7.~~ Each Board/Commission/Authority will summarize and submit to the City Council the experience and interests of the Applicant as well as the reasons for their recommendation for appointment to the City Council. The summary will be provided in the packet to the City Council when the Applicant is being considered.

D. Interviews by City Council

1. Two council members will conduct interviews of applicants, and the staff liaison may attend the interview. The City Council shall by majority vote appoint an interview panel consisting of one member from each ward. The City Clerk shall schedule interviews utilizing any two members of the panel, based on their availability and rotating the members of the panel as much as possible. The City Clerk and/or the City Attorney may attend the interview. If an interview is scheduled and a Council Member is unable to attend, the Mayor may replace one panel member to conduct the interview. .
2. Where more than one applicant has been interviewed for only one vacancy, the City Council will be presented with the slate of candidates and openings on Boards and Commissions at a study session, and the two council members who conducted the interviews will present their recommendations for discussion.
3. The City Council interview committee may determine a candidate is not qualified, needs more than one year of residing within the City, is not suited, or would be better suited for another Board/Commission/Authority.

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4. Each applicant will be contacted to inform them whether they will be recommended for appointment to the City Council or if there will not be a recommendation.
 5. At the next regular or special meeting, the City Council will be presented with a resolution appointing the applicant(s) to the applicable Board or Commission. Passage of the resolution will require a majority of City Council to vote in favor.
- E. Board/Commission/Authority Recommendation to City Council.
1. Upon conclusion of the interview process and using its established procedure for evaluation of applicants, the Board/Commission/Authority shall consider a resolution setting forth its recommendation to the City Council for appointment of applicant(s).
 2. Along with the resolution, the Authority, Board, or Commission shall provide to the City Council a summary of the applicant's experience and interests and the reasons for their recommendation.
 3. If none of the applicants is deemed qualified for membership on the Board/Commission/Authority, the staff representative shall so inform the City Clerk who shall start the publication process again.
- F. City Council Appointments.
1. The City Council shall consider the recommendation resolution from the Board/Commission/Authority at a regular or special meeting.
 2. The City Council may, at its sole discretion, adopt or reject the recommendation from the Board/Commission/Authority.
 3. If the City Council approves the recommendation from the Board/Commission/Authority, the City Council shall adopt a resolution appointing the member to the applicable Board/Commission/Authority.
 4. If the City Council rejects the recommendation from the Board/Commission/Authority, the City Clerk shall so inform the staff representative to the Board/Commission/Authority which shall initiate the application/interview process anew.
 5. The City Council reserves the right to conduct its own interviews of candidates after receipt of a recommending resolution from the Board/Commission/Authority.
 6. After official appointments have been ratified by the City Council, the City Clerk's office will send correspondence to both the appointed members to the Board/Commission/Authority and the applicants who were not appointed, indicating the City Council appointments and the terms of office.
 7. Except as provided in relevant provisions of the Brighton Municipal Code which authorize the appointment of Youth Commissioners to certain designated Boards/Commissions, no person may be appointed to serve, and

no one shall serve, on more than one of the Boards, Commissions, Authorities listed in Section I above.

8. Appointments to each Board/Commission/Authority shall be by separate resolution.

III. Swearing-In

All appointed Board and Authority Members and Commissioners will be sworn in to office by the City Clerk after passage of the resolution. If the newly appointed members are unable to attend the City Council meeting, they will be sworn in at the next regularly scheduled meeting of the respective Board/Commission/Authority.

REVISED____, 2026 BY CITY COUNCIL RESOLUTION NO. 2026-XX