

INDEPENDENT ETHICS COMMISSION - Formal Complaint Form

BEFORE THE INDEPENDENT ETHICS COMMISSION CASE NO. \_\_\_\_\_  
OF THE STATE OF COLORADO

(IEC use only)

COMPLAINT

The Complainant(s) is (are): Chris Newswanger

Address (Include City and Zip Code)

PO Box 5223  
Vail, CO 81658

Daytime Phone No.

970-748-0342

Email: Chris.N@macrofinancial.com

The Respondent(s) is (are):

Jon Stavney  
Eagle County Commissioner

Address (Include City and Zip Code)

PO Box 850  
Eagle, CO 81631

Daytime Phone No.

970-328-8629

Email: jon.stavney@eaglecounty.us

The specific act or things complained of, with the facts to give a full understanding of the situation, is (are):

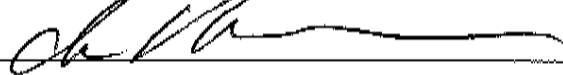
See attach

The remedy to the matter I (we) would like is:

Tell Jon Strong to recuse  
himself from any votes  
or discussions on the  
Remenco Tract request -  
see attached

I (We) hereby acknowledge that I (we) will cooperate in this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s):



Attorney (if applicable):

Dated at Avon, Colorado, this 18<sup>th</sup> day of Feb, 2017.

Feb. 18<sup>th</sup>, 2013

The Colorado State Ethics Commission

Complaint against Jon Stavney; Eagle County Commissioner

I feel that Jon Stavney is in violation of portions CRS 24-18-105 and CRS 24-18-109 in light of the following situation:

Currently there is a land use (rezoning) application pending with Eagle County that Mr. Stavney will soon be asked to vote on. It is known as the Remenov Tract K proposal, and involves removing plat notes from Tract K, The Remenov Center in Edwards CO (Commonly known as Edwards Village Center).

Currently the property is zoned commercial and this particular parcel has restrictive plat notes limiting the uses to non-motorized recreation and a few other uses which would render it unacceptable for building (meaning it is now basically open space to buffer surrounding residential areas from the commercial shopping center).

The applicant (Remenov Co) and it's principal Rick Mueller, requests the restrictive plat notes to be removed and zoning be changed from commercial to multi-family residential. The applicants publicly stated intent in the application is to allow 16-habitat for humanity units be constructed on the site. The applicant has stated that it intends to donate the land to Habitat if the rezoning is approved (see attached excerpt from the land use application noting this intent).

The application was initiated with Eagle County in Oct. 2012 and formally announced January 18<sup>th</sup>, 2013. Remenov has tried for many years to get similar proposals approved by the County but always withdrawn at the last minute for various reasons.

A principal of the Remenov Co. (Rick Mueller) is also Secretary of the local Habitat organization. Jon Stavney has served as a board member of Habitat until his purported resignation Feb 7<sup>th</sup>. Mr. Stavney's name still appears on the website as of this writing as a board member, so I really cannot confirm he indeed resigned other than his say so.

An affirmative vote by two for the three Eagle County commissioners on this request would clear the way for Remenov Co. to move forward with it's stated intention of donating the land to Habitat and result in Habitat gaining 1.3 acres of land that would then be approved for up to 16-townhomes. This would be an enormous financial gain for Habitat and likely it might hinge on Commissioner Stavney's vote.

While the current value of the land is questionable given the current plat restrictions, Habitat has stated that it would most likely sell the 16-units for about \$175,000 each to eligible families, making the value of the land substantial once it was rezoned. I would personally estimate that to buy a similar piece of land with such zoning in place would probably cost \$600,000 to \$750,000. Most likely the applicant would then be eligible for a substantial tax deduction using an appraised value based on the rezoning as a basis for his donation.

Currently the property is valued for taxation purposes at \$100/acre resulting in property taxes of about \$25.00/year. This is due to the restrictive plat covenants currently in place that would be removed upon approval of this request by the Eagle County Commissioners. It will increase dramatically if the rezoning and re-plating request is approved.

On January 15<sup>th</sup> Habitat sent out a letter to it's supporters asking them to urge the County Commissioners to approve this request by Remenov. This letterhead listed Jon Stavney as a Board Member (see attached).

On Jan. 18<sup>th, 2013</sup> I e-mailed Jon and asked if was planning to formally recuse himself from any discussions or votes on this issue given his co-responsibilities with Habitat. He responded that he did not see this as a conflict and indicated he would not step aside. He stated he had sought out the opinion of Counsel and was told no conflict existed.

I replied Jan. 21st I expressed my feelings that surely a conflict did exist and urged him to reconsider for the good of the Commissioners as a group and in the interest of keeping any taint from the decision. He again refused.

On Feb. 6<sup>th</sup>, 2013 I again urged him to step aside, and suggested that he obtain a written opinion from the State Ethics Commission approving of his participation in any discussions or votes regarding the Tract K proposal. I emphasized that if the Ethics Commission approved of his participation that I certainly would owe him an apology for being overly cautious that things were done legally and properly.

On Feb. 7<sup>th, 2013</sup> Jon replied that he was very confident that there was no legal obligation for him to step aside, and noted that in his view the scope of the Ethics Commission authority was limited to cases involving excessive gifts. He also attached a legal opinion from the County Attorney assuring that there was no legal conflict of interest (attached).

He also stated that to remove any question of conflict of interest that he had resigned from the Habitat Board. I would note as of the date of this writing though that Commissioner Stavney is still listed on the Habitat web site ([www.habitatvailvalley.org](http://www.habitatvailvalley.org)) as a director, which brings into question if he did indeed resign or merely resigned in name only and still lends his name, influence and credibility to the organization via his continued presence on the organizations web site.

I would note to the best of my knowledge that he has not publicly announced to any media outlet that he has resigned, and Habitat seems in no hurry to remove his name from their Board roster after 12-days, nor did he furnish me a copy of his letter of resignation.

I have attached copies of all e-mails and the opinion presented by Jon from the Eagle County Attorney for your review.

Even though he claims to have resigned from the Habitat Board I feel strongly that Commissioner Stavney should not vote on any upcoming votes regarding this proposal because of his past ties with Habitat while in office and at the time this request was submitted to Eagle County the fact that he admits he only stepped down to avoid (in his words) "**to preclude further pursuit either at a state level or in the press I am in the process of stepping down from the Habitat Board of Directors**". He also refused requests to recuse himself repeatedly and instead opted to resign from the Habitat Board while retaining his influence on decisions benefiting them from the County level.

Had Commissioner Stavney stepped down before the application was initiated with Eagle County it might be reasonable to assume he has no prejudices in this matter, and I would note that from my perspective, he certainly had the option of continuing his work with this fine organization and serving as a Commissioner had he simply chosen to recuse himself and leave the table when this matter came before the Commissioners.

For him to profess that his resignation from Habitat at this late date removes any taint from any decisions that he would participate in is simply not credible.

CRS 24-18-109 prohibits officials from performing any official act that "directly or substantially affecting to its economic benefit a business **or other undertaking** in which he either has a substantial financial interest **or is engage as counsel, consultant, representative or agent**" I would pose that Commissioner Stavney would qualify a "representative" of Habitat given his status of director. Certainly Habitat for Humanity of Eagle and Lake County is a substantial "undertaking" with revenues in 2011 of \$2,767,971.00.

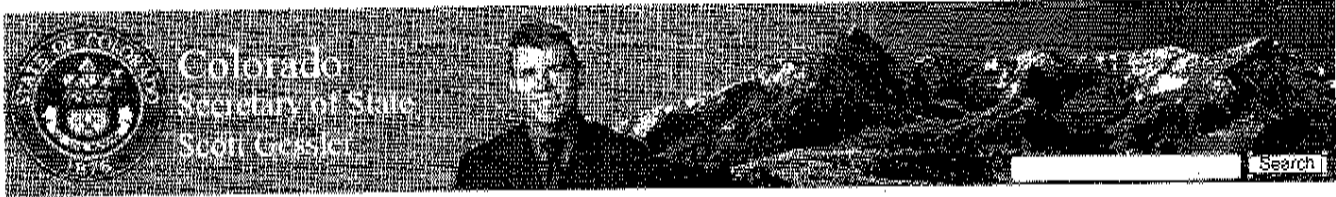
Certainly clearing the way via a commissioners approval for Habitat for Humanity of Eagle and Lake County to receive 1.3 acres of land in Edwards, CO would be a substantial benefit to this organization.

I would request that the Ethics Commission consider this matter and advise Commissioner Stavney that it would be inappropriate for him to involve himself in anyway whatsoever with this request by Remenov Co and his fellow Habitat Director Richard Mueller (who is also a principal of Remenov), and that he advise his fellow commissioners and county employees of this conflict and ask them to disregard any conversations he may have had with them regarding this application.

Sincerely,



Chris Neuswanger



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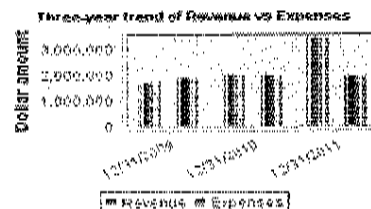
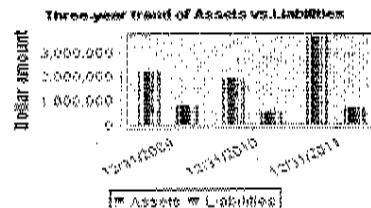
## Summary Page - *Habitat info*

- For this Record...**
- [Certificate of Registration](#)
  - [View Form 990s](#)
  - [Search IRS Publication 78](#)
  - [View History and Documents](#)

Registration No.:	20033002375
FEIN:	84-1275922
Organization Name:	HABITAT FOR HUMANITY OF EAGLE AND LAKE COUNTIES, INC.
Street Address:	455 NOTTINGHAM RANCH ROAD AVON CO 81620 US
Mailing Address:	PO BOX 4149 AVON CO 81620
County:	EAGLE
Telephone:	970-748-6718
Registration Status:	GOOD AS OF 08/31/2012
Initial Registration Date:	03/07/2003
Web Site:	WWW.HABITATVAILVALLEY.ORG
Email:	
Statement of Charitable Purpose:	WE WORK WITH THE COMMUNITY TO BUILD SIMPLE, DECENT HOMES IN PARTNERSHIP WITH PEOPLE IN NEED. TO DATE, WE HAVE BUILT 35 HOMES, AND WE WILL BUILD SIX MORE THIS YEAR. THESE HOUSES HAVE STABILIZED THE LIVES OF MANY FAMILIES, INCLUDING MORE THAN 100 CHILDREN.
Type of Entity:	Nonprofit Corporation
Date Established:	02/16/1995
State Established:	Colorado
NTEE Code 1:	COMMUNITY IMPROVEMENT,CAPACITY BUILDING
NTEE Code 2:	HOUSING,SHELTER
NTEE Code 3:	HUMAN SERVICES
Also Known by These Names:	

Financial Information for Fiscal Year Ending: 12/31/2011

Revenue:		Expenses:	
Contributions:	\$2,767,971.00	Program Service:	\$1,669,330.00
Government Grants:	\$0.00	Admin Mgmt General:	\$125,822.00
Program Service Revenue:	\$574,739.00	Fundraising:	\$135,706.00
Investments:	\$13,296.00	Payments to Affiliates:	\$0.00
Special Events:	\$71,843.00	Other expenses:	\$0.00
Sales:	\$0.00		
Other:	\$0.00		
<b>Total Revenue:</b>	<b>\$3,427,849.00</b>	<b>Total Expenses:</b>	<b>\$1,930,858.00</b>



**Financial Ratios:** [FYE 2009-2011] **Ratios Discussion Page:**

Program Services to Total Expenses: 87%  
 Fundraising Expenses to Contributions: 8%

Excerpt from Rezoning Request for Tract K  
stating intent

## 1.0 Introduction

The purpose of this application is to provide information relative to a request for a re-zoning and an amended final plat of the property legally described as Tract K, Remonov Center, located in Edwards Colorado.

This application contains the information required by Section 5-210 and Section 5-230 of the Eagle County Land Use Regulations.

## 2.0 Purpose and Background of Request

Remonov & Company is requesting a Zone District Amendment and Amended Final Plat for Tract K, Remonov Center in order permit the development of an affordable housing project. Remonov intends to dedicate the parcel to Habitat For Humanity for development and sale to families under its program guidelines; however the Property will be subject to Eagle County's affordable housing guidelines if not dedicated to Habitat for Humanity. Tract K is currently zoned Commercial general. The proposed zone district is Residential Multi-Family (RMF). The purpose of RMF zoning, as stated in the Eagle County Land Use Code, is:

*... "to provide for higher density residential development within the County's community centers, where transportation facilities, necessary infrastructure and employment opportunities are readily available".*

The intent of this rezoning is to provide a parcel of land for the program needs of the local chapter of Habitat for Humanity. Habitat for Humanity provides a hand-up, not a handout, for hardworking local families. Habitat partners with families in need to make simple, decent homes available to them for purchase and ownership. Homes are sold to families at a below-market price and subject to zero percent financing, and in exchange for substantial sweat-equity provided by the families working hand-in-hand with Habitat volunteers.

Although the Applicant has every intention to dedicate the property to Habitat for Humanity, it wishes to assure the county and the public that the property will be used for affordable housing purposes regardless of that dedication. Therefore, the property will be subject to a covenant that will require all residential development to be subject to the requirements of the Eagle County Affordable Housing Guidelines. Further, at such time as a home is sold by a Habitat family outside of Habitat's program, that sale and all future sales will be subject to price appreciation limits and requirements that the buyers be local workers, not second homeowners, pursuant to the Eagle County Affordable Housing Guidelines. Whether done through Habitat for



**Eagle County Attorney's Office**  
P.O. Box 850, Eagle, Colorado 81631  
Telephone: 970-328-8685 Fax: 970-328-8699

**MEMORANDUM**

**TO: Jon**  
**FROM: Bryan**  
**DATE: January 30, 2013**

**RE: Potential Conflict of Interest – Remonov Land Use File**

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**Facts:**

The Board of County Commissioners is to consider a land-use application seeking to convert the zoning of a tract of land from commercial to multi-family residential so as to permit the development of an affordable housing project. The landowner and applicant, Remonov & Company ("Remonov"), repeatedly expresses in its application an intention (if the application is approved) to donate the land to Habitat for Humanity ("HFH") for affordable housing. The application includes a preliminary site plan, prepared by Tab Associates, envisioning that the land may be used for a 16-unit HFH housing project. However, several times in the application, Remonov articulates the alternative that if the land is not donated to HFH, then the land will otherwise be subject to Eagle County's affordable housing regulations. Thus, the transfer of the property to HFH is not an absolute certainty and such transfer is not specifically proposed as a condition for approval.

**Question Presented:**

Whether your membership on the Board of Directors for HFH creates a conflict of interest that would preclude you from voting as a member of the Board of County Commissioners on the Remonov land-use application?



Answer:

There is not a conflict that would preclude you from voting on this file.

Law:

C.R.S. §24-18-109(2)(b) prohibits a local government official from performing an official act **directly and substantially affecting** to its economic benefit a business or other undertaking in which he is engaged as counsel, consultant, representative or agent.

Analysis:

A. Conflict of Interest:

A statutory conflict of interest would only exist if your participation on the Remonov land use file could "directly and substantially affect to the economic benefit" of HFH. I think it is significant that HFH is not the applicant here. Rather, Remonov is seeking land use approval and is merely articulating a desire to get the land use approval for the potential benefit of HFH. In reality it would seem that the land use entitlement, if approved, would be to the direct and substantial benefit of Remonov, who could then choose to donate the property to HFH, transfer the property to another entity (by sale or gift) or alternatively, could decide to develop the property on its own.

There is no contract between HFH and Remonov for transfer of the subject property at this time. In reality, before the land would be transferred to HFH, three contingencies must occur. First, the zoning change would have to actually be approved. Second, Remonov would have to decide that transfer to HFH is still in its best interest (given the potential terms of any such land-use approval, etc.). And third, the HFH board would have to determine whether acceptance of the land would fit HFH program goals and vote to accept the land. Clearly then, your vote as a commissioner on the County Board would not have the potential to **directly** benefit HFH. Rather, any such re-zoning approval could provide only a speculative and incidental benefit to HFH. Therefore, your membership on each board should not be a bar to participating in the Remonov file. See *Center Square Ass'n v. Corning*, 105 Misc.2d 6 (N.Y. Supp. 1980); *Rowell v. Bd. of Adjustment* (446 NW2d 917)(Minn App. 1989) (overturned on other grounds).

As always, please let me know if you'd like to discuss further or if you have any questions about this memo.

Chris Neuswanger

*Read from bottom up to see the complete dialogue*

**From:** Jon Stavney [jon.stavney@eaglecounty.us]  
**Sent:** Friday, February 08, 2013 10:46 AM  
**To:** Chris Neuswanger  
**Cc:** Bob Narracci; Bryan Treu  
**Subject:** Re: Remonov

Chris,

I am aware of some of the history on this, and of historic sentiments in Homestead regarding this developer's previous efforts.

That it is likely to be a hotly contested matter is all the more reason to have three impartial commissioners at the table. As your input in this current correspondence has moved into discussing the merits (demerits in this case) of the file, I am forwarding this correspondence to be added to the public record on the file.

Though I appreciate the advance notice of possible conflict of interest-- giving me the chance to remedy the situation, I am not at liberty to discuss this file itself outside of a public meeting.

Jon Stavney

On Fri, Feb 8, 2013 at 10:11 AM, Chris Neuswanger <[chris.n@macrofinancial.com](mailto:chris.n@macrofinancial.com)> wrote:

Jon

I would have preferred you had simply recuse yourself from the vote, that would have allowed you to continue your good efforts for a good cause and ended all of this. Having talked with others who are familiar with the work of the Ethics Commission I would tend to disagree about the scope of their responsibility, and the commission certainly does seem to disagree with your take.

I feel this whole application has been tainted here from the beginning and this doesn't really fix anything. You are trying to sidestep the issue on a technicality, which is unfortunate given there was a perfectly reasonable option out there for you. And know there are a lot of very upset people in Eagle County right now over this issue, it's not just me. The public input on this has been scathing in the past and no doubt will be again, this is I think the fifth or sixth time this has come up. Playing the Habitat card to get out the sympathy vote is not impressing anyone in Homestead and many outside of Homestead can't believe there is even a viable public discussion about this again.

It is beyond me why you would have ever gotten associated with this to begin with knowing the very controversial history of this matter. If I was a politician I would have stayed miles away from this mess as it has always been a mess for over a decade. The opposition in general has nothing to do with putting habitat homes there, rather the taxpayers struck a deal 25-years ago to subsidize keeping that space undeveloped and a very greedy and arrogant developer (who personally signed the plat restrictions at that!) has hammered relentlessly for years consuming hundreds of hours of residents time and untold county resources. He of course has promptly paid his \$25/yr taxes, so I suppose we can't call him a deadbeat for not paying his taxes on time though.

Remenov is going to score a bit tax deduction and frankly could care less about much of anything else. The fact that Rick Mueller possessed a drainage study done in 1998 that documents that over 780,000 gallons of water could flood Tract K in as little as 16-minutes during a 100-yr flood that he blatantly ignored and sequestered until I dug it up is unconscionable and reflects his character and level of concern for low income families. I do applaud Eagle County finally asking for a new drainage study, which may prove this lot is not suitable for development anyway without some massive and very costly mitigation measures, but a good neighbor and responsible developer (as he constantly portrays himself as) would not act this way.

In addition this makes a mockery out of the opens space program you have championed so relentlessly.

I feel Bryan's stance on this thing is pretty weak at best but will ponder it some more over the weekend and do a bit more legal research here before making a final call here on my position on this matter.

Chris Neuswanger

**From:** Jon Stavney [mailto:[jon.stavney@eaglecounty.us](mailto:jon.stavney@eaglecounty.us)]  
**Sent:** Thursday, February 07, 2013 11:57 AM  
**To:** Chris Neuswanger; Bryan Treu  
**Subject:** Fwd: Remonov

Chris,

Attached you will see the Non-Conflict memo from our Attorney's office. The independent ethics commission is specifically set up by the state to investigate Amendment 41 violations-- excessive gifts. Their purview is not much beyond that. Though I am comfortable with the County Attorney's opinion, in order to preclude further pursuit either at a state level or in the press I am in the process of stepping down from the Habitat Board of Directors, and informally notified them yesterday of that intent. I will be sending a letter formalizing my resignation from the Habitat Board.

Thank you.

Jon Stavney

Eagle County Commissioner

## Chris Neuswanger

---

**From:** Jon Stavney [jon.stavney@eaglecounty.us]  
**Sent:** Wednesday, February 06, 2013 3:54 PM  
**To:** Chris Neuswanger  
**Subject:** Re: Tract K/Remonov Center

Will discuss further with staff, thanks.

Sent from my iPhone

On Feb 6, 2013, at 12:49 PM, Chris Neuswanger <[chris.n@macrofinancial.com](mailto:chris.n@macrofinancial.com)> wrote:

Jon

I have discussed this situation of your sitting on the Habitat Board and voting on a land use decision that would benefit Habitat with a number of people locally, asking their opinions and advice if I am off base here in my concerns expressed in our discussions below.

Without question every single person I have asked for input on this matter has felt that it would be a conflict of interest for you to vote on this matter. I've asked other local office holders, a lawyer, a banker, and several local business owners whose opinions I respect a great deal. They all know they can tell me exactly what they think and would disagree with if they felt I was off base here. The unanimous thinking I have found is that this simply does not, legal or not, pass the smell test, so to speak.

This prompted me to further research Colorado law on the matter, which led me to a discussion with the Colorado State Ethics Commission and I asked them for an informal opinion on the propriety of a commissioner who sits on a non-profit board also voting on a land use decision that will result in a substantial gift to that organization. I emphasized that you personally would not see any gain from this, only the organization that you volunteer as a board member would. I did not mention your name in the conversation, but did mention it involved Eagle County.

The representative at the Commission I spoke with was quite certain that your doing such would indeed violate CO statutes as the law apparently is quite clear on something like this.

Specifically the fact you volunteer as a director and that Habitat is a non-profit group does not make any difference I am told. I know you feel you have asked someone for legal guidance on this matter in the past, but feel you may not have gone quite high enough here and would ask you and your legal council might want to discuss this with the Ethics Commission and ask them to render a written opinion on the matter. If after further investigation on their part they determine in writing that this would be acceptable for you to maintain your involvement then I would certainly owe you an apology for being overly cautious here in being sure that everything was done legally.

Alternatively, I would ask again you publicly recuse yourself from this situation immediately, and also fully disclose to your fellow commissioners and the County staff that you have a conflict on this one and have to step aside and that they should disregard any discussions they have had with you to date. I would hope after researching the applicable statutes in more detail that you and your council will realize you were both mistaken earlier and that it is never too late to do the right thing. I would prefer to see that happen vs. pursuing a complaint with the Ethics Commission over this as I think having this as your initiative would show a great deal of character and honesty on your part and maintain public confidence in the Commissioners as a group.

I certainly am not making this request lightly and without great consideration, but the alternative could be the very public and time consuming consequences of you being subject to an inquiry by the Ethics Commission, it would be unfortunate if that detracted from your many good accomplishments as a commissioner, and there have been many to your credit

I think there are at least a dozen perfectly sound reasons for the commissioners to say no to the request regarding Tract K (and those will be voiced by many when the time comes for public input), but also understand that the Commissioners may brush those concerns aside in the rush to provide more low income housing. If that was the case, the vote could be called unfair because of what is highly likely a violation of Colorado law going on here regardless of the merits of either sides arguments. I am confident your fellow commissioners will hear this out and render a just decision.

I respect your work with both Habitat and the Commissioners, but do not feel the two can be compatible this time around. It is simply a case of asking you to follow the established Colorado Statutes here and nothing more.

Sincerely,  
Chris Neuswanger  
970-748-0342

**From:** Jon Stavney [mailto:[jon.stavney@eaglecounty.us](mailto:jon.stavney@eaglecounty.us)]  
**Sent:** Monday, January 21, 2013 10:12 AM  
**To:** Chris Neuswanger  
**Cc:** Bryan Treu; Keith Montag  
**Subject:** Re: Tract K/Remonov Center

I encourage you to focus your attention on the substance of the file rather than the diversion of questioning my character.

Sent from my iPhone

On Jan 21, 2013, at 9:03 AM, Chris Neuswanger <[chris.n@macrofinancial.com](mailto:chris.n@macrofinancial.com)> wrote:

Jon

I find your position very disappointing to say the least, and feel that certainly if one polled the residents of Eagle County that few would see the distinction you are making here as reasonable. I would note that in 2007 when this issue came up I was assured Arn Menconi would recuse himself from any votes due to his relationships with Bob Hernreich if it got to the Commissioners approval level. As you may know, SOS occupies office space leased from Remonov and Bob was on the SOS Board at the time.

Just because there may not be a specific legal precedent against something doesn't always make it the right thing to do. I fail to equate this issue with acquiring open space with taxpayer funds. This is about handing development rights to a wealthy developer who has gotten a free ride on property taxes for over 25-years. While Hernreich professes to be 'donating' this land in reality he will get it appraised as a valuable development site and then claim a large tax deduction for his 'charitable' good works when he hands it over. It also opens the door for his other parcels to be rezoned in a similar manner.

I, along with other Homestead residents, am assembling documentation against this idea and it will be presented to the County in a timely manner, but I again would urge you to step aside on this one in the interest of maintaining the reputation of fairness and impartiality the County Commissioners currently enjoy.

Best  
Chris Neuswanger

**From:** Jon Stavney [<mailto:jon.stavney@eaglecounty.us>]  
**Sent:** Friday, January 18, 2013 2:46 PM  
**To:** Chris Neuswanger  
**Cc:** Bryan Treu  
**Subject:** Re: Tract K/Remenov Center

While I am a supporter of Habitat, from a conflict of fiduciary interest standpoint we checked when I was asked to be on the Habitat board a few years ago. It is a land use matter and I will listen to all sides with fairness. I also helped Homestead with a \$3.25M OS purchase as did Peter, a neighbor to the deal and there was no conflict for him then, or for me on this. It is a small valley and we should always be vigilant to disclose what some may view as conflicting interests. Thank you for bringing this to my attention.

Respectfully

Jon

Sent from my iPhone

On Jan 18, 2013, at 10:40 AM, Chris Neuswanger <[chris.n@macrofinancial.com](mailto:chris.n@macrofinancial.com)> wrote:

Jon

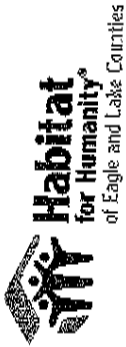
I would like to inquire as an interested citizen if you intend to fully recuse yourself from the upcoming discussion at the County Commissioner level (as well as any discussions that may be going on with your fellow commissioners or the county staff) regarding the requested re-plat and rezoning request for Tract K at the Remenov Center in Edwards. As the applicants stated intention is to donate this property to Habitat for Humanity, and as you serve on the Habitat board alongside Bob Hernreich who is a principal of Remenov Cos., it seems there is a glaring conflict of interest there.

Don't get me wrong here, I think low income housing is a needed commodity and that Habitat does a very fine job, and I respect those who volunteer their time to this cause. But I have many issues and concerns with this proposal on several fronts. I will express those concerns at the appropriate time and place, but have got to say I feel strongly that elected officials need to be very cautious about conflicts of interest and it is hard to see how you can impartially hear all viewpoints when you sit on the board of the intended recipient of this property (and have publicly stated your support of it already I am told long before the issue was brought up for public discourse, at least this

time around) if the Commissioners should elect to grant the applicants request.

I think you and I would probably agree on many fronts about how the County should be proceed on the issues of open space and development, and hope we can respectfully agree to disagree on this one.

Best  
Chris Neuswanger  
970-748-0342



Board Members

- Clyde Hanks  
President
- Stacey Truitt  
Vice President
- Bud Wonsiewicz  
Vice President
- Bret Hooper  
Treasurer
- Rick Mueller  
Secretary
- John Welaj  
Executive Director

- Dick Bourret
- Mark Dietz
- Kenton Hoopins
- Alex Iskenderian
- Brian Judge
- Dick Maschaw
- Ruth Powers
- Alvinia Prescott
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- Mark Astow
- Directors Emeritus
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- Felix Raubas
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- Jim & Connie Blum
- Michael Glass
- Dan Gulec
- Tommy Gregg
- Neil Gwatkinney
- Tom McLeod
- Tom Healy
- Kara Heide
- Rich Hermes
- Laureen Hopkins
- Ron & Kathy Iverson
- Arthur Keibum, Jr.
- Jeff Klosterman
- Janey Kosloff
- Jay & Gail Mahoney
- Elizabeth Merrick
- Susan Milligan
- Bob Mononey
- Dore Rogers
- Bob Rubin
- Rod & Beth Sifer

January 15, 2012

Dear Board Members, Ambassadors and friends of Habitat for Humanity,

Bobby Heinrich and Rick Mueller of Remonov and Company, Inc. are proposing a donation of 1.378 acres of land known as Tract K, Remonov Center to Habitat for Humanity Eagle County (HFH). This land is located behind and directly west of the Edwards Post office and the Eagle County Ambulance District building.

The proposal would accommodate 16 homes for Habitat families (approximately 60-70 adults and children) that fall in the 25%-60% of the Area Median Income (AMI). The AMI represents an annual family income between \$21,650 and \$51,960 for a family of four. Enclosed is a plan provided by Remonov and Company for your review.

Recent HFH homes in Edwards were appraised at approximately \$275,000. With generous volunteer help, in kind services, and donations, HFH sells these homes to qualified HFH families for around \$175,000 using interest free loans and minimal down payment requirements. Applicants are required to provide 250 "sweat equity" hours per adult in construction of their home. To date our local HFH affiliate has put 36 families into affordable homes in Eagle County and we are under construction for an additional 6 homes this year at Stratton Flats in Gypsum. HFH has acquired land for an additional 12 homes at Stratton Flats for the future construction and we are currently negotiating for an additional 34 sites in Stratton Flats. With these units and the 16 proposed units at Tract K in Edwards, HFH has the potential to obtain land for 72 of the 75 home sites required to meet our goal of 75 homes defined in our \$6 million Capital Campaign.

For the 16 units in Edwards to occur, Remonov is requesting from Eagle County a zone change from Commercial General (CG) to High Density Residential (HDR). The application meets the Eagle County Future Land Use Map (FLUM). The Eagle County Master Plan, the Edwards Area Comprehensive Plan, and the Eagle County Affordable Housing Plan. The plan also meets density, height and setback guide lines with no request for variances.

Habitat for Humanity Lake and Eagle County supports this application, would welcome any questions regarding this application and request your support by signing the enclosed support letter. Copies of each letter will be submitted to Eagle County. Application should come before Eagle County in early February. Your earliest response would be greatly appreciated.

Sincerely,

Clyde Hanks  
President, HFHLEC

John Welaj  
Executive Director, HFHLEC



January 15, 2013

Eagle County Planning Commission  
c/o Mr. Bob Narracci  
Eagle County Community Development  
PO Box 179  
Eagle CO  
81632

RE: Tract K, Edwards

Dear Commissioners:

Thank you for the opportunity to comment on the proposed zone change from Commercial to Residential for the Tract K property in the core of the Edwards community.

This proposal will create an opportunity for Habitat for Humanity to add critically important, decent affordable housing to our community. This property is currently vacant and unproductive. This site is near a job center, close to a neighborhood school and adjacent to an ECO Transit bus stop. Family oriented affordable housing would contribute to an important need in this community.

We believe this proposal will become an asset to all of Eagle County. Please support the applicants' efforts to make this proposal a reality.

Sincerely,

\_\_\_\_\_  
Please print names

\_\_\_\_\_  
Address:



Founding Partner of VAg Inc architects and planners a firm specializing in Resort Architecture throughout North America and the Caribbean. Brian holds accreditation with the American Institute of Architects, the National Council of Architects Accreditation Board and is a LEED Accredited Professional.

He was an active participant in the initial organization of our affiliate and has served as either an Ambassador or Board Member since its inception in 1995. His firm has donated numerous master planning and architectural designs services and Brian has served on several committees over the years including land acquisition and fundraising committees and as an integral member for creative growth. He was instrumental in the creation of the Professional Builder Program starting in 2008. Brian and his wife Nicola have three children and live life to the fullest.



**Dick Michaux**

Dick retired from AvalonBay Communities (NYSE: AVB) as its Chairman and CEO. Previously he was a Group Managing Partner of Trammell Crow Residential responsible for the Mid-Atlantic, Northeast and Midwest states.

Since retirement, Dick has served on the boards of several HOAs and non-profit organizations. Dick's Interest in Habitat started when building apartments and his company adopted Habitat as its corporate charity. Many of the employees of AvalonBay Communities were involved in the land acquisition, design, approvals and construction of housing. Dick became a resident of the Vail Valley when he retired in 2001 and joined the Board in 2003.

Dick and his wife Ginny have a son in Salem, OR and daughter in Washington, DC plus six grandchildren.



**Ruth Powers**

Ruth Powers spent 25 years as a lawyer in New York, working first as in-house counsel at Chemical Bank and then Citibank. She handled all kinds of banking and securities matters during that time. She also served on the boards of several non profits, including a women's financial services group and an organization seeking to elect women to Congress.

Ruth and her husband Tom moved to the Vail area in 2002. Though generally retired, she is admitted to practice law in New York, Colorado and does periodic legal projects. She spends a significant amount of time with non profit organizations including the Habitat Board since 2006. Ruth has actively contributed to the success of the Habitat ReStore and currently chairs that committee.

**Amanda Precourt**



After graduating from Stanford University, Amanda started her career in the electronic brokerage world as a Marketing Manager at Charles Schwab & Co. and Morgan Stanley as Senior Marketing Manager and led a massive marketing campaign for their online web trading platform. Amanda relocated to Denver in 2000, and worked for Prima Capital. After September 11<sup>th</sup>, Amanda decided to get out of the dot com world and worked for the

Humane Society as an Event Manager. Ultimately, Amanda went back to school and received a Master's in Real Estate and Construction Management. Fixer-uppers and property management have since become her new career.

Amanda also began pursuing her philanthropic dreams including work for Habitat for Humanity. Spending 3 weeks building in Chile and volunteering here at home, Amanda also co-chaired the successful Vail Home Partnership which raised enough money to fund the first LEED certified home in Fox Hollow. In addition, Amanda led the first international build trip to Paraguay which kicked off the statewide 1000 Homes campaign. She continues to Chair the International Committee.



**Jon Stavney**

Raised in the Pacific Northwest, Jon graduated from Whitman College in 1990 with a degree in English before coming to Colorado. Jon worked as a project manager for Beck Building Company for many years and served 10 years on the Eagle Town Board and as mayor for 4 years. He also served on the County's Blue Ribbon Housing Panel and on the Capital Improvements Committee. Jon was closely involved with the negotiations for the Habitat project in the Bluffs neighborhood in Eagle that was completed in 2007.

Jon was elected as county commissioner in November of 2008 and then reelected to a second term in 2012. One of his goals as commissioner is to further his commitment to the working families of Eagle County, in part by enlarging the stock of affordable workforce housing. Jon joined the Board of Directors in 2009 and has been actively involved on many levels.

Jon and his wife, Mary Ann, have two children attending Brush Creek Elementary School.



**Cal Wettstein**

Cal Wettstein has dedicated his career to helping preserve our national forests. Cal holds a Bachelor's and Master of Science degree in Forestry and throughout the

