

**Federal, State and Intergovernmental Relations (FSIR) Meeting**  
February 22, 2019

**Members Present:** Council Member Charlie Richardson, Chair; Council Member Marsha Berzins, Vice-Chair; Council Member Crystal Murillo, Member (via phone)

**Others Present:** Rachel Allen, Kerstin Claspell, Michael Crews, Abby Fitch, Malcolm Hankins, Matthew LaCrue, Chief Nicholas Metz, Debora O'Connor, Nancy Rodgers, Kim Skaggs, Amy Stephens, Roberto Venegas, Sandra Youngman

1. **APPROVAL OF MINUTES FROM FEBRUARY 8, 2019 MEETING:** Minutes from February 8, 2019 were approved as written.
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2. **NEIGHBORHOOD SERVICES LEGISLATION REQUEST:**

**Policy Request:** Neighborhood Services would like to expand the protections provided to Code Enforcement Officers within state statute.

**Discussion:** The committee expressed support of the department's policy request.

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3. **STATE LEGISLATIVE SESSION BILL REVIEW:**

- **Senate Bill 19-103: Legalizing Minor Businesses** Concerning prohibiting municipalities from requiring a license or permit for a business operated by a minor.

**Discussion:** The city is actively opposing the legislation, due to encroachment of the city's home rule authority. A. Stephens noted the bill is making its way through the legislative process.

- **House Bill 19-1076: Clean Indoor Air Act Add E-cigarettes Remove Exceptions** Concerning updates to the "Colorado Clean Indoor Air Act", and, in connection therewith, removing certain exceptions and adding provisions relevant to the use of electronic smoking devices.

**Discussion:** Per A. Stephens, this bill has been amended to get support, such as consideration of Hookah issues. M. LaCrue explained that a deal has been reached. CM Berzins noted that she has heard from owners of hookah establishments in Aurora that they are nervous that they will go out of business due to the bill. CM Richardson stated that he would like to have local control on this issue.

- **House Bill 19-1086: Plumbing Inspections Ensure Compliance** Concerning plumbing inspections to be performed only by state-licensed plumbers.

**Discussion:** Per A. Stephens, the bill has been amended to garner support from CML and local

governments.

- **House Bill 19-1101: Prohibit Discrimination Labor Union Participation** Concerning the prohibition of discrimination against employees based on Labor Union participation.

**Discussion:** Per CM Richardson the bill was defeated, he asked M. LaCrue to confirm this.

- **House Bill 19-1119: Peace Officer Internal Investigation Open Records** Concerning an internal investigation file of a peace officer for in-uniform or on-duty conduct that involves a member of the public subject to an open records request.

**Discussion:** Per N. Rodgers, this bill has been significantly amended to address local government concerns. State-wide, the Colorado Association of Chiefs of Police (CACP) and the Sheriff's Association are now neutral. CML is now neutral and moving toward support with the amendments. APD is neutral following the lead of CACP. N. Rodgers further clarified that this bill is not for all internal affairs records, but instead focused specifically on a summary for on-duty, in-uniform citizen-facing incidents that occur after the effective date of this order – and where discipline was imposed.

M. LaCrue explained that the bill amendments came Tuesday or Wednesday of this week which prompted the immediate position change of CACP and the Sheriff's Association.

- **House Bill 19-1177: Extreme Risk Protection Orders** Concerning creation of an extreme-risk protection order.

**Discussion:** N. Rogers provide the committee with a brief overview of the bill. N. Rogers noted that there are concerns related to who can make a petition to the court under the current version of the bill.

N. Rogers and Chief Metz noted that the bill will be a helpful tool especially with suicides. N. Rogers further explained that currently, when a suicidal person gets put on a mental hold or gets arrested, his or her firearms are confiscated. The challenge is that when they are released, they lawfully can get the firearms back. This bill would help with these situations. In addition, it would help when family members say they're very concerned about a family member who has a lot of weapons available to them. Right now, there is no mechanism in place for confiscating those weapons unless the person of concern commits a crime.

CM Berzins voiced concerns about the possibilities of people abusing the system, such as an ex-spouse or someone with whom one has had a fight. Chief Metz responded that there are unfortunately many ways systems can be abused, but this comes down to public safety and ensuring that we do everything possible to prevent someone from hurting themselves or someone else. Chief Metz further stated that the Colorado Association of Chiefs of Police (CACP) and the state Sheriff's Association both support this bill. CM Berzins suggested bringing this before Council at a Study Session.

**Position:** To be determined by Council during the February 25<sup>th</sup> Study Session.

- **Senate Bill 19-085: Equal Pay for Equal Work Act:** Concerning creating an act to implement measures to prevent pay disparities.

**Discussion:** M. LaCrue recapped that the bill would protect a company when it pays an employee more than his/her peer based on seniority, merit, and/or earning by quality or quantity of production. He further explained that employers must post jobs for all employees to see, as employees have the right to know that a job is open. CML's current position is to oppose the bill unless amended but they will not fight it. Likely this will sail through, and CML will focus more on other labor-related bills in the pipeline.

- **Senate Bill 19-012: Use of Electronic Devices while Driving** Concerning prohibiting the use of hand-held electronic devices while driving a motor vehicle.

**Discussion:** A. Stephens said that the bill is making its way through the legislative process and CML supports it. Per M. Crews, Aurora Water and their contract lobbyist Colorado Advocates are working with the bill sponsor on an amendment to the bill that would create an exemption for 2-way radio communication for staff of a public utility.

- **Senate Bill 19-032: Hazardous Materials Transportation Routing** Concerning transportation of hazmat materials through Colorado.

**Discussion:** Per CM Richardson the bill passed the Senate third reading of bill with a 35-0 vote.

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#### 4. STATE LEGISLATIVE PROPOSED LEGISLATION:

- **Regulation of E-Scooters:** Per M. LaCrue, noted that Denton's and city staff have reviewed a draft of the proposed bill. The bill is in response to the City of Denver's decision to move scooters from sidewalks to roadways. The bill has yet to be introduced and staff will review the introduced bill and provide FSIR with a recommendation.

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#### 5. GENERAL DISCUSSION:

CM Richardson stated that the city will follow legislative position from CML. Per R. Venegas, there are several bills yet to be introduced related to affordable housing, local rent stabilization, local government minimum wage, family medical leave, oil and gas, and paid family medical leave.

Per M. LaCrue, the proposed affordable housing bill is expected to be introduced soon. Regarding rent stabilization, CML is looking at language to enact ordinances and give local control on property and residential housing for rent control.

**Local Control of Oil and Gas:** M. LaCrue stated that the bill will be sponsored by Speaker Becker and Representative Garnett and is expected to be introduced the first week of March.

The bill will have four components, and CML will focus on local control issues that relate to the Colorado Oil & Gas Conservation Commission and forced pooling. CML will rely on Aurora's feedback on the draft of the bill. Per C. Richardson, we will share the draft with the city's Oil and Gas Commission.

M. LaCrue asked if Aurora has any mineral estate properties and whether it got royalties from them. R. Venegas will follow up with M. LaCrue.

**WOTUS (Waters of the United States):** Per C. Crews, in 2015, the state joined a lawsuit against the federal government regarding the Waters of the United States. Colorado Attorney General Phil Weiser would now like to remove the state from the lawsuit but stay as a party to the injunction. Aurora Water is proposing to provide the AG's office with comments from the city's perspective as to why the state should stay a party to the lawsuit. The Colorado Water Congress will also be sending comments to the AG's office, in addition to asking for clarification of the AG's position on the lawsuit and injunction. Aurora Water will be sharing their proposed comments to the AG's office for the committee's approval. Per Committee Chair Richardson the committee will defer to Aurora Water for the submittal of comments to the AG's office.

**Aurora Day at the Capitol:** Per M. LaCrue, March 20<sup>th</sup> has been scheduled by the Aurora legislative delegation as Aurora Day at the Capitol. Senators Todd and Fields are organizing the event and it is expected that there will be a talk hosted by the delegation and a lunch.

**House Bill 19-1157: Modify Specific Ownership Tax Rates:** Concerning the modification of a specific ownership tax rates, and, in connection therewith, requiring additional specific ownership tax revenue generated by the rate modifications to be credited to the highway user's tax fund and allocated to the state highway fund, counties, and municipalities in accordance with an existing statutory formula.

**Discussion:** K. Claspell explained that this is a fee and would fall under Tabor rules. This bill increases specific ownership tax rates for vehicles 10+ years old. Vehicles currently this age would be taxed at current lower tax rate; vehicles 9 or less years old will be taxed at higher rate once they age into the 10+ age group.

Additional revenue would gradually increase for the state and city. Based on recent estimates from the state, Aurora would collect about \$495,000 in year 1, \$990,000 in year 2, and \$1.5 million in year 3.

Per Rachel Allen, this likely won't have traction, and there are legal implications:

- This proposal does not comply with what is in the Colorado Constitution. Specifically, the funding formula laid out under Article 10, Section 6 under the 'revenue' provision.
- Funds that Aurora is currently receiving are general fund, non-restricted funds. What the legislature will do is earmark the new funds only for transportation, thus more restrictions.

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6. **MISCELLANEOUS MATTERS FOR CONSIDERATION – None.**

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7. **CONFIRM NEXT MEETING**  
March 8, 2019 at 1:30pm in Mt. Elbert.
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Approved:

  
CM Charlie Richardson      3-8-19  
Committee Chair              Date