

**Federal, State and Intergovernmental Relations (FSIR)  
Meeting  
February 21, 2020  
1:00 PM  
Mount Elbert**

**Council Member Angela Lawson, Chair  
Council Member Allison Hiltz, Vice Chair  
Council Member Crystal Murillo, Member**

Serve as leaders and partner with other governments and jurisdictions

1. Consent Items (None)
2. Federal Legislative Update Hettinger
3. State Legislative Update O’Keefe/Palmisano
4. Water Update Godwin
5. Resolution Regarding Oversight of Immigration  
Detention Centers Hiltz
6. Miscellaneous Matters for Consideration

**Next meeting – March 6, 2020**

## MEMORANDUM

**TO:** FSIR  
**FROM:** LUKE PALMISANO: INTERGOVERNMENTAL RELATIONS MANAGER  
**SUBJECT:** STATE LEGISLATIVE UPDATE  
**DATE:** 2/21/2020

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### FSIR Action Items

#### **Basic Life Functions in Public Spaces: HB20-1233**

The bill would prohibit the city from restricting any person from conducting basic life functions in a public space unless the government entity can offer alternative adequate shelter to the person and the person denies the alternative adequate shelter; and from occupying a motor vehicle, provided that the motor vehicle is legally parked on public property or parked on private property with the permission of the property owner. The bill has been assigned to the House Transportation and Local Government Committee. No hearing date has been set. **City Staff recommend an active oppose position.**

This bill violates several city code sections that govern use of public right of way, use of public parks, definition of dwelling units. "Public space" and "alternative adequate shelter" are not defined which will mean litigation to define those terms.

#### **Radio Communications Policies of Gov Entities: HB20-1282**

The bill requires each entity of the government of each city that encrypts all of its radio communications to enact an encryption policy. The bill has been assigned to the House Transportation and Local Government Committee. No hearing date has been set. **City staff is seeking approval to pursue changes through the bill sponsor.**

This bill would require APD and other departments with encrypted radios to provide access to encrypted radio communications to members of the media. The definition of "unreasonable and burdensome limitations" is not defined and will likely lead to many legal challenges. There are security and privacy concerns that necessitate encrypted communications.

#### **Colorado Rights Act: HB-1287**

Concerning enforcement of Colorado constitutional rights in Colorado state courts. The bill allows a person who has a right, privilege, or immunity secured by the Colorado constitution that is infringed upon to bring a civil action for the violation. The bill has been assigned to the House

Judiciary Committee. No hearing date has been set. **City staff recommend an active oppose position.**

The bill will remove qualified immunity for local government officials and have a significant financial impact.

### **Water Resources Financing Enterprise: SB20-153**

This bill would create a fee of 25 cents per 1000 gal of water use for each customer. The fee would supply a fund to provide grants and loans to water suppliers, wastewater treatment suppliers, and raw water suppliers. The bill has been assigned to the House Agriculture and Resources Committee. No hearing date has been set. **City staff recommend an active oppose position.**

This bill could result in hundreds of thousands of dollars coming from Aurora Water rate payers with no guarantee that Aurora Water rate payers would see the benefits.

### **Sunset Water Wastewater Facility Operators Certification Board: HB20-1215**

This bill concerns the continuation of the water and wastewater facility operators certification board, and, in connection therewith, implementing the recommendations contained in the 2019 sunset report by the department of regulatory agencies. The bill has been assigned to the House Agriculture and Resources Committee. No hearing date has been set. **City staff is seeking approval to pursue changes through the bill sponsor.**

Changes in language could negatively impact Aurora Water because they have many projects that last shorter than one year and would require extra certifications, time, and costs for these short-term efforts, such as construction dewatering projects.

## **FSIR Informational Items**

### **Workers' Compensation for Audible Psychological Trauma: SB20-026**

This bill concerns eligibility for workers' compensation benefits for workers who are exposed to psychologically traumatic events visually or audibly. The bill passed through the Senate Business, Labor & Technology Committee on January 29th. No hearing date with the Committee of the Whole has been set.

An amendment limiting the scope of the bill has been added. City Attorneys have signaled they have removed their active oppose position due to passage of this amendment.

### **Retaliation Against an Elected Official: HB20-1121**

Under current law, there is a crime of retaliation against a judge if an individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property as retaliation or retribution against a judge. The bill adds elected officials and their families to the crime. The bill was postponed indefinitely on Jan 30<sup>th</sup> due to first amendment freedom of speech concerns and the classification of the crime as a felony.

### **Family Medical Leave Insurance Program: Not yet introduced**

Concerning the creation of a family and medical leave insurance program, and, in connection therewith, creating an implementation plan for a family and medical leave insurance program and making an appropriation. Meetings between stakeholders are ongoing and a bill has not yet been introduced.

### **Battery-charged Electric Fences: HB20-1129**

The bill defines what a battery-charged fence is and limits the extent to which a local government can impose requirements relating to the installation or use of a battery-charged fence. The bill was laid over on February 5<sup>th</sup> by the House Transportation and Local Government Committee.

The City prohibits all electrically charged fences, section 146-4.7.9(1). This bill violates home rule authority by requiring the City to permit battery charged (electrically charged) fences. It also prohibits fees for inspections related to the electric charged fenced.

### **Employee Protection lawful Off-Duty Activities: HB20-1089**

The bill prohibits an employer from terminating an employee for the employee's lawful off-duty activities that are lawful under state law even if those activities are not lawful under federal law. The bill was scheduled to be heard in the House Business Affairs and Labor Committee on February 19th.

This bill interferes with the City's ability to set the terms and conditions of employment. It is aimed at the off-duty use of marijuana, but the language is broad enough to cover any off-duty conduct that is illegal under federal law with no equivalent state prohibition. This would directly affect the City's compliance with the Federal Drug Free Workplace Act and the US Department of Transportation drug and alcohol policies for commercial driver's license holders.

### **Mobile Home Park Act Updates: HB20-1196**

This bill concerns updates to laws governing mobile home parks including eviction, tenancy, and rental agreements. The Aurora Mobile Home Task Force met fifteen times over 2018-2019 and outlined key findings and recommendations including creating city policies and defining best practices that support and protect mobile home parks and mobile home residents in the city of Aurora.

### **Mobile Home Park residents Opportunity to Purchase: HB20-1201**

Concerning providing home owners in a mobile home park the opportunity to purchase the park under specified circumstances. The Aurora Mobile Home Task Force met fifteen times over 2018-2019 and outlined key findings and recommendations including creating city policies and defining best practices that support and protect mobile home parks and mobile home residents in the city of Aurora.

### **Family Medical Leave Insurance Program: Not yet introduced**

Concerning the creation of a family and medical leave insurance program, and, in connection therewith, creating an implementation plan for a family and medical leave insurance program and making an appropriation.

### **Public Real Property Index: HB20-1138**

The bill requires each state agency, state institution of higher education, and political subdivision of the state to submit to the office of the state architect (office) a list of all usable real property owned by or under the control of the agency, institution, or political subdivision of the state. The bill is scheduled to be heard in the House Transportation and Local Government Committee on February 19<sup>th</sup>.

This bill would place significant financial burden on the city.



## Federal, State and Intergovernmental Relations Agenda Item Commentary

<b>Item Title:</b> Resolution Regarding Oversight of Immigration Detention Centers
<b>Item Initiator:</b> Hiltz, Allison
<b>Staff Source:</b> Hiltz, Allison
<b>Deputy City Manager Signature:</b>
<b>Outside Speaker:</b>
<b>Council Goal:</b> 2.0: Serve as leaders and partners with other governments and jurisdictions--2012: 2.0--Serve as leaders and partners with other governments and jurisdiction

### **ACTIONS(S) PROPOSED** *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

**QUESTIONS FOR Committee**

**EXHIBITS ATTACHED:**

2020-Colorado StateLegislature-Private-Detention-Medical-Facilities-Resolution.doc

RESOLUTION NO. R2020- \_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE COLORADO GENERAL ASSEMBLY TO ENACT LEGISLATION PLACING MEDICAL CLINICS IN PRIVATE DETENTION FACILITIES UNDER THE RESPONSIBILITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

WHEREAS, Article 5 of the State of Colorado Constitution grants to the Colorado General Assembly plenary legislative powers to rule on the affairs of the state; and

WHEREAS, the United States government procures and contracts with the private prison industry in the State of Colorado for the custody of Federal detainees, and private detention facilities avail themselves of Colorado medical practitioners to provide medical care at their facilities; and

WHEREAS, there has been multiple inspections, reports, and complaints originating from these private detention facilities that indicate that the medical treatment provided to the detainees, and the conditions of medical clinics, are not in compliance with the standards all Colorado medical clinics must provide, and nonetheless the clinics inside the private detention facilities continue to be unregulated; and

WHEREAS, the Colorado General Assembly can take legislative action and place all medical clinics inside private detention facilities under the jurisdiction of the Colorado Department of Public Health and Environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO THAT:

Section 1. The Aurora City Council declares its support for legislation placing all medical clinics inside private detention facilities under the jurisdiction of the Colorado Department of Public Health and Environment. The City Council believes that legislation enacted by the Colorado General Assembly is the right way to prevent the private detention facilities and Colorado medical practitioners from avoiding state regulations while providing medical care in the State of Colorado.

Section 2. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

Section 3. Any reconsideration of this Resolution is hereby waived.

RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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MIKE COFFMAN, Mayor

ATTEST:

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STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:

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HANOSKY HERNANDEZ,  
Assistant City Attorney