

**Federal, State and Intergovernmental Relations (FSIR)
Meeting
March 20, 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 Kitzmann
5. Miscellaneous Matters for Consideration

Next meeting – April 3, 2020

MEMORANDUM

TO: FSIR
FROM: LUKE PALMISANO: INTERGOVERNMENTAL RELATIONS MANAGER
SUBJECT: STATE LEGISLATIVE UPDATE
DATE: 3/20/2020

FSIR Action Items

Local Government Authority Promote Affordable Housing Units: HB20-1351

The bill clarifies that the existing authority of cities and counties (local governments) to plan for and regulate the use of land includes the authority to regulate development or redevelopment in order to promote the construction of new affordable housing units. The bill will be heard by the House Transportation and Local Government Committee on April 1st. **City Staff recommend an active support position.**

FSIR Informational Items

Replacing Columbus Day with New State Holiday: HB20-1031

The bill replaces Columbus Day with Frances Xavier Cabrini Day as a state legal holiday on the first Monday in October. The bill passed third reading in the Senate on March 10th and will be reviewed by the governor for his signature or veto.

Expand Authority for Regional Transportation Improvements: HB20-1151

The bill authorizes a transportation planning authority to exercise the powers of a regional transportation authority. The bill passed the House Transportation and Local Government Committee on March 11th by a vote of 7-4. **City Staff recommended an active support position.**

Federal, State and Intergovernmental Relations (FSIR) Meeting
March 6, 2020

Members Present: Council Member Angela Lawson, Chair; Council Member Allison Hiltz, Vice-Chair; Council Member Crystal Murillo, Member (Via phone)

Others Present: Roberto Venegas, Luke Palmisano, Nancy Rodgers, Natasha Campbell, Kathy Kitzmann, Cammie Grant, Peggi O'Keefe, Karen Hancock, Doug Wilson, Mac Callison, Kim Stuart, George Adams, Kim Skaggs, Fernando Pineda, Alicia Santos, Jack Becker

1. **APPROVAL OF MINUTES:** February 21, 2020 minutes were approved as written.
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2. **CONSENT ITEMS:** None.
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3. **Welcome and Introductions:**

Summary of Issue and Discussion: Chair CM Angela Lawson welcomed the committee and introductions were made. CM Murillo joined the meeting via phone.

Outcome: Information only.

Follow-up Action: None.

4. **FEDERAL LEGISLATIVE UPDATE:**

Summary of Issue and Discussion: Luke Palmisano called Federal Lobbyist Laurie Hettinger to give an update on the 2020 Priorities. L. Hettinger said that in D.C. everything is about the coronavirus. They passed a Nature Supplemental and there are some resources for local government which could be helpful to the city if they need to use it. The Small Business Administration has also offered a disaster loan to help small businesses and non-profits who are impacted by the coronavirus.

L. Hettinger said she has been working on the city's appropriation requests that are due next week. Congress is hoping to get the appropriation bills done before they go on recess in August. CM Murillo asked in regards to the local funds available to the city, is that something that is being communicated to the constituents? CM Murillo went on to say that those most vulnerable constituents were very concerned at her last town hall about what the city was doing. Are we communicating to them on how those federal dollars will trickle down to them. L. Palmisano said he has received some updates from L. Hettinger that he would be happy to share and council members can pass that on to constituents. K. Stuart, Communications Director, said the communications department has been sharing information that they are getting from Tri-County Health, the State Department and the CDC. The best option for the city is to share links to those

sites because they are being monitored and updated daily. Other more specific information as it relates to the city can be linked in to those communications as they get them from L. Hettinger and L. Palmisano. CM Lawson can that be sent to all council? K. Stuart said yes it has been sent out to all of council and they will continue to update everyone.

L. Hettinger said has been working on scheduling meetings for the upcoming Lobbying trip. There are meetings set with both Senator Garner and Senator Bennett as well as Congressman Crow and Congressman Neguse, as well as HUD, White House Intergovernmental, and the Pentagon. We will check in with our Airforce liaison for any updates on Buckley Airforce Base. There is also a new program called the Defense Community Infrastructure Grant Program that allows for first time municipalities to have grants to work on infrastructure outside of the base. CM Lawson asked if there were any meeting scheduled regarding transportation. L. Hettinger said the city just got the Build Grant but there are no other requests at this point.

Outcome: Information only.

Follow-up Action: None.

5. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: L. Palmisano gave an update of the current state legislative issues.

Non-substantive Emails and Open Meetings Law: HB20-1308

This Bill offers some guidance or direction as to when electronic communications (e-mails) begins implicating the Open Meetings law. The bill will be heard on March 10th by the House Transportation and Local Government Committee. City Staff recommend an active support position.

The Bill clarifies that scheduling e-mails and e-mails forwarding backup for future meetings are not the types of e-mails which implicate the Open Meetings law. Such e-mails can be broadcast e-mails copying multiple parties.

CM Hiltz asked if it only applies when a council member is responding to a constituent or does it apply if you are replying to multiple council members? N. Rodger, Deputy City Attorney, said the bill focuses more on the substance of the email, if it is only about scheduling but does not mention any opinion or issue then it will not be subject to Open Meetings law. Committee unanimously agreed to take a position to actively support bill.

Consumer and Employee Dispute Resolution Fairness: SB20-093

This bill updates the guidelines surrounding arbitration of construction defects lawsuits. The bill passed second reading on the Senate floor on February 7th but has been laid over on third reading. City staff recommend an active oppose position.

This bill could make arbitration more difficult which could prolong judgement in construction defects lawsuits and stunt for sale condo construction.

CM Murillo said she still has an issue with the active oppose position, because she would like for the consumer to have those protections. She asked if the city could take the pursue changes through bill sponsor position instead. Would that allow the city to still have a seat at the table? L. Palmisano said taking that position would still give the city a seat at the table, lobbyist could start

working on this. CM Lawson said this is the bill that she did not agree with CML on and she would not like to take the active oppose position on this bill either. Is there a way of getting to a neutral position? CM Hiltz said forced arbitration is generally not helpful for consumer protection. She said she is not sold on the actively oppose position either. L. Palmisano said the position of pursuing changes through bill sponsor will still allow staff to continue working on this and they can follow CML's amendment process and have the lobbyist work on and then bring the bill back to committee for an update. Committee unanimously agreed to pursue changes through bill sponsor on SB20-093.

Administration of the RTD Regional Transportation District: SB20-151

This bill makes several changes to the Regional Transportation District Act including providing factors for the district to consider in making decisions about services, route planning, and rates. The bill was passed by the Senate Transportation & Energy Committee on March 4th and will be heard next by the Senate Judiciary Committee. No hearing date has been set. City staff recommend a pursue changes through bill sponsor.

Section 2 of this bill creates new rights of action in which an individual plaintiff can bring a lawsuit alleging discrimination and states these new rights are not subject to the Colorado Governmental Immunity Act setting a dangerous precedent.

CM Lawson said she spoke with Sen. Todd and she said there were 18 amendments to this bill. And her opinion was that the city should be careful to not rush through this bill. The committee unanimously agreed to recommend to pursue changes though bill sponsor.

Expand Authority for Regional Transportation Improvements: HB20-1151

The bill authorizes a transportation planning authority to exercise the powers of a regional transportation authority. The bill will be heard by the House Transportation and Local Government Committee on March 11th. City Staff recommend an active support position.

This bill can aid in funding municipal transportation improvements. Mac Callison, Planning Supervisor, said this bill enables legislation, provides another tool in the funding shortfall. Staff is enthusiastically supporting this bill. The committee agreed to actively support the bill.

L. Palmisano gave an update on the following bills for informational purposed only.

Prohibit Housing Discrimination Source of Income: HB20-1332

The bill adds discrimination based on source of income as a type of unfair housing practice.

"Source of income" is defined to include any source of money paid directly, indirectly, or on behalf of a person, including income from any lawful profession or from any government or private assistance, grant, or loan program. CM Hiltz said she has been working on this issue on a local level and because there is a bill on the state level and that is why she asked for this bill to be brought up here in FSIR. She would like the committee to take a position on the bill and then take it to the full council and if they would adopt a position of support then we can testify at the meeting on the 17th. L. Palmisano said staff did not take a position on this bill because it does not directly affect the city, but that does not preclude council from taking a position. The committee unanimously agreed to move this bill to full council meeting on March 16, 2020.

Modify Pension Plans Administered by FPPA Fire And Police Pension Association: HB20-1044

The bill modifies various plans administered by the fire and police pension association (FPPA) to increase employer contributions. HB20-1044 passed on third reading in the Senate on Wednesday, March 4th. City Council adopted an active oppose position. Staff is continuing to work on this bill with the Governor who will be meeting with the city on March 9, 2020. This issue will be on the agenda.

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 was postponed indefinitely by the House Transportation and Local Government Committee on February 26th. FSIR Committee adopted an active oppose position.

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 was postponed indefinitely by the House Transportation and Local Government Committee on March 4th. FSIR Committee adopted an active oppose position.

Colorado Rights Act: HB20-1287

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 was postponed indefinitely by the House Judiciary Committee on March 5th. FSIR Committee adopted an active oppose position.

Robotic Device Deliver Cargo: SB20-092

Concerning the regulation of self-propelled devices used to deliver cargo, and, in connection therewith, specifying standards for the operation of robotic devices within pedestrian areas and on highways. The bill was postponed indefinitely in the Senate Business, Labor, and Technology Committee on February 26th. FSIR had taken a position to pursue changes through the bill sponsor.

Outcome: The committee unanimously agreed to move HB20-1332 bill to full council.

Follow-up Action: Move HB20-1332, Prohibit Housing Discrimination Source of Income, to Council meeting on March 16, 2020.

6. 2020 CENSUS UPDATE

Summary of Issue and Discussion: Karen Hancock, Planning Supervisor, introduced the city's census team. Jack Becker and Fernando Pineda of CREA Results gave an update on the census. Alicia Santos, Sr. Communications and Marketing Specialist, gave an update on the city's efforts to engage communities in taking the census.

CM Lawson asked if the city census workers will know once a person has filled out their census online. K. Hancock said the census will. CM Lawson asked if census workers will keep coming to the door even after the census has been filled out? K. Hancock said that visits are part of schedule. But the census will provide the city with a map of all the tracks and we will be able to see where we are getting a low response. We would like to come back to the committee with updates on how the census is going. And we would like to take this presentation to full council on March 16, 2020. CM Lawson asked if a person can help their parents or other elderly people fill out the census online? K. Hancock said census staff cannot help people but they can provide resources such as phone support. J. Becker said that a federal census worker is allowed to help people fill out the census because they are bound by confidentiality where other staff that may not be true. But as far as helping your own parents it is not a problem to help them out. CM Lawson suggested FSIR get an update regarding the census in May. K. Stuart asked if the committee would want this presentation to go to full council study session. The committee unanimously agreed to move the census presentation to study session on March 16, 2020.

Outcome: The committee unanimously agreed to move the census presentation to study session on March 16, 2020.

Follow-up Action: Move the census presentation to study session on March 16, 2020.

7. WATER

Summary of Issue and Discussion: Kathy Kitzmann, Water Resources Principal, gave an update on bills regarding water.

1. Federal legislation H.R.6057 Stop the Spread of Invasive Mussels Act was introduced this week as a companion bill to Senator Bennet's S.2975 Stop the Spread of Invasive Mussels Act. The Water Department requested approval to provide a support letter and request Representative Crow to sign on as a co-sponsor.
2. An update on federal legislation S.241 / H.R. 823 Colorado Outdoor Recreation and Economy Act was provided. The Water Department has ongoing discussions with the offices of Senator Bennet and Representative Neguse on Camp Hale National Historic Landscape legislative language revisions. We are continuing to work toward language that will be compatible with our water rights development.
3. An update on state legislation HB20-1164 Housing Authority Exemptions from Water Fees was provided. Water is actively opposed to this bill and we are hearing that this bill is on pathway to be postponed indefinitely.
4. An update on state legislation HB20-1215 Sunset Water Wastewater Facility Operators Certification Board. The bill is up for hearing on Thursday, March 12th and Water may testify to request the legislation re-insert deleted language for the exclusion of "facilities designed to operate for less than one year or facilities with in-situ discharge".

Outcome: Information only.

Follow-up Action: None.

8. MISCELLANEOUS MATTERS FOR CONSIDERATION

None.

9. CONFIRM NEXT MEETING

The next meeting is scheduled for March 20, 2020, 1:00 PM in the Mt. Elbert conference room.

Approved:

Angela Lawson
Committee Chair

Date