Federal, State and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
June 26, 2020

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

Others Present: Luke Palmisano, Nancy Rodgers, Kathy Kitzmann, Peggi O'Keefe, Totsy Rees, Lauri Hettinger, Council Member Curtis Gardner, Stephanie Swan, Hans Hernandez Perez

1. APPROVAL OF MINUTES: JUNE 12, 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 to the video conference call and introductions were made.

Outcome: Information only.

Follow-up Action: None.

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4. FEDERAL LEGISLATIVE UPDATE: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. The House and Senate are considering the National Defense Authorization Act (NDAA). This will set policy and funding for the Pentagon over the next year. Congressman Crow is on the House Services Committee and is diligently working for Buckley Airforce Base. L. Hettinger will give updates on any amendments that affect Aurora.
There has not been any movement on the new COVID package since the last FSIR meeting. There may be some updates after the July 4 recess. There is a push from Democrats as well as some Republicans for more money for local governments as part of the Coronavirus Relief Fund. There is a breakdown between the two parties on priorities. Republicans are looking at more funding for small business and business liability. Democrats want additional funding for testing and tracing, hospitals, local governments and an extension of unemployment benefits.

On June 11, 2020 the House passed its Police Reform bill by a bi-partisan vote of 236 in support to 181 in opposition. On Wednesday the Senate voted to consider the Republican's bill. To pass the bill it will require a majority of 60 votes and it failed to pass. There are some major differences between the House and Senate bills. There may be some sort of compromise before the election if the moderate Democrats and moderate Republicans in the Senate can work together.

CM Gardner asked how qualified immunity is covered in the Police Reform bill. His understanding is that the bill that passed the House did not include ending qualified immunity and

they did not allow for any amendments to the bill. L. Hettinger said yes, they limited the amendments, but the House bill does make it easier to hold the police liable in civil and criminal actions. The bill overrules the judicial doctrine of qualified immunity. It also allows prosecution of police violations committed knowingly, recklessly or willfully. It authorized $750 million in 3 years for states to investigate deadly force cases. It also grants the State Attorney General subpoena authority and civil rights probes. CM Gardner said the bill has some modifications to qualified immunity in a very narrow scope specifically when in relates to law enforcement officers, but the underlying principal of qualified immunity still exists and the problems is, for example, prison guards are still protected under qualified immunity so they can violate the rights of an inmate in their custody and the prison guard would be protected under qualified immunity. L. Hettinger said that it looks like Republicans will not support this bill at all. Many civil rights groups have said that the House bill is too moderate.

CM Gardner said that he asked for Council to take a position of support on the Ending Qualified Immunity Act that has support from all 3 parties. L. Hettinger said she does not see a path forward on this at the moment. CM Lawson said that there will be no work done in Congress on police reform because there doesn't seem to be any interest in a compromise. At the end of the meeting she would like to discuss Federal priorities and how the council is going to look at this going forward.

CM Murillo asked how this compares with the state bill that was just passed. How does a potential federal bill work with the state reform bill that was passed removing qualified immunity for police. L. Palmisano said he does have a list of certain sections of this bill that council may want to add to the federal priorities. The FSIR committee did take a position on HB-217, but as far as federal priorities and how the state bill and federal bill match up we would need to pick out some specific factors to be added to the federal priorities and take to full council for approval.

CM Lawson said that even if there won’t be anything done in congress until next year because they can’t come to a compromise at this time, it is still important for there to be some advocacy on council’s part about where we stand on police reform at the federal level. CM Gardner said the State did not end qualified immunity -it applies to local law enforcement and is limited to state court, also municipalities can indemnify police officers. The bill was watered down significantly and that was disappointing.

CM Murillo said she would like the staff’s perspective on comparing the state and federal bills and how locked up we are with our federal partners, if at all. CM Lawson said she agrees and maybe there can be a matrix of what the differences are. A lot of people might not understand the differences. And that could help with figuring out our priorities. Nancy Rodgers said the document staff created regarding indemnification vs. qualified immunity explains the two different concepts. Immunity may be abolished but indemnification could still exist and vice versa. We can include that in the matrix if the committee is interested in that. CM Lawson said as much information that can be provided on the matrix would be important and should be included.

L. Hettinger gave an update on transportation and infrastructure. There are many Republicans who are frustrated with this situation and want to get something done on this as well. There may be some compromise and she will give an update after the July 4 recess ends. The transportation bill which sets the policy and funding for DOT for the next five years expires on September 30. The Senate is not considering introducing an infrastructure bill right now. If there is a change in the

Senate and Administration after the election this bill will be first in line and may very well get passed.

CM Lawson said that both CM Murillo and herself had questions about the status of DACA. L. Hettinger said the good news is that the Supreme Court released its DACA decision that the Department of Homeland Security (DHS) unlawfully ended the DACA program. The reason the for the decision was because the Court found that the DHS rationale for terminating this program violates the Administrative Procedures Act. This means that DACA will remain in effect. Those who originally applied for DACA can now renew their status. And those who applied in 2017 when DHS began rescinding the program can apply. The Administration is still going to try to rescind DACA. And DHS still retains the legal authority to terminate the program if it complies with the statutory obligations. They may not have time to do this before the election but if this administration continues next year, they will definitely try to rescind this.

CM Murillo asked if the supreme court decision could be contextualized and explain what part of the procedures act DHS violated. What do they need to fix to try this again? L. Hettinger said she will consult an attorney she works with so she can get the correct answer for that question. L. Palmisano said that Justice Roberts argued that the administration did not follow the correct procedure and the decision to just end the program because it is not a legal program was arbitrary and capricious. The administration never gave any reasons to end the program except to say it was illegal. The Court was saying they need to go through the process of justifying reasons they were ending it. L. Hettinger will send out more information on this.

L. Palmisano said the committee may want to discuss the federal priorities and police reform priorities for next year. From staff's perspective there are several points from the Justice and Policing Act that the committee would like to advocate for. There is also the option to advocate for the entire Justice and Policing Act. There is the Breonna Taylor Act ending the no-knock warrants. There is the end of qualified immunity act, there is a federal ban on choke holds, there is a federal ban on lynching, a creation of a national data base to track officer wrong doing, these are a few of the highlights that we may want to start with. And if any council member would like add anything that can be done.

L. Palmisano said he put a place holder on the July 6th Study Session assuming this committee would forward these items to the rest of council, but there is no back up yet as which particular sections we would move forward. CM Lawson said there are several categories and would like to have them all considered and ask the committee and L. Palmisano how we should proceed? L. Palmisano said the first thing to decide is whether the committee wants to support the entire Justice and Policing Act and if not we can pick the areas we do want to support. CM Lawson said she has not read the entire act and there may be some things in the bill that she does not agree with. CM Hiltz said she has gone through the whole bill but is fine with forwarding some of the highlights. CM Lawson and the committee decide to go over the topics and decide which ones they will support moving forward. She is concerned that since there is more than one bill in consideration and some of these provisions are in one bill and not on the other it will get confusing as to which bill they are actually supporting.

L. Palmisano said that neither the House or Senate bill look like they are going to pass this year so the best way to move forward is to advocate for specific issues. Council would be taking these specific issues and advocating for them to be included in any bill. CM Lawson said it would be

best to do it that way and advocate for general principals. CM Murillo and CM Hiltz agreed. CM Gardner said he also agreed. L. Palmisano said do we want to add the following issues to the council's federal priorities for next year? CM Murillo asked if they committee agrees to forward these issues they will still need to be approved by the full council? L. Palmisano said yes.

The Beonna Taylor Act to ban no knock warrants. Committee agreed unanimously to move forward.
Support for national ban on choke holds. Committee agreed unanimously to move forward.
Calling for an end to qualified immunity. Committee agreed unanimously to move forward.
Ban on lynching. Committee agreed unanimously to move forward.
Creation of a national data base to track officer wrong doing. Committee agreed unanimously to move forward.
A provision to make it easier to prosecute an officer who fail to interfere when another officer is doing something wrong. Committee agreed unanimously to move forward.

CM Gardner said he has some issues he would like to add to the priorities list. They may or may not be on any upcoming bill but are issues he feels are important to address. One is; eliminating mandatory minimum prison sentences. Second, ending civil asset forfeiture. Ending the police's ability to take citizen's assets without cause. CM Lawson asked if the committee would be willing to add those issues to the list? Committee agreed unanimously to move forward.

CM Gardner asked if council has taken a position on NDAA in the past? He said he has some issues with the bill as it pertains to civil liberties. L. Hettinger said that she was just letting the committee know the status of the bill. In the past the city's federal priorities have included two things that are maintained in this bill, they were either created or continue to be funded. First was the program for Buckley to maintain the buffer zone, and the second was the creation of a Defense Community Infrastructure program. CM Gardner asked if the city then just took a position on certain aspects of the NDAA and not the bill in its entirety. Because he has a lot of issues with some of the things in the bill.

Summary of Issue and Discussion: Move police reform issues to full council to add to federal priorities.

Outcome: Move police reform issues to full council to add to federal priorities.

Follow-up Action: None.

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5. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion:

Peggi O'Keefe, state lobbyist, gave an update on the state legislation. She said the legislative session ended last Monday. There were about 15 new bills that were introduced after they came back from the COVID break. We went over those at the last FSIR meeting. It does not look like they will go back for a special session although it is a possibility. We will need to keep an eye on the budget for 2022. These financial crises usually hit the hardest the year or two after a crisis. Another thing was since we had such successful town hall with the legislators a couple months

ago, that it might be something we want to do again in July or early August. We could think about doing these calls once every quarter. CM Lawson said she would agree to that. L. Palmisano said he agrees that it would be a great way to check in with our representatives. CM Lawson suggested setting the call up for August. L. Palmisano said staff will work on setting that up. CM Lawson said that would be great and to set up the next meeting before the legislative session starts up om 2021. Both CM Hiltz and CM Murillo agreed to the meetings.

Outcome: Staff will set up town hall with state representatives.

Follow-up Action: Staff will set up town hall with state representatives for a date in August.

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6. WATER

Summary of Issue and Discussion: CM Lawson said that the agenda item CORE Act will not be discussed at today's meeting. Kathy Kitzmann, Water Resources Principal said there was an amendment to the CORE Act and it was not the version the Water Department had been working on with Senator Bennet's staff. Water needs to get more information in order to move forward on this new version.
The only other item is K. Kitzmann will be starting a draft for request for proposal (RFP) for a new state lobbyist for the Water Department. CM Lawson asked for an update on how that process goes. L. Palmisano said he and K. Kitzmann will be in contact and since the RFP process needs to go through both the committee and council there are many updates to come.

Outcome: Information only.

Follow-up Action: None.

7. MISCELLANEOUS MATTERS FOR CONSIDERATION

L. Palmisano said the Veterans Services IGA was brought to him by Mayor Coffman and CM Dave Gruber who had been in contact with county commissioners in Adams and Arapahoe county about hiring a Veterans Services Officer. This would be a person who serves to connect veterans with wrap around services such as housing, job opportunities, nutrition, and other benefits. Both counties each have a veteran's services officer (VSO) but one office is in Littleton and the other is in the far north part of Adams County. It was brought up that a good place for a VSO would be near the VA hospital. There is a draft of the IGA proposal in the back up. Both Nancy Rodgers and Hans Hernandez Perez, Assistant City Attorney, have gone over the agreement from the legal department's perspective. Staff along with Adams and Arapahoe county's staff have come up with specs which are also in the back up. The basic specs are that Adams county will hire and supervise the employee, Adams and Arapahoe county will share the cost of the employee 50/50 to include training costs. Arapahoe county will provide office space at Altura Plaza. The city of Aurora will provide materials such a computer, and office supplies. Right now, the draft has this position as a one-year pilot. Presuming the pilot goes well the contract will be renegotiated and continue the IGA going forward.
CM Hiltz said she is happy to move this issue forward to full council. CM Murillo and CM Lawson agreed to move it forward to full council.

Outcome: Committee unanimously agreed to move Veterans Services IGA forward to full council.

Follow-up Action: Staff will schedule Veterans Services IGA item to go to full council on July 6 Study Session.

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8. CONFIRM NEXT MEETING

The next meeting is scheduled for July 31, 2020, 1:00 PM WebEx video conference meeting.

Approved: _____

Angela Lawson Date
Committee Chair