

**Federal, State and Intergovernmental Relations (FSIR) Meeting**

**November 20, 2020**

**2:00 PM**

**WebEx Event**

**Access information provide to Internal Staff**

**Public Participation Dialing Instructions**

**Dial Access Number: 1-408-418-9388**

**Enter Participant Code: 146 316 5916**

**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. Approval of Minutes Lawson
3. State budget proposal to temporarily suspend sales tax on certain businesses Coffman
4. Federal Legislative Update Hettinger
5. State Legislative Update O'Keefe/Palmisano
6. Ethics Ordinance Johnston
7. Lobbying Ordinance Lawson
8. Water Kitzmann
9. Miscellaneous Matters for Consideration

**Next meeting – December 18, 2020**

**Federal, State and Intergovernmental Relations (FSIR) Meeting**  
**Video Conference Call Meeting**  
October 28, 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, Lauri Hettinger, Council Member Curtis Coombs, Natasha Campbell, Roberto Venegas, Trever Vaughn, Janice Napper, Cammie Grant, Totsy Rees

1. **APPROVAL OF MINUTES:** September 25, 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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**DEI Update & Resolution Action Item:** Janice Napper, Diversity, Equity & Inclusion Officer, gave an update on what the Diversity, Equity & Inclusion office (DEI) is currently working on. She noted that in June of this year Community Relations was moved to DEI. Aurora is a member of Government Alliance on Race and Equality (GARE) and the city worked with Gare on a survey. The survey will be launched on Monday, November 2<sup>nd</sup>.

She also introduced a resolution to bring forward to full council. It is a resolution by the City Council of Aurora, affirming Aurora’s commitment to valuing diversity, equity and inclusion. The committee voted unanimously to bring the resolution forward to the next available Study Session.

Outcome: The committee voted unanimously to bring the resolution forward to the next available Study Session.

Follow-up Action: Staff will put the resolution on the November 23, 2020 Study Session agenda.

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4. **FEDERAL LEGISLATIVE UPDATE:** Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. Congress is currently in recess after approving Amy Coney Barrett’s nomination to the Supreme Court. They will likely not come back until November. The issues they take up will depend on who wins the White House and the Senate. If the Democrats take control,

there will be a short lame duck session and the Democrats will most likely wait until next year to start any new legislation. It looks likely that the National Defense Authorization Act will be passed. If the Democrats do take over control, they will most likely take up a COVID stimulus package first thing next year. If Republican retain control of the Senate, they said they would like to pass a COVID stimulus bill in November or December. Regardless of who takes control of the Senate, there will more than likely be some sort of infrastructure package. If Vice President Biden wins, he has said that he will get an infrastructure bill passed in the first 90 days. L. Hettinger said that she has been working with the city's intergovernmental team to make sure the city's priorities for 2021 is addressed in this bill. She would like to set up some time in the next few months to discuss this with our local delegation and city leadership.

CM Lawson asked if they are going to take up any type of police reform, court reform or social justice reform next year? L. Hettinger said that will definitely be a priority for democratic leadership but may not come up in the first quarter next year. They have also said that climate change and resiliency is also priority. We will also see something on the Affordable Care Act. The Supreme Court will hear that case in about two weeks and any action by Congress will depend on the Supreme Court's decision.

In regards to the census count. President Trump asked the census bureau to give him a state by state count of all undocumented immigrants. Once he receives those numbers, he will not include those numbers in the final census count. A federal district court in northern California as barred the census bureau to give the President that count as it would violate the constitution and current federal law. The Supreme Court will hear arguments on November 30<sup>th</sup>.

Summary of Issue and Discussion: Information only.

Outcome: Information only.

Follow-up Action: None at this time.

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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. We find ourselves at the end of the election season. The expectation is that the Democrats will retain the majority in both chambers. They may even pick up an additional seat or two and would be close to a super majority. A lot of the legislation that was killed because of COVID will be coming back. We will most likely see a bill that will come in and tweak the current police reform bill.

CM Lawson said there are some important dates coming up regarding JBC. P. O'Keefe said that she will put together a calendar of the different departments they will be following next legislative session. C. Grant said that JBC starts meeting in early November and the process includes department briefings by JBC staff. Once they are done briefing all the departments it will go to a hearing. There will be opportunity not only in the briefing stage but also during the hearings for legislators to ask questions. CM Lawson said that L. Palmisano will reach out with more information from city departments on the city's priorities. CM Coombs said that in the discussion process about the minimum wage increase they heard back from a lot of Medicaid provider agencies. Since there are a lot of Medicaid provider agencies in Aurora, she would like to have

some conversation with JBC regarding reimbursement rates. There was a cut because of COVID which has affected these folks. She hopes have a conversation regarding reversing those cuts and any other ideas to help those folks out. C. Grant said she will add that to the agenda to watch for. CM Lawson said that she has also brought up some issues concerning Metro Districts. She is unclear if Representative Weisman will be looking at those issues, but would like for our lobbyist to look into it. L. Palmisano will be giving the lobbyist a full list of priorities and issues for them to track during the legislative session next year.

Outcome: Information only

Follow-up Action: Information only

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## 6. STATE & FEDERAL PRIORITIES

**Summary of Issue and Discussion:** L. Palmisano gave an overview of City Council's the State and Federal priorities for 2021.

**Affordable housing:** Colorado is facing an affordable housing crisis. Many Colorado residents struggle to find affordable housing in the communities where they work. Colorado's local governments can be a key player in finding a solution by utilizing their local land authority.

**Request:** The City of Aurora supports the CML-initiated legislation that would amend Section 29 of the Colorado Revised Statutes related to Land Use Powers. CM Murillo said in the RTD Accountability Board they have been discussing land use and the ability to develop RTD land for something other than just a parking garage. Specifically, for transit related development. These ideas are only in the discussion stage now but as recommendations are made CM Murillo would like to bring them to full council and have them added to the priority list. L. Palmisano said that this is already on his radar and will keep a look out for these issues. The committee voted unanimously to move this item forward to full council.

**Police reform:** The city has been proactive on reforms inside their own department and supported SB20-217: Enhance Law Enforcement Integrity but believes additional state legislation is needed.

### **Requests:**

- The city seeks clarity in definitions that were lacking in SB20-217. This includes defining "minor crimes" and the difference between excessive force and reasonable force.
- The city supports a mechanism for due process before POST certification is revoked.
- The city also supports clarification related to data collection from law enforcement's contacts with civilians including on what information to collect and when departments are required to release the data.

CM Murillo said she would like to add data and how it is collected as it relates to police reform especially as it relates to youth. L. Hettinger said that this was part of the police reform bill that passed the senate and there was funding for this in the appropriations bill so this could be added to the Federal priorities as well. CM Murillo would like to have on both State and Federal priorities.

The committee voted unanimously to move this item forward to full council.

**Professional licensing:** Local jurisdictions are the government entities that interact with their residents on a day to day basis and best understand the unique market conditions inside their boundaries and are best equipped to make licensing decisions on certain professions. To that end the city supports efforts updating certain licensing requirements.

**Requests:**

**Massage Facilities:** The city requests the state legislature create legislation to provide a statutory reference and authority for local jurisdictions to access the Federal Criminal Justice Information for applicants and owners of Massage Facilities. Federal law requires a reference in State Code.

Currently barber, cosmetology, esthetician, nail technician, hairstylist and other professional licensing in Colorado requires that an applicant provide a social security number to obtain license. The city requests legislation to allow licensure for these professions with a taxpayer identification number and the city supports requiring the State to have options available for licensure tests in languages other than English.

**Security Guards:** Colorado is one of only nine states that do not regulate security guards or security companies. The city requests the state legislature create a state level qualified professional license for security guards with a requirement for professional training and certification including background checks. This licensure should at a minimum apply to guards armed with firearms and less than lethal munitions. A statewide license would allow security guards to move between jurisdictions without needing a license in each jurisdiction and there would be a statewide standard for qualification. Any statewide license should only be for the qualified professionals and should not prohibit the city from licensing individual companies to operate. In addition, the state should authorize the city to utilize Federal CJIS in licensing security companies and verifying the backgrounds of the company owners.

CM Hiltz said she supports the first two issues but has some questions on the security guard licensing. She said there is a history of occupational licensing boards manipulating the licensure process to favor certain companies or individuals to make it harder for certain people, such as those who were formerly incarcerated, are low-income, immigrants and military spouses, to obtain a license. This distorts the market and squeezes people out. There are other ways of regulating the industry, such as registration or certification, instead of more licensing. CM Hiltz said she would like to know who is behind the push for these changes and whether there are instances where things went wrong and a license would have prevented that from happening and if other cities in Colorado have had similar problems. Trever Vaughn said that no one in the industry has asked for this. It originated internally between the permitting department and the police department who have been discussing this over several years. There are some concerns with the qualifications of the armed guards that work within the city. There are some examples of egregious behavior in the area where armed security guards have intervened and done harm and dress similar to police officers. The point of the licensure is to make sure the people working in this profession are qualified and have the correct training to do the job safely. Another reason is because there are 4 cities in Colorado that already have a licensing program for security guards and if more cities start to adopt this it will make it hard for people in the industry to obtain several different licenses for reach jurisdiction, it would be more efficient to have one state license. This would be a issue for council to decide on. There are other ways to go about this such as registration or making the

security guard company get a license with the expectation of them making sure their staff is trained properly. CM Hiltz said she understands the intent but is not convinced this is the best way to solve the problem. The burden may be more on the hiring agency. Our own police department has instances of egregious actions and they are part of the city, well trained and vetted. CM Hiltz would like to have a conversation around how we regulate the companies themselves and how they present themselves. Maybe licensing or registering the companies. CM Hiltz said at this point she is not supportive of this initiative and would like more information and to have more discussion on this issue. She is open to it but needs more information first. CM Lawson said she agrees with CM Hiltz. CM Lawson asked if it would be possible to put the first two licensing points on the priorities list and leave the security guard license off until there is more information. L. Palmisano said yes, we can move the massage parlor and stylist licensing forward and gather more information on the security guard licensing issue. CM Murillo also agreed with this decision. The committee unanimously agreed to move the first two topics listed (massage & stylist licensing) forward and hold off on the security guard topic in order to gather more information.

**Transportation:** Public transit is a crucial piece of infrastructure that affects low-income and minority communities. The city supports increased state transportation and transit funding that includes an equitable portion of new revenue to cities and other local governments. The city will monitor the recommendations from the RTD Accountability Committee.

**Request:** The city supports efforts to authorize a transportation planning organization (TPO) to exercise the powers of a regional transportation authority to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding. The committee voted unanimously to move this item forward to full council.

**Marijuana:** The city will monitor closely any changes the State considers regarding the regulation of recreational and medicinal marijuana consumption. In addition, the city will support local control in the authority to regulate businesses related to the processing, extraction, manufacturing and sales of consumable and industrial hemp.

The committee voted unanimously to move this item forward to full council.

**Immigration:** The Workforce Innovation and Opportunity Act of 2015 seeks to ensure that state and local service providers offer adult education and skills development programs that accelerate achievement of diplomas and credentials among American workers, including immigrants and individuals with limited English language skills. The city supports efforts to access and utilize these funds.

In addition, the city will closely monitor state legislation related to improving oversight of and the conditions within private prisons that house individuals with pending immigration status issues.

**Request:** The city also supports legislation concerning replacing the term illegal alien with unauthorized worker as it relates to public contracts for services.

CM Murillo said that the illegal alien language was brought to her attention while review the lobbyist contacts. It is a timely that the city seeks to change this language to reflect how the city strives to better communicate and serve the diverse community.

The committee voted unanimously to move this item forward to full council.

**Climate change:** The city supports state legislation that supports the principles of sustainability, energy efficiency and renewable energy by tracking and supporting state legislation that support these aims. This includes:

- Repealing the ban on local government regulation of plastics – SB20-010
- Expanding production of alternative energy and renewable energy standards
- Expanding tax credits that promote use of electric vehicles and EV infrastructure
- Pursuing green building standards.

CM Murillo said that she would like to add a note that when considering bans on certain products, such plastic, the city would consider who it will disproportionately affect and that equity would be taken into consideration.

The committee voted unanimously to move this item forward to full council.

**Civil rights:** It is the policy of the city of Aurora that no person shall on the grounds of race, color, national origin, sex, disability, religion or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the city. The Colorado Fair Employment Practices Act makes it illegal for an employer to discriminate on the basis of race, color, religion, creed, national origin, ancestry, sex, age, sexual orientation, and physical or mental disability. The city embraces efforts at the state legislature that uphold these principles by supporting bills that expand protections and opposing bills that seek to discriminate against the LGBTQ+ community.

The committee voted unanimously to move this item forward to full council.

### **Federal Priorities**

**Police reform:** Measures to increase the integrity and accountability of law enforcement

The city has been proactive on reforms inside their own department but believes federal legislation is needed.

**Requests:** The city supports the following principles to be included in future congressional legislation surrounding police reform.

- Justice for Breonna Taylor Act - The Justice for Breonna Taylor Act introduced in the U.S. Senate would prohibit no-knock warrants, which allows law enforcement officials to forcibly enter a home without announcing their authority or purpose. The city supports this legislation.
- National Ban of Chokeholds - The city supports a national ban of the use of chokeholds, carotid holds, sleeper holds or similar techniques by law enforcement.
- Emmett Till Antilynching Act – The Emmett Till Antilynching Act passed by the U.S. House of Representatives establishes a new criminal civil rights violation for lynching. Specifically, a person who conspires to commit certain civil rights offenses (e.g., a hate crime act) is subject to criminal penalties. The city supports this legislation.
- National Database – The city supports the creation of a national database to track officer wrongdoing.
- Failure to Intervene – The city supports legislation that would create a national standard to hold police officers accountable in a situation where they fail to intervene to prevent another officer from using excessive force.
- Eliminating Mandatory Minimum Prison Sentences – The city supports legislation that would end mandatory minimum prison sentences.

- Ending Civil Asset Forfeiture - The city supports legislation that would end civil asset forfeiture by law enforcement.
- Ending Qualified Immunity Act – The city supports the Ending Qualified Immunity Act introduced in the U.S. House of Representatives that would eliminate qualified immunity and restore Americans’ ability to obtain relief when police officers violate their constitutionally secured rights.

The committee voted unanimously to move this item forward to full council.

**Coronavirus relief fund:** Measures to broaden disbursement and use of funds

The Coronavirus Aid, Relief and Economic Stability Act (CARES Act) included the Coronavirus Relief Fund which set aside \$150 billion to provide direct funding to states and local governments to combat the pandemic. This fund included a requirement that local governments have a population of at least 500,000 in order to directly access these funds. The legislation also included a December 31, 2020 deadline for state and local governments to utilize the funds

- **Requests:** The city of Aurora urges Congress to consider additional funds for the Coronavirus Relief Fund and lower the population threshold to access the funds. The city urges Congress to consider extending the deadline to use existing CARES fund past the existing December 31, 2020 date.

The committee voted unanimously to move this item forward to full council.

**Small business:** Measures to support small business and workers

Due to the Covid-19 (Coronavirus) outbreak small businesses have been forced to halt operation due to social distancing requirements and executive orders to cease operations. Small businesses that have been affected include restaurants, coffee shops, breweries, nail salons, massage parlors, retail outlets, and others. Many businesses have chosen to fully close and have laid off workers. In order to assist small businesses and workers the city will support legislation that provides loans to small businesses and requirements to continue to employ workers.

**Requests:** The city supports the following principles to be included in future congressional supplementals to combat the economic effects of the Covid-19 outbreak.

- Small Business Stabilization Fund - The U.S. Small Business Administration is offering designated states and territories low-interest federal disaster loans to small businesses suffering substantial economic injury as a result of the COVID-19 outbreak. The city supports additional funding for this program.
- Additional funding for National Health Emergency Dislocated Worker Grants: \$100 Million in National Health Emergency Dislocated Worker Grants (DWGs) has been designated in response to COVID-19. The city supports additional funding for this grant program.
- Increase in funding for additional federal grants and flexibility of use for the city to disperse funds to businesses who have been forced to shut down.
- Measures to incentivize participation by local business in statewide Work Share programs.

The committee voted unanimously to move this item forward to full council.

**Housing and homelessness:** Federal programs and grants for housing and homelessness



The Covid-19 (Coronavirus) outbreak has forced the city to reevaluate homeless and housing programs and provision of services. Most city sponsored homeless shelters rely on group living situations that can be detrimental to containing further infection. To that end the city supports measures that provides additional funding for the homeless population to shelter in non-congregate shelters including vacant motel and hotel rooms. Housing assistance is a critical measure to prevent additional renters and homeowners from falling into homelessness. To that end the city supports measures at the federal level to allow flexibility in use of federal grants.

The City's housing authority is currently the recipient of only 85 HUD-VASH vouchers, despite being the third largest City in the state and with a large veteran demographic. With the completed VA Regional Medical Center in Aurora, we anticipate a sharp increase in the number of homeless veterans, making additional HUD-VASH vouchers critical.

**Requests:** The city supports the following principles to be included in future congressional supplementals to combat the economic effects of the Covid-19 outbreak.

- Flexibility in use of CDBG funds including a removal of caps to allow provision of housing for non-congregate shelter for homeless and additional services.
- Increase in additional federal grants and flexibility of use to provide housing for non-congregate shelter for homeless.
- The FHFA and the Federal Housing Administration (FHA) have suspended foreclosures and evictions for enterprise-backed mortgages and FHA-insured mortgages through December 31, 2020. The city requests these moratoriums be extended for the duration of the Covid-19 national emergency.
- Support for waivers for renters for federal housing programs so those programs can respond nimbly.
- Emergency Solutions Grant Program - provide additional funds to state and local entities to protect homeless people and those on the brink from becoming homeless from COVID-19 through the Emergency Solutions Grant Program and rental assistance programs for low income individuals and families. Remove the 60% cap that may be used for emergency shelter.
- Support for a suspension of rental and utility payments (through HUD) if loss of income has occurred due to COVID-19.
- Support for additional funds for low income renters currently needing assistance.
- Extension of the CDC moratorium on residential evictions through the duration of the crisis and rescission of guidance that allows landlords to challenge tenant declarations and allows landlords to initiate eviction proceedings for nonpayment of rent at any time.

**Request:** The City of Aurora requests Colorado Congressional delegation support for an increase in funding for the CDBG and HOME programs. In addition, the City requests Congress and federal agencies support the following:

- S.923/HR 1978, the Fighting Homelessness Through Services Act, sponsored by Senators Feinstein and Murkowski.
- S.3030, the Eviction Crisis Act, sponsored by Senator Bennet of Colorado
- An increase of the HUD maximum income restrictions for the down payment assistance and the rental assistance program in order to stay relevant in the current market.
- Programs that preserve housing for extremely low-income households, including those that address chronic homelessness among veterans, youth and families.
- An increase in the number of HUD-VASH vouchers allocated for Aurora.

- Raise the Davis-Bacon project threshold to \$250,000 for non-residential and increase the CDBG housing unit threshold to 12 units to coincide with the HOME program.
- Eliminate the 15% set-aside of HOME funds for CHDOs.

The committee voted unanimously to move this item forward to full council.

**Federal Emergency Management Agency (FEMA):** FEMA guidelines on use of grants and reimbursement of funds

Due to the Covid-19 (Coronavirus) outbreak a National Emergency Declaration has been declared and FEMA has been activated. As states and municipalities mobilize into action clear guidelines on how FEMA will reimburse state and local governments is needed.

**Request:** The city requests FEMA allow as much flexibility on how local governments utilize federal funds and that reimbursement for use of funds be broad and all-encompassing.

The committee voted unanimously to move this item forward to full council.

**Paid leave/paid sick leave:** Tax Credits for Paid Lave/Paid Sick Leave

The Families First Coronavirus Response Act requires businesses and public agencies to provide paid leave and paid sick leave but excludes municipalities from receiving a payroll tax credit that is available for businesses. The city of Aurora urges Congress to support legislation to allow municipalities to be eligible for the payroll tax credit for emergency paid and sick leave. Allowing state and local governments to recoup costs through the payroll tax credit will grant the city the ability to afford these added costs.

**Request:** The city requests that additional funds be designated to allow for municipalities to mitigate this financial cost.

The committee voted unanimously to move this item forward to full council.

**Infrastructure investment:** Water Infrastructure

Aurora Water is committed to operating and maintaining significant water infrastructure. During this pandemic crisis Aurora Water, has suspended water shut-offs for non-payment to ensure residents have access to water during the duration of the crisis. Some customers may struggle with their ability to pay their water bills as a result of the pandemic and this mat compound for a period following the pandemic. Water utilities are well positioned to manage grant or low interest loan funding to help support customers challenged with income shortages to provide for basic needs such as water service.

**Request:** The city respectfully requests Congress to include funds to allow water utilities to assist struggling customers in covering water service costs during this challenging time.

The committee voted unanimously to move this item forward to full council.

**Support for Healthy Forests Legislation**

Aurora water supplies originate in the headwaters of three major basins within Colorado and include the Arapahoe, San Isabel and White River National Forests. Protecting Aurora's watersheds, including these National Forests, from devastating wildfires is critical to the success of the Aurora's mission to enhance and protect the quality of life for Aurora citizens by providing safe, dependable, and sustainable water services. Aurora's municipal water supplies suffered

greatly as a result of previous forest fires. Barriers to prevention and restoration from wildfire are natural (forest and soil conditions, physical watershed conditions and the sequence and magnitude of rain falling on the burned area) and man-made (overly burdensome rules, regulations and laws). Healthy Forests will continue to be a priority for resilient and reliable drinking water supplies and request Congress to keep the issue at the forefront for funding and improving on forest treatment actions.

Requests: The city of Aurora supports adequate funding for forest programs and the streamlining of the approval process for watershed projects.

The committee voted unanimously to move this item forward to full council.

### **Transportation Infrastructure**

To quickly respond and provide flexible funds to restore and repair transportation and infrastructure services in communities, Congress should quickly influx significant investment through the Surface Transportation Block Grant Program (STBG). STBG can be used widely by local, regional and state partners on almost any transportation asset which will ensure that its quickly utilized on high-priority projects in every region of the U.S. Additionally, to further accelerate its use, remove match requirements so 100% federal investment reaches communities where the needs are based.

**Request:** The city requests Congress consider provisions to accelerate the reimbursement and payment process of the federal transportation programs to ensure that state and local governments do not need to set-aside state or local funds that would otherwise be used to keep people on the job, continue services, or pay businesses for services and goods.

L. Hettinger suggested adding additional funding request for transit oriented development, especially around the RTD.

The committee voted unanimously to move this item forward to full council.

### **Reauthorization of the Fixing America's Surface Transportation (FAST) Act**

The City will closely monitor developments in Congress related to the reauthorization of the Fixing America's Surface Transportation (FAST) Act of 2015, set to expire in September 2021. Toward that end, the City would be supportive of legislation that addresses current program funding shortages and adjustments to program regulations.

**Requests:** The city supports the following principles for the Reauthorization of the FAST Act:

- Provisions that provide direct funding to cities and increase local decision-making authority
- Increased funding for FHWA Railway-Highway Crossings (Section 130), a program that provides funds for the elimination of hazards at railway-highway crossings.
- Increased overall funding for the Surface Transportation Block Grant Program (STBGP) and an increase in the percentage of sub-allocation to urbanized areas.
- Increase funding for Transit Oriented Development (TOD) opportunities. Provide additional funding for multimodal projects that promote economic development and safety

The committee voted unanimously to move this item forward to full council.

**Immigrant and refugee community:** Access to testing

Making sure that critical testing for the coronavirus is available widely is also an important priority.

**Request:** The city respectfully request that the upcoming federal recovery package remove current restrictions that prevent Medicaid coverage of testing for green-card holders and Deferred Action for Childhood Arrival (DACA) recipients.

The committee voted unanimously to move this item forward to full council.

### **New Deal for New Americans Act**

Aurora welcomes the immigrants and refugees from all over the world that make the city so diverse and international. As such, the Office of International and Immigrant Affairs was created in 2015 to facilitate the successful integration of immigrants and refugees into Aurora's civic, economic, and cultural life. The office oversees the development and implementation of a strategic citywide plan regarding policy, programs and initiatives toward the local immigrant and refugee populations.

The New Deal for New Americans Act would establish critical assistance programs for immigrants and refugees to overcome common challenges such a language barriers, employment attainment, and barriers to naturalization. The measure includes several proposals such as establishment of the "National Office of New Americans", establishment of the "Federal Initiative on New Americans", creation of a new "English as a Gateway to Integration Program," and expansion of legal services and grant programs. This legislation will strengthen current efforts in the area of immigrant integration. This bill was introduced in October 2020.

**Request:** The city of Aurora requests the Colorado Congressional delegation support H.R.4928, the New Deal for New Americans Act and an expansion of the DACA program.

The committee voted unanimously to move this item forward to full council.

### **Deferred Action for Childhood Arrivals**

The Deferred Action for Childhood Arrivals (DACA) program allows some individuals with unlawful presence in the United States after being brought to the country as children to receive a renewable two-year period of deferred action from deportation and become eligible for a work permit in the US. Expansion of this program will increase wages, improve health and well-being, reduce the number of households living in poverty, and add stability to the lives of DACA-eligible immigrants.

**Request:** The city of Aurora requests the Colorado Congressional delegation support an expansion of the DACA program.

The committee voted unanimously to move this item forward to full council.

### **Temporary Protected Status**

The Temporary Protected Status (TPS) program was created by a bipartisan act of Congress in 1990. This status, afforded to nationals from some countries affected by armed conflict or natural disaster, allows persons to live and work in the U.S. for limited times. The U.S. Department of

Homeland Security has ended crucial protections for immigrants from six countries. Over 300,000 people are at risk of losing legal protected status, including more than 3,000 Salvadorians in Colorado. The city of Aurora requests the U.S. Department of Homeland Security renew and extend this program in 2021.

The committee voted unanimously to move this item forward to full council.

**Military/Veterans:** Support Buckley Air Force Base and the associated economic development in Aurora

The City of Aurora is home to Buckley Air Force Base, serving more than 92,000 active duty, National Guard, Reserve and retired personnel throughout Aurora and the surrounding community. The Base hosts the 460<sup>th</sup> Space Wing, a unit of the U.S. Air Force Space Command, as well as the Colorado National Guard 120<sup>th</sup> Fighter Squadron. Since its establishment in 1943, Buckley Air Force Base has served a critical role in the economic vitality of the City of Aurora. In the face of budget cuts and a potential base realignment and closure process, one of the City's highest priorities is the support of the ongoing mission of the Base.

Toward that end, the City has prioritized the widening and extension of 6<sup>th</sup> Ave. to better support access to the Base. The City of Aurora has also been engaged in a mission-supportive endeavor during the past several years to plan and implement a Compatible Use Buffer Project with a focus on preventing incompatible development around the Base. Funding from the Department of Defense's Readiness and Environmental Protection Integration (REPI) Program has been key in our successful efforts to create this buffer zone.

Finally, the Defense Community Infrastructure Program - authorized at \$95.3 million in the FY 2020 National Defense Authorization Act - provides critical funding for off-base but adjacent community infrastructure projects that are key to supporting the Buckley mission. The city will closely monitor the implementation of this program.

**Request:** The City of Aurora asks the Colorado Congressional delegation to continue support of Buckley Air Force Base and assist in directing future missions to the Base. In particular, the City supports efforts to locate US Space Command headquarters at Buckley AFF. The city also supports the Colorado Air National Guard's request for Buckley AFB to be an F-35 bed down base. In addition, the city of Aurora seeks support for future requests of the Defense Community Infrastructure Program as we protect the viability of the Base's operations and defense capabilities.

The committee voted unanimously to move this item forward to full council.

**Marijuana:** Cannabis Industry and Banking Regulations

In May of 2014, the City Council approved the licensure of retail marijuana establishments throughout the City of Aurora. The Council authorized 24 retail marijuana store licenses, with four licenses allowed in each of the six Council wards. However, the use, possession and sale of cannabis remains a federal crime. This conflict in federal and local marijuana laws has made it difficult for legitimate recreational marijuana businesses to access basic banking services. With financial institutions hesitant to provide services to cannabis businesses, the industry has become cash reliant, creating public safety issues and the potential for money laundering to become more prevalent.

**Request:** The City of Aurora asks the Colorado Congressional delegation to lift the illegality of banking services to the cannabis industry. Toward that end, the City asks for Congress to support H.R.1595: Secure and Fair Enforcement Banking Act that would prohibit penalizing a bank for providing financial services to a legitimate state-sanctioned and regulated cannabis business.

The committee voted unanimously to move this item forward to full council.

**Climate change:**

The Aurora City Council and city management have developed a vision of growth for the city that focuses on the principles of sustainability, energy efficiency and renewable energy. To demonstrate its commitment to sustainability principles, the city adopted the theme of sustainability in the update of its 2009 Comprehensive Plan.

**Request:** The city of Aurora requests the Colorado Congressional delegation's support for the principles of sustainability, energy efficiency and renewable energy. Toward that end the city asks for legislation that incentivizes carbon capture, use and storage; advances alternative fuels; advances energy storage technology; improves energy efficiency; modernizes infrastructure; builds and supports community resilience, and seeks to lower CO2 emissions.

The committee voted unanimously to move this item forward to full council.

CM Lawson asked that the additions and changes discussed at this meeting be indicated in red or bold font in the documents that are given to full council. Any additional items can be sent to L. Palmisano. L. Palmisano agreed.

Outcome: CM Lawson, CM Murillo and CM Hiltz agreed unanimously to move all State priorities, except the security guard licensing issue, to Study Session for discussion with full council.

CM Lawson, CM Murillo and CM Hiltz agreed unanimously to move all Federal priorities to Study Session for discussion with full council.

Follow-up Action: Staff will get the State and Federal Priorities on the agenda for the, 2020 Study Session.

**WATER:**

Summary of Issue and Discussion: K. Kitzmann said Aurora Water Department said that L. Hettinger and L. Palmisano have already covered everything regarding Aurora Water for this meeting.

Outcome: Information only.

Follow-up Action: Information only.

**7. MISCELLANEOUS MATTERS FOR CONSIDERATION**

The next committee meeting is scheduled for November 20, 2020. CM Lawson said she would like to have the Lobbying Ordinance and the Ethics Ordinance on the agenda for that meeting. CM Hiltz said she would like to have a follow up discussion regarding the security guard licensing on the at the next meeting. CM Lawson asked if there are plans for a conference call with the new elected State delegates. L. Palmisano said yes, a video conference call with the full delegation and all of council to discuss priorities is in the works. Individual calls with the new House members and interested council members could also be arranged. CM Lawson said that both of those ideas would be good to pursue. CM Hiltz agreed. L. Palmisano suggested bringing the new representatives to a future FSIR meeting. CM Lawson thought that would be a good idea. L. Palmisano said he will try to get them to the November 20<sup>th</sup> meeting and if not, he will try for the December meeting.

**CONFIRM NEXT MEETING**

The next meeting is scheduled for November 20, 2020, 1:00 PM WebEx video conference meeting.

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Approved:

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Angela Lawson  
Committee Chair

Date



November 2, 2020

**Legislative Placeholder: Restaurant, Bar, and Small Business Relief Package**

Summary of Funding Change for FY 2020-21	
	FY 2020-21 Request
Total Funds	\$105,000,000
FTE	0.0
General Fund	\$105,000,000
Cash Funds	\$0
Reappropriated Funds	\$0
Federal Funds	\$0

**Summary of Request:**

The Governor proposes \$105M in one-time stimulus funds for Colorado’s restaurants, bars, and other small businesses in state sales tax retention and direct grant support. Specifically, this proposal is to allow sales tax retention for restaurants and bars for November through February, up to \$2,000 per month in state sales tax collections. This proposal also includes direct financial support to restaurants, bars, and other small businesses that are closed or operating at reduced capacity as a result of the Safer At Home restrictions. This funding will help businesses that are especially suffering from the public health orders and capacity restrictions as a result of the COVID-19 pandemic.



### ***Current Program:***

Restaurants and bars are some of the largest employers across the United States and Colorado. In 2019, full service restaurants employed over 115,000 Coloradans, and limited service restaurants employed over 83,000. Together, these jobs account for 6.5% of the total workers in Colorado. Restaurants have been hit incredibly hard by the pandemic and the resulting public health restrictions, and restaurant workers have had the highest number of unemployment claims. Colorado's restaurants, bars, and small businesses require urgent assistance to help them prepare for and survive the winter season.

### ***Problem or Opportunity:***

While restaurants, bars, and other small businesses saw some recovery over the summer when many were able to provide walk-up and outdoor service, many are still struggling due to lack of consumer confidence and the restrictions imposed as a result of the COVID-19 pandemic. Moreover, some of these gains may evaporate as we move into the winter due to rising caseload and the lack of winter outdoor capacity.

### ***Proposed Solution:***

To help address these adverse conditions facing our restaurants and their employees, as well as other hard-hit employers, Governor Polis proposes the Colorado Restaurant, Bar, and Small Business Relief Package, which will consist of \$105 million in sales tax retention and direct grants to Colorado's restaurants, bars, and other small businesses affected by the COVID-19 pandemic.

### ***Anticipated Outcomes:***

**1. Sales Tax Retention for Restaurants and Bars:** Governor Polis proposes that for the months of November through February, restaurants and bars in Colorado would be allowed to retain up to \$2,000/month in state sales tax collections, meaning that at least a portion of restaurants' state sales tax revenue would not be collected by the State during those months.

- Provides direct relief to all Colorado restaurants and bars that have a physical location with indoor seating. This is nearly 8,000 businesses.
- For businesses with multiple locations, benefit is limited to 5 locations.

**2. Direct Grant Support for Small Businesses:** Governor Polis proposes to provide direct financial support to restaurants, bars, and other small businesses that are subject to the most restrictive public health guidelines through a new grant fund.

- Available to restaurants, bars, and other small businesses that are closed or operating at 25% capacity as a result of the Safer At Home restrictions.
- Funds will be available to those small businesses for the period of time they are under the Safer At Home guidelines or more restrictive (Stay At Home) orders.
- Grant amounts will be capped and scaled based upon statewide demand.

***Assumptions and Calculations:***

N/A.

***Supplemental, 1331 Supplemental or Budget Amendment Criteria:***

New information regarding the State's budget has freed up additional funding to be used for immediate high priority efforts as part of the Governor's economic recovery package. Such priorities include providing immediate relief and recovery aid to small businesses most affected by the COVID-19 pandemic.

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ORDINANCE NO. 2020 - \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, ADDING ARTICLE IX TO CHAPTER 2 OF THE CITY CODE PERTAINING TO THE REGULATION OF LOBBYISTS.

WHEREAS, lobbying involves private interests seeking access to public servants, seeking to influence public servants, and seeking to obtain special public benefits; and

WHEREAS, because of their public nature, lobbying activities need to be disclosed to the public; and

WHEREAS, the City Council of the City of Aurora, Colorado (the “City”), finds and determines that, to ensure transparency and the integrity of the City’s decision-making processes, it is appropriate to establish a regulatory system that allows the public to have timely access to information about attempts to influence the City’s decisions; and

WHEREAS, it is the Council’s intent that such system will apply the same rules to all persons engaged in lobby activities and will prohibit improper influence on City officials and employees in the decision- making process.

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

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding an article, to be numbered Article IX to Chapter 2 which article reads as follows:

**ARTICLE IX. REGULATION OF LOBBYISTS**

**Sec. 2-951. Legislative intent.**

**It is the intent of the City Council to provide for the submission of pertinent information pertaining to those persons and their representatives who seek to influence the outcome of the City’s decision-making processes, such information to serve as a public record in order that the citizens of Aurora may know of municipal lobbying activities.**

**Sec. 2-952. Definitions.**

**The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:**

- (1) ***Communication*** means a transmittal of information, data, ideas, opinions, or anything of a similar nature, by oral, written, or any other means to a covered official.
- (2) ***Covered official*** means:
  - a. The Mayor and members of the City Council;
  - b. The City Manager and any Deputy or Assistant City Manager;
  - c. The director of any City Department or agency, and any deputy or assistant director, or division manager;
  - d. The Chief of Police, the Fire Chief, and any deputy or division chief of the Police or Fire Department;
  - e. The City Attorney and any Deputy City Attorney;
  - f. The appointed members of the Board of Adjustment and Appeals, the Building Code and Contractors Appeals and Standards Board, the Planning and Zoning Commission, and the Civil Service Commission;
  - g. The Court Administrator and the Presiding Judge; and
  - h. Any candidate who has been elected to office but not yet sworn in. For purposes of this definition, a candidate is considered elected to office on the date the City Council adopts its resolution declaring the results of the election.
- (3) ***Expenditure*** means a payment, distribution, loan, advance, deposit, or gift of money or anything of value directly connected to the purpose of lobbying, including any contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.
- (4) ***Lobbying*** means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing the covered official to favor or oppose, recommend or not recommend, vote for or against, or to take or refrain from taking any official action.
  - a. “Lobbying” excludes communications by persons who are not otherwise registered as lobbyists and:
    - i. Who limit their activities to appearances for the purpose of giving testimony or providing information to the City Council or a committee thereof, or a City board or commission at a public hearing or meeting; or
    - ii. Who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.
- (5) ***Lobbyist*** means any individual, including an attorney, who is self-employed or is employed or otherwise retained by any other person or organization, no matter the organization’s legal or IRS designation:
  - a. For the purpose of engaging in lobbying; or

- b. Whose scope of work requires him or her to lobby from time to time.
- c. “Lobbyist” does not include:
  - i. Any elected official, any City official, any person duly appointed to a City board, commission or other such body, or any City employee; provided the elected official, City official, person duly appointed to a City board, commission or other such body, or City employee is acting in his or her official capacity; or
  - ii. An attorney when representing a client or self in a pending or imminent publicly- noticed judicial or quasi-judicial proceeding; provided that the attorney must register as a lobbyist before engaging in an ex-parte communication regarding such a proceeding or its settlement. Whenever engaged in lobbying activities, attorneys must follow all of the rules set forth in this article and may not use the attorney-client privilege as a defense to the registration requirement.

(6) *Official action* means any action in the City of Aurora that involves:

- a. Any legislative matter, including the drafting, introduction or sponsorship of any ordinance, resolution, amendment, motion, or other matter, whether or not in writing, pending or proposed for consideration by the City Council or a committee thereof;
- b. Any development application, including the review, recommendation for or against, approval, denial, administration, or enforcement of any permit, site plan, rezoning, variance, or other action that would change the character or appearance of real property and any improvements thereon;
- c. Any contract to which the City, or any agency or instrumentality thereof, is a party, including the review, recommendation for or against, approval, denial, administration, or enforcement of any such contract, purchase order, lease, concession, franchise, grant, or other obligation; or
- d. The review, issuance, denial, administration, or enforcement of any permit or license for which the City is the issuing authority.

**Sec. 2-953. Annual registration statement required.**

- (1) *Registration required.* Before conducting any lobbying, a lobbyist shall file a registration statement with the City Clerk. In every succeeding year where a lobbyist intends to lobby covered officials, the lobbyist shall file an annual registration statement with the City Clerk by no later than January 15. Notwithstanding this deadline, a lobbyist must file an annual registration pursuant to this section each year prior to conducting any lobbying during that year. The City Clerk will make the filed registrations available to the public online within a reasonable time, not to exceed seven business days from the date of receipt.

- (2) ***Form of statement.*** The City Clerk shall prepare forms for the registration statement and other information required to be filed by this article and furnish such forms and information for use by persons subject to the requirements herein.
- (3) ***Information required.*** Each registration statement shall contain the following information:
  - a. The lobbyist's full name, lobbyist's employer, business mailing and email address, and business telephone number;
  - b. The name, business mailing and email address, and business telephone number of each client;
  - c. Who reimburses, retains or contracts with the lobbyist to lobby on any official action;
  - d. On whose behalf the lobbyist lobbies on any official action; and
  - e. By whom the lobbyist is paid or to be paid for such lobbying.
  - f. The matters of official action on which the lobbyist lobbies; and
  - g. The name of any covered official with whom the lobbyist has any familial relationship or is engaged in any business or employment relationship.
- (4) ***Amendments.*** If at any time, after a registration statement is filed pursuant to this article, any information required by this section changes in any way from that which is stated on the registration statement, the lobbyist shall supplement such information in writing within five days from the date upon which such change occurs.
- (5) ***Certificate of registration.*** Upon the filing of a registration statement in accordance with the requirements of this section, the City Clerk shall issue a certificate of registration to the lobbyist. Such certificate shall be valid for a period of one year from the date of issuance.

**Sec. 2-954.** Quarterly financial report.

- (1) ***Reports required.*** A financial report shall be filed each annual quarter with the City Clerk by each lobbyist. The report shall be filed no later than the fifteenth day of April for the first quarter of the year, fifteenth day of July for the second quarter of the year, fifteenth day of October for the third quarter of the year, and fifteenth day of January for the last quarter of the previous year, and each subsequent quarter in which the lobbyist receives any income or makes any expenditures for lobbying.
- (2) ***Form of report.*** The City Clerk shall prepare forms for the quarterly financial report and other information required to be filed by this article and furnish such forms and information for use by persons subject to the requirements herein.
- (3) ***Information required.*** Each quarterly financial report shall contain the following information:
  - a. The lobbyist's full name, business or occupation, business mailing

address, business telephone number, and name of employer, if applicable;

- b. The name of and total gross income for lobbying received from each client or other for whom the lobbyist lobbied during the previous quarter; and
- c. A statement of expenditure directly benefitting a covered official. When a lobbyist reports an expenditure for lobbying a covered official, the following information shall be provided:
- d. An itemized list and the estimated value of any gift, entertainment, or direct expenditure equal to or in excess of \$75.00 to, on behalf of, or benefitting the covered official for lobbying purposes, including, but not limited to: monies, tickets, gratuities, expressed agreements, or any tangible thing of value of any amount;
  - i. The \$75.00 amount set forth in subsection (3)(d) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lower dollar. The first adjustment shall be done in the first quarter of 2024 and then every four years thereafter.
- e. The name of the client or employer on whose behalf money is expended;
- f. The name and title of the covered official lobbied; and
- g. The date lobbied and the official action on which the covered official was lobbied.

- (4) *Attorney as lobbyist.* Notwithstanding any other provision of this article, an attorney who is a lobbyist is required to disclose information about the clients for whom he or she lobbies in accordance with this article to the same extent as a lobbyist who is not an attorney.

**Sec. 2-955. Termination of lobbyist status.**

A lobbyist may terminate his or her registration by filing an amendment pursuant to section 2-953(d).

**Sec. 2-956. Exceptions.**

The provisions of this Article shall not apply to:

- (1) Any newspaper or other regularly published periodical, radio or television station, including any individual who owns, publishes or is employed by any such newspaper, periodical, radio or television station, which, in the ordinary course of business, publishes news items, editorials or other comments or paid advertisements which directly or indirectly urge action upon any official action, if such newspaper, periodical, radio or television station or individual engages in

- no further or other activities in connection with action upon such official action.
- (2) Any individual communicating and/or appearing on his own behalf, or appearing without compensation or consideration on behalf of an ad hoc committee, with respect to any official action, whether in support thereof or in opposition thereto, and pursuant to a procedure mandated by state or federal law, or local ordinance or rule or regulation.
  - (3) Any communication concerning the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement between the City and a recognized employee organization.
  - (4) Any communication concerning management decisions regarding the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements pursuant to (c) above.

**Sec. 2-957. Employment of unregistered person.**

No person shall employ for pay or any other consideration or agree to pay any consideration to an individual to engage in lobbying covered officials, unless such individual is a registered lobbyist or agrees to register in accordance with section 2-953(a).

**Sec. 2-958. Rules and regulations.**

The City Clerk may promulgate rules and regulations, to be approved by resolution by City Council, to define, interpret, implement and enforce the provisions of this article and to prevent the evasion of the requirements of this article. In accordance with section 2-3 of this code, the City Clerk shall promulgate rules and regulations to provide for show-cause hearings as required herein.

**Sec. 2-959. Prohibited practices.**

It shall be unlawful to violate, or fail to comply with, the provisions of this article. No person engaging in lobbying shall:

- (1) Do so without first registering pursuant to Sec. 2-953;
- (2) Make any agreement under which any consideration is to be given, transferred, or paid to any covered official contingent upon the passage or defeat of any legislation or the decision to take or refrain from taking any other official action;
- (3) Attempt to influence any covered official by means of deceit or by threat of violence or economic or political reprisal against or political or personal advantage to any person or property, with intent thereby to alter or affect such covered official's decision, vote, or opinion concerning any official action which is to be considered or performed by him or her or the agency or body of which he or she is a member;
- (4) Knowingly provide false information to any covered official as to any material fact pertaining to any official action which is to be considered or performed by him or her or the agency or body of which he or she is a member;



- (5) **Knowingly file any document provided for in this article which contains any materially false statement or material omission;**
- (6) **Conceal from a covered official the identity of the person or entity for whom the lobbyist is lobbying; or**
- (7) **Attempt to evade the obligations in this article through indirect efforts or through the use of agents, associates, or employees.**

**Sec. 2-960. Lobbyist Violations, Hearings.**

- (1) **On his or her own written motion or on the verified complaint of any person, the City Clerk shall investigate or cause the investigation of the activities of any person who is or who has allegedly engaged in lobbying and who may be in violation of any provision of this article.**
- (2) **The City Clerk shall determine if probable cause exists to take further action upon the complaint. If such a determination is made, the City Clerk shall send notice to the affected party ("respondent"), containing the allegations and grounds for a suspension, revocation, and/or fine, and the right to request a hearing. Such notice must be sent no later than one year from the date on which the violation is alleged to have occurred. The respondent may submit a written request to the Clerk for a hearing on the allegations no later than ten (10) business days from the date of the notice.**
- (3) **If the respondent does not request a hearing within the timeframe stated in (2) above, the Clerk may issue one or more sanctions stated in section 2-961 below as he or she deems appropriate. If the respondent requests a hearing with the timeframe, the Clerk shall appoint a hearing officer who shall not be an officer, employee, or agent of the City, and shall not have any relationship with the complainant or respondent. The City Clerk shall fix a date for the hearing, which shall be concluded no later than 60 days from the date the Clerk initiated his or her motion or the verified complaint was filed.**
- (4) **The respondent, Clerk and other interested parties may attend the hearing. Pursuant to the rules and regulations adopted pursuant to section 2-958, the respondent and the City Clerk may present evidence to the hearing officer in the form of testimony, documents, rebuttal testimony, and opening and closing statements. There shall be no cross-examination. The hearing officer shall be entitled to examine any witness and request the submission of additional evidence and arguments.**
- (5) **Upon completion of the hearing, the hearing officer shall take all evidence available as a result of the investigation, all evidence presented at the hearing, and shall give written notice of the findings and ruling to the respondent and City Clerk, dismissing some or all of the matter or issuing sanctions as stated in section 2-961 below as he or she deems appropriate.**

**Sec. 2-961 – Sanctions**

- (1) **Each violation of this article, with the exception of late filings addressed by penalties stated in Section 2-963, constitutes a separate and distinct civil offense**

to which a separate penalty or fine may apply. The sanctions for a violation of this article can be one or more of the sanctions stated below:

- a. Written warning to the individual or organization committed the violation.
  - b. Revocation or suspension for a maximum period of 12 months, the certificate of registration issued pursuant to section 9-253(5).
  - c. A bar on the individual or organization from registration for a maximum period of 12 months.
  - d. A fine of \$125 per violation, not to exceed \$2,500 per total charge.
- (2) The City Clerk shall notify covered officials within ten (10) working days regarding any action taken pursuant to paragraphs (a) of this section.

**Sec. 2-962. Notice.**

If, in any quarterly financial report filed under section 2-954, it is reported that more than the amount set forth in section 2-954 was spent while lobbying a covered official or that a lobbyist donated to a covered official any meals, tickets to events for which admission is charged, or reduced-price admissions to events for which admission is charged, then the City Clerk shall notify the covered official in writing within 15 days. The City Clerk shall also notify any covered official if a lobbyist reports any business or employment relationship involving that official within 15 days. Following receipt of either notification, the covered official may, within 10 days, file a written statement containing the reasons why his or her name should not be included in the quarterly report. This statement shall be attached to and remain a part of the quarterly report.

**Sec. 2-963. Fees.**

- (1) The City Clerk is authorized to establish fees and late filing penalties in accordance with section 2-587 of this code for:
  - a. Filing of lobbyist registration statements as required by section 2-953(a):
  - b. Amending lobbyist registration statements as required by section 2-953(d); and
  - c. Filing quarterly financial reports as required by section 2-954(a).
- (2) The Clerk shall establish a fee schedule and make said schedule available to the public online.

Section 2. The effective date of this ordinance shall be April 1, 2021

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 4. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent

of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED THIS \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
SUSAN BARKMAN, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
NANCY C. RODGERS, Deputy City Attorney

ORDINANCE NO. 2020 - \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 1, ARTICLES II AND III OF THE CITY CODE PERTAINING TO THE CODE OF ETHICS AND FINANCIAL DISCLOSURE

WHEREAS, at the November 7, 2006, general election, Colorado voters enacted the Ethics in Government Initiative, which is now codified as Article XXIX of the Colorado Constitution; and

WHEREAS, Article XXIX, Section 7 of the Colorado Constitution specifically exempts from its requirements those home rule municipalities "that have adopted charters, ordinances, or resolutions that address the matters covered by [Article XXIX];" and

WHEREAS, the City of Aurora, Colorado (the "City"), is a home rule municipality organized under Article XX of the Colorado Constitution; and

WHEREAS, Article XX, Section 6(a) of the Colorado Constitution grants the City the power to legislate upon, provide, regulate, conduct and control "the definition, regulation, and alteration of the powers, duties, qualifications, and terms or tenure of all municipal officers, agents and employees;" and

WHEREAS, on October 30, 2006, in the exercise of this power, the City Council passed Resolution No. R2006-94, formally adopting the provisions found in Title 24, Article 18 of the Colorado Revised Statutes entitled "Standards of Conduct" as they existed on October 30, 2006 (the "2006 Standards of Conduct"); and

WHEREAS, Resolution No. R2006-94 further provided that the Standards of Conduct would apply with full force and effect to all of the City's elected officials, under contract with the City; and

WHEREAS, conversely, Resolution No. R2006-94, which places the enforcement of the 2006 Standards of Conduct in the sole discretion of the district attorney of the district where the violation occurs, creates a situation wherein the ethical conduct of the City's elected officials and appointees is largely self-regulated, with no effective means of addressing citizen complaints; and

WHEREAS, in the interest of transparency, the City Council adopted the Code of Ethics to govern the conduct of all of the City's elected officials on August 19, 2019; and

WHEREAS, in the interest of transparency and accountability, the City Council wishes to amend Chapter 1, Articles II and III of the Aurora City Code; and

WHEREAS, the City Council finds and determines that the provisions of this Ordinance

address the same matters covered by Article XXIX of the Colorado Constitution and, as such, fall squarely within the exemption set forth in Section 7 of that Article.

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

Section 1. Chapter 1, Article II of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 1-37 Purpose and Intent

(1) The City shall conduct its businesses, operations, and services in accordance with the law and the highest standards of business practices and ethics. The City is committed to complete honesty, utmost integrity, fair dealing and ethical behavior as the basis of its businesses, operations and services to the community.

(2) It is the intent of the City that its elected officials adhere to the highest levels of ethical conduct so that the public will have the confidence that persons who are in positions of public responsibility act for the benefit of the public. Elected officials should comply with the letter and spirit of this ethics code ~~as well as~~ **and** strive to avoid situations ~~which that~~ may create impropriety or the appearance of impropriety.

(3) It is the intent of the City to establish and enforce a policy which ensures that its elected officials are independent, impartial, and responsible to the citizens they serve and represent. Elected officials should have a general understanding of the City's views regarding situations which create or involve conflicts of interest and/or the appearance of impropriety. It is the intent of this code of ethics to clarify which actions are allowed and which constitute a breach of the public trust.

(4) It is the intent of the City to establish an independent **Board of Ethics** ~~panel of judges~~ empowered to establish a system that enables citizens to report possible wrongdoing and seek enforcement so that any breach of the public trust may be discovered and dealt with appropriately.

Sec.1-39. ~~Panel of Judges.~~ **Board of Ethics**

(1) *Creation and appointment.* There is hereby created ~~an a~~ **Board of Eethics** ~~review panel of judges~~ to consist of three members. The purpose of this panel shall be to hear complaints and issue findings and recommendations regarding alleged violations of this Article.

(2) *Qualifications.* ~~The members of the panel shall be three former judicial officers.~~

(a) **One and only one member of the Board shall be an officer or employee of the City.**

(b) **At least one member of the Board shall be a former judicial officer.**

(c) **At least one member of the board shall have expertise in ethics acquired through education or experience.**

(d) **Former Judicial Officer and Ethics Expert members shall be a registered elector of the City.**

(3) *Method of appointment.* The City Clerk's Office shall solicit one or more entities to select a panel of three retired judges.

(a) Members shall be appointed once a complaint has been received.

(b) ~~Retired judges are not limited on the number of panels on which they may serve or complaints they may hear.~~ **The member of the board who is an officer or employee of the city shall be nominated by the City Manager and appointed by the City Council.**

(c) The City Council shall appoint the remaining members.

Sec. 1-40. Advisory opinions.

(1) Any elected official may submit a written request to the City Attorney's Office for advisory opinions on whether any conduct by that person would constitute a violation of the Code of Ethics. The City Attorney shall render an initial, advisory opinion.

(2) The **Board of Ethics** ~~Panel of Judges~~ may consider an advisory opinion issued by the City Attorney's Office, but the advisory opinion shall not be determinative once a formal, written complaint is received by the **Board Panel**.

Sec. 1-41. Complaints.

(1) Any person may file a written complaint for consideration by the **Board of Ethics** ~~Panel of Judges~~ asking whether an elected official has failed to comply with this Code of Ethics. Subject to the rules of procedure adopted pursuant to Section 1-22 42, the **Board of Ethics** ~~Panel of Judges~~ shall:

(a) Conduct a hearing in a meeting, which shall be open to the public on all official written complaints which have not been dismissed or resolved pursuant to Section 1-22 42;

(b) Except as otherwise provided in this Article, make public written findings and recommendations, if any, on complaints;

(c) Inform the person who is the subject of the complaint and the person who submitted the complaint of its findings and recommendations; and

(d) The **Board of Ethics Panel of Judges** may propose actions to the Council appropriate to the finding, as follows:

- (I) A recommendation that the person abstain from further action on the matter
- (II) Approving a motion to publicly censure the person; or
- (III) Approving a motion issuing a monetary penalty to the person in an amount equal to twice the financial equivalent of any benefits obtained as a result of the violation.

Sec. 1-42. Rules of Procedure. The City Attorney's Office shall promulgate rules of procedure for complaints that are fair to the person who made the complaint as well as to the person who is the subject of the complaint. The rules shall:

(1) Establish timelines for all aspects of its handling of complaints. The timelines shall be sufficiently long to enable a person who is the subject of a complaint to have adequate time to understand the complaint and prepare a response. The rules shall allow the Panel to alter the time lines upon a request of the subject of a complaint for more time to prepare;

(2) Require the complaint to be in writing on a form approved by the City Clerk, to be signed, and to show the home or business address and telephone number of the person who submitted it. The form shall contain a statement that must be signed and which states that, to the best of the person's knowledge, information, and belief, the information in the complaint is true. The rules shall require the complaint to describe the facts that constitute the violation of this Code of Ethics in sufficient detail so that the **Board Panel** and the person who is the subject of the complaint can reasonably be expected to understand the nature of any offense that is being alleged;

(3) Prohibit the **Board Panel** from accepting complaints about actions that took place more than one year prior to the date of filing;

(4) The City Clerk's Office shall notify the person who is the subject of the complaint that a complaint has been filed. The rules shall require the **Board Panel** to provide the notification in a timely manner. The rules shall require the notification to include a copy of the full complaint, a copy of any portion of this Article that is alleged to have been or that may be violated, and the **Board's Panel's** rules for dealing with complaints. The rules shall recognize that distribution to the public of a complaint prior to screening by the **Board Panel** as required in subsection (e) of this section could harm the reputation of an innocent person and is contrary to the public interest; therefore, the rules shall prohibit the public release of the complaint until the screening process in subsection (e) has been completed;

(5) The **Board of Ethics Panel of Judges** shall consult in confidence within 15 business days of being appointed to screen the complaint, and such screening shall take place prior to any public release of the complaint. The rules shall allow the **Board Panel** to immediately dismiss a complaint if it finds that:

- (a) It has no jurisdiction;
- (b) The alleged violation, if true, would not constitute a violation of this Article;
- (c) The alleged violation is a minor violation;
- (d) The complaint is, on its face, frivolous, groundless, or brought for purposes of harassment; or
- (e) The matter has become moot because the person who is the subject of the complaint is no longer an elected official.

The rules shall require the dismissal and the reason for dismissal to be in writing and made available to the person who made the complaint as well as to the person who is the subject of the complaint.

(6) Allow the **Board Panel**, at its discretion, to make a finding solely on the basis of written arguments without holding a public hearing, if:

- (a) The person who is the subject of the complaint has not otherwise requested a hearing; and
- (b) The **Board Panel** finds that:
  - I. There is no significant discrepancy in the facts as presented by the person filing the complaint and the person who is the subject of the complaint; and
  - II. There is no need for any additional information.

(7) Require the **Board Panel** to conduct hearings on complaints that have not otherwise been dismissed or resolved pursuant to subsections (e) and (f) of this section, and hearings shall be open to the public;

(8) Allow any person who is the subject of a complaint to designate a representative if he or she wishes to be represented, to present evidence, and to cross-examine witnesses. The rules shall allow the person who submitted the complaint and the subject of the complaint sufficient time to examine and respond to any evidence not presented to them in advance of the hearing;

(9) Require deliberations on complaints to be conducted in closed session unless otherwise requested by the person who is the subject of the complaint;

(10) Allow the Panel to dismiss a complaint without a finding if the **Board Panel** finds that the subject of the complaint:



(a) Committed the violation due to oversight; and

(b) Has since come into voluntary compliance with this Article.

(11) Allow the **Board Panel** to dismiss a complaint if the person who submitted it does not appear at the hearing and the **Board Panel** finds that it would be unfair to the subject of the complaint not to have the opportunity to examine the person. The rules, however, shall require the **Board Panel** to schedule the hearing at a time that is reasonably convenient to both the person who submitted the complaint and the subject of the complaint;

(12) Require the **Board Panel** to base a finding of a violation upon clear and convincing evidence; and

(13) Require that all findings and recommendations be approved by a majority of the **Board Panel**.

Sec. 1-43. Gifts to elected officials.

(1) The purpose of this section is to avoid special influence by those who give gifts to City Council Members.

(2) Except when acceptance is permitted by subparagraph (d) of this section, it shall be a violation of this Code of Ethics for any elected official or any member of their immediate family to solicit or to accept any gift from a donor or from a lobbyist or representative of a client if:

(a) The elected official is in a position to take direct official action with regard to the donor or client; or

(b) The City has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor or client.

(3) The following items shall be considered gifts for purposes of subsection (a) of this section:

(a) Any money, property, service, or thing of value that is given to a person without adequate and lawful compensation;

(b) Any honoraria or payment for participation in an event;

(c) Any loan of goods, equipment, or other items that is not available to the general public on the same terms and conditions;

(d) Any loan of money that is not available to the general public at the same interest rate and the same conditions;

- (e) Any ticket to a sporting, recreational, or cultural event except as provided for in subsection (d)(4) of this section;
- (f) Travel expenses and lodging;
- (g) Any reduction in price or any discount that is not similarly available to the general public or everyone similarly situated on the same terms;
- (h) Parking passes, except as provided for in subsection (d)(4) of this section; and
- (i) Meals, except as provided for in subsection (d)(4) of this section.

(4) An elected official, or any member of their immediate family, may accept the following even if the elected official is in a position to take direct official action with regard to the donor or, if the donor is a lobbyist or representative, the donor's client:

- (a) Gifts from other elected officials and their immediate family members on appropriate, special occasions;
- (b) Campaign contributions as permitted by law;
- (c) Non-pecuniary awards that are publicly presented by an organization in recognition of public service if the award is not extraordinary when viewed in light of the position held by the recipient;
- (d) The donation of meals, tickets to events for which admission is charged, or free or reduced-price admission to events for which a fee is charged, but only under the following conditions:
  - I. The value of any meals, tickets, or free or reduced-price admissions accepted from the same donor in any calendar year shall not exceed ~~\$300.00~~ **\$75.00** and shall be subject to the reporting requirements set forth in Article III of this Chapter. This amount shall be adjusted by an amount based upon the percentage change over a four-year period in the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lower dollar. The first adjustment shall be done in the first quarter of 2024 and then every four years thereafter.
  - II. A donation from an employee of a business or entity shall be counted as a gift from the business or entity;
  - II. The individual or entity which pays for the meal, ticket, or admission shall be considered the donor for purposes of this subsection regardless of whether that individual or entity is reimbursed for the cost;

- IV. Attendance must be reasonably related to the official or ceremonial duties of the elected official;
  - V. The donation of parking for the meal or event shall be allowed on the same terms and conditions;
  - VI. Elected officials may accept the donations of meals regardless of the annual cap on the value of such meals set forth in subparagraph a. of this subsection (d)(4) and without the need to report the donation under Article III of this Chapter if such meal is provided to all attendees at a public meeting and consumed while the meeting is in progress, including, by way of example, "working lunches," or is provided to all members of any governmental, civic, or non-profit board of which the elected official is a member and consumed in conjunction with any meeting of the board;
  - VII. Elected officials may accept donations of tickets or free admissions to events, regardless of the annual cap on the value of such donations set forth in subparagraph a. of this subsection (d)(4) if such ticket or free admission is to a charitable event, as long as the ticket or free admission is offered directly by and at the expense of the charitable or other non-profit entity hosting the event and not directly or indirectly offered by any sponsor of the event or other donor to which the gift restriction set forth in this section applies.
  - VIII. ~~Elected Officials shall report the value of the meal or food provided at an event rather than the value of the seat at the table or what the entity paid for the table and/or sponsorship.~~ If the actual cost cannot be ascertained, but it is reasonable to assume that the cost exceeds ~~\$300.00~~ **\$75.00**, the elected official shall report the circumstances on the required report without an exact monetary value.
- (e) Unsolicited items of trivial value. For purposes of this subsection, "items of trivial value" means items or services with a value of ~~\$300.00~~ **\$75.00** or less, such as inexpensive tee shirts, pens, calendars, books, flowers, or other similar items, not including cash or gift cards;
  - (f) Gifts while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries when it would be a breach of protocol to refuse the gift;
  - (g) Reasonable expenses paid by non-profit organizations or other governments for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the City in an official capacity reasonably related to the recipient's employment by the City;

- (h) Gifts on special and infrequent occasions if the gift is appropriate to the occasion. These occasions include weddings, funerals, and illnesses;
- (i) Gifts to commemorate a public event in which the elected official participated in an official capacity, provided that the gift is appropriate to the occasion. Such occasions include groundbreaking ceremonies and grand openings;
- (j) Memberships and passes from City recreational and cultural facilities;
- (k) Gifts from family members;
- (l) Items which are similarly available to the general public on the same terms and conditions.

(5) It shall not be a violation of this Article for an elected official to solicit or accept donations to the City or to solicit, accept, or redirect donations for charitable purposes to a 501(c)(3) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or other charitable needs, provided, however, that:

- (a) The elected official soliciting the donation, or a member of the such elected official's immediate family does not keep or use the donation or receive any monetary benefit therefrom; and
- (b) It cannot reasonably be inferred that the donation was intended to influence the elected official in the performance of his or her duties.

(6) It shall not be a violation of this Article for a member of an elected official's immediate family to accept a gift which arises from an independent relationship of an adult member, if:

- (a) The elected official does not use the gift; and
- (b) It cannot reasonably be inferred that the gift was intended to influence the elected official in the performance of his or her duties.

Sec. 1-49. Role of the City Attorney.

(1) Legal defense of the City and any elected official is set forth in City Charter Article X, Part 1. Payment of legal fees concerning censure shall follow the rules and procedures set forth in the Conduct Guidelines of the Rules of Order and Procedure for the Aurora, Colorado, City Council.

(2) Legal fees for Council Members who are the subjects of a complaint shall be available when:

- (a) After the ~~Board Panel~~ makes the initial determination that the complaint is viable and subject to formal proceedings.
- (b) If pursuant to this section the Council Member retains legal counsel, nothing herein shall prohibit the legal counsel and Council Member from admitting the violation but contesting or agreeing to a stipulation on any recommendation of consequences.
- (c) Legal counsel shall be entitled to appear before City Council for the purpose of arguing for mitigation of the nature of punishment recommended by the ~~Board Panel~~.
- (d) The City Council shall not have the authority to reverse or modify the findings of the ~~Board Panel~~ but it shall retain the exclusive authority to impose any punishment.

- (1) The City Attorney shall provide an annual report to the Management and Finance Committee on the cost to retain outside counsel and conduct proceedings pursuant to this Article.

Section 2. Chapter 1, Article III of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 1-64. Action by City Clerk.

- (1) When any person who is required to file a gift disclosure statement or financial disclosure statement under this Article appears to be in violation of any provision of this Article, the Clerk shall send written notice to the person for the purpose of obtaining compliance or a correction or completion of the statement. If the Clerk is unable to obtain compliance, correction or completion within ten days following such notification, the Clerk shall file a complaint with the Panel of Judges for consideration as to whether there is a violation of this Article; provided, that the person may, for good cause shown in writing, obtain an extension of the ten-day period, not to exceed 15 additional days, from the Clerk.
- (2) The ~~Board of Ethics Panel of Judges~~ may propose actions to the City Council appropriate to the finding, including approving a motion to publicly censure the person.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. City employees violating the terms, directives, or mandates of this Ordinance are not subject to the general penalty provisions contained in Section 1-13 of the Aurora

City Code.

Section 5. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 6. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
SUSAN BARKMAN, Interim City Clerk

APPROVED AS TO FORM:

Rachel Allen  
\_\_\_\_\_  
RACHEL ALLEN, City Attorney's Office