



## AGENDA

Federal, State & Intergovernmental Relations Policy Committee

December 18, 2020

1:00 pm

VIRTUAL MEETING

City of Aurora, Colorado

15151 E Alameda Parkway

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

Council Goal: Serve as leaders and partner with other governments and jurisdictions.

Public Listening Line

720.650.7664

146 335 0466

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1. <b>Call to Order</b>	
2. <b>Approval of Minutes</b>	1
3. <b>Consent Items</b>	
4. <b>General Business</b>	
4.a. <b>Federal Legislative Update</b>	7
Luke Palmisano/Rachel Allen, Client Group Manager	
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4.d. <b>State Special Session Legislation Recap</b>	23
Luke Palmisano/Rachel Allen, Client Group Manager	

4.e. Water

5. Adjournment

**Federal, State and Intergovernmental Relations (FSIR) Meeting  
Video Conference Call Meeting  
November 20, 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 Marcano, Natasha Campbell, Roberto Venegas, Totsy Rees, Rachel Allen, Council Member Johnston,

- 1. **APPROVAL OF MINUTES:** October 28, 2020 minutes were approved as written.
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- 2. **CONSENT ITEMS:** None.
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- 3. **WELCOME AND INTRODUCTIONS:**

Summary of Issue and Discussion: Chair CM Angela Lawson welcomed the committee to the video conference call and introductions were made.

Outcome: Information only.

Follow-up Action: None.

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- 4. **STATE LEGISLATIVE UPDATE**

Summary of Issue and Discussion: Peggi O’Keefe, state lobbyist, gave an update on the state legislation. P. O’Keefe said the most important news has been the special session which will start November 30<sup>th</sup>. The legislators are focusing on a few key issues foremost is getting CARES money out the door. Other issues they will be addressing is affordable housing, eviction issues, food insecurity, rural broadband, and other issues. The legislators are also getting ready for the upcoming session starting January 13<sup>th</sup>. There is a possibility that the session will be on hold and start up in February or March if the COVID numbers are high. T. Rees said another issue on the table is utility assistance.

P. O’Keefe said they had video conference meetings with L. Palmisano and the two new representatives, Iman Jodeh and Naquetta Ricks. We are also looking to set up a delegation video conference call. L. Palmisano said he is working on getting is scheduled but it may be pushed back a week or so because of the special session.

CM Lawson said because of the special session we may need to schedule an additional FSIR committee meeting before December 18.

CM Lawson asked how the Joint Budget Committee (JBC) is progressing? P. O’Keefe said the JBC started meeting two weeks ago and are going through the briefings right now. Staff is going over highlights and discussing any changes. If legislators have questions those will be submitted back to the individual departments. Hearing will be set to go in front of the JBC. Right now they

are going through the initial step. Another issue that is being discussed is transportation. Senator Hansen, who is now on the JBC, is looking for \$300 to \$350 million for transportation funding in a way that will not have a direct impact on consumers.

Outcome: Information only

Follow-up Action: Information only

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## 5. **FEDERAL LEGISLATIVE UPDATE**

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. L. Hettinger gave a high-level overview of the November 2020 election results. It does not look like a COVID relief bill will be passed during the lame duck session. There is hope that it will get done in January. The continuing resolution to keep federal agencies running expires on December 11. The House and the Senate are working to get the appropriation bills done to extend funding for the government. There is also talk about extending the deadline for CARES funding, but this would be considered part of a COVID bill and would not pass until next year. Looking forward to next year these are the Biden administration priorities: COVID-19 Relief bill, Infrastructure bill, Clean energy bill, Corporate tax increase, Minimum wage increase. Climate change is going to be the focus of many of President Elect Biden's policies. Some of Congress' priorities for 2021 are surface transportation and climate change. There is opportunity to have the city of Aurora's transportation needs addressed in 2021 through the transportation bill. Both CM Lawson and CM Murillo are on committees where they are addressing current transportation issues. Police reform does not look like it will be addressed until 2022. Right now, the Senate is considering nominees for the different committees. During the confirmation hearings the City of Aurora will have opportunity to ask the Colorado nominees questions regarding the city's priorities. L. Hettinger said she and her team are putting together a presentation for all of council on what to expect from the Biden administration next year.

Outcome: Information only.

Follow-up Action: None at this time.

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## 6. **ETHICS ORDINANCE**

Summary of Issue and Discussion: CM Nichole Johnston gave an overview of the Ethics Ordinance she is introducing to council. MPT Johnston said she had an ethic ordinance sponsored in 2019. That version of the ordinance had many concessions in order to pass. Now with the campaign finance reform has passed, there was opportunity to work with CM Marcano to bring back the ethic ordinance with a few amendments. The ethics ordinance is going forward as a companion ordinance with the lobbying disclosure ordinance. There is not a large fiscal note attached to this ordinance. It will be part of the City Clerk's office duties. As you see the ethics ordinance that was passed in 2019 had a retired judge panel to hear any complaints or ethics violations that may be brought forward. The amended ordinance will change that to a commission or board made up of a city employee who would be appointed by the city council, city of Aurora constituents with some subject matter expertise, at least one board member who is a former judicial officer, one board member with expertise in ethics by either education or

experience. The other amendment was where the value of a meal is actually the cost of the meal. And finally, the \$300 meal limit will be changed to \$75 which aligns with the state's regulations. MPT Johnston said that CM Marcano has been working with her and has some suggested changes. CM Murillo said she recalled the many conversations regarding the ethics ordinance and remembers MPT Johnston and CM Marcano collaborating on this in the past. MPT Johnston said there was conversation that the ordinance passed in 2019 was not as robust as CM Marcano would have liked and she agreed but it was important to have an ethics ordinance and now they are able to address some of those issues. CM Marcano said he agrees with everything MPT Johnston has put forward but has some additional amendments that go back to the original conversations in 2019.

The first change is CM Marcano suggested is rather than establishing an independent review board of ethics, the state already has an Independent Ethics Commission (IEC). The state constitution gives this commission jurisdiction over municipalities and makes sense to piggyback off an existing institution. It is a big change to the original resolution, but it would save staff time and city resources and end up with an experienced body adjudicating any potential issues. CM Lawson suggested legal look into the possibility of using the state ethics commission. Rachel Allen, Manager, City Attorney's Office, said that there is an opt out in section 7 of the constitution that allows home rule municipalities to set their own ethics standards and enforce them themselves. The city of Aurora took the opt out option in 2006. It would be a change in the direction the city has gone since 2006 but it is an option the city can exercise. Another question is if the IEC will want to enforce Aurora's ordinance or if they will want to follow the structures of Amendment 41. That is something that will need to be addressed with the IEC. MPT Johnston asked if R. Allen could look into how different Amendment 41 is from the Ethics Ordinance being proposed. The second issue is that there be a definition in the City Code for "ownership interest". The city may already have a definition. It is important to make clear what is meant by "considerable or substantial interest for a business including; credits, debts, employment or perspective employment as well as adding contracts.

Another area of concern is in section 1-41 d in the ordinance where it says that the Board of Ethics may propose actions to council appropriate to the finds. Council should not have a say in what punishments are suitable – this could potentially weaponize the process. The IEC already has a penalty for double the financial benefit gained through unethical behavior (we mirror this penalty) and can enforce other penalties as prescribed by law. Proper phrasing might be "the IEC (or Board of Ethics) may levy fines and other penalties as prescribed by law." MPT Johnston asked if the city creates its own Board of Ethics who would enforce the penalties? CM Marcano said that if the city does not end up using the IEC then it should be the Board of Ethics who have the ability to adjudicate, present findings and levy penalties. This would eliminate council being able to weaponize or soften penalties. CM Hiltz said that the ordinance now states that council appoints the members of the Board of Ethics so that already politicizes the board. Appointments can then be used in council's favor. This is speaking to the larger picture of many city boards and commissions that are appointed by council. CM Marcano agreed that there is a larger conversation to be had regarding council appointments.

In section 1-42 it is important that complaints made are kept confidential so there is no risk of doxing or harassment. A complainant has to already sign a sworn statement that states to the best of their knowledge the information presented is true. It seems this would dissuade frivolous complaints while keeping it confidential will protect them from retaliation. MPT Johnston said that she would like to look into what other cities are doing in this regard. And how these cases of anonymous vs. public complaints are being handled.

CM Marcano pointed out the time limit of filing a complaint is a year in the current ordinance but he feels it should go back 4 years to span the full term of an elected official. MPT Johnston asked if the ordinance would be retroactive once signed? N. Rodgers said no new regulations cannot be retroactive.

In section 1-42, 5 c CM Marcano suggested minor violations should not be ignored but receive a punishment that fits the violation. In section e it states an elected official cannot be held responsible after they leave office. This sends the wrong message. No longer serving in elected office should not mean you cannot be held accountable for wrongdoing committed while you were in office. Section 10, regarding minor infractions should be stricken. And the solution to this, is to issue a lesser penalty rather than sweep it under the rug. Ignorance of the law is not a defense and no member of the public would get this kind of treatment. In section 1-49, 2 it states legal fees for defendants will be covered under certain circumstances. CM Marcano suggest if the City is going to cover legal fees for defendants, it is only fair that it do so for complainants as the complaint is identified as viable. If complainants have to foot their own legal fees, they will likely not come forward to begin with.

CM Lawson asked if there will be a policy directive that explains what a minor offense is and what is a punishable offence? Maybe we need to think about defining some of this before passing legislation. Secondly, there are a lot of suggested amendments being proposed so we should go back and do some research. R. Allen said the Attorney's Office does have a draft of rules and procedures which may address what CM Lawson is asking for. R. Allen said she will share that draft. CM Lawson asked if the committee agrees to send this Ethics Ordinance to the December 21, 2020 Study Session. The committee agreed unanimously to move it forward.

Outcome: The committee agreed unanimously to move the Ethics Ordinance forward to the December 21, 2020 Study Session.

Follow-up Action: Staff will get the Ethics Ordinance on the agenda for the, December 21, 2020 Study Session.

## 7. LOBBYING REGULATION ORDINANCE

Summary of Issue and Discussion: CM Lawson gave an overview of the Lobbying Regulation Ordinance she is introducing. She said this is an ordinance she brought to council in 2019 where it failed to pass by a 4 to 6 vote. She is bringing it forward again with two amendments. One amendment is in section 2-952, 5-501c3 and 501c4 type corporations should be added to the definition, because the city is being lobbied by non-profit companies. In section 4 in CM Lawson has made more of a distinction that this ordinance refers to the action of lobbying not the person. The prior version seemed to focus more on the person than the act of lobbying. This ordinance, this ordinance mirrors what Denver does. Looking at their website there are about 150 registered lobbyists. Denver charges a fee of \$75 to register as an organization and \$50 for an individual. Aurora will not be charging a fee. With the city growing and lobbying becoming more prevalent it is important to stay transparent and for the public to know what is going on behind the scenes. The public has a right to know how the city is doing business and how we as a legislative body are being influenced. That is why I am asking to move this forward and to be considered again. CM Lawson said she is open to discussion and any amendments. She would like to move this forward to the Study Session on December 21, 2020.

CM Lawson said with the extra work involved with the lobbying ordinance it will be necessary to add staff to manage the work load. What will the cost be and where will the money come from? The original ordinance had a fiscal note of \$10,000 now it has gone up to \$60,000 or \$90,000

because we are adding a fulltime employee (FTE). Where are we going to get the money from? R. Venegas, Deputy City Manager, said the analysis was based on the responsibilities that this FTE would be undertaking with the Campaign Finance Ordinance being passed, eventually the Ethics Ordinance and the Lobbying Regulations Ordinance being passed, as well as elections. So it is not the cost of just the lobbying ordinance. But since these other elements were coming up it seemed like a good opportunity to reclassify the position in the City Clerk's office that is now vacant to a Deputy City Clerk position. The financial impact would be significantly less than \$60,000 or \$90,000 because the increase would be only the difference between the current position and the cost for a Deputy City Clerk position. CM Lawson said that is a good idea and would like to see that emphasized in the revised fiscal analysis. R. Venegas said he will edit the fiscal note memo for the Study Session. MPT Johnston said she is glad that the FTE will be able to take care of multiple responsibilities and that adding the 501c3 and 501c4 type corporations is a good idea. It will help the city stay consistent and transparent. CM Lawson asked if the committee agrees to move the Lobbying Regulation Ordinance forward to the Study Session on December 21, 2020. The committee agreed unanimously to move the Lobbying Regulation Ordinance forward to the Study Session on December 21, 2020.

Outcome: The committee agreed unanimously to move the Lobbying Regulation Ordinance forward to the December 21, 2020 Study Session.

Follow-up Action: Staff will get the Lobbying Regulation Ordinance on the agenda for the, December 21, 2020 Study Session.

## **WATER**

Summary of Issue and Discussion: K. Kitmann thanked the committee for the approval of the raw water letter for the federal Senate energy and natural resources hearing on the Core act with national historic landscape designation. The letter was submitted and it became part of the hearing record. The White House has said it will veto the Core act, so the legislation is not likely to be enacted this year, but we are expecting the Core act to be a priority for both Colorado senators next year. The Water Department is currently working on a letter to the governor regarding the state's COVID relief efforts. In this letter we encourage funding for low-income assistance water bill programs and discourage consideration for shut off moratoriums. If the committee approves the letter now, we can send it out. CM Murillo and CM Hiltz asked to have the letter emailed to them for review and then they would give a response no later than November 30<sup>th</sup>.

Outcome: Information only.

Follow-up Action: Information only.

## **8. MISCELLANEOUS MATTERS FOR CONSIDERATION**

None.

## **CONFIRM NEXT MEETING**

The next meeting is scheduled for December 18, 2020, 1:00 PM WebEx video conference meeting.

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Approved:

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Angela Lawson	Date
Committee Chair	





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Federal Legislative Update
<b>Item Initiator:</b> Luke Palmisano
<b>Staff Source/Legal Source:</b> Luke Palmisano/Rachel Allen, Client Group Manager
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed? [Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed? [Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Federal, State & Intergovernmental Relations

**Policy Committee Date:** 12/18/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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

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

Federal lobbyist will give update on Federal related legislation.

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**QUESTIONS FOR COUNCIL**

N/A

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**LEGAL COMMENTS**

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to attend council meetings and participate in discussions with the council in an advisory capacity and inform the public concerning plans and activities of the council and of the city administration. City Charter Art. 7-4. The Federal, State and Intergovernmental Relations Committee shall recommend objectives and initiatives in Federal matters (grants, legislative lobbying strategies, etc.). Council Rules, Appendix A. (Allen)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> State Legislative Update
<b>Item Initiator:</b> Luke Palmisano
<b>Staff Source/Legal Source:</b> Luke Palmisano/Rachel Allen, Client Group Manager
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

### COUNCIL MEETING DATES:

**Study Session:** NA

**Regular Meeting:** N?A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Federal, State & Intergovernmental Relations

**Policy Committee Date:** 12/18/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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

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

State lobbyist will give update on State related legislation

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**QUESTIONS FOR COUNCIL**

N/A

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**LEGAL COMMENTS**

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to attend council meetings and participate in discussions with the council in an advisory capacity and inform the public concerning plans and activities of the council and of the city administration. City Charter Art. 7-4. The Federal, State and Intergovernmental Relations Committee shall recommend objectives and initiatives in the State Legislature. Council Rules, Appendix A. (Allen)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain**

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> CML Policy Committee Recap
<b>Item Initiator:</b> Luke Palmisano
<b>Staff Source/Legal Source:</b> Luke Palmisano/Rachel Allen, Client Group Manager
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Federal State & Intergovernmental Relations

**Policy Committee Date:** 12/18/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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

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

Staff will give an update from the CML Policy Committee Meeting

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**QUESTIONS FOR COUNCIL**

N/A

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**LEGAL COMMENTS**

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to attend council meetings and participate in discussions with the council in an advisory capacity and inform the public concerning plans and activities of the council and of the city administration. City Charter Art. 7-4. The Federal, State and Intergovernmental Relations Committee shall recommend objectives and initiatives in liaisons including the Colorado Municipal League. Council Rules, Appendix A. (Allen)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

## MEMORANDUM

**TO:** FSIR COMMITTEE

**FROM:** LUKE PALMISANO: INTERGOVERNMENTAL RELATIONS MANAGER

**SUBJECT:** CML POLICY COMMITTEE UPDATE

**DATE:** 12/18/2020

The Colorado Municipal League Policy Committee met on December 4, 2020. Council member Lawson sits on the committee as the representative from Aurora. Six proposals were debated during the session. Staff solicited feedback from internal departments and advised CM Lawson during the call.

### **CML Policy Committee Action Items**

#### **Police Reform**

The City of Greenwood Village formally submitted a request for a position by the CML Policy Committee. Their request included support for legislation that would include caps on damage awards and attorneys' fees; narrows the scope the application of civil liability from all of Article II in the Constitution to actions involving use of force; provides funding to local governments to provide body cameras; narrows the definition of contacts for purposes of data collection; and creates due process for individual officers before they are decertified by the Colorado P.O.S.T. Board.

The details in the proposal related to damage awards and attorney fees, and the narrowing of the scope around civil liability were not spelled out. CML recommended a support position. Staff recommended an abstain position. The measure passed with CML's recommended position.

#### **Marijuana: Codifying Marijuana Online Ordering**

CML is actively providing input on a bill to codify recent marijuana-related Executive Orders. On March 20, 2020, Governor Polis signed Executive Order D-2020 11 which suspended the requirement for medical marijuana patients to have an in person physical examination to be eligible for a medical marijuana card, as well as allowed retail marijuana stores to facilitate online ordering of marijuana and marijuana products in order to facilitate more socially distanced purchases at stores.

This proposed bill codifies the Executive Order and allows patients to continue utilizing telehealth services to obtain a medical marijuana card and permits online ordering of marijuana.

These changes do not preempt local authority and rules enacted by local governments would still need to be followed. CML recommended a staff discretion to oppose unless amended position. Staff supports CML's recommendation. The measure passed with CML's recommended position.

### **Public Safety: Package of Wildfire Response Proposals**

CML proposed a series of wildfire mitigation proposals.

**Regional and Statewide Coordination of Wildfire Response Assistance:** The Colorado Fire Commission is recommending the establishment of a coordinated regional mutual aid system to create a more effective and efficient statewide coordinated initial attack response to developing incidents exceeding local agency capability

**Large Wildfire Funding Mechanisms:** In order to advance a more efficient and effective response to wildfires, the Colorado Fire Commission is recommending converting the Emergency Fire Fund (EFF) from a large fire fund into a fund to support a new Enhanced State Assistance (ESA) program.

**Local Government Authority to Establish Fire Mitigation and Forest Improvement Intergovernmental Agreements:** Proposed legislation by the Southwest Wildfire Improvement Fund would clarify that local intergovernmental authorities can provide the same functions and services that each participating political subdivision can provide on its own and can establish special improvement districts to finance forest health projects.

CML recommended support positions. Staff supports CML's positions. The measure passed with CML's recommended position.

### **Sustainability: Benchmarking Building Energy Performance**

The Colorado Energy Office will be introducing legislation next session to create a statewide energy performance benchmarking program to improve efficiency of large commercial properties. The legislation would require owners of properties over 50,000 square feet to collect and report on energy-use benchmarking data and comply with performance standards related to energy and greenhouse gas emissions. CML recommended an oppose unless amended position. Staff supports CML's position. The measure passed with CML's recommended position.



# Member Proposals

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## Request for CML Policy Position– City of Greenwood Village

At the October 2020 Policy Committee there was a robust discussion around a member proposal from the City of Greenwood Village to propose several changes to SB 20-217, the Law Enforcement Integrity Act. The Committee decided that staff will work Greenwood Village and refine the recommended policy positions. That has occurred and the recommendations are below:

- Support legislation that caps the currently unlimited damage awards and attorneys’ fees in SB 20-217
- Support legislation that narrows the scope the application of civil liability from all of Article II in the Constitution to actions involving use of force.
- Support legislation or a budget line item that provides funding to local governments to provide body cameras.
- Support legislation that narrows the definition of contacts for purposes of data collection
- Support legislation that creates due process for individual officers before they are decertified by the Colorado P.O.S.T. Board.

Some of these recommendations are based on CML’s policy statement as well as existing efforts to “clean-up” SB 20-217. Colorado Counties Inc. have prioritized legislation that provides caps on damages and attorneys’ fees in the civil liability section of SB 20-217. Additionally, there is currently a line item in the Governor’s budget to provide funding to local governments for body cameras. There are already discussions happening regarding clarifying what “contact” means for purposes of data collection and CML has contacted the Fraternal Order of Police (FOP) to get more information regarding decertification.

**Policy Position: Support.** *Lobbyist: Meghan Dollar.*

# Action Items

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## **Marijuana: Codifying Marijuana Online Ordering**

CML is actively providing input on a bill to codify recent marijuana-related Executive Orders. On March 20, 2020, Governor Polis signed Executive Order D-2020 11 which suspended the requirement for medical marijuana patients to have an in person physical examination to be eligible for a medical marijuana card, as well as allowed retail marijuana stores to facilitate online ordering of marijuana and marijuana products in order to facilitate more socially distanced purchases at stores. Governor Polis has continued to extend these throughout the year. During summer 2020 rulemaking, the Marijuana Enforcement Division within the Department of Revenue made permanent rule changes to allow marijuana stores to make modifications to their premises to help facilitate social distancing, but changes related to telehealth for patients and online ordering require legislative approval. This proposed bill codifies the Executive Order and allows patients to continue utilizing telehealth services to obtain a medical marijuana card and permits online ordering of marijuana. These changes do not preempt local authority and rules enacted by local governments would still need to be followed. CML is working with CCI to amend the bill for local governments to opt into these changes as they see fit. Staff is recommending staff discretion to oppose unless amended to ensure the opt-in language for local governments is included. **Staff Recommendation: Staff discretion to oppose unless amended.** *Lobbyist: Beauclarine Thomas.*

## **Public Safety: Regional and Statewide Coordination of Wildfire Response Assistance**

Complex or high-risk fire incidents require significant fire response resources that often exceed the capability of local jurisdictions. Fires developing into the mega-fires our state has experienced requires large overhead incident management teams with response resources from Colorado and throughout the nation. But before that, initial response to wildland fires are mainly provided by local government fire agencies and the Colorado Division of Fire Prevention and Control (DFPC). The Colorado Fire Commission is recommending the establishment of a coordinated regional mutual aid system to create a more effective and efficient statewide coordinated initial attack response to developing incidents exceeding local agency capability. A statewide system will link existing mutual aid agreements and systems into an interconnected statewide system. To successfully implement a statewide regional mutual aid system successfully, the commission supports updating Colorado Revised Statutes, to clarify how liability is addressed in a mutual aid scenario and allow for more efficient delivery of mutual aid resources. **Staff Recommendation: Support.** *Lobbyist: Morgan Cullen.*

### **Public Safety: Large Wildfire Funding Mechanisms**

Three of the largest fires in Colorado history have occurred this year, causing hundreds of thousands of dollars in property damage and costing millions of dollars to fight. These large fires are burning on federal, state, and private property and require resources from not just within the state but also from outside of Colorado. Paying for these resources continues to be a significant challenge and concern. In order to advance a more efficient and effective response to wildfires, the Colorado Fire Commission is recommending converting the Emergency Fire Fund (EFF) from a large fire fund into a fund to support a new Enhanced State Assistance (ESA) program. By transitioning the EFF program dollars to a new ESA program, DFPC would be able to provide additional resources before and during the initial stages of an incident to reduce rapid fire spread and limit the number of fires exceeding the capacity of the local agencies. Transitioning the EFF program and using that \$1 million per year to support early intervention would save significant dollars on the back end. **Staff Recommendation: Support.** *Lobbyist: Morgan Cullen.*

### **Public Safety: Local Government Authority to Establish Fire Mitigation and Forest Improvement Intergovernmental Agreements**

As Colorado experienced its largest documented wildfire season on record, the need to clarify legal authority for local governments to accomplish fire mitigation and forest improvement projects has become apparent. Proposed legislation by the Southwest Wildfire Improvement Fund would clarify that local intergovernmental authorities can provide the same functions and services that each participating political subdivision can provide on its own and can establish special improvement districts to finance forest health projects. Landowners within established districts would be allowed to pay their share of the costs of treatment through a tax assessment. While no municipality would be required to participate or enter into a wildfire mitigation IGA, this legislation would provide an opportunity for local governments to participate if they choose. With the increased risk of wildfire across Colorado precipitated by climate change, drought, overstocked forests, and increased inhabitation within wildland-urban interface, providing local governments with another option to help mitigate the risk of catastrophic wildfires makes sense.

**Recommendation: Support.** *Lobbyist: Morgan Cullen.*

# Information items

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## **Elections: Rank-Choice Voting**

Rank-choice voting is a system of voting which allows people to vote for multiple candidates, in order of preference. Both home rule and statutory municipalities currently can implement rank-choice voting at the municipal level. Representative Kennedy, in conjunction with rank choice voting advocacy organizations, is holding stakeholder meetings around the possibility of running legislation in the 2021 session which would support the ability of counties to implement rank choice voting methods. The focus at this point would be on county/ coordinated elections, and the legislation may include a directive to the office of the Secretary of State to use election division funds to support county administrative needs. At this point, mandates requiring the use of rank-choice voting methods on either the county level or the municipal level are not being considered. *Lobbyist: Heather Stauffer.*

## **Affordable Housing: Inclusionary Zoning to Include Rental Housing Development**

Per the Direction of the CML Policy Committee and the CML Executive Board, CML staff has moved forward with CML-initiated legislation to change statute and allow local governments to require affordable housing set-asides in new developments. Staff expects the legislation to be introduced early in the legislative session and is working with other housing advocates to ensure the passage of the legislation. *Lobbyist: Meghan Dollar.*

## **Open Records: Extend the time to comply with CORA requests when the request is made for “commercial purposes”.**

The Special District Association is considering a bill which would extend the time that public entities must reply to CORA requests made for a “commercial purpose” to 21 days. The definition of “commercial purpose” is the use of any part of a public record, or information derived from public records, for sale, resale, or solicitation or advertisement for sales or services. The bill would specifically exempt requests made by news media, and non-profit, scientific, or academic organizations. The bill would also allow a public entities’ custodian to charge a fee above the thirty dollars currently listed in statute for research and retrieval in response to a request for public records for commercial purposes. SDA may also consider including language which would allow additional time for responses to “frequent requesters”, but that has yet to be determined. *Lobbyist: Heather Stauffer.*

## **Open Records: CORA Research and Retrieval Fees**

The Freedom of Information Coalition (FOIC) published an article in late October calling on the Colorado General Assembly to amend the Colorado Open Records Act in the 2021

session to reexamine research and retrieval fees. Specifically, FOIC is advocating for a policy which does not permit government entities to charge research-and-retrieval fees, like policies adopted in Ohio and West Virginia. In addition, they are advocating for legislation requiring government entities to provide itemized receipts to justify research and retrieval charges, and policies which differentiate how research and retrieval fees are treated based on the requester's use of the records. Conversations with the Freedom of Information Coalition since that time have revealed that they have not yet received any indication from any legislators that they are interested in carrying a bill of this kind, but FOIC has committed to continuing advocacy around the issue. *Lobbyist: Heather Stauffer.*

### **Open Meetings/ Open Records: Executive Sessions for Telecommunications**

The City of Fort Collins is exploring the possibility of running legislation which would add the discussion of matters pertaining to issues of competition in providing telecommunication facilities and services, which includes records regarding matters subject to negotiation, strategic planning, pricing, sales and marketing, and development phasing, to the list of authorized topics for discussion in executive session under the Colorado Open Meetings Law (C.R.S 24-6-402(4)) . In addition, the legislation would add corresponding language into the Colorado Open Records Act (CRS 24-72-204 (2)(a)) which allows a custodian to deny the right of inspection for records pertaining to issues of competition in providing telecommunication facilities and services discussed during executive sessions. *Lobbyist: Heather Stauffer.*

# Action Items

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## **Sustainability: Benchmarking Building Energy Performance**

The Colorado Energy Office will be introducing legislation next session to create a statewide energy performance benchmarking program to improve efficiency of large commercial properties. The legislation would require owners of properties over 50,000 square feet to collect and report on energy-use benchmarking data and comply with performance standards related to energy and greenhouse gas emissions. While the intent of the legislation is to improve building energy efficiency of commercial properties and reduce carbon emissions statewide, the legislation is imposing a new mandate on local governments that has traditionally been matter of local control. The legislation also grants broad authority to the Colorado Air Quality Control Division to make sweeping changes to the program over time in order in order to meet its emissions targets including - imposing new performance standards, reducing the size threshold of covered properties and removing entities that are currently exempted from the program – including municipally owned structures. Because large commercial, multifamily, and public buildings account for approximately 15% of all energy used in Colorado, a-number-of municipalities including Denver, Boulder and Fort Collins have already implemented similar benchmarking programs within their cities to reduce emissions. While many municipalities will likely see value in participating in a statewide benchmarking program, it should be an optional program that allows city councils to decide on their own what it is in the best interests of their community, rather than imposing a statewide mandate that would likely require enforcement at the local level. **Staff Recommendation: Oppose Unless Amended.** *Lobbyist: Morgan Cullen.*

# Information items- Special Session

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## **Economic Development: COVID-19 Relief for Small and Minority-Owned Businesses and Arts Organizations**

SB 20B-001 provides direct relief to small businesses (\$37 million), arts and cultural organizations (\$7.5 million), and minority-owned businesses (\$4 million). It also provides state assistance to support a one-year suspension of health inspection and liquor licensing fees. All small businesses with annual receipts of less than \$2.5 million in calendar year 2019 are eligible for relief through the program. Counties that are under severe capacity restrictions as determined by a public health order and that are in compliance with the order must develop a process to accept applications from small businesses for relief funding. DOLA is required to allocate funding to counties based on the population of the eligible local governments. Both DOLA and participating local governments can be compensated for administrative costs associated with overseeing the program. The legislation has been amended to allow the participation of small businesses located in municipalities that are in compliance with state public health requirements even if the county where the municipality is located is not eligible to participate. In addition, the legislation sets forth a process for municipalities to work with counties to get assistance to small businesses out as quickly as possible. Finally, a number of municipalities have suggested that additional language is needed to ensure municipally-owned and operated performing arts and cultural centers are eligible for funding. CML has raised this concern several times with each of the house and senate bill sponsors. We have been assured that these municipalities are indeed eligible.

**Position: Support.** *Lobbyist: Morgan Cullen.*

## **Housing: Housing and Direct COVID-Emergency Assistance**

SB 20B-002 creates the Emergency Direct Assistance Grant Program in the Division of Housing in the Department of Local Affairs (DOLA). The program will provide grants to individuals who experience financial need due to the COVID-19 pandemic and who may not be eligible for other types of assistance. The bill transfers \$5.0 million from the General Fund to the newly created Emergency Direct Assistance Grant Program Fund. As amended in the Senate Finance Committee, the bill transfers \$54.5 million from the General Fund to the Housing Development Grant fund to provide housing assistance via the "POP" program which provides funding to landlords for rental replacement. Finally, the bill transfers \$1,000,000 from the General Fund to the Eviction Legal Defense Fund. Many municipalities have worked with their constituents to provide assistance to make sure vulnerable individuals can stay in their homes during economic hardship. In addition to housing, CML worked with legislators on an amendment to the bill which would have earmarked \$500,000 for transfer to Energy Outreach Colorado to be used specifically for water utility payments for low-income Coloradoans. Unfortunately, the

amendment was not added to the bill. However, there is interest in pursuing legislation in 2021 around the topic. The bill has passed the House and will need to go back to the Senate for final passage. **Position: Support.** *Lobbyist: Meghan Dollar; Heather Stauffer.*

**Tax and Finance: Retain State Sales Tax for COVID- Relief**

HB 20B-1004 allows qualifying retailers in the alcoholic beverages drinking places industry, the restaurant and other eating places industry, and the mobile food services industry to temporarily deduct up to \$70,000 in net taxable sales from their monthly state sales tax return and retain the resulting sales tax revenue. The monthly \$70,000 net taxable sales deduction equates to about \$2,000 in sales tax collections per retailer per site for up to five sites. This temporary deduction will be allowed for sales made in November and December 2020, and in January and February 2021. The legislation does not impact local sales tax that is state collected. **Position: Neutral.** *Lobbyist: Meghan Dollar.*

**Tax and Finance: Local Authority to Impose Food Delivery Fee Restrictions**

HB 20B-1005 allows the governing body of municipalities and counties to limit the fee that a third-party food delivery service may charge to a retail food establishment, and place other restrictions on delivery services by ordinance or resolution, including a civil penalty. There are home rule municipalities that have already enacted similar ordinances and CML believes this bill confirms current legal authority for municipalities to adopt these ordinances. The legislation was amended in the House to reflect that this authority exists during a public health emergency and the Senate to further clarified the definition of public health emergency by linking it directly to COVID-19. **Position: Support.** *Lobbyist: Meghan Dollar.*

**Utilities: Money for Energy Utility Bill Payment Assistance**

SB 20B-003 transfers \$5 million from the Colorado General Fund to the Colorado Energy Office for use by Energy Outreach Colorado to provide direct energy bill payment assistance to low-income households. This legislation not only provides financial relief for needy families across Colorado but also assistance for utilities (including municipally owned utilities) that have seen an increase the number of customers unable to pay for service. **Position: Support.** *Lobbyist: Morgan Cullen.*





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> State Special Session Legislation Recap
<b>Item Initiator:</b> Luke Palmisano
<b>Staff Source/Legal Source:</b> Luke Palmisano/Rachel Allen, Client Group Manager
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

Dual Listed Why is this item dual listed?[Click or tap here to enter text.](#)

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

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?[Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Federal, State & Intergovernmental Relations

**Policy Committee Date:** 12/18/2020

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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

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

State lobbyist will give an update from special legislative session.

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**QUESTIONS FOR COUNCIL**

N/A

**LEGAL COMMENTS**

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to attend council meetings and participate in discussions with the council in an advisory capacity and inform the public concerning plans and activities of the council and of the city administration. City Charter Art. 7-4. The Federal, State and Intergovernmental Relations Committee shall recommend objectives and initiatives in the State Legislature. Council Rules, Appendix A. (Allen)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

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