

**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.

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 30th. 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 13th. 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

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.

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. Kitzmann 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 30th.

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.

Approved:

Minutes
Angela Lawson 1-5-21
Angela Lawson Date
Committee Chair