

**Federal, State and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
February 19, 2021**

Members Present: Council Member Angela Lawson, Chair; Council Member Nichole Johnston, Member

Others Present: Luke Palmisano, Rachel Allen, Kathy Kitzmann, Peggi O'Keefe, Lauri Hettinger, Natasha Campbell, Roberto Venegas, Totsy Rees, Cammie Grant, CM Dave Gruber, Doug Wilson, Shawn Day, Teresa Sedmak, Jake Zambrano

1. **APPROVAL OF MINUTES:** January 15, 2021 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. CM Gardner was not present, a quorum was reached with CM Johnston and CM Lawson present.

Outcome: Information only.

Follow-up Action: None.

4. **RESOLUTION MILITARY FAMILIES OPEN ENROLLMENT**

Summary of Issue and Discussion: CM Gruber gave an overview of a resolution of the city of Aurora expressing the City Council's strong support of the Colorado's General Assembly's proposed 2021 military family open enrollment in public schools house bill. CM Gruber said the bill will allow military children to use Buckley Airforce Base as an address once they have received deployment orders, so they can better compete to get into our local schools. There may be some further revisions to the bill and CM Gruber asked that this resolution support the bill even with future revisions. CM Johnston said, just so the committee is aware, there are some folks who live in the Cherry Creek school district but want to go to the Quest school and that is taking spots away from kids who live in the Aurora school district. CM Lawson asked if the committee would like to move this resolution forward to the next Study Session. CM Lawson and CM Johnston agreed to move the item forward.

Outcome: CM Lawson and CM Johnston agreed to move the resolution regarding military families open enrollment forward.

Follow-up Action: Staff will add the resolution to the next Study Session agenda.

5. RESOLUTION REDISTRICTING

Summary of Issue and Discussion: Jake Zambrano gave an overview of the proposed resolution expressing the Aurora City Council's support of the congressional redistricting commission's and Colorado legislative redistricting commission's efforts to promote municipal integrity. J. Zambrano said it is important that the redistricting keeps Aurora as a whole in a single congressional district and to consolidate the number of state Senate and state Representative districts within the city's boundaries, and to not divide communities and neighborhoods between districts. It makes for a stronger case when our legislators go to represent the city's interests that they are representing the entire city. CM Johnston asked if there was any feedback from our current Aurora delegation on having a more Aurora proper representation versus a more regional representation. J. Zambrano said he has not talked to any of the Senators or Representatives regarding this resolution. But he would be happy to do so. CM Johnston said at first, she thought this would make sense that Aurora proper would be represented. But she is not sure having Aurora standing alone as an island and having more rural areas around us representing different issues would be the best solution. It would be helpful to know what our current delegation thinks. J. Zambrano said he would talk to the delegation as well as CML's Government Affairs Committee. He also said CM Gardner had asked that the resolution focus more on police and fire issues. CM Johnston said that would be a good idea and asked that L. Palmisano send the resolution to the delegation for their feedback. L. Palmisano said he would send it out. CM Lawson said she wanted to bring this to the committee to start the conversation with the thought that additional conversations with our state legislatures is important. She asked that J. Zambrano take the suggestions provided by the committee members and come back to a future meeting for further discussion.

Outcome: Information only.

Follow-up Action: J. Zambrano and L. Palmisano will follow up with the Aurora delegation for their feedback.

6. FEDERAL LEGISLATIVE UPDATE

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. The House has been working on the COVID bill and it should be voted on by the end of next week. They want this bill to pass by March 14, which is when the unemployment benefits expire. One of the changes to the House bill will be to remove the \$15 minimum wage. Local governments of all sizes will receive funds directly and there is a lot of flexibility in how municipalities can use the money. CM Johnston asked when the money would be available for municipalities. L. Hettinger said the treasury has 60 days from when the bill passes to get the money out.

CM Lawson asked how much is each state getting for transit? L. Hettinger said she will send out a spreadsheet that shows how the money will be allocated.

After the COVID bill Congress will be dealing with infrastructure. This legislation is not just for transportation and water, but for broadband, for environmental justice, for energy efficiency, for transportation electrification and for workforce training, it is for a lot of different things. L.

Palmisano said that they are going to start talking to various city departments to see what their needs are. And what programs are out there for them.

CM Lawson asked if there will be any legislation regarding police reform or social justice this year? L. Hettinger said the House will reintroduce the George Floyd bill in March but the Senate does not have the votes to pass it. So there are no plans to consider it this year, but maybe next year.

CM Gruber said that he and CM Johnston represent the city on the Aerotropolis Regional Transportation Authority (ARTA) and they may be interested in bringing their infrastructure programs to the federal level to see if there are some programs that could help fund ARTA's infrastructure needs. L. Hettinger said that she will look into this and she will bring this to the Aurora delegation to look at. She suggested a separate call to address this issue or to maybe bring it to an ARTA meeting. L. Hettinger said she and L. Palmisano are working on a letter to the delegation and will add this to the letter. CM Lawson asked if they could come back to FSIR and report back on how discussions are going.

7. **STATE LEGISLATIVE UPDATE**

Summary of Issue and Discussion: Peggi O'Keefe, state lobbyist, gave an update on the state legislation. L. Palmisano discussed 7 bills that staff has asked for the FSIR committee to take a position on.

Nonsubstantive Emails and Open Meetings Law: HB21-1025

This bill concerns a clarification under the Colorado open meetings law of the requirements governing communication by electronic mail that does not relate to the substance of public business. City staff recommend an active support position. CM Lawson and CM Johnston agreed to support this bill.

Expanding Peace Officers Mental Health Grant Program: HB21-1030

The bill expands the peace officers mental health support grant program to include funding for on-scene response services to enhance law enforcement's handling of calls for services related to persons with mental health disorders and social service needs, including calls that do not require the presence of a peace officer.

This grant program may assist APD's current co-responder program as well as the new CAHOOTS mental health program located in Housing and Community Services. City staff recommend an active support position. CM Lawson asked if anyone knows how much the grants would be. L. Palmisano said they do not know at this time. CM Lawson and CM Johnston agreed to support this bill.

Water Share Right Mutual Ditch Corporation: HB21-1046

This bill would clarify mutual ditch corporation law and historic operations. Mutual ditch companies provide water for many agricultural and municipal operations statewide. The bill clarifies that mutual ditch may operate using traditional ditch operating practices. When a shareholder is not using some of their available water, they do not inherently have the right to prevent other shareholders from using any portion of the corporation's water rights. The bill will also establish that the statutes governing ditch and reservoir companies do not prevent shareholders from changing the use of their water rights or change the standards for water court approval to change a water right. City staff recommend an active support position. CM Lawson and CM Johnston agreed to support this bill.

Replace the Term Illegal Alien: HB21-1075

This bill concerns replacing the term "illegal alien" with "worker without authorization" as it relates to public contracts for services.

The city's state priorities as approved by City Council call for support of this bill. City staff recommend an active support position. CM Lawson and CM Johnston agreed to support this bill.

Local Government Authority Promote Affordable Housing Units: HB21-1117

The bill concerns the ability of local governments to promote the development of new affordable housing units pursuant to their existing authority to regulate land use within their territorial boundaries.

The city's state priorities as approved by City Council call for support of this bill. City staff recommend an active support position. CM Lawson asked if this bill mandates local participation. L. Palmisano said no it does not. CM Lawson and CM Johnston agreed to support this bill.

Water Resource Financing Enterprise: SB21-034

The bill would create the Water Resources Financing Enterprise to collect a fee from customers of public water supply systems to finance water projects through grants and loans. Municipalities that operate public drinking water systems will experience revenue and expenditure impacts. Water suppliers would be required to collect fees on behalf of the enterprise, which will entail expenditures, increased staff workload, and increased costs to our rate payers. City staff recommend an active oppose position. CM Lawson and CM Johnston agreed to oppose this bill.

Jail Population Management Tools: SB21-062

This bill concerns measures to reduce jail populations. The bill would prohibit arrest for many municipal ordinance violations, misdemeanors and even some felonies. The bill mandates personal reconnaissance (PR) bonds on municipal cases unless the court believes the defendant will flee or threatens safety of others and no other conditions of the PR bond will mitigate the risk of flight or harm.

The bill could negatively affect the Municipal Court and cause a significant docket back log due to the failure to appear provision. It directly impacts how the court can enforce its own orders by mandating PR bonds. The bill could also decrease the detainee population and lower the risk of recidivism.

CM Lawson said she would like to share some of the discussion from the CML Committee. This is a very controversial bill. According to Judge Kurtz from Boulder this bill would apply to lower level felonies 4, 5 and 6 as well as some misdemeanors. The bill does not mention the fact that there has been an uptick in crime because there have not been as many arrests due to COVID. Most on the CML Committee agreed that a middle ground would be the best way forward. Shawn Day, Presiding Judge, gave his opinion on the bill stating there is language on page 5, lines 18 through 27 that he has concern with. He suggested there be some changes to the language and that staff continue to work with the bill sponsors to amend the bill. CM Johnston said that she would like to continue communicating with staff and if there are some amendments she would be open to supporting this bill. As it stands, she would not support it. Doug Wilson, Public Defender, gave his opinion of the bill. He said reducing the number of clients in custody would limit staff's and other detainees' exposure to COVID. He would like to see some amendments but sees this bill as helpful in reducing COVID exposure and is a good step towards bond reform. CM Lawson said both Judge Day and Public Defender Wilson have valid arguments. CM Lawson said she cannot support the bill as is because there seems to be a need for some additional amendments for consideration. L. Palmisano said that staff is not advocating for a position one way or another but staff would like permission to get involved in the discussion on amendments with the bill sponsors. CM Lawson said that she would like the summary to include both Judge Day's and D. Wilson's

opinions since there are valid points from them both. L. Palmisano said he will add more information on bills that are this controversial.

City staff is seeking approval to pursue changes through the bill sponsor. CM Lawson and CM Johnston agreed for staff to pursue changes through the bill sponsor.

L. Palmisano said the following bills are for information only.

Criminal Marijuana Offenses: HB21-1090

The bill eliminates the marijuana possession offense for possession of 2 ounces of marijuana or less. The bill requires the court to seal a conviction record if the person files documents with the court under certain circumstances. The bill allows a person who was convicted of a class 3 felony marijuana cultivation offense to petition to have his or her conviction record sealed.

Staff is tracking this bill as it may have an impact on the city.

Consent Collection Personal Information: HB21-1111

The bill requires a governmental entity that maintains, owns, or licenses computerized data that includes certain personal information about any Colorado residents, or a governmental entity that uses a third-party service provider to maintain computerized data that includes certain personal information, to give notice to those Colorado residents every 90 days. L. Palmisano said this bill would potentially cost the city a lot of money and is very troublesome to both IT and the Finance Dept. The reason the city is not taking a position on it is because it will most likely not pass out of Committee. Staff is tracking the bill.

Limits on Governmental Responses to Protests: SB21-031

The bill prohibits a state, county, or local government agency, or any person acting on behalf of the state, county, or local government agency, from ordering persons participating in a protest or demonstration (protest) to disperse, or from deeming the protest unlawful, unless the persons participating in the protest are acting in concert to pose an imminent threat to use force or violence to cause personal injury or significant property damage. L. Palmisano said staff has looked at this bill and it seems to be a poorly written and the City Attorney's office has expressed some concerns with the bill. Staff will continue to monitor the bill and see how it develops.

Protections for Entities During COVID-19: SB21-080

This bill concerns protections for entities that comply with public health guidelines related to COVID-19. L. Palmisano said we are tracking this because CM Gardner has expressed interest in COVID liability bills in the past. The only reason staff will monitor this bill is because it does have a Democratic sponsor while most other bills like this have only been supported by the minority. There does not seem to be much support for it in the legislature.

Align Marijuana Delivery with Alcohol Delivery: Not Yet Introduced

This bill concerns marijuana delivery permits associated with store licenses. The bill limits delivery sales to only retail marijuana. The bill also increases the surcharge from \$1 to \$2 and directs the additional surcharge revenue to support marijuana social equity licensees. Staff is tracking this bill as it is still has not been introduced.

Outcome: CM Lawson and CM Johnston have agreed to actively support the following bills; HB21-1025 - Nonsubstantive Emails And Open Meetings Law, HB21-1030 - Expanding Peace Officers Mental Health Grant Program, HB21-1075 - Replace the Term Illegal Alien, HB21-1117 - Local Government Authority Promote Affordable Housing Units, HB21-1046 - Water Share Right

Mutual Ditch Corporation: and to oppose the following bill SB21-034 - Water Resource Financing Enterprise.

Follow-up Action: For information only.

8. ADVANCE REFUNDING

Summary of Issue and Discussion: Teresa Sedmak, City Treasurer, gave an overview of the Tax Cut and Jobs Act of 2017 (TCJA). The bill included a prohibition against the advance refunding of municipal bonds on a tax-exempt basis beginning in January of 2018, essentially eliminating the advantages and appeal of a valuable tool municipalities had to reduce their cost of capital and manage their financial affairs.

A refunding occurs when an issuer refinances outstanding bonds prior to their maturity or final payment date. Much like individuals' ability to refinance their home mortgages, most municipal issuers of bonds structure their debt issues with the ability to prepay ("call") their outstanding bonds prior to their final maturity date. Most often, this optional call date occurs ten years after the initial issuance of the bonds.

There are two ways state and local governments may refinance their outstanding debt, one being a "current" refunding and the other being an "advance" refunding, both described in more detail below. By eliminating the ability of issuers to advance refund their bonds on a tax-exempt basis taxable advance refundings are still an option, though more expensive than those which are tax-exempt. State and local municipalities have lost a valuable tool previously utilized to reduce debt service expenses. City staff recommend the FSIR committee support legislative initiatives to reinstate the ability for municipal issuers to issue tax-exempt refunding bonds. CM Lawson and CM Johnston agreed to support this bill.

Outcome: CM Lawson and CM Johnston agreed to support legislative initiatives to reinstate the ability for municipal issuers to issue tax-exempt refunding bonds.

Follow-up Action: Information only.

9. WATER

Summary of Issue and Discussion: K. Kitzmann gave an update from the Aurora Water Department. Tuscan South Gravel Pit update/informational only. The Aggregate Industries' Tucson South gravel mine is located just west of Brighton in Adams County. An Adams county permit is needed to allow sand and gravel mining operations as well as water storage upon completion of the mining operation. Aurora Water is under contract to purchase the finished water storage and would then become part of Prairie Waters Project operations. On February 11th, Adams County Planning Commission approved Aggregate Industries application in a 4 to 3 vote and recommended that it be heard before the Adams County Board of County Commissioners on March 9, 2021.

Colorado Outdoor Recreation Economy Act. Does FSIR approve of changing Aurora's position of oppose to neutral for S.173 CORE Act as introduced, continue opposition of H.R. 577 CORE Act unless amended to the Senate version, and oppose any further amendments to the CORE Act that would create barriers to developing and operating Aurora's water supply system?

Follow-up Action: Information only.

10. MISCELLANEOUS MATTERS FOR CONSIDERATION
None.

CONFIRM NEXT MEETING

CM Lawson said the Committee will be meeting every 2 weeks during the legislative session. The next meeting is scheduled for March 5, 2021, 1:00 PM WebEx video conference meeting.

Approved:

Angela Lawson 3-10-21
Angela Lawson Date
Committee Chair