

Federal, State and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
March 5, 2021

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

Others Present: Luke Palmisano, Rachel Allen, Peggi O’Keefe, Lauri Hettinger, Natasha Campbell, Roberto Venegas, Totsy Rees, Cammie Grant, CM Alison Coombs, Tina Buneta, Jeffrey Moore, Jessica Prosser, Nancy Freed, Jason Batchelor, Shawn Day, Angela Garcia

1. **APPROVAL OF MINUTES:** February 19, 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.

Outcome: Information only.

Follow-up Action: None.

4. **911 Fee Diversion**

Summary of Issue and Discussion: Tina Buneta, Director of Public Safety Communications gave an overview of recently passed legislation concerning the 911 communication system.

Each year people in urgent need of assistance place over 200 million emergency calls to 911 call centers in the United States. Funding for the 911 system is provided in part by dedicated 911 fees established by each state and territory that appear as charges on customer bills for wireless, wireline, and other communications services. Despite the critical importance of 911 service, the Commission’s annual reports to Congress on 911 fees show that some states divert a portion of the fees collected for 911 to other purposes.

On December 27, 2020, new federal legislation (the Don’t Break Up the T-Band Act of 2020) was signed into law that requires the Commission to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. In particular, section 902 of the new legislation directs the Commission to issue final rules within 180 days defining what uses of 911 fees by states and taxing jurisdictions constitute 911 fee diversion. The Notice of Proposed Rulemaking seeks comment on proposed rules to implement these provisions.

What the Notice of Proposed Rulemaking Would Do:

- Propose rules that would define the types of expenditures of 911 fees by states and taxing jurisdictions that are acceptable under the criteria established in section 902

and the types of expenditures that constitute 911 fee diversion.

- Propose rules that would allow states and taxing jurisdictions to petition the Commission for a determination that expenditures of 911 fees not previously designated as acceptable by the Commission should be treated as acceptable under section 902.
- Propose a rule providing that any state or taxing jurisdiction identified as a 911 fee diverter in the Commission's annual 911 fee report to Congress would be ineligible to serve on any committee, panel, or council established to advise the First Responder Network Authority (FirstNet) or any advisory committee established by the Commission.
- Propose a rule providing that if a state or taxing jurisdiction receives a federal 911 grant, as a condition of the grant it must provide information that the Commission requires in order to prepare the annual 911 fee report to Congress.

T. Buneta said they are working on a final draft letter and will bring the final version back to FSIR for approval before sending it out to the FCC.

Outcome: Committee agreed to wait for final draft of the letter and review it before sending.

Follow-up Action: Staff will prepare final draft of letter and present to FSIR at future meeting.

5. Federal Legislative Update

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. The Senate voted to start debate on President Joe Biden's \$1.9 trillion coronavirus relief bill on Thursday and after considering amendments today, the Senate is expected to vote on final passage this evening or early tomorrow morning. Among the changes include:

- Removal of the increase to the federal minimum wage
- An increase in emergency rental assistance from \$1.2 billion to \$2.5 billion
- Economic Impact Payments: Phases out the Economic Impact Payments at \$75,000 to \$80,000 for individuals, \$112,500–\$120,000 for head of household, and \$150,000–\$160,000 for joint filers
- Funding for COVID-19 Vaccine Activities at the Centers for Disease Control and Prevention
- Funding for COVID-19 Testing, Contact Tracing, and Mitigation Activities
- Provides \$400 million for support to homeless services providers in communities across the nation for overnight shelter, meals, assistance to food banks and pantries, one month's rental or mortgage assistance to prevent evictions, and one month's utility payments to prevent service cut-offs.
- \$350 billion in state and local funding is still included though the bill diverts \$10 billion into a new Critical Infrastructure Projects program to help States, territories, and Tribal governments carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to COVID-19.

CM Lawson asked about the Criminal Justice Reform bill that passed the House, and if there were any updates on the bill and if there were any possibility that the bill would pass the Senate? L. Hettinger said what she is hearing is that this bill will not be heard this year since it would need a

majority of 60 votes to pass and right now the Senate is split 50-50. CM Gardner asked if there will be as many strings attached to the money for local governments this time around. L. Hettinger said that it is more flexible. It does have to be used in response to COVID and its negative economic impact. It can be used for example for housing, small businesses, non-profits, as well as tourism, travel and hospitality. It can also be used for counter the reduction in revenue, which includes property and income tax due to COVID.

L. Hettinger gave an update on the current transportation and infrastructure legislation, which is called the FAST Act. It authorizes policy, programs and funding for all sorts of infrastructure and transportation issues. L. Hettinger is working with staff to make sure the city's priorities are brought to our federal representatives addressed in this bill. Congress is working on the appropriations bill.

Outcome: Information only.

Follow-up Action: Information only.

6. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O'Keefe, state lobbyist, gave an update on the state legislation. L. Palmisano discussed 3 bills that staff has asked for the FSIR committee to take a position on.

Creation of Financial Empowerment Office: SB21-148

The bill creates the financial empowerment office to grow the financial resilience and well-being of Coloradans through specified community-derived goals and strategies. The office will develop tools and resources that advance, increase, and improve Colorado residents' financial management and promote financial stability. City staff recommend an active support position. The Committee agreed unanimously to support this bill.

Public Utilities Commission Gas Utility Safety Inspection Authority: SB21-108

This bill seeks to consolidate, strengthen, and streamline the safety regulations that apply to natural gas pipeline utilities. The bill will update and clarify the duty of the Public Utilities Commission (PUC) to collaborate with the United States Department of Transportation (DOT) on pipeline safety issues adopting rules at the state level as needed to comply with federal requirements. City staff recommend an active support position. Jeffrey Moore, Oil & Gas Division Manager, gave an update on this bill. The one issue with this bill is that it does not include language referencing local jurisdiction. J. Moore said his team met with Sen. Story who is sponsoring this bill and asked for an amendment to the bill that would allow the opportunity for local jurisdiction to partner with PUC for the purpose of pipeline safety. Sen. Story was open to that and has crafted an amendment already and will introduce that once the bill gets into committee. Staff is very supportive of this bill. CM Lawson said that it seems that staff is supportive of the bill but there are still amendments in the works. So why would this committee actively support something if we are waiting on the status of the amendments? J. Moore said he advised to actively support because there is an amendment that is expected to pass the legislature and he would support this bill even if the amendment does not pass. CM Johnston said she understands that J. Moore would support the bill no matter what happens with the amendment, but in terms of how FSIR and staff provides direction to our lobbyist it needs to be clearer. She suggested to change the position to "pursue changes through bill sponsor". CM Lawson said she too would rather change the position to "pursue changes through bill sponsor" as well. CM Gardner agreed that since our preference is to

include an amendment it would be better to go with “pursue changes through bill sponsor” than to say we would be ok either way. L. Palmisano said J. Moore will be back to give an update on progress of this bill. The Committee agreed unanimously to change the position to pursue changes through bill sponsor on this bill.

Limitations on Regulated Marijuana Delivery: HB21-1159

Under current law, a retail marijuana store licensee may have a marijuana delivery permit associated with its store license. The bill adds additional regulations and requirements to the delivery permit including requirements around store hours, product availability, and online platforms.

There have been many stakeholder meetings concerning this bill and amendments are expected to be introduced at the first hearing. Due to this city staff recommend a position of Pursue Changes Through Bill Sponsor. CM Gardner said he supports this bill in general. It came to the Amendment 64 Policy Committee, of which he is the Chair. CM Johnston and CM Combs are on that committee as well. At that committee meeting they decided to wait to see what the State decides to do instead of moving forward on their own because Aurora is one of the only municipalities that is live on delivery right now. He agrees to take the position of pursue changes with bill sponsor so the city can actively lobby this bill. CM Johnston agreed with CM Gardner to take the position of pursue changes through bill sponsor. CM Coombs said she is in communication with stakeholders such as the Color of Cannabis regarding the amendments that they are seeking. CM Lawson asked that CM Coombs communicate with the committee what she learns from those communications with stakeholders.

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. FSIR Position: Actively Support. The bill passed out of the House Committee of the Whole on third reading Tuesday, March 2 and will head to the Senate for consideration.

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. FSIR Position: Active Support. The bill passed out of the House Committee of the Whole on third reading Wednesday, March 3 and will head to the Senate for consideration.

Expanding Peace Officers Mental Health Grant Program: HB21-1030

The bill expands the peace officer’s 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. L. Palmisano said this bill was discussed at Tuesday’s House Public and Behavioral Health and Human Services committee meeting. There were some questions raised. There was also

significant opposition to the bill in committee. The bill was laid over with no action taken. The bill came back up in committee today and 5 amendments were passed. The 1st amendment updates language from “mental health” to “behavioral health,” as that term encompasses both mental health and substance use disorders. And adds “and the immediate family members” per requests from stakeholders, as often these counseling services include those individuals as part of the officer’s support system. The 2nd amendment has some technical clean-up from DOLA. The 3rd amendment specifically calls out that the primary applicant can be a behavioral health entity, public health agency, or community-based social service provider, so long as those applicants are in partnership with law enforcement or public safety, as this is necessary in order to have access to the 911 dispatch system and to ensure a coordinated response to calls from the community that may involve a safety concern or commission of a crime. Also adds that the counseling services for officers can include their immediate family members, as best practices dictate a family systems-based approach for treating the trauma in law enforcement officers. The 4th amendment removes language that protected the existing funding for direct mental wellness services to peace officers while seeking additional funding for these new uses. Finally, amendment 5 defines “co-responder community response” and “community-based alternative response” using language directly from OBH materials and STAR materials, respectively. Ties “county or district public health agency” and “behavioral health entity” to their statutory definitions and continues to clarify original language re: who is eligible to apply for these grants. CM Hiltz raised the concern that this program is still primarily run through law enforcement. L. Palmisano said staff will continue to monitor this bill as there will most likely be further debate and amendments. As well as opportunities for the city to weigh in. For clarification, this bill was discussed with full Council and in effect Council overruled this Committee’s position. L. Palmisano said through the Council Rules, FSIR is empowered to take positions on bills and discussions should be taking place in the committee. It would be helpful for the city’s lobbying strategy to not take a position and then reverse that position. CM Johnson asked for clarification on what position was decided on at the Council meeting. L. Palmisano said there was a motion to dial back from the support position that this committee had taken to move the position to “pursue changes through bill sponsor”. The Mayor asked if anyone objected to this and the only objection came from CM Gruber. Technically it was a 9 to 1 vote to change the position. CM Johnston said that she is uncomfortable pursuing amendments without knowing what those amendments would be. There are a lot of good things with this bill as is. She would like to take the position of monitor bill at this point. L. Palmisano said he often requests for a position to pursue changes through bill sponsor because it allows staff and lobbyist to engage with shaping the bill even if the city is neither in support of nor opposed to the bill. Right now, staff is in a difficult position because FSIR supported the bill and there were some Council Members who had issues with the bill and others who opposed it. There is no clear direction what Council wants staff to do. CM Gardner said he is unclear on what the different positions are that FSIR or Council can take on a bill. On Monday it was suggested council take a position of “pursue changes through bill’s sponsor”. He said he is not comfortable with that because it is not clear what those changes might be. CM Gardner said that based on what he has heard and read about the bill he would request a neutral position. CM Lawson said for her, a neutral position is hard to define. Right now, there seems to be many amendments being proposed, why we would take a neutral position without seeing what the amendments are. CM Lawson agreed with the point that Council Members who are testifying on a bill on their own time consider discussing their positions at this committee. She also asked P. O’Keefe to provide thoughts on what a neutral position means. P. O’Keefe said that every organization has different terminology on how they approach things. The important thing is to be consistent with our definitions. CM Lawson suggested that the committee take a position of monitor bill status instead of neutral as it

seems to be standard practice in legislation. CM Johnston said yes, a monitor bill status reflects more of the committee's position. Since there are amendments and we do not know what those amendments will be. CM Gardner agreed that monitoring bill status is the best position at this point. He also asked that the definitions of all the different positions be spelled out so everyone is on the same page. L. Palmisano said he will put together a memo with the positions and definitions and get that out to all of council. CM Coombs said she supports the bill with the amendments, but the one unresolved concern is the requirement to partner with law enforcement or public safety agencies. Would Falck or Aurora Public Safety Communications count as a public safety agency for these purposes? And in communities that don't have separate public safety Communications, what mechanisms would be available to enable alternative community responses without working with police? Her fundamental concern is enabling funding for organizations that are not working with police but are still responding to public safety issues. Jason Batchelor, Deputy City Manager, said that is a question for the bill sponsor. But from the city's perspective Falck and Aurora Public Safety Communications would have to be considered partners because that is how we would want to take calls and use the appropriate response. CM Coombs said her concern is that the responses to 911 calls coming from other community-based agencies that are providing support and responses that help divert from police even if they are not coordinating with police, have value and are worth funding. That is the reason for not wanting to require a formal partnership with law enforcement. Will those types of agencies be allowed to receive grants? T. Rees said she will get clarification from the FOP and bill sponsors that those types of agencies will be eligible for funding.

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. Requiring PR bonds could help reduce COVID-19 outbreaks of those in custody. Council Position: Pursue Changes Through Bill Sponsor. The bill has been assigned to the Senate Judiciary committee and was scheduled for a hearing on Thursday, March 4, 2021. L. Palmisano said 3 amendments were passed unanimously. There is still a lot of debate going on in regard to this bill. Shawn Day, Presiding Judge, said the hearing on this bill went from 1:30 pm and ended in a vote at 9:00 pm. There was some significant language that changed in the bill. CM Gardner asked if the concerns Judge Day expressed in the previous FSIR meeting were addressed in the amendments and what is his position on the bill now. Judge Day said a lot of stakeholders went from oppose to neutral after the amendments passed, while other groups still opposed it. He said in his mind the bill is better than it was in its first draft. It still has some issues that will impact our court. But it is a bill that now while we are in CCJJ is vote that we support or actually vote that we can live with. And he thinks he is at a position where he can live with it. He went onto say he will leave it up to the committee to make the decision on what position to take. There are still some issues that could be addressed to make this an even better bill. CM Gardner said he is struggling with this bill because, though he would like to reduce the jail population, he does not see this as the

correct approach. There are bigger structural issues, and this may not be the best way to go about it. He is somewhere between monitoring the bill or opposing it. Leaning more towards oppose. CM Johnston said she is somewhere between monitor bill and support bill. She said she has an issue with jailing people pretrial and how that has an impact on their job's status. CM Johnson asked if Judge Day had more feedback on the role of victim's advocates and the types of crimes addressed in this bill. Judge Day said he was not privy to the stakeholder meetings but they did change some language because of their concerns and more crimes were listed in the bill that address the victims of crimes issues. CM Lawson said she would recommend the position of monitoring. She sees some good points in the bill and some bad points. She asked if Judge Day still has concerns or amendments he would suggest. Judge Day said the bill is going to appropriation and there will be a hearing there. If it makes it to the Senate for a vote and then passes to the House there will be further opportunity for comment and proposals. Although there may be some things that could be changed it is hard to say if this will happen as so much work has gone into this bill already. CM Lawson said all the committee members have different positions on this bill, CM Johnston is monitor or support, CM Gardner is monitor or oppose and CM Lawson is monitor. L. Palmisano based on the discussion staff would be happy to take a monitor position on this bill. That way staff can still engage on the bill if need be. CM Lawson agreed and recommended a position of monitor bill. CM Johnston and CM Gardner agreed.

Outcome: Information only.

Follow-up Action: Information only.

7. WATER

Summary of Issue and Discussion: There were no items from Aurora Water.

Outcome: None.

Follow-up Action: None.

8. 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 19, 2021, 1:00 PM WebEx video conference meeting.

Approved:

Minutes

Angela Lawson 3-25-21
Angela Lawson Date
Committee Chair