

Federal, State and Intergovernmental Relations (FSIR) Meeting

April 14, 2021

1:00 PM

WebEx Event

Access information provided to Internal Staff

Public Participation Dialing Instructions

Dial Access Number: 1-408-418-9388

Enter Participant Code: 187 518 8973

**Council Member Angela Lawson, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Nicole Johnston, Member**

Serve as leaders and partner with other governments and jurisdictions

1. Consent Items (None)
2. Approval of Minutes Lawson
3. Proposal Regarding SCFD Participation Jordy/Brown
4. Federal Legislative Update Hettinger
5. State Legislative Update O'Keefe/Palmisano
6. Water Kitzmann
7. Miscellaneous Matters for Consideration

Next meeting – April 30, 2021

Federal, State and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
April 2, 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, CM Alison Coombs, Nancy Freed, Kim Skaggs, CM Crystal Murillo, Kathy Kitzmann, Jake Zambrano, Diana Giordano, Doug Wilson, Megan Platt, Joe Sack, Ronald Roulhac, Sandy Thomas

1. APPROVAL OF MINUTES: March 19, 2021 minutes were approved as written.

2. CONSENT ITEMS: None.

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. Redistricting Resolution 2021

Summary of Issue and Discussion: Luke Palmisano said that staff is requesting the Committee approve and move the Redistricting Resolution to full Council for approval. Jake Zambrano said he wanted to point out that they have added police and fire to the primary services that residents expect from the city. He also stated he does not have anything more to add to what was discussed at the last meeting. CM Lawson said this resolution is scheduled to go to Study Session on April 5, 2021. CM Gardner, CM Johnston and CM Lawson are all in support of this resolution going to Study Session on April 5, 2021. CM Johnston said she would like to speak to Senator Fields as well as her House District Rep. Mike Weissman. She said she will do that prior to Monday’s Study Session but that she is in support of it moving forward.

Outcome: Committee agreed to move the Redistricting Resolution to Study Session on April 5, 2021.

Follow-up Action: Staff will add Redistricting Resolution to April 5 Study session agenda.

5. Federal Legislative Update

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. Congress is currently on Passover/Easter recess. President Joe Biden on March 31, 2021, introduced the American Jobs Plan of 2021. The plan requests \$2 trillion over eight years to modernize the nation's infrastructure. This infrastructure includes roads, bridges and ports, but also addresses resiliency, the climate crisis, broadband access, waterways and housing. To pay for the plan, the president suggests a corporate tax hike over 15 years, among other modifications to the tax code. The American Jobs Plan is the first of a two-part package. The second package, the American Families Plan, is expected to be released in the next few weeks. Congress is also working on the Surface Transportation Reauthorization bill. This is a bill that Congress passes every 5 years to authorize funding, amend or create policy and programs for DOT. The city's priorities have been submitted to the Senate already. The priorities will be submitted to the House side next week. There is new grant money available for railroad crossings. Aurora has several so that may be another source of funding for the city. Staff is also asking for more money from the Surface Transportation Block Grant program. This is a flexible pot of money that can be used for streets, bridges, transit, pedestrian trails and highway safety. The lobbyists and staff are working with Congressman Crow on earmarks for specific projects. CM Gardner stated that it is a stretch to call this an infrastructure bill as there is a lot in the bill that is not related to infrastructure. To clarify; this is what President Biden would like to see but there will have to be subsequent legislation introduced. This is really a wish list and not actual legislation. L. Hettinger said yes this bill is a very broad framework of what the President is asking for. L. Palmisano said there are 2 projects that staff has identified for the Surface Transportation Authorization bill. One is an update to the bike/ped master plan. It is around \$500,000 to do the study. Staff believes this would serve underserved populations. It would help first and last mile connections for low-income residents to connect to public transportation. The second submittal, that is still being vetted, is widening Gun Club Road, south of Quincy before it turns into Aurora Parkway. CM Lawson asked that the committee be updated on any changes to the two priorities and any additional priorities that would be added. L. Palmisano said he will keep the committee informed. He also said there are two opportunities to put something forward one with the Surface Transportation bill and the other with the Appropriations bill. There are two different deadlines. He is still waiting to get a list of projects from other city departments. Once those project lists are received staff and the lobbyists will be working with Congressman Crow's office and will update this committee and City Council.

CM Lawson asked if L. Hettinger had an update on the Safe Banking Act of 2021. L. Hettinger said that this issue has been a priority for the city for many years. There has been some bipartisan support for a bill like this and more bills like this may be introduced in the future on this issue. It may not get passed this year because there are so many other issues, but this may very well be addressed by this Congress next year. CM Gardner said with New York legalizing marijuana the country is coming to a critical mass where the number of people living in states where legal banking has become a significant issue. The banking issue is continuing to be a problem and with the change in administration maybe there will be an appetite for change soon. CM Johnston said she advocated for this three years ago and Council unanimously agreed to add this as a priority. CM Johnston also stated that she agreed with CM Gardner's comments.

Outcome: Information only.

Follow-up Action: Information only.

6. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Luke Palmisano, Intergovernmental Relations Manager, gave an overview of bills that staff is requesting the committee take a position on.

HB21-1222: Regulation of Family Child Care Homes

The bill requires that family childcare homes be classified as residences for purposes of licensure and local regulations, including zoning, land use development, fire and life safety, and building codes. City staff recommend an active oppose position. The bill has been assigned to the House Public & Behavioral Health and Human Services committee and a hearing date of March 30 has been set. Staff has identified the following concerns with this bill. It will take away local government's ability to regulate these types of businesses. It dictates zoning classifications and zoning specifications when it comes to the number of children in a home. The bill is silent in the number of children allowed in a home. Right now the limit is five. The bill is also silent in terms of required safety mechanisms such as fire suppression. The current building code requires buildings with more than 5 children to have a sprinkler system, smoke detector, accessibility, etc. The bill also does not address drop off, parking traffic or other land use impacts. CML is opposed to this bill. They have been active on this bill up until now. They do not believe that the proponents of this bill are interested or willing to compromise. The bill did pass unanimously out of committee and has bipartisan support. Staff is asking for an oppose position instead of an amend position. CM Johnston said she had asked for more information on this bill. She struggles with the city's position of oppose to the bill at this time because she can see the intent of having childcare more accessible, however when staff responded with the safety concerns regarding the lack of direction on how many children can be in a home it is concerning. She is not opposed to the bill but she is not supporting the bill either, at this time she is taking a position of pursuing amendments to the bill. She said that she believes there is still room to talk to Senator Winter and others and maybe address some of these safety issues. CM Gardner said he struggles to take a position on this because it impacts local control, typically that would make him oppose a bill. He said the questions the city has with this bill seem really reasonable. His question is what is the problem they are trying to solve with this bill? And why are questions concerning the number of children and safety issues, not being considered by the bill sponsors? L. Palmisano said that there are different cities and jurisdictions with different requirements, and it is hard for childcare facilities to move from one to the other. This is an effort to standardize the requirements across all jurisdictions in the state. Staff is recommending an oppose position, but we can certainly take these concerns to the bill sponsors. CM Gardner said he agrees with staff's recommendation of oppose on this bill purely based on the fact that it takes away the regulatory ability from the city and moves it to the state. He thinks it should remain with the city. CM Lawson said she agrees with CM Gardner on that point, but in her opinion, there should be some effort to see if there is a possibility that the bill sponsors would listen to the city's recommendations. If not, we can go from there. Since there has not been any contact with the bill sponsors, in her opinion there should be some conversation with them first. If sponsors are not willing to consider the changes her position would probably be to oppose the bill. P. O'Keefe said the reason there has not been effort to contact the bill sponsors is because there was no formal position from the committee. Now they will be able to contact Senator Winter and set up a meeting with CM Johnston to talk though what the city's concerns are. CM Lawson said she would like to see the specific questions discussed here addressed with Senator Winter. She said is going to take a pursue changes through sponsor position for the

purposes of this meeting. L. Palmisano said he would recommend taking a monitor position right now so the lobbyist can engage with on this bill but staff does not have specific amendments at this time. CM Lawson agrees to support the monitor position. CM Johnston said she is on the same page as CM Lawson she will support a monitor position, but wants to see the concerns the city has to be addressed with the bill sponsors and the Aurora delegation in a formal way. L. Palmisano said if the committee will officially decide on a position staff will move forward with it. CM Lawson and CM Johnston agreed to pursue amendments through bill sponsor. CM Gardner opposes this bill.

SB21-118: Alternative Response Mistreatment At-risk Adults

This bill concerns the creation of an alternative response pilot program for county departments of human or social services to address a report of mistreatment of an at-risk adult. City staff recommend an active support position. The bill has passed the Senate Health & Human Services committee and referred amended to the Senate Appropriations Committee. A hearing date has not been set. L. Palmisano said that currently the law only allows for one type of response by the County Dept. of Health and Human Services following a report of mistreatment or self-neglect of an at risk adult regardless of the level of risk reported. This bill creates an alternative pilot program that participating county departments can utilize when it received a report. Sandy Thomas, Aurora Commission for Seniors gave an overview of the bill and why the city should support the bill.

4. Presently the bill must:
 - A. Adult Protective Services reviews report
 - B. Logged into the system
 - C. Regardless of level of risk - low risk or high risk requires a full investigation including unannounced home visit, in-person interviews and requires a finding of fault on the report.
5. Proposed
 - A. APS reviews report
 - B. Logged into the system
 - C. After review, if it is a low risk, wandering from home, self-neglect, home is neglected case, unannounced visit by police is optional
 - D. No finding of mistreatment
6. How does this affect Aurora PRESENTLY
 - A. Aurora Police Dept. Special Victims Unit is responsible for the unannounced visit
 - B. Low Risk reports - there is no crime; there can be no determination, there is nothing for SVU to do but send it back to APS
 - C. Presently overwhelmed with criminal reports.
 - D. Next 5 - 10 years, older adult population is going to increase significantly, making their jobs even harder.
 - E. STATISTICS - of 2000 - 2500 reports received to be investigated, about 5-7% are low risk - 150 - 200 misuse of SVU resources
7. Effect on At Risk Older Aurorans-Presently
 - A. Fear
 - B. Shame
 - C. Adverse response that can hinder follow up visits by trained protective serve professionals and social workers

Proposed Bill - Affect

8. Aurora Police Special Victims Unit

- A. This bill would relieve SVU from investigating noncriminal cases
- B. bill would allow APD to more efficiently and effectively investigate the more urgent criminal cases
- C. Pilot Program will identify glitches in the system

9. Older Aurorans Benefit

- A. Direct contact with social services or human services shame and fear of initial contact with police
- B. Abused/Neglected older adults will have a faster response from police and intervention in criminal conduct can be stopped sooner

Aurora Commission for Seniors request that the City actively support SB21-118. CM Lawson, CM Johnston and CM Gardner unanimously agreed to support this bill.

SB21-176: Protecting Opportunities and Workers' Rights Act

The bill seeks to address discrimination or unfair employment practices pursuant to Colorado's anti-discrimination laws related to employment discrimination. Employees would not be required to file a Charge of Discrimination with the Colorado Civil Rights Division prior to filing a lawsuit in court. The bill expands the definition of "employee" and adds new definitions for "harassment", "hostile work environment", and "independent contractor". The bill also specifies that it is a discriminatory or unfair employment practice for an employer to fail to initiate an investigation of a complaint or fail to take prompt remedial action if appropriate.

FSIR Position: Monitor. The bill has been assigned to the Senate Judiciary committee and has a hearing date of April 1. There were eight (8) amendments entertained and passed. The bill was laid over, no action was taken on the bill. Staff believes that several of the amendments are steps in the right direction. Amendment L 006 strikes the language that had alleviated the requirement for a claimant to exhaust the administrative remedies of the Colorado Civil Rights Division. It adds that step back into the process. The other amendments are not bad but they do not change the concerns that city staff has. There was over 7 hours of testimony on this bill yesterday. It looks like the bill sponsors are going to go back and entertain additional amendments. CM Lawson asked if anyone from other cities and jurisdictions have testified on the bill? P. O'Keefe said yes there was a lot testimony on the bill from both sides. There was a plethora of organizations that testified in favor of the bill. CML testified against the bill as did many other organizations. The Committee Chair, Sen. Lee have a lot of concerns particularly around the independent contractor part of the bill. He is very interested in having further discussions about potential amendments. CM Gardner asked how this bill deals with the independent contractor? California and a couple of other states make Uber drivers and others employees. Kim Skaggs, Assistant City Attorney, said this would be different than what California is doing with Uber drivers and independent contractors.

CM Johnston said she had to leave the meeting at this point but had reviewed the positions for the bills yet to be discussed and agrees with staff's position on them.

California is defining employment as it relates to independent contractors and Uber drivers differently than this bill. They are dealing with issues such as overtime and wage per hour. This bill simply addresses the ability to file a harassment or discrimination claim against an employer. P. O'Keefe said that one of Senator Rodriguez's concerns in the bill is that it would set some sort of precedent or baseline, for Workers Comp requirements or health insurance requirements. Some legislators think that this is going too far to hold employers responsible for independent contractors' actions. CM Gardner said that if statutorily the one law defines an independent contractor as an employee that could set the precedent for laws regarding wages, benefits etc., which would be a significant change to employment law.

SB21-182: School Discipline

The bill concerns school discipline and seeks to address disproportionate disciplinary practices and chronic absenteeism. The bill seeks to support students at risk of dropping out of school through standardizing the reporting method to report disproportionate discipline, limiting the actions of school resource officers, and developing restorative justice plans to foster strategies, procedures, and practices that minimize student exposure to the criminal and juvenile justice system. City staff recommend a monitor position. The bill has assigned to the Senate Education committee and has hearing date of April 7. L. Palmisano said staff do have some concerns with the bill, but they also see some value of the bill. Many of the concerns have to do with the limitations on school resource officers and what they can do on school grounds. The bill specifically prohibits law enforcement officers from arresting students or issuing summons or tickets on certain offenses. Staff is interested in talking to the bill sponsors and getting more information on those limitations. Staff would like to take a position of monitor so they can start to engage with the bill sponsors. CM Lawson asked if the feedback that L. Palmisano just gave is from ADP. L. Palmisano said that it is not directly from APD it is from the Megan Platt in the City Attorney's office. There has been no direct feedback from APD as of yet. CM Lawson said she is supporting the monitor position because there needs to be more conversations on the bill. She would like to know how the city is going to communicate their concerns to the bill sponsors about some of the issues that were brought up in the meeting. CM Gardner asked if there are specific amendments that the city would like to see on this bill? Are there changes or amendments that could happen to get this bill to a position where the city would support it? It sounds like the city has a philosophical opposition to this bill managing SROs, which he would agree with, but what are the amendments that the city would be seeking? L. Palmisano said that removing some of the more serious crimes from the exemption list would be the biggest issue. CM Gardner asked about the rest of the bill, is that the only real issue with it? L. Palmisano said staff is in general supportive of the bill as it makes an effort to cut down the so-called school to prison pipeline. This bill also addresses the effort to create a collaboration between the SROs and the community. The bill also will limit who can be School Resource Officer. For example, they could not have any disciplinary action in past. Clarifying that would be secondary issue of concern. CM Gardner said he agrees with the monitor position. The committee unanimously agreed to monitor this bill.

L. Palmisano gave an update on the following bills for informational purposes only.

Statewide Transportation Proposal

The proposal seeks to address statewide transportation funding through new fee revenue, general fund contributions, and federal and state stimulus support. The proposal projects \$3.924 billion from new fee revenue to support the state and local share of the Highway Users Trust Fund, and \$1.230 billion in general fund and stimulus contributions. The proposal also would create new enterprise funds to support Colorado's Greenhouse Gas Pollution Reduction Roadmap, promote multi-modal transportation, support electric vehicle charging infrastructure, vehicle fleet electrification, and electrification of public transit. The proposal includes a road usage fee, truck fee, electric vehicle fee, TNC fee, online retail order fee, rental car fee, taxi fee, among others. The bill has not been formally introduced. The bill draft is being circulated among bill sponsors and is expected to be formally introduced in the next week. L. Palmisano said that Public Works staff had a call with some of our state legislators but wanted to get direction from the Committee before going any further. At this point there is no official position.

CM Lawson said she has a few bills she would like to add for tracking purposes. The first one is issue regarding the use of Ketamine. She would like to keep track of this bill. Also, HB21-1051 Public Information Applicants for Public Employment. She asked if this is a bill we should be tracking? It is basically a clarification of the law by saying that local governments have the

discretion to name one or more candidates for finalists for positions. This bill basically allows public scrutiny to be on the applicants who are being seriously considered for a job rather than a list of all applicants. CM Lawson would like to track this if it is a direct impact on the city. CM Lawson stated that Mayor Pro Tem Bergan contacted her about HB21-1083 which discourages property owners from appealing their property taxes. P.O’Keefe said HB21-1083 has gone to the Governor for signature already. CM Lawson asked L. Palmisano to reach out to Mayor Pro Tem Bergan and provide her an update on the status of the bill. L. Palmisano state the Ketamine bill and a police reform bill were both introduced this week. Staff is in the process of getting feedback on these bills. There is also likely a Senate bill that will be introduced to clean up SB20-217. He said he is aware of HB21-1051 (Public Information Applicants for Public Employment) which has bipartisan sponsorship. CML has been active on it and he will follow up and bring it back to FSIR. He will also look into HB21-1083 (State Board Assessment Appeals Valuation Adjustment) and if it will be signed by the Governor. P. O’Keefe said that HB21-1083 has gone to the Governor for signature already. CM Lawson asked if bill numbers for the police reform bills that were mentioned have been assigned yet? L. Palmisano said bill numbers have been assigned. HB21-1250 Measures to Address Law Enforcement Accountability and HB21-1251 The Appropriate Use of Chemical Restraints on a Person. The Senate bill has not been introduced yet.

Outcome: Information only.

Follow-up Action: Information only.

7. WATER

Summary of Issue and Discussion: Kathy Kitzmann gave an update on the following: CDPHE Dredge & Fill Permit Program concept. Last year, Aurora Water recommended and FSIR approved an actively oppose position to what was draft legislation to authorize the Colorado Department of Public Health and Environment (CDPHE) to create a Dredge & Fill Permit Program for projects and activities in “Gap Waters”. Gap Waters are roughly defined as waters or wetlands that were covered under federal Clean Water Act 2008 Guidance but will no longer be protected under the 2020 Navigable Waters Protection Rule. There was statewide opposition and that draft legislation was never introduced last year. Today, CDPHE has a draft outline of a potential bill for this legislative session. The Colorado Municipal League (CML) has requested comments about the potential Dredge & Fill Permit Program. Aurora Water intends to provide CML with comments next week and will also share those comments with FSIR. CM Lawson and CM Gardner asked to see the comments. K. Kitzmann said she will get them out as soon as she can.

Outcome: Information only.

Follow-up Action: Information only.

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 April 14, 2021, 1:00 PM WebEx video conference meeting.

Approved:

Angela Lawson
Committee Chair

Date



SCFD information and City of Aurora benefits

April 4, 2021

Library & Cultural Services supports SCFD for many reasons. SCFD provides a steady funding source to subsidize Colorado's world-class cultural institutions. The five Tier I cultural institutions include the Denver Art Museum, Denver Botanic Gardens, The Denver Center for the Performing Arts, Denver Museum of Nature & Science, and Denver Zoo. It would not be possible for the City of Aurora to own and operate cultural institutions of this level independently, and Aurora's citizens benefit greatly from having access to these high-quality cultural opportunities.

The City of Aurora's Cultural Services Division is part of SCFD's Tier II funding family and received nearly \$350,000 in 2019. Without SCFD funding, the city would have to reallocate funding in the general fund to replace this money. Several additional Aurora arts organizations also receive funding in the Tier III category, which contributes to Aurora's cultural offerings. Separating from SCFD would leave many cultural organizations without much-needed funding. If Aurora kept its share of the SCFD taxes collected, it could fund programming, but it would not be enough to fund the construction, operation or maintenance of a new performing arts complex.

Scientific and Cultural Facilities District is governed by a State Statute. It outlines eligibility, funding distributions and SCFD administration. The SCFD is a seven-county tax district created within Colorado law, approved by Colorado's General Assembly and renewed by the voters multiple times over more than 30 years. The seven-county Denver metro area including Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson counties participate, except for the cities of Castle Rock and Larkspur in Douglas County. SCFD is divided into three tiers of funding.

Tier I: The organizations that created SCFD legislation.

The metro area's largest cultural organizations receive specific amounts determined by a funding formula set out in the SCFD statute. In 2019 the Tier I institutions served nearly 2 million residents from Adams, Arapahoe and Douglas counties at their facilities, and provided services to 62 of Aurora's 63 schools.

In 2016, the statute was changed. Once \$38 million threshold is reached for the year, the Tier I percentage of revenue decreases, and Tier II and Tier III percentage of revenue increases.

Tier I funding formula:

Tier I (below) \$38M = 64% total tax revenue

Tier I (above) \$38M = 57% total tax revenue

Tier I 2019 = \$39,309,176.78

Tier I organizations and the percentage of revenue received as statutorily defined:

- Denver Art Museum, 20.33%
- Denver Botanic Garden, 13.25%
- Denver Center for the Performing Arts, 17.68%
- Denver Museum of Nature & Science, 24.5%
- Denver Zoo, 24.4%

Tier II: City of Aurora Cultural Services and other regional facilities.

Regional organizations like the COA Cultural Services Division, Arvada Center, Children’s Museum of Denver, and Butterfly Pavilion, qualify by reaching certain budget and attendance thresholds. They receive funding through a second formula laid out in the statute, based upon paid attendance and annual income. In 2019, over 700 schools in Arapahoe and Adams counties were served by the Tier II organizations. In addition to funding for programming, the Cultural Services Division benefits through access to updated school contact information and shared data base, shared marketing, collaborative and shared programming opportunities, roundtable discussions, training opportunities and pooled resources. **In 2019, the Cultural Service Division’s Tier II award was nearly \$350,000.**

Tier II funding formula:

Tier II (below) \$38M = 22% total tax revenue

Tier II (above) \$38M = 26% total tax revenue

Tier II 2019 = \$15,238,168.38

To qualify for Tier II:

1. Annual income must meet/exceed threshold (\$1.71M for 2019).
2. Report on organization’s paid attendance.*
3. Report on organization’s documented free attendance.*

**Regional Impact Requirement; proving at least 15% of Colorado attendance comes from outside home county.*

Tier III: Aurora-based programming grants

Counties that participate in the SCFD also make decisions about how the tax is spent. Each county receives a share of the tax collected. County Cultural Councils then review applications for funding from eligible organizations and make recommendations on their county’s funding priorities. Those recommendations are then reviewed and approved by the board of county commissioners or city council and the SCFD Board of Directors. In 2019, 11 Aurora organizations received 38 project grants totaling \$685,785.20, to spend in Aurora. Some of these organizations included Vintage Theatre, Grand Design, Mudra Dance, Aurora Symphony, Aurora Singers, Kim Robards and DAVA. Note: PROS has received Tier III grants in the past and currently works with The Botanic Gardens, a Tier I, at the Plains Conservation Center to provide education programs.

Tier III funding formula:

Tier III (below) \$38M = 14% total tax revenue

Tier III (above) \$38M = 17% total tax revenue

Tier III 2019 = \$10,028,406.16

In 2019, there were 260 Tier III organizations.

Requirements of SCFD organizations

- Residency and service in the SCFD.
- 501(c)3 nonprofit incorporated with the Colorado Secretary of State’s office OR an agency of local government that has a cultural sub-unit.
- In existence and providing services to the public for at least the last five consecutive years as a 501(c)3.
- Filed either a Form 990 or 990-EZ with the IRS according to IRS requirements (not required by divisions of local government).
- Has as its primary purpose to enlighten and entertain the public through the production, presentation, exhibition, advancement or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences.

What the city of Aurora’s Cultural Services Division does with the \$350,000 SCFD grant

Cultural Arts provided fine and performing arts classes to 25,000 individuals of all ages and skill levels in 2019. SCFD funds provide financial assistance and scholarships to keep prices low and improve access for all. With SCFD funds, Cultural Arts partners with APS to offer enhanced services to gifted and talented students. Cultural Arts has also been able to offer unique and diverse musical concerts for the community each year.

With SCFD funding, the **Aurora Fox Arts Center** has produced 87 live performances, 30 camps and classes, recurring concert series, virtual programming and internships to college students. There have been approximately 13,000 attendees for live events and 25,000 for virtual offerings.

Aurora History Museum used SCFD funds to produce two exhibits, online events, programs, and a virtual STEAM Powered History Camp that provided “hands on” science and history activities for kids ages 8-13. The museum celebrated the 100th Anniversary of the 19th Amendment with an exhibition titled, “Battle for the Ballot: Women’s Suffrage in Colorado.”

SCFD tax revenue by county

<u>County</u>	<u>% of Total</u>	<u>SCFD Funds Collected in 2019 by county</u>
Adams	16.133%	\$10,670,300.22
Arapahoe	19.725%	\$13,045,850.54
Boulder	9.723%	\$ 6,430,990.72
Broomfield	2.361%	\$ 1,561,565.42
Denver	27.984%	\$18,508,485.60
Douglas	8.777%	\$ 5,805,372.45
Jefferson	15.29%	\$10,117,502.09



SCFD information and City of Aurora benefits

November 24, 2020

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Tier III 2019 = \$10,028,406.16

In 2019, there were 260 Tier III organizations.

Requirements of SCFD organizations

- Residency and service in the SCFD.
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- In existence and providing services to the public for at least the last five consecutive years as a 501(c)3.
- Filed either a Form 990 or 990-EZ with the IRS according to IRS requirements (not required by divisions of local government).
- Has as its primary purpose to enlighten and entertain the public through the production, presentation, exhibition, advancement or preservation of visual arts, performing arts, cultural history, natural history, or natural sciences.

What the city of Aurora's Cultural Arts Division does with the \$350,000 SCFD grant

Cultural Arts provided fine and performing arts classes to 25,000 individuals of all ages and skill levels in 2019. SCFD funds provide financial assistance and scholarships to keep prices low and improve access for all. With SCFD funds, Cultural Arts partners with APS to offer enhanced services to gifted and talented students. Cultural Arts has also been able to offer unique and diverse musical concerts for the community each year.

With SCFD funding, the Aurora Fox Arts Center has produced 87 live performances, 30 camps and classes, recurring concert series, virtual programming and internships to college students. There have been approximately 13,000 attendees for live events and 25,000 for virtual offerings.

Aurora History Museum used SCFD funds to produce two exhibits, online events, programs, and a virtual STEAM Powered History Camp that provided "hands on" science and history activities for kids ages 8-13. The museum celebrated the 100th Anniversary of the 19th Amendment with an exhibition titled, "Battle for the Ballot: Women's Suffrage in Colorado."

SCFD tax revenue by county

County	% of Total	SCFD Funds Collected in 2019 by county
Adams	16.133%	\$10,670,300.22
Arapahoe	19.725%	\$13,045,850.54
Boulder	9.723%	\$ 6,430,990.72
Broomfield	2.361%	\$ 1,561,565.42
Denver	27.984%	\$18,508,485.60
Douglas	8.777%	\$ 5,805,372.45
Jefferson	15.29%	\$10,117,502.09



**City of Aurora
Council Agenda Commentary**

Item #: 3b
 SS: 6/20/16
 1st: _____
 2nd: _____

Item Title: A Resolution of the City Council of Aurora, Colorado, concerning the renewal of the Denver Metropolitan Scientific and Cultural Facilities District tax revenue collections.
Item Initiator: Venegas, Roberto - Asst City Manager - General Management
Staff Source: Bateman, Patti - Director Of Lib & Cultural Svc - Library & Cultural Services
City Manager/Deputy City Manager Signature: Skip Noe
Outside Speaker:
Council Goal: 2012: 2.3--Actively participate in regional organizations on Intergovernmental issues

ACTIONS(S) PROPOSED (Check all appropriate actions)

- Approve Item as proposed at Study Session
- Approve Item with Waiver of Reconsideration
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee

Name: Federal, State and Intergovernmental Relations Policy Committee

Meeting Date: 05/20/2016

Actions Taken:

- Recommends
- Do Not Recommend

- Minutes Attached
- Minutes Not Available
- Forwarded without Recommendation
- Recommendation Report Attached

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.)

What Is SCFD?

The Scientific and Cultural Facilities District (SCFD) has existed for 27 years, ever since the successful ballot issue in 1988. Renewed by voters twice, SCFD is voter-created funding for citizen access to arts, science and culture. The question of renewal will be on the 2016 ballot.

The revenue comes from 1 cent per \$10 spent, and it goes to organizations of various sizes in the seven county Metro area. Tier I funding distribution is included in the state statute. Tier II funding distribution is based on qualifying income and paid attendance. Tier III funding is similar to a grant application.

More than 5.2 million people annually enjoy free days and access opportunities because of SCFD funds, generating an estimated \$1.85 billion in annual economic activity. Revenues under SCFD are currently in the \$52M/year range and anticipated to increase to \$88M annually in the next 12 years.

More information about SCFD can be found at: <http://scfd.org/p/about-scfd.html>

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

Who are the SCFD groups?

- Tier I are the 5 largest groups that draw the most people, with three quarters of attendees coming from outside of Denver. These groups include: the Denver Zoo, Denver Museum of Nature & Science, Denver Art Museum, Denver Center for the Performing Arts, Denver Botanic Gardens.
- Tier II includes the City of Aurora’s Cultural Services Division, Butterfly Pavillion, Children’s Museum, Clyfford Still Museum, Colorado Ballet, Colorado Symphony, Hudson Gardens, Lone Tree Arts Center, Mizel Center, Opera Colorado, Wings Over the Rockies, and several others.
- Tier III includes many small organizations, such as Adams County Historical Society, Thornton Community Band, Boulder Ballet, Colorado Chamber Players, David Taylor Dance Ensemble, Denver Urban Gardens, DAVA, Fiesta Colorado, Grand Design, The Spirituals Project, Tesoro Foundation, Friends of Dinosaur Ridge, Kim Robards Dance, Museo de las Americas, and more.

Current Division of Funds per Tier I, II, and III:

- Tier I groups share 65.5% of annual revenue
- Tier II groups share 21% of annual revenue
- Tier III groups share 13.5% of annual revenue

After \$38M is collected

- Tier I groups share 64% of annual revenue
- Tier II groups share 22% of annual revenue
- Tier III groups share 14% of annual revenue

SCFD Funding received by Aurora’s Cultural Services Division:

SCFD AWARD HISTORY

	Original Award	Final Amount Distributed
2012/2013	<u>210,592.99</u>	<u>224,967.00</u>
2013/2014	<u>225,308.71</u>	<u>240,350.20</u>
2014/2015	<u>222,864.28</u>	<u>257,587.92</u>
2015/2016	<u>272,186.93</u>	<u>289,879.08</u>

SCFD Board proposal (in brief):

- Tier I groups would share 64% of the annual revenues instead of the current 65.5%
- Tier II groups would share 22% of the annual revenues instead of 21%
- Tier III groups would share 14% of the annual revenues instead of the current 13.5%

After \$38M is collected

- Tier I groups would drop to sharing 57% of the annual revenue (\$37.3M decrease over 12 years)
- Tier II groups would increase to sharing 26% of the revenue (\$22M more over 12 years)
- Tier III groups would increase to sharing 17% of the revenue (\$15.3M more over 12 years)

In the first year, 2018, Tier II and Tier III funding would increase \$2.5 million over the prior year, a 13% increase, while Tier I would receive almost \$1 million less. Over the next 12 years, Tier II groups would receive \$22 million more and Tier III groups \$15.3 million more covered by the proposal, while Tier I would receive \$37.3 million less compared to the present formula. Over 12 years, Tier I revenue would increase at a little over the historical rate of inflation while Tier II and Tier III revenues would increase by over twice the historical rate of inflation and would provide significant additional real dollars to Tiers II and III, allowing them to grow.

SCFD Board Process for Proposed Plan Development

- The proposed new funding structure was recommended after nearly 4 years and thousands of hours of stakeholder outreach that netted hundreds of written and oral comments. An 18 member Task Force that included 6 Tier III members recommended the proposed new funding structure.
- Prior to the Task Force recommending the new funding structure to the SCFD Board, numerous options and ideas were thoroughly vetted by the 18 members.
- The Task Force arrived at their recommendations to the Board as the most responsible use of taxpayer dollars across the 7 county District.
- The Task Force recommendation was adopted by the SCFD Board at the June Board meeting as the proposal they believed both reflected the dramatic changes in the 7 counties and also provided the greatest access for the greatest number of citizens to the widest variety of arts and cultural offerings the region has to offer.
- The proposed new funding plan from the SCFD Board is the biggest shift in distributions across all tiers in 28 years.
- There will be less revenue growth for Tier I's and more revenue growth for Tier II's and Tier III's with this adopted funding structure.

Official Support To Date:

The Colorado Legislature approved SCFD's reauthorization legislation and it was signed by the Governor on April 29, 2016.

Opposition:

Friends of Arts and Culture Equity (FACE) proposal (in brief):

- Cut Tier I groups' share to 50%
- Increase Tier II groups' share 30%
- Increase Tier III groups' share to 20%

The FACE stance is that this would more equitably distribute the funding throughout the region.

The resolution pertaining to SCFD renewal was reviewed by the FSIR Policy Committee at the May 20, 2016 meeting. The pertinent section of the minutes is attached.

QUESTIONS FOR COUNCIL

Does Council wish to forward the SCFD Resolution to full Council for formal vote?

LEGAL COMMENTS

The Denver Metropolitan Scientific and Cultural Facilities District ("District") will submit to the registered electors of the District the question of whether the District shall be authorized to continue to levy and collect a sales and use tax to support the scientific and cultural facilities located in the state of Colorado as authorized by C.R.S. §§ 32-13-102 and 32-13-105 and SB16-016.

Appendix D, Paragraph (b) of the Council Rules requires unanimous support for ballot issue resolutions such as this. "A ballot issue resolution shall first be presented at a study session for a determination whether the resolution has the unanimous support of Council, which shall be a requirement to the passage of any such resolution." (TJoyce)

Mike Hyman

PUBLIC FINANCIAL IMPACT (If Yes, EXPLAIN)

Yes No

The City's Cultural Services Division currently receives approximately \$300,000 per year from SCFD Tier II funds, which are used to support the CS Division operations as appropriate.

PRIVATE FISCAL IMPACT (If Significant or Nominal, EXPLAIN)

Not Applicable Significant Nominal

N/A

EXHIBITS ATTACHED:

Resolution to Renew the District tax 2016 PDF.pdf
May 20 2016 Section of Minutes.pdf

RESOLUTION NO. R2016- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, CONCERNING THE RENEWAL OF THE DENVER
METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT TAX
REVENUE COLLECTIONS**

WHEREAS, the state legislature created the Denver Metropolitan Scientific and Cultural Facilities District ("District") to promote the scientific and cultural facilities located in the state of Colorado; and

WHEREAS, the registered electors within the geographical boundaries of the District have approved the collection of a uniform sales and use tax within the District; and

WHEREAS, the District has the responsibility to collect and distribute the sales and use taxes to assist the scientific and cultural facilities within the District; and

WHEREAS, the District conducted a three-year public process to identify recommended changes to the distribution of the taxes collected by the District, which changes and reauthorizing legislation were included in Senate Bill 2016-016 and signed by Governor Hickenlooper on April 29, 2016; and

WHEREAS, a ballot question will be presented to the voters at the November 2016 general election calling for the question to extend the collection of the one-tenth of one percent sales and use taxes currently levied and collected by the District, scheduled to expire June 30, 2016.

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

Section 1. The City Council supports the ballot proposal renewing the District sales and use tax collection and urges voter support for the ballot proposal of the District for the continued benefits that the District provides.

Section 2. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this ____ day of _____, 2016

STEPHEN D. HOGAN, Mayor

ATTEST:

Janice Napper, City Clerk

APPROVED AS TO FORM:

Tim Joyce
Tim Joyce, Assistant City Attorney

F:/Dep/City Attorney/CA/Tim/Resolution/Scientific and Cultural Facilities District/Resolution to Renew the District 2016

apply whenever a court enters a judgment or issues an order obligating a defendant to pay an amount to the court. Mr. Hyman advised that after Judge Weinberg testified and left the room, a city of Aurora appointed public defender testified that comments made by Judge Weinberg were common practice in Aurora and proceeded to explain why she was in "support" of the bill. Mr. Hyman explained that there has been a long standing verbal policy within the city of Aurora (COA) which only allows testimony to be given on behalf of the city when directed by a Council committees or the Council as a whole. When this protocol is followed, it prevents COA employees from testifying in contradiction to an official city position. When the protocol is violated, it creates confusion at the State Legislature and weakens the city's advocacy efforts. Mr. Venegas suggested that Council rules stipulate the restrictions that are to be adhered to for staff members testifying on behalf of the city of Aurora.

Council Member Richardson asked if his proposed charter amendment, which would add the public defender as a fifth appointee position for the COA, was being moved to the next Management and Finance (M&F) Policy committee meeting. Mr. Hyman indicated that it would be placed on the agenda at the next M&F meeting. He also suggested that the Public Defenders Commission be notified to voice the FSIR committee's displeasure of the public defenders' recent testimony in direct opposition to the city's position.

The committee discussed and agreed to review a draft resolution concerning city employees testifying on behalf of the COA, prepared by Mr. Hyman, at the next FSIR meeting.

Outcome

Mr. Hyman will provide the committee with a draft resolution at the next FSIR meeting. Staff will provide further legislative updates as they become available.

Follow-up Action

None Required.

SCIENTIFIC & CULTURAL FACILITIES DISTRICT SUPPORT RESOLUTION (SCFD)

Summary of Issue and Discussion

The Colorado Legislature approved SCFD's reauthorization legislation and it was signed by the Governor on April 29, 2016. The committee discussed and agreed to move this item on to study session for review and possible approval.

Outcome

This item will be forwarded to the city council as a whole for review and possible approval.

Follow-up Action

None Required.

MEMORANDUM

TO: FSIR COMMITTEE

FROM: LUKE PALMISANO, INTERGOVERNMENTAL RELATIONS MANAGER

SUBJECT: STATE LEGISLATIVE UPDATE

DATE: APRIL 14, 2021

Action Items

HB21-1250: Measures to Address Law Enforcement Accountability

The bill makes changes to the provisions of Senate Bill 20-217, enacted in 2020, to provide clarity and address issues discovered since the passage of the bill. The bill clarifies some of the circumstances when a body-worn camera must be operating and provisions related to the release of the footage. The bill expands the definition of "contact" and clarifies and adds to some of the information that must be reported. SB 217 required the Peace Officers Standards and Training (P.O.S.T.) board to permanently decertify a peace officer if the officer failed to intervene and serious bodily injury or death occurred. The bill changes the penalty to a suspension of the officer's certification for one year. The bill also requires the employer to conduct an investigation of an officer prior to determining if the officer acted in good faith. The bill requires a peace officer to use de-escalation techniques prior to the use of physical force and requires the use of physical force to be objectively reasonable. **City staff recommend an amend position.**

The bill.

Sponsors: Rep Herod, Rep Gonzales-Gutierrez

Status: The bill has been assigned to the House Judiciary Committee and has hearing date of April 21.

HB21-1251: Appropriate Use of Chemical Restraints on a Person

This bill concerns the appropriate use of a chemical restraint upon a person in a nonhospital setting. The bill requires an agency that uses a chemical restraint to ensure that a person administering ketamine, haloperidol, or any other medication that is severely dependent on the weight of an individual or may result in a severe or adverse reaction with improper dosage in a

nonhospital setting does so when staff trained in the administration of such medication can monitor the vital signs of the individual and weigh the individual to ensure accurate dosage. The bill prohibits a peace officer from using, requesting, causing, directing, or influencing the use of a chemical restraint upon another person. The bill prohibits a peace officer from compelling, requesting, causing, directing, or influencing an emergency medical service provider (EMS provider) to administer a chemical restraint. **City staff recommend a monitor position.**

The [bill](#).

Sponsors: Rep Herod, Rep Caraveo

Status: The bill has been assigned to the House Judiciary Committee and has hearing date of April 21.

Information Items

HB21-1025: Nonsubstantive Emails And Open Meetings Law

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: Active Support

The [bill](#).

Sponsors: Rep Arndt, Sen Ginal

Status: Governor Polis signed this bill into law on April 7, 2021.

Create The Colorado Office Of New Americans: HB 1150

The bill creates the Colorado Office of New Americans (ONA). The ONA serves as the point of contact for immigrant-serving state agencies, private sector organizations, and the public about immigrant issues in Colorado, and has as one of its central purposes the successful integration and inclusion of immigrants and refugees in our state's communities. As its main priority, the ONA is required to implement a statewide strategy to facilitate economic stability and promote successful economic, social, linguistic, and cultural integration by investing in the success of immigrants in Colorado.

FSIR Position: Active Support

The [bill](#).

Sponsors: Rep Jodeh

Status: The bill has passed the House State, Civic, Military, & Veterans Affairs committee on April 8 and has been referred amended to the House Finance Committee. No hearing date has been set.

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.

FSIR Position: Active Support

The [bill](#).

Sponsors: Rep Snyder

Status: The bill has passed the House Business Affairs & Labor committee on April 8 and referred amended to the House Finance Committee. No hearing date has been set.

Regional Transportation District Operation: HB21-1186

The bill amends provisions related to the operation of the Regional Transportation District including removing a cap on the amount of all vehicular service the district can allow to be provided by third parties; expanding the types of entities the district can contract with to include nonprofit organizations and local government; repealing the farebox recovery ratios, repealing a limitation on developments that would reduce parking at a facility or result in a competitive disadvantage to private businesses near the facility; and repealing limitations on the district's authority to charge fees and manage parking at district parking facilities.

FSIR Position: Active Support

The [bill](#).

Sponsors: Rep Gray, Rep Sullivan, Sen Winter, Sen Bridges

Status: The bill has been passed third reading in the House on April 6 and has been sent to the Senate for Consideration.

Military Family Open Enrollment In Public Schools: HB21 1217

The bill requires a school district, district charter school, and institute charter school to accept the school liaison address for the military installation for purposes of demonstrating residency for inbound active duty military members participating in open enrollment; and to grant guaranteed automatic matriculation to the child of an inbound active duty military member while the child remains in the school, and priority preference for younger siblings of the child for enrollment in subsequent school years.

FSIR Position: Active Support

The [bill](#).

Sponsors: Rep Bockenfeld, Rep Bacon, Sen Fields, Sen Lundeen

Status: The bill has passed the House Education committee on April 8 and has been referred amended to the House Committee of the Whole.

HB21-1222: Regulation of Family Child Care Homes

The bill requires that family child care homes be classified as residences for purposes of licensure and local regulations, including zoning, land use development, fire and life safety, and building codes.

FSIR Position: Amend

The [bill](#).

Sponsors: Rep Van Winkle, Rep Valdez, Sen Winter, Sen Smallwood

Status: The bill passed third reading by the House Committee of the Whole on April 6. The bill has been introduced in the Senate and assigned to the State, Veterans, and Military Affairs Committee. No hearing date has been set.

SB21-182: School Discipline

The bill concerns school discipline and seeks to address disproportionate disciplinary practices and chronic absenteeism. The bill seeks to support students at risk of dropping out of school through standardizing the reporting method to report disproportionate discipline, limiting the actions of school resource officers, and developing restorative justice plans to foster strategies, procedures, and practices that minimize student exposure to the criminal and juvenile justice system.

FSIR Position: Monitor

The [bill](#).

Sponsors: Sen Buckner, Rep Herod

Status: The bill was postponed indefinitely by the Senate Education committee on April 7.