

Federal, State and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
January 28, 2022

Members Present: Council Member Angela Lawson, Chair;
Council Member Curtis Gardner, Vice Chair
Danielle Jurinsky, Member

Others Present: Peggi O’Keefe, Lauri Hettinger, Natasha Campbell, Roberto Venegas, Kathy Kitzmann, Jessica Prosser, Karen Hancock, Totsy Rees, Sean Day, Rachel Allen, Cammie Grant, Douglas Wilson, Mike Ridder, Joshua Godwin, Minsoo Song, Trevor Vaughn

1. APPROVAL OF MINUTES: January 14, 2022 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. FEDERAL LEGISLATIVE UPDATE

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. Congress has been on recess this week, when they return, they plan to wrap up all the appropriations from federal agencies. The Department of Transportation is busy implementing the infrastructure bill. CM Lawson asked for the status on the earmarks that were submitted to Rep. Crow and Sen. Bennett. L. Hettinger said once Congress finalizes the appropriations, they will mostly likely be included in addition to the mobile encampment center earmark. Once Congress is finished with the appropriations for 2022, they will start with appropriations for 2023. L. Hettinger will then work with R. Venegas and staff on which projects the city would like to request for 2023. CM Lawson asked how FSIR will be informed of the projects that staff is recommending for earmarks? R. Venegas said the process is the same for both the infrastructure bill and the earmarks. Staff is meeting and will come up with recommendations for both the infrastructure bill and earmarks. That list will then come to FSIR for the committee’s approval. Once the FSIR committee has finalized a list it will move forward to full Council for approval. CM Lawson said she had forwarded some available grants and funding opportunities to R. Venegas and would like to see the city take advantage of these opportunities. CM Lawson asked if the different grant and funding opportunities could be added to the agenda for a future FSIR meeting. R. Venegas said they will put together a presentation on that for a February meeting.

Outcome: Information only.

Follow-up Action: Information only.

5. FEDERAL PRIORITIES

Summary of Issue and Discussion: R. Venegas went over the proposed City of Aurora federal priorities for 2022.

HOUSING AND HOMELESSNESS

Subject: Federal programs and grants for homelessness
Congress and Housing and Urban Development (HUD)

The COVID-19 outbreak and associated economic hardships have resulted in an increase in homelessness in the city. This has forced the city to reevaluate homeless programs and provision of services. To that end, the city supports measures that provide additional funding for the homeless population to shelter in non-congregant shelters including vacant motel and hotel rooms, and alternative sheltering options such as safe outdoor spaces, tiny homes, and pallet shelters.

Requests: The city supports the following principles to be included in in the annual fiscal year (FY) Transportation/HUD Appropriations bill or future Congressional legislation to combat the economic effects resulting from the COVID-19 outbreak.

- Investments in programs providing permanent housing for people experiencing homelessness.
- Increase in funding for the CDBG and HUD Emergency Solutions Grant Programs.

Subject: Federal programs and grants for housing assistance
Congress and Housing and Urban Development (HUD)

The economic effects of the COVID-19 outbreak have forced many businesses to curtail their activities or shut down entirely causing millions of people to lose their employment. Housing assistance is a critical measure to prevent additional renters and homeowners from falling into homelessness.

Requests: The city supports the following principles to be included in the annual fiscal year Transportation/HUD Appropriations bill or future legislation to combat the economic effects resulting from the COVID-19 outbreak.

- Private Activity Bond Financing Program - lower the threshold of required Private Activity Bond financing which would free up more funds for affordable housing projects and allow states to fund nearly twice as many affordable housing developments.
- The 4% Low-Income Housing Tax Credit – The Low-Income Housing Tax Credit is a primary tool to produce and preserve affordable housing. However, the requirement that at least 50% of such projects are financed by tax-exempt bonds limits access to the 4% tax credits for the rehabilitation of affordable housing greatly reducing the number of affordable housing produced. The City of Aurora requests the minimum threshold of tax-exempt bonds needed to receive an automatic 4% Low-Income Housing Tax Credit award be lowered from 50% to 25% to increase the rehabilitation of affordable housing.
- Housing Choice Vouchers – The City requests an expansion of housing choice vouchers program which would sharply reduce homelessness, housing instability, and overcrowding.

- Investments in housing and development programs including rental vouchers and mortgage assistance programs to prevent individuals and families from falling into homelessness.
- Increase in funding for the CDBG and HOME Programs.
- An increase of the HUD maximum income restrictions for the down payment assistance and the rental assistance program to stay relevant in the current market.
- Programs that preserve housing for extremely low-income households, including those that address chronic homelessness among veterans, youth, and families.
- Raise the Davis-Bacon project threshold to \$250,000 for non-residential and increase the CDBG housing unit threshold to 12 units to coincide with the HOME program.
- Eliminate the 15% set-aside of HOME funds for Community Housing Development Organizations (CHDOs).

Requests: The city of Aurora requests Congress and federal agencies support the following:

- The Eviction Crisis Act (S. 3030), sponsored by Senator Bennet of Colorado
- The Fighting Homelessness Through Services Act (S. 923/H.R. 1979)
- The Housing is Infrastructure Act (H.R.4497)

CM Lawson, CM Gardner and CM Jurinsky unanimously voted to approve this priority and move it forward to full Council for approval.

POLICE REFORM

Subject: Measures to increase the integrity and accountability of law enforcement
Congress

Police reform continues to be a priority area for the City of Aurora. The city has been proactive on reforms inside their own department and the state of Colorado has passed needed reforms in recent years, but the city believes federal legislation is still needed.

Requests: The city supports the following principles to be included in future congressional legislation surrounding police reform.

- Justice for Breonna Taylor Act - The Justice for Breonna Taylor Act introduced in the U.S. Senate would prohibit no-knock warrants, which allows law enforcement officials to forcibly enter a home without announcing their authority or purpose. The city supports this legislation.
- National Ban of Chokeholds – The city supports a national ban of the use of chokeholds, carotid holds, sleeper holds or similar techniques by law enforcement.
- Emmett Till Antilynching Act (H.R. 55) – The Emmett Till Antilynching Act passed by the U.S. House of Representatives establishes a new criminal civil rights violation for lynching. Specifically, a person who conspires to commit certain civil rights offenses (e.g., a hate crime act) is subject to criminal penalties. The city supports this legislation.
- National Database – The city supports the creation of a national database to track officer wrongdoing.
- Failure to Intervene – The city supports legislation that would create a national standard to hold police officers accountable in a situation where they fail to intervene to prevent another officer from using excessive force.
- Eliminating Mandatory Minimum Prison Sentences – The city supports legislation that would end mandatory minimum prison sentences for non-violent drug offenses.

- Ending Civil Asset Forfeiture – The city supports legislation that would end civil asset forfeiture by law enforcement.
- Ending Qualified Immunity Act (S. 492/H.R. 1470) – The city supports the Ending Qualified Immunity Act introduced in the U.S. Senate and the U.S. House of Representatives that would eliminate qualified immunity and restore Americans’ ability to obtain relief when police officers violate their constitutionally secured rights.
- The city of Aurora supports legislation that strengthens the training methods and tactics throughout law enforcement jurisdictions, especially regarding de-escalation of force and the duty to intervene, providing law enforcement with new funding to do so.

CM Lawson, CM Gardner and CM Jurinsky unanimously voted to approve this priority and move it forward to full Council for approval.

INFRASTRUCTURE INVESTMENT

Subject: Efficient Permitting for Water Infrastructure Projects

Congress, U.S. Forest Service, Bureau of Land Management, and Army Corps of Engineers

A challenge to creating essential water infrastructure projects is obtaining the necessary permits. Permitting can take decades with associated costs often becoming unnecessarily burdensome. It should not take decades to analyze alternatives and render a decision. The U.S. Forest Service, Bureau of Land Management, and the Army Corps of Engineers have all delayed analyses and decisions on Aurora’s requests due to lack of staff expertise and staff time. Aurora has current requests with each of these federal agencies that are all beyond a reasonable timeframe for a decision, and the agencies are again telling Aurora Water that the delays are due to lack of federal agency staff time. Congress needs to ensure that the Federal agencies are adequately staffed. The ability to hire third party consultants is helpful, but even that work needs to be reviewed by agency staff. Processing permitting requests in a timely manner would significantly increase the affordability of these projects.

Request: The city of Aurora respectfully requests additional streamlining (including adequate funding and staffing) of U.S. Forest Service, Bureau of Land Management, and the Army Corps of Engineers processes to permit water supply and watershed health projects in a timely and efficient manner.

Subject: Support for Healthy Forests

Congress, U.S. Forest Service, Fish & Wildlife Service, and Army Corps of Engineers

Aurora’s water supplies originate in the headwaters of three major basins within Colorado and include portions of the Arapahoe-Roosevelt, Pike-San Isabel, and White River National Forests. Protecting Aurora’s watersheds is critical to the success of Aurora Water’s mission to enhance and protect the quality of life for Aurora’s residents by providing safe, dependable, and sustainable water services. Aurora’s municipal water supplies have suffered greatly because of forest fires and subsequent floods and debris flows. The passage of the Infrastructure Investment and Jobs Act of 2021 (IIJA) is a great step forward in securing needed funding to carry out prevention, mitigation and restoration in our forests. However, Aurora remains concerned that unnecessary limitations in the permitting processes will hinder our ability to implement infrastructure and processes necessary to ensure healthy forests.

Request: As requested above as part of our permitting request, increased legislative support ensuring adequate staff resources for our federal agencies is necessary to enable the agencies to carry out mandates provided in the IIJA. It is imperative to solve staffing issues and create

efficiencies within federal agencies if we are to succeed in protecting and/or restoring our forests and watersheds.

Subject: Federal Leadership on Climate Change Studies, Planning, and Adaptation Abilities
Congress, Department of Agriculture, Department of Interior, National Oceanic and Atmospheric Administration, and Environmental Protection Agency

Aurora Water routinely at least one area of our system experiencing drought and reduced water supplies in any given year. Climate change (or global warming) is increasingly impacting water availability. Statistical trends show this continuing through increasing hydrological variability with impacts to quantity, quality, and reliability of future water supplies. As planning efforts continue on local, regional, and national scales, Aurora Water supports federal agencies' collaborative and integrative approach in yielding the best science and prediction tools. Along with improving accuracy of hydrological and weather system prediction tools and technologies, Aurora Water is interested in promoting efficient energy use, increasing water storage capacity (both surface and underground), and further expanding reclaimed water projects to maintain a reliable drinking water supply. The city of Aurora supports collaborative, affordable approaches to local, regional, and national water resource quantity, quality, and reliability planning and implementation efforts.

Requests: The city of Aurora requests additional federal staffing and funding for weather and climate prediction technologies and research.

Subject: Water Utility Exemption from CERCLA Liability for PFAS
Congress and Environmental Protection Agency (EPA)

It is expected Congress will initiate an effort to list several PFAS (Perfluoroalkyl Substances) chemicals, more specifically PFOA and PFOS, as hazardous compounds under the Comprehensive Environmental Response, Compensation and Liability Act or CERCLA. Doing so could place both drinking water and wastewater utilities in a bit of a quagmire when it comes to disposal of waste products produced as part of their treatment processes. Both drinking water treatment and wastewater treatment facilities produce solids as part of their treatment processes that, often, contain some level of contaminants that were present in the water sources prior to treatment. Due to the ubiquitous nature of PFAS compounds in the environment, the solids produced from these treatment processes are likely to contain some level of PFAS through no fault of the drinking or wastewater utility. The compounds simply accumulate in the solids as because of the process to clean the water. These solids are often disposed at landfills or put to beneficial use and land applied. If a landfill, where these solids are disposed, were to become a superfund site and listed on the national priorities list due to PFAS contamination under CERCLA, drinking water and wastewater utilities could be liable for a portion of the clean-up costs even though they were not responsible for the original contamination. These costs could be in the tens of millions of dollars and would have to be passed along to the rate payers.

Request: The city of Aurora supports CERCLA and the need to clean up environmental contamination, but requests Congress to include an exemption from liability for water and wastewater utilities in any legislation that lists PFAS as a hazardous substance under the Act.

Subject: Transportation Infrastructure
Congress

The passage of the Infrastructure Investment and Jobs Act (IIJA) will provide an influx of funds to restore and repair transportation and infrastructure services in communities. The city will closely monitor the implementation of grant programs. These include the Bridge Grant Program (\$3.265 billion), the FRA Railroad Crossing Elimination Program (\$3 billion), and the Safe Streets and Roads for All Grant Program (\$1 billion).

Additionally, the city will compete for federal funding administered by state organizations through existing formula programs for important projects. These include mitigating congestion on critical freight corridors through the National Highway Freight Program (\$7.15 billion) and expanding city EV fleets through the Surface Transportation Block Grant Program (\$72 billion). Finally, systematic development of the city's Bicycle and Pedestrian Master Plan and accompanying funding to prioritize projects will continue to be a priority as the city seeks to improve alternative transportation modes.

CM Lawson, CM Gardner and CM Jurinsky unanimously voted to approve this priority and move it forward to full Council for approval.

IMMIGRANT AND REFUGEE COMMUNITY

Subject: Federal Legislation for Immigrants
Congress

Aurora welcomes immigrants and refugees from all over the world which makes the city so diverse and international. As such, the city created the Office of International and Immigrant Affairs in 2015 to facilitate the successful integration of immigrants and refugees into Aurora's civic, economic, and cultural life. The office oversees the development and implementation of a strategic citywide plan regarding policy, programs, and initiatives for the local immigrant and refugee populations.

The City of Aurora supports legislation that examine the barriers to employment for newly arrived immigrants and to provide policy recommendations for how to help them secure skill-appropriate employment opportunities in the United States. The city also supports legislation that assist with immigrant integration such grants for citizenship and naturalization programs, English as a Second Language programs, and civics programs.

Request: The city of Aurora requests the Colorado Congressional delegation to support the following legislation:

- Improving Opportunities for New Americans Act (H.R. 4928/S. 3470) sponsored by Congressman Crow of Colorado.

Subject: Deferred Action for Childhood Arrivals
Congress

The Deferred Action for Childhood Arrivals (DACA) program allows some individuals with unlawful presence in the United States after being brought to the country as children to receive a renewable two-year period of deferred action from deportation and become eligible for a work permit in the U.S. Expansion of this program will increase wages, improve health and well-being, reduce the number of households living in poverty, and add stability to the lives of DACA-eligible immigrants.

The Dream Act of 2021 would allow immigrant students without lawful status who were brought here as children and grew up in the United States to earn lawful permanent residence and eventually American citizenship. Recipients must meet a number of criteria including: coming to the U.S. as children and are without lawful status; graduating from high school or obtaining a GED; pursuing higher education, working lawfully for at least three years, or serving in the military; passing security and law enforcement background checks and pay a reasonable application fee; demonstrating proficiency in the English language and a knowledge of United States history; and having not committed a felony or other serious crimes and do not pose a threat to our country. This bill would finally give certainty to more than 26,000 Coloradans who are eligible for DACA.

Request: The city of Aurora requests the Colorado Congressional delegation to support the Dream Act (H.R.6/S.264)

Subject: Temporary Protected Status Program
Department of Homeland Security (DHS)

The Temporary Protected Status program was created by a bipartisan act of Congress in 1990. This status, afforded to nationals from some countries affected by armed conflict or natural disaster, allows persons to live and work in the U.S. for limited times. The DHS has ended crucial protections for immigrants from six countries. Over 300,000 people are at risk of losing legal protected status, including more than 3,000 Salvadorians in Colorado.

Request: The city of Aurora requests the U.S. DHS to renew and extend this program in 2021.

CM Gardner and CM Lawson voted to keep these as city's federal priorities. CM Jurinsky said she has no opinion at this time.

MILITARY/VETERANS

Subject: Support Buckley Space Force Base and the associated economic development in Aurora
Congress and Department of Defense

The city of Aurora is home to Buckley Space Force Base (SFB), serving more than 100,000 active duty, National Guard, Reserve, civilian, and retired personnel throughout Aurora and the surrounding community. The Base hosts the Buckley Garrison, a unit of the U.S. Air Force Space Command, as well as the Colorado National Guard 120th Fighter Squadron. Since its establishment in 1943, Buckley Air Force Base has served a critical role in the economic vitality of the city of Aurora. In the face of budget cuts and a potential base realignment and closure (BRAC) process, one of the city's highest priorities is the support of the ongoing mission of the Base.

Toward that end, the city supports the Defense Community Infrastructure Program, created in the FY 2020 National Defense Authorization Appropriations bill, provides critical funding for off base but adjacent community infrastructure projects that are key to supporting the Buckley mission.

Requests: The city supports the following principles related to Buckley AFB:

- The city of Aurora asks the Colorado Congressional delegation to continue support of Buckley Air Force Base in the FY 2023 Defense Appropriations Bill and assist in directing future missions to the base.
- In addition, the city of Aurora seeks support for future requests of the Defense Community Infrastructure Program as the city protects the viability of the Base's operations and defense capabilities.

CM Lawson, CM Gardner and CM Jurinsky unanimously voted to approve this priority and move it forward to full Council for approval.

MARIJUANA

Subject: Cannabis Industry and Banking Regulations
Congress and Department of Justice

In May of 2014, the City Council approved the licensure of retail marijuana establishments throughout the city of Aurora. The Council authorized 24 retail marijuana shops to

re licenses, with four licenses allowed in each of the six Council wards. However, the use, possession, and sale of cannabis remains a federal crime. This conflict in federal and local marijuana laws has made it difficult for legitimate recreational marijuana businesses to access basic banking services. With financial institutions hesitant to provide services to cannabis businesses, the industry has become cash reliant, creating public safety issues and the potential for money laundering to become more prevalent.

Request: The city of Aurora asks the Colorado Congressional delegation to lift the illegality of banking services to the cannabis industry. Toward that end, the city asks for Congress to support the Secure and Fair Enforcement Banking Act (H.R. 1595) that would prohibit penalizing a bank for providing financial services to a legitimate state-sanctioned and regulated cannabis business.

CM Lawson, CM Gardner and CM Jurinsky unanimously voted to approve this priority and move it forward to full Council for approval.

CLIMATE CHANGE

The Aurora City Council and city management have developed a vision of growth for the city that focuses on the principles of sustainability, energy efficiency and renewable energy. To demonstrate its commitment to sustainability principles, the city adopted the theme of sustainability in the update of its 2009 Comprehensive Plan. Toward that end the city supports legislation and funding that incentivizes carbon capture, use, and storage; advances alternative fuels; advances energy storage technology; improves energy efficiency; modernizes infrastructure; builds and supports community resilience; and seeks to lower carbon dioxide emissions.

R. Venegas said this priority is just a general priority and not connected to any specific legislation. He suggested it be removed from the list since the federal priorities are usually tied to a specific

ask or piece of legislation. CM Lawson said she agrees to remove this part since she sees some of the same asks in the other priorities. CM Gardner and CM Jurinsky voted to remove this priority.

R. Venegas said staff will move the federal priorities that the committee voted for to Study Session and then to a full Council meeting for discussion and approval before moving them forward as the city's official federal priorities.

CM Lawson asked because of the rise in crime all over the country will the administration be appropriating funding opportunities to cities? L. Hettinger said there has been some messaging on that, but she will look into it further and get back to the committee with more details. CM Lawson said once she hears what information L. Hettinger comes back with, she would like to see this added as a priority.

Outcome: Staff will move the federal priorities that the committee voted for to Study Session and then to a full Council meeting for discussion and approval before moving them forward as the city's official federal priorities.

Follow-up Action: Staff will add the Federal Priorities Agenda item to a future Study Session.

6. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O'Keefe, State Lobbyist, gave an update current legislation being introduced. The legislative session started on January 12, 2022. Since the Governor's emergency order has dissolved, the legislature will have to meet for 120 straight days. R. Venegas asked the committee to take a position on the following bills:

HB22-1003: Youth Delinquency Prevention and Intervention Grants

The bill establishes the delinquency prevention and young offender intervention pilot grant program in the Division of Criminal Justice within the Department of Public Safety. The program awards 2-year grants to local governments, American Indian tribes, school districts and charter schools, and nonprofit organizations to fund projects to reduce crime among youth. Preference is given to applicants whose projects demonstrate a community-based response in which multiple agencies coordinate to reduce crime among youth and those in areas with high rates of crime among youth.

The bill is in alignment with the Youth Violence Prevention program and could assist in funding implementation.

City Staff recommends an Active Support Position. The Committee unanimously voted to actively support this bill.

HB22-1011 Wildfire Mitigation Incentives for Local Governments

By March 1, 2023, the bill creates the Wildfire Mitigation Incentives for Local Government Grant Program in the Colorado State Forest Service to provide matching funds to local governments that raise dedicated revenue for forest management and wildfire mitigation activities. Mitigation efforts include forest thinning, wildfire fuel reduction, and outreach to property owners and the public for any other means of forest management of wildfire mitigation.

City Staff recommends an Active Support Position. The Committee unanimously voted to actively support this bill.

HB22-1067: Clarifying Changes to Ensure Prompt Bond Hearings

Under current law, when a defendant is detained in jail on a municipal hold, the defendant must receive a hearing before the municipal court within 2 calendar days, excluding Sundays and federal holidays. The bill requires the hearing to be held within 48 hours after the defendant arrives at the jail which could include weekends and holidays.

The bill does not contain funding to implement the weekend or extended holiday court and is an unfunded mandate. The State should fund municipalities, including the Aurora Court, Public Defender, City Attorney and Marshall's office through such programs as the First Appearance Grant Program.

Judge Shawn Day said the bill has been assigned to the House Judiciary Committee and the hearing date has been set for February 2. This will be the first hearing on the bill. There has been a submitted strike below and amendment to the bill. It reads that the 48-hour requirement would start after the receipt of such a notice that a hearing is needed, and it writes it is not a violation of this section, which is the 48-hour requirement. If it is not held, if there is a delay caused by circumstances in which the defendant refuses to attend court, is unable to attend court due to a debilitating physical ailment, whereas unable to proceed due to drugs or alcohol use or mental illness. That is the only amendment so far for this bill. There is not provision in the bill as it relates to funding for municipal courts. This is a big issue. There were also stakeholder discussions about the potential problem of getting people to appear in court who are being held by a sheriff's office. A sheriff would have to follow both district and county court judges' orders to get someone before the court, but municipal courts have not authority to compel a sheriff to do so. There is some concern that a sheriff may not dedicate resources to get a person before the court within the 48-hour mandate. Some potential language that could be added, besides the amendment stated above, is to the effect that the 48 hours requirement doesn't count if there is any delay outside of the control of the municipal court. To sum it all up Judge Day said he suggests the committee take the position of "oppose unless amended" and that the bill include some kind of funding and language that would address the potential issue with a sheriff getting a prisoner before the court within the 48-hour requirement.

CM Gardner and CM Jurinsky agreed with staffs oppose unless amended position. CM Lawson asked if the bill sponsors are listening to concerns of the municipal and have the sponsors been willing to have conversations about the issues that have been brought up? Judge Day said the bill sponsors have been willing to meet and have discussions, but the only amendment so far is the one

stated above. The two issues Judge Day expressed have been discussed but have not been included in any amendment so far.

Douglas Wilson, Public Defender, said he has been involved with bail reform for more than a decade and the research shows that when you hold low to medium risk offenders more than 48 hours pretrial the risk of recidivism goes up 40 %. D. Wilson says that the funding issue does need to be addressed and he believes there is a funding mechanism in place that if funded would address the issue, which is the First Appearance Grant program that is administered through DOLA. To sum it up the policy is a good policy and the trends and research support getting people out or before a court earlier.

R. Venegas suggested taking the amend position as that will allow the city lobbyists to have this conversation with CML to craft some amendments that would address the funding issues and having some contingencies for any extenuating circumstances.

CM Lawson said she too supports the amend position. She said she wanted to hear from Judge Day and D. Wilson out of respect for their perspective on this issue.

City Staff recommends an Amend Position. Committee members unanimously supported the amend position on this bill.

SB22-001: Crime Prevention Through Safer Streets

The bill creates the crime prevention through safer streets grant program in the Department of Public Safety (DPS). The bill requires DPS to issue requests for proposals to local governmental agencies for the agencies to identify areas where crime is prevalent. After identifying such areas, local governmental agencies can apply to DPS for grants for improvements designed to create safer streets.

This legislation would assist APD by making more state funding available to target increasing crime in the City.

CM Lawson said the only issue she has with this bill is that if you receive the funding it has to be used for a specific area. She hopes they would open it up a bit since the city of Aurora has different hotspots where crime is occurring. She said she still supports the bill but does not like that part of it.

City Staff recommends an Active Support Position. The Committee unanimously voted to actively support this bill.

HB22-1093: Updates to Bingo & Raffle Law

This bill authorizes additional types of equipment that players may use, including certain electronic devices that reveal the winning or nonwinning status of tickets in pull tab games, and clarify that these devices are not defined as slot machines or other prohibited devices. Staff believes that beyond modernization, the legislation will authorize electronic slot machine style

games for use by non-profits. Given that this will result in operations that resemble more of a casino operation, staff recommends the city oppose unless amended.

City Staff recommends an Active Oppose Position. CM Gardner and CM Lawson voted to actively oppose this bill. (CM Jurinsky was absent)

HB 22-1131 Reduce Justice Involvement for Young Children

The bill changes the minimum age of a juvenile who is subject to the juvenile court's jurisdiction. Under current law, juveniles who are 10 years of age and older can be prosecuted in juvenile court. The bill removes juveniles who are 10, 11, and 12 years of age from the juvenile court's jurisdiction and increases the age for a prosecution in juvenile court to 13 years of age; except in the case of a homicide, then the juvenile court's jurisdiction extends to juveniles who are 10, 11, and 12 years of age.

Judge Day said there are a lot of arguments in support to and in opposition to this bill. The broader application of this bill is that it would take criminal liability away from kids 10, 11 and 12 years of age. There is a lot of argument in opposition of that provision because there are a lot of people who believe that by doing so it makes communities and schools less safe. The only exception to in the bill that would allow somebody to be charged and criminally liable for their criminal act under the age of 13 is homicide. There are a thousand different scenarios where a dangerous act can be committed and the person is 10, 11 or 12 years old and not be criminally liable or charged. Examples are if somebody brings a gun to school, if they shoot somebody and that person does not die they will not be charged. If a 12-year-old sexually assaults a student or beats someone up they cannot be criminally charged. A lot of people are in opposition to this bill because they believe it makes communities and schools less safe and Judge Day says he echoes that. He is not saying that there is not a way to address what the concern of the bill is, and that is bringing too many kids into the criminal justice system. There are other solutions to the problem such as mandatory diversion, mandatory referral to restorative justice or other programs that can divert the person from the criminal justice system.

D. Wilson said he sent the committee some research and trends concerning this issue. This is one issue he has been involved with for over a decade and that is trying to stop the shackling of kids in courts, primarily state courts not municipal courts. Second, he has been working on raising the age of delinquency because not only the trends, but the research shows that bringing children as young as 10 in the criminal justice system has a significant long-term impact on them. The bill has bipartisan support, it is something that has been worked on for a long time. Judge Day is not inaccurate when he says there are offenses that could be serious offenses as it is presently written where kids won't be charged. But that is the concept which is that if you are 10 you do not have the brain capacity to form the comparable mental state to commit a criminal act. He is not suggesting that there should not be intervention and does not think the bill suggest that there should not be programs or there shouldn't be consequences associated with that or involvement with the family situation. The criminal justice system is not set up to deal with 10, 11 and 12-year olds who from the data do not have the capacity to recognize the criminality of their actions. D. Wilson said he has seen 10-year olds whose feet don't touch the ground sitting in the court with chains on their legs. It is crazy what we do to kids. And the negative impact is significant. We do have intervention and diversion programs but the problem with some of those programs are that they are run by the district attorneys and not the social institutions that should be running them.

And they are all post plead courts, meaning we are making 10-year olds plead guilty before they get the services. That puts them into the criminal justice system. The intent of this bipartisan bill is to reduce the number of kids and the impact on these very young children coming into the system. And this is why D. Wilson said the city should support the bill. Does it need to be tweaked as to what types of offenses need to be brought in. Perhaps and that may be something the committee or council would want to look at. But he does not think the research supports the position of continuing to charge children.

CM Gardner said he will take a monitor position after hearing the discussion wants to put more thought into it and read through the bill more. He would like to do more research and think about it more. CM Lawson said she agrees with CM Gardner on the monitor position. She understands where both sides are coming from but wants to look more at the impact it may have on people that are victims as well. There is a lot to consider on this bill.

Judiciary/Court Administration recommends an Active Oppose, Public Defender recommends a Support position. CM Gardner and CM Lawson voted to take a monitor position on this bill. R. Venegas said they will follow this bill and bring it back at the next FSIR meeting with any updates.

R Venegas said there are two other bills he wants to mention. One is the credit union and banking statutory changes. It has not been introduced yet, but we have our lobbyist monitoring the progress on that. The committee cannot take an official position on the bill until it is introduced, but as soon as it is it will come to FSIR for the committee to take a position on it. CM Gardner said that representatives from the Rocky Mountain Credit Union Association presented at the Management and Finance policy committee meeting.

R. Venegas said the second bill is the public employee collective bargaining bill that is in draft form now. It has not been introduced yet. After reviewing the draft there are some inconsistencies with the city charter and as a home rule city the city would like to have control in that area. Having said that a bill has not been introduced but we are tracking this closely. Rachel Allen, Manager of Client Services, said after reviewing the draft it would have a significant impact on the way we currently do negotiations in the city of Aurora and it would also expand the number of topics we would and could negotiate on. The City Attorney's office will continue to monitor this bill as well.

P. O'Keefe said CM Gardner has asked about the short-term rental's legislation. The bill has not been introduced yet, but she has seen a draft. It states if you are a primary or secondary homeowner then you would still be under the residential tax bracket and if you are renting your home out more frequently it would classify you as commercial. P. O'Keefe said she will send the draft to the committee members for review.

CM Lawson said she would like to have SB22-37 Parks and Recreation Tony Grampus Youth Services Program. This program funds local prevention, intervention and education programs for children, youth and their families. This bill is in line with the city's youth violence prevention program and she would like to track it because the city may be eligible to apply for the grant funding if the bill passes.

CM Lawson said another bill that she would like to track is HB22-1035. This bill reorganizes the commission on aging to coordinate and make further recommendation on workforce opportunities,

direct care, housing, office operations and age friendly living communities. R. Venegas said they will be added to the tracking list as a monitor position.

CM Lawson asked if they are tracking HB22-1051 Housing Affordable Tax Credits as that is important to Aurora as well. R. Venegas will check with Housing and Community Services to see if they have any feedback on it.

Outcome: The Committee voted on taking positions on the various bills as reflected above.

Follow-up Action: Staff and lobbyist will act on the above bills in accordance to the positions taken.

7. STATE PRIORITIES

R. Venegas suggested the State Priorities agenda item be pushed to the next meeting as CM Jurinsky is no longer in the meeting. CM Lawson agreed to table the issue so CM Jurinsky can be part of the discussion.

Outcome: The Committee voted to move the state priorities discussion to the next meeting.

Follow-up Action: Staff will move the state priorities discussion to the next meeting's agenda.

8. WATER

Summary of Issue and Discussion: Kathy Kitzmann, Water Resources Principal, gave an update on the following.

HB22-1011 Wildfire Mitigation Incentives for Local Governments. FSIR just took an Active Support position on this bill and the Water Department is also tracking. This is one of five bills that came out of the interim Wildfire Matters Review Committee. There is potential that these bills may be reviewed for addition of grassland mitigation. Currently HB22-1011 focuses on wildfire mitigation such as tree thinning, forest management fuels reduction, and public outreach. Thank you for the Active Support. We will watch for any amendment for grasslands that would also be positive.

Infrastructure grant recommendations and coordination. The Water Department also received the email from Senator Hickenlooper's office and we may reach out to Andres Carrera to help us formulate our department recommendations. The Water Department will work on our FY22 recommendations by the City's timeline of March 1st.

Outcome: Information only.

Follow-up Action: None.

9. MISCELLANEOUS

None.

CONFIRM NEXT MEETING

February 11, 2022 at 1 PM.

Approved:

Angela Lawson

Angela Lawson
Committee Chair

2-15-22

Date