

**Federal, State and Intergovernmental Relations (FSIR) Meeting**  
**Video Conference Call Meeting**  
March 10, 2022

Members Present: Council Member Lawson – Chair, Council Member Jurinsky

Others present: L. Hettinger, J. Godwin, S. Day, A. Botham, N. Campbell, T. Hoyle, K. Hancock, R. Allen, D. Wilson, T. Reyes, A. Carrera, K. Kitzmann, C. Grant, P. O’Keefe, D. Parker

**1. CONSENT ITEMS:** None.

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**2. APPROVAL OF MINUTES**

February 25, 2022 meeting minutes were approved.

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**3. FEDERAL LEGISLATIVE UPDATE**

Summary of Issue and Discussion: Lauri Hettinger gave an update on federal legislation.

Congress passed the HR 2471: Consolidated appropriations act that funds money for all federal agencies on a bipartisan basis in the Senate and the House. The president is to sign it into law on Tuesday, March 15<sup>th</sup>, 2022. It funds the programs in the bi-partisan infrastructure bill such as the transportation and water programs. L. Hettinger has been sending out NOFOs (Notice of Funding Opportunities) to the city for some programs from the infrastructure bill. Given the passing of this bill, there is a lot of opportunity for the city to start applying for grants for priority projects. Funding will be allotted for endangered species, healthy forests, outdoor spaces, streets and transit and aviation, and EPA water programs. The city’s earmark, the Safe Shelter Place, was also included by both the senators and congressmen.

Conversations with water, housing, and transportation are being had regarding earmark requests that will be included for the next appropriations for the Fiscal Year 2023. Earmarks are for dedicated project funding that requires a form to be filled out and a member will put it into a bill instead of applying for a grant. Money from earmarks goes directly to the city instead of through another agency. These were banned until last year due to some bad practices, but there are currently stricter guidelines on how a member submits an earmark.

NOFOs for electric vehicles were sent out to the city and the Public Works Department. The infrastructure bill created a new program for competitive grants and formula dollars to go to the state for electric vehicle infrastructure. Colorado has a certain amount of money that they must work with the cities and regions to put charging infrastructure along federal highways. This must be in collaboration with CDOT and DRCOG.

Supreme Court nominee confirmation hearings will officially start in two weeks and are expected to finish in May. The President’s Budget Request will come out next week. It includes

funding for criminal justice and helping the police prepare and get more money for mental health resources.

CM Lawson asked if some of grant funding would be for addressing crime. L. Hettinger clarified that this is the only information gathered from the Department of Justice. She clarified that the budget will come out next week and Staff will have more detail on this. However, those are the current priorities of the administration. L. Hettinger stated that she will present a comprehensive summary highlighting what the city will be getting. CM Lawson asked when the earmarks will be effective for safe spaces that were approved. L. Hettinger mentioned that it initially took three or four months. HUD would reach out to the city and put guidelines on how money can be spent. In six to eight months, the city would get a check. However, it might take a longer time to process now considering earmarks have not been done in a while. L. Hettinger stated that funds would be effective within the next year. L. Hettinger clarified that there was also an earmark for transportation when Congress was considering the transportation authorization bill. However, they took the Senate Transportation Bill instead of the house bill when they put a bipartisan infrastructure bill into place. The Senate transportation bill did not have earmarks written on a bipartisan basis.

Outcome: Information only.

Follow-up Action: None.

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## 5. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Josh Godwin gave an update regarding current legislation being introduced. He asked the committee to take a position on the following items:

### **HB22-1272: Repeal of Attorney Fees on Motion to Dismiss**

Under current law, a defendant may be awarded reasonable attorney fees in tort actions if the case is dismissed on motion of the defendant prior to trial. The bill eliminates this provision.

This bill would eliminate the City's ability to recover reasonable attorney's fees on cases in state court where the City prevails on a motion to dismiss. the recovery of fees under current law serves as an important deterrent to the filing of frivolous lawsuits that are legally insufficient and allows the City to recoup certain costs associated with responding to such frivolous suits.

CML does not have an initial stance but is looking for feedback.

City Staff Recommended an Active Oppose Position

Both Judge Shawn Day and Doug Wilson stated that these do not have an application within the criminal context and are primarily concerned with civil suits.

The Committee unanimously voted to actively oppose this bill.

**HB22-1277: Authorize Credit Unions to Hold Public Money**

Under current law, public money may be deposited in or invested with banks and savings and loan associations that are protected by the federal deposit insurance corporation. The bill permits the deposit or investment of public money with a credit union that is federally insured by the national credit union administration.

This bill expands the selection of eligible public depositories which may be considered when holding funds. There is a question of whether a credit union would be able to provide the same range of services that banks provide.

CML is supportive of this bill because of the flexibility it offers members.

City Staff Recommended a Support if Asked Position

Peggy O'Keefe clarified that CM Gardner is interested in actively supporting this bill as it would allow the city and local government to diversify and have more opportunities.

The Committee unanimously voted to actively support this bill.

**Informational Items****SB22-128: Implicit Bias in Jury Selection**

This bill has been postponed indefinitely in the Senate Judiciary and is not going forward.

**SB22-103: Remedy for Improper Guilty Pleas**

This bill passed the full Senate unanimously and is not assigned to the House.

**HB22-1131: Reduce Justice-involvement For Young Children**

On March 9<sup>th</sup>, House Judiciary passed nine out of 14 amendments that have passed or failed on a 6-5 vote. It is now into appropriations. It now includes amendment L011 which states that it currently includes municipal courts. L013 is an amendment that allows one specific charge of the sexual assault state statutes, the felony-level sexual assault. Representative Carver proposed an amendment to L012 to include all sexual assaults. This amendment did not go forward. Rep. Carver moved to amend to have the committee consider L007 asking that the bill would carve out any crime of violence under the VRA statute. This amendment also failed. With these amendments, a child aged 10, 11, and 12 may not be charged with any criminal act except homicide and felony-level sexual assault.

CM Jurinsky asked for clarification regarding the carve-outs. Judge Shawn Day clarified that a child cannot be charged with felony-level sexual assault. However, this specific crime of sexual assault only accounts for 15% of all sexual assault incidents. For the other 85%, they may not be charged. CM Jurinsky asked for the chances of this bill passing or failing. Peggy O'Keefe, a lobbyist for the city, stated that the proponents are not broadening exemptions and carve-outs on

the bill. She stated that it will be hard to predict the floor vote. Totsy Rees added that Representative Dylan Roberts voted against the bill and maybe helpful on the floor. CM Jurinsky stated that she would be willing to speak against this bill if needed. P. O'Keefe said that she will provide updates on this and that this bill will have another hearing in the Senate. CM Lawson shared her concerns about criminals using kids in this age group to do crime. She asked if there happen to be another bill prior to when this bill became effective if it would to negate this if it passed P. O'Keefe clarified that they could pass another bill to change the status of HB22-1131 if it amended the law.

Doug Wilson agreed that CM Lawson's concern regarding kids getting involved in serious crimes is a legitimate concern. He added that there is a push across the country to raise the age limit from 10 to 13 on juvenile filings for lower-level offenses. He stated that he hopes that there would be some reason around from the sponsors about the lower-level offenses versus the higher-level offenses.

### **Collective Bargaining Bill**

During Study Session, Staff has been directed to draft a letter in opposition to the potential collective bargaining legislation and this was submitted to the Committee. CM has already produced a coalition letter. If the Committee approves, this will move to the next Study Session for full council approval.

CM Gardner asked for clarification regarding the letter from CML and the letter produced by Josh Godwin and Roberto Venegas. J. Godwin clarified that this is not the same letter and CML produced their own letter and coalition with several other organizations.

The Committee supported moving the letter forward to study session.

Outcome: The Committee voted on taking positions on the various bills as reflected above. The letter in opposition to the Collective Bargaining Bill was supported by the Committee.

Follow-up Action: Staff and lobbyists will act on the above bills in accordance with the positions taken. The letter in opposition to the Collective Bargaining Bill will move forward to Study Session.

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## **6. STATE AND FEDERAL PRIORITIES**

Summary of Issue and Discussion: Josh Godwin and Scott Newman gave an overview of the newly drafted state and federal priorities.

CM Lawson asked for Scott Newman's thoughts on adding Broadband Infrastructure as a priority. Scott Newman stated that he thinks it is a priority for the city based on the reasons stated in the memo. He added that the National League of Cities recently put out a study about digital equity and digital access. Building the broadband infrastructure is only a part of the challenges. Another challenge is to make sure that people have access to the infrastructure. Underserved individuals may not have devices or the capability to gain access to broadband. The

FCC's program for providing a stipend to help offset some of those costs is very valuable to those portions of the community. Through Aurora CARES, a program was instituted which allows individuals to access devices inside the library to conduct business over the internet. People may also check the devices out and take them home. Continuing to expand those services is important to the community. The Governor has made an executive order that from the state perspective that they want to provide 98 to 99% ubiquitous broadband access within the next four to five years. He added that if Aurora does not treat this as a priority, it might become a community that is left behind. CM Lawson also asked for S. Newman's input on Cybersecurity being placed as a priority. S. Newman explained that there is a heightened alert around cybersecurity typically at the state level. The State Homeland Security Office and the Urban Area Security Initiative (UASI) usually define how the security funds should be used and local municipalities could apply for it. In the city, those funding programs are around assessments or penetration testing, which can help evaluate your cybersecurity posture. Those programs are valuable; however, Aurora already receives those services under programs that are already in place. S. Newman stated that it would be beneficial to the city if it had more discretion on how to spend those funds because the cybersecurity landscape changes so frequently.

CM Lawson asked for clarification regarding a comment on the document regarding police reform measures. It stated that Legal must be consulted to crosswalk with Colorado's privacy bill to ensure there are no contradictions. Scott Newman explained that the state passed a new privacy bill. Consultation with legal will ensure that there is no contradicting language between the new provision and what's already established under the privacy law. J. Godwin confirmed that the comment has been noted and that he will follow up with the City Attorney. CM Lawson asked for further clarification regarding a comment under the Federal Leadership on Climate Change Studies, Planning, and Adaptation Abilities. Scott clarified that it was just an edit.

CM Gardner asked Scott to talk more about potential legislation around cybersecurity. He expressed concerns about having the government involved in the tech industry. S. Newman shared that the potential legislation is on the reporting requirements around ransomware. This potentially prevents people from paying out claims under ransomware and reporting requirements. He added that there was a bill passed in the Senate that has advanced to the House regarding reporting requirements. He stated that it would be helpful to collaborate and make sure the federal government is aware that those activities regarding reporting requirements are taking place. City staff and other departments will be impacted trying to figure out how to operate without the access to the systems that normally they operate. He said that there should be more discussion on both the ransomware and reporting requirements. CM Gardner stressed that legislation preventing someone from paying ransom raises red flags as this is not a matter of the federal government. He added that he would be leery of any legislation that comes forward. He added that they would go down a slippery slope when they say that cybersecurity for individual businesses, municipalities, and even states is the federal government's purview. S. Newman mentioned that he would take a closer look at the legislation currently under consideration in the house regarding reporting requirements. He highlighted that there is no one size fits all to technology and that no community is identical. When they first looked to adding Cybersecurity as a priority, they were focused on funding opportunities that may come down the road. However, he noted that the federal government did not set aside any funding and that mandates were proposed unfunded. CM Gardner clarified that he does not want the city to miss out on potential funding opportunities, but he also does not want mandates coming from the federal

government around the city of Aurora as cybersecurity. The city should be responsible for cybersecurity and not the federal government.

CM Lawson suggested that Scott revise the priority. CM Gardner agreed to this and added that cybersecurity is not within the purview of the federal government, but he does not want to miss out on funding opportunities. CM Jurinsky agreed that this must be revised before being moved forward.

Outcome: Council has approved the priorities to move forward except for Cybersecurity.

Follow-up Action: Staff will revise Cybersecurity as a priority and will be brought back on the Committee’s next meeting. Other priorities will move forward to Study Session.

**7. WATER**

Summary of Issue and Discussion: K. Kitzmann gave an update regarding current legislation.

Aurora Water worked with other water providers on a potential exemption for maintenance and operation of water facilities. Versions of the exemption language were sent to CM Lawson via email.

**SB22-131: Protect Health of Pollinators and People**

This bill was proposed indefinitely. No more work on the amendment is needed.

Outcome: Information Only.

Follow-up Action: None.

**8. MISCELLANEOUS**

None.

**CONFIRM NEXT MEETING**

March 25, 2022, at 1 PM

Approved:	<i>Angela Lawson</i>	<u>3-29-22</u>
	Angela Lawson Committee Chair	Date