

**Federal, State and Intergovernmental Relations (FSIR) Meeting  
Video Conference Call Meeting  
February 11, 2022**

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

Others present: L. Hettinger, J. Goodwin, S. Day, A. Botham, N. Campbell, T. Hoyle, R. Venegas, 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** January 28, 2022 minutes were approved as written.

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**3. WELCOME AND INTRODUCTIONS**

Summary of Issue and Discussion: Chair CM Angela Lawson welcomed the committee to the video conference call and introductions were made.

Outcome: Information only.

Follow-up Action: None.

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**4. FEDERAL LEGISLATIVE UPDATE**

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. She gave an update on the federal appropriations bill.

Outcome: Information only.

Follow-up Action: None.

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**5. FEDERAL INFRASTRUCTURE BILL OVERVIEW**

Summary of Issue and Discussion: Lauri Hettinger gave an update and overview on the Infrastructure Investment and Jobs Act & Build Back Better Reconciliation Bill.

On November 15, 2021, President Biden signed the bipartisan “Infrastructure Investment and Jobs Act” (H.R. 3684) into law to invest in the nation’s infrastructure, including funding for roads and bridges, rail, transit, airports, energy, sustainability, water, and broadband, among other priorities.

- The House passed the measure on Nov. 5 on a 228-206 vote.

- The Senate had passed the measure in August on a bipartisan 69-30 vote. The legislation provides \$1.2 trillion in total spending over 5 years, including \$550 billion in *new spending*. The legislation includes several authorizing bills, including:
  - Surface Transportation Reauthorization Act of 2021 ([S. 1931](#))
  - Surface Transportation Investment Act ([S. 2016](#))
  - Drinking Water and Wastewater Infrastructure Act ([S. 914](#))
  - Energy Infrastructure Act ([S. 2377](#))
  - Digital Equity Act ([S. 2018](#))
  - RECYCLE Act ([S. 923](#))

This Bill contains new transportation grant programs which include public works looking into putting more ITS traffic simulation to make it easier for congestion mitigation through the SMART Program. Another priority is railroad crossing elimination. This program now has a \$3 billion budget over five years. The bill also introduces several new programs for bridges. In addition to these is the Active Transportation Infrastructures that will help increase trails and connect schools, work, businesses, and recreational areas across the city. The state has received funding for Electric Vehicles (EV) through a formal program with which there will be a competitive grant program where the city can compete directly.

As for water, Aurora Water has been working on a pilot program which has a \$2 billion fund per year. There is also an additional WaterSMART and drought contingency that the city is looking at for some of its water supply issues. There are programs for drinking water, wastewater, clean water which received huge increases in this bill that's mandatory over five years. In addition, for the first time, it requires the states to allocate at least 49 percent of the fines they get each year as grant or principal forgiveness rather than loans.

Included in the Bill are several new broadband projects which the city may be interested in applying. The digital equity provides for underserved communities for education, for schools and also that last mile connection for broadband as needed.

CM Lawson raised a question regarding if broadband is in the federal priorities. R. Venegas clarified that it is not but can certainly amend the priorities. The priorities still need to go before full council. Scott Newman, Chief IT Officer, is looking into competitive grants and whether we are equipped to pursue them. CM Lawson highlighted that people who live in older communities can only get a certain amount of bandwidth and that COVID brought forward the issues regarding broadband accessibility. CM Lawson also asked for support from CM Jurinsky to add this to the federal priorities list and bring this matter forward to the full council.

L. Hettinger mentioned that the NTIA, a part of the Department of Commerce, is doing webinars to help local governments explain the programs. R. Venegas mentioned that he is also participating in these along with S. Newman and the grants manager.

CM Lawson requested to get a closer look at all the grant programs and to look at which ones the city would be applying for that match up with federal priorities. She posed a question as to what programs the city is going to tap into in terms of funding. R. Venegas clarified that the internal

staff group has met to narrow down the list of grant programs and mentioned that in the future FSIR meeting, there would be more staff analysis on the programs and any potential projects that the city can target. He added that the infrastructure bill plussed up formula funds that go into DOTs and NPOs. R. Venegas confirmed that he will bring these items back to FSIR for the committee to review and the full council to approve any projects that the city ends up pursuing for federal funding.

L. Hettinger raised that when the notice of funding opportunities were released, the White House instructed federal agencies that the money needs to go up fast which resulted in a lot of programs being created and implemented. CM Lawson requested talking points that they use to address community questions regarding funding the city will applying for.

R. Venegas then introduced Andres Carrera, a staff member for Senator Hickenlooper office, that has responsibility over the Denver Metro Region. A. Carreras highlighted that his senator's office is open to writing letters of support in favor of the City of Aurora. He is also willing to partner with L. Hettinger in researching information for the City from Congressional Research Service or federal agencies. He stressed that Senator Hickenlooper was part of the 22 senators who was primarily responsible for drafting the Bill. The Senator is very interested in the EV charging network since he envisions a future with 100 percent renewable energy. He recognizes that the barrier to this would be range anxiety as the community is worried that there would be no charging stations available for them considering that they are very expensive. Senator Hickenlooper is also backing the importance of providing broadband to the City of Aurora. A. Carreras emphasizes that he is willing to help provide information to give Aurora a competitive advantage in grant applications.

CM Jurinsky requested Andres to encourage Senator Hickenlooper to share a vision regarding fighting crime and better support for the police department. R. Venegas stressed that Andres Carrera would be a point person regarding federal issues such as Social Security, Post Office, or Passport. CM Lawson asked for any information regarding the budget that cities will be able to apply for to address. L. Hettinger answered that she has not received any intel on this matter. A. Carrera shared that he has communicated with the CRS and Chief Wilson regarding this issue. As per his correspondence, the administration requested \$443.4 million to combat violent crime and gun violence, \$12.7 million for federal firearm licensing, theft, forensic services, and gun crime. This information will be disseminated to the committee.

Staff will add broadband to federal priorities for discussion in the next full Council meeting for discussion and approval before moving them forward as the city's official federal priorities.

Outcome: Information only

Follow-up Action: Information only

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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:

**HB22-1028: Statewide Regulation of Controlled Intersections**

An existing statute allows a municipality or county to adopt an ordinance or resolution specifying that a person riding a bicycle, electrical assisted bicycle, or electric scooter may make a safety stop, rather than a full stop, under certain circumstances when approaching an intersection that is controlled by a stop sign or a traffic control signal. This statute would apply statewide to persons approaching a controlled intersection and not operating a motor vehicle (i.e. bicycle, motorized bicycle, scooter) and would supersede any conflicting local ordinance. This bill limits local authority to enact regulations that protects the safety of its citizens. City staff recommended an active oppose position.

CM Lawson and CM Jurinsky voted to actively oppose this bill.

**HB22-1041: Privacy Protections for Protected Persons**

The bill adds state code enforcement officers to the list of protected persons who personal information may be withheld from the internet of the person believes dissemination of such information poses an imminent and serious threat to the person or family. Housing and Community Services is working to get municipal code enforcement officers and municipal animal protection officers included in the bill. The bill currently written does not affect the City. CML is also working to get a similar amendment to include municipal code enforcement officers.

City staff recommended an active support position.

CM Lawson requested clarification regarding whether the council will be working with bill sponsors to include the amendments or recommendations. R. Venegas clarified that CML is having those conversations with the bill sponsors, and they were amenable to adding those two different classes, code officers and animal services. P. O'Keefe echoed this.

CM Lawson and CM Jurinsky voted to actively support this bill.

**HB22-1051: Modify Affordable Housing Tax Credit**

The Colorado housing and finance authority (CHFA), under the Colorado affordable tax credit program, may allocate income tax credits in an annual aggregate amount of up to \$10 million for the years beginning on January 1, 2020, and ending on December 31, 2024. The bill extends this period to December 31, 2034 and increases the annual aggregate cap for the years beginning on January 1, 2023, and ending on December 31, 2034, to \$15 million.

This could provide funds for Aurora to build additional affordable housing.

City staff recommends an active support position.

CM Jurinsky will not take a position on this as she needs to further read about this Bill. CM Lawson supports this bill. Given that there is a split decision, Councilmembers decide to circle back on this bill once CM Gardner is back for the next meeting.

### **HB22-1112: Workers' Compensation Injury Notices**

Current law requires an injured employee or someone else with knowledge of the injury to notify the employer within 4 days after the occurrence of an on-the-job injury, authorizes a reduction in compensation to the injured employee for failure to timely notify the employer, and tolls the 4-day period if the employer has failed to post a notice specifying the injured employee's notification deadline. The bill changes the 4-day notice period to a 14-day notice period and repeals the tolling and compensation reduction provisions.

Increasing the reporting claim from 4 to 14 days means the adjuster will have more challenges investigating the validity of a work-related injury claim as memories fail and the “trail” grows cold. Adjusters can provide better a claims investigation, evaluation, and handling by receiving the notice of the claim as close to the injury date as possible.

City staff recommended an amend position.

CM Jurinsky moved to fully oppose this bill regardless of the presence of the proposed amendment. CM Lawson is going to take the position of Amend. Given the split, this Bill will once again be discussed at the next FSIR meeting to allow CM Gardner to give his position.

### **SB22-007: Increase Wildfire Risk Mitigation Outreach Efforts**

The bill requires the Colorado state forest service to convene a working group that includes the division of fire prevention and control in the department of public safety and the United States forest service, and that may include other local, state, or federal partners and entities engaged in wildfire risk mitigation in the wildland-urban interface (WUI).

The working group shall consider how best to conduct enhanced wildfire awareness month outreach campaigns in 2023 and 2024, as well as other outreach efforts that inform and motivate residents in the WUI to engage in more wildfire risk mitigation.

Having an AFR representative integrated with a Colorado Forest Service working group would provide beneficial resources, education, and pertinent information. There are no foreseen AFR staffing or fiscal impacts.

City staff recommends an active support position.

CM Lawson and CM Jurinsky voted to actively support this bill.

### **SB22-020: Court Reporter Administering Oaths or Affirmations**

The bill adds court reporters to the list of professionals who may administer oaths or affirmations.

This bill will help expand the people authorized to administer oaths without additional fiscal impacts to the city.

CM Lawson and CM Jurinsky voted to actively support this bill.

The next items are informational:

### **SB22-037: Tony Grampsas Youth Services Program**

The bill makes the following modifications to the Tony Grampsas youth services program in the state department of human services:

- Eliminates state agencies and state-operated programs from the list of entities that can apply for a grant to participate in the program;
- Adds prevention services to the services provided for youth and their families through community-based programming, including services for reducing crime and violence, abuse and neglect, drug and alcohol use, and school dropouts;
- Requires the grant application process for participating in the program to identify and prioritize funding programs that meet a need in the community;
- Requires entities that provide evidence-informed services for the youth mentoring services program to meet certain criteria;
- For entities providing services for the Colorado student before-and-after-school project, specifies that the services may include alcohol, tobacco, and other drug use intervention, prevention, and education components;
- For the funds that provide grant money to entities for providing services for the program, requires unexpended and unencumbered money remaining in the funds at the end of a state fiscal year to remain in the funds and available for expenditure by the state department in the following state fiscal year without further appropriations;

R. Venegas called on P. O’Keefe to give updates on other bills such as the collective bargaining bill, credit union bill, and the bill regarding the 72-hour prompt bond hearings. P. O’Keefe discussed that the committee has yet to see the collective bargaining bill that allows local governments, K-12, and higher education to be incorporated in the bill. The Governor has also expressed some concerns on the bill as well as Leadership having discussions about taking out various pieces of the bill. This bill also has the potential to interfere with the private business sector. The Credit Union Bill has also not yet been introduced. This is a bill regarding the

elimination of the prohibition for local governments or government entities from depositing funds into a credit union. Another is the Bingo Raffle Law which has been revised now. P. O'Keefe stated that the licensing director, CML, and other entities were concerned that the electronic pull tabs would proliferate outside the gaming community. P. O'Keefe will send the amendments suggested the Committee to take a Monitor Position.

T. Rees discussed SB22-023 which prohibits police officers from interrogating juveniles which received a few amendments from the Committee. The amendments include aligning the bill with Title 19 and narrowing the definition of agent. The Bill states that either an attorney or parent must be with the juvenile while being recorded in any kind of questioning. It clarifies that the bill is referring to custodial interrogation, not just any interrogation. This Bill is directly related to a juvenile, who is part of the innocence project, that was convicted of murder on the basis of false confession. He is a witness that claims to be coerced by law enforcement into admitting a crime he did not commit. T. Rees added that this Bill is going onto appropriations.

T. Rees also gave an update regarding the Governor's Public Safety Package. This calls for more than \$113 million to be invested in public safety over the next two years. Of that, \$16.6 million would be invested in mental health services and efforts to train and recruit officers. \$35.9 million will fund initiatives to make streets safer, including lighting improvements, increased community watch, and grants for schools to expand mental health resources aimed at keeping students and staff safe. \$6 million will be appropriated toward gender-based violence services and safety concerns compounded by the COVID pandemic. \$47.9 million to go toward behavioral health services, including early intervention programs geared toward preventing at-risk individuals from becoming involved in the criminal justice system. That would include adding bed capacity to the Colorado Mental Health Institute at Fort Logan and bolstering the state's behavioral health workforce by providing scholarships. Another \$7.1 million is designated toward recidivism initiatives that would focus on enhancing formerly incarcerated individuals and their ability to re-enter the workplace. This package also includes House Bill 22-1003, which sets up a 2.1 million delinquency prevention young offender intervention pilot grant program in the Division of Criminal Justice at DPS, so it includes American Indian tribe school districts, charter schools, non-profits, and any other organization that reduces youth crime. The bill is to be heard Wednesday in the House Judiciary Committee. CM Lawson requested a summary of the package T. Rees just presented.

CM Lawson asked CM Jurinsky for comments on the state update and CM Jurinsky stated that she has no further comments. CM Lawson requested input from Deputy Chief Darin Parker, Doug Wilson, and Judge Shawn Day regarding items from the Policing Subcommittee. The bills mentioned were SB 22-113 Artificial Intelligence Facial Recognition, SB 22-099 Sealing Criminal Records, SB 22-103 Remedy for Improper Guilty Pleas, and a pre-trial bill.

Judge S. Day answered that there are two pre-trial bills that are going to conflict. He will give notice once further information on the bills is available. He noted that the Committee has had discussions regarding issues on SB 22-099. For this bill, some of the language and provisions appear to be in conflict with each other and there is a presence of odd wording on the bill that is perceived as problematic. Initial discussions with the bill sponsors have been conducted and updates will be given regarding further information.

D. Wilson noted that SB 22-103 is problematic for the defense counsel due to an ethical obligation to explain the immigration consequences of a plea. If this discussion does not happen, it will be considered as ineffective assistance of counsel for the defense. R. Venegas reported that these bills have already been circulated, including to the police.

CM Lawson further emphasized the need for input from Judge Day and D. Wilson as well as the police department. D. Parker stated that the CACP Legislative Committee has not yet taken a position on any of the bills in question. However, he noted that SB 22-113 is of interest to the police department. He then confirmed to provide a police perspective and more information on the bills to CM Lawson.

P. O'Keefe added information regarding the 48-hour requirement for prompt bond hearings. There is an amendment that CML has worked with the sponsors that would put them in a neutral position. This amendment limits the 48-hour requirement and is not a violation of the section requiring this amount of time if the bond hearing is not held within 48 hours. P. O'Keefe will send out the amendment.

CM Jurinsky asked for clarification whether the amendment would require the state cover costs that the local level would incur through this bill. Both R. Venegas and P. O'Keefe agreed that that is what Aurora is looking for through the amendment. Judge Day mentioned that this bill will be heard on February 15<sup>th</sup>. CM Jurinsky suggested the Committee take a position on this during the meeting since the hearing will pre-date the next FSIR meeting. She urged CM Lawson to not support this bill as she finds it offender-friendly and further clarified that the original position was to amend and ask the state to cover expenses incurred such as Judges having to work weekends and operating weekend court. CM Jurinsky mentioned that she was originally going to have a position to amend and see if the amendment is heard. However, now, she is asking that the Committee take a position to actively oppose.

CM Lawson asked Judge Day to provide his thoughts on the matter. Judge Day said that he is taking the position to recommend that the Committee actively oppose this bill due to its unfunded mandate. Looking at the fiscal note of the bill, it has currently not been amended and it has no provision regarding funding for municipal courts in the bill. He added that there have been other discussions and proposals to amend the bill to include other exceptions relating to the 48-hour requirement such as those regarding delays out of the court's control. CM Jurinsky added that it is not just the municipal courts that would not be funded, it is also the Public Defender's Office. She further highlights her position to oppose this bill. CM Lawson said that she was hopeful that the proposed amendment for funding would be considered but has decided to support CM Jurinsky in opposition to the bill. R. Venegas said that they will reach out to the CML to let them know regarding the Committee's change in position and move other amendments to neutral if they do not include funding.

Outcome: Information only.

Follow-up Action: Information only.



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## 6. STATE PRIORITIES

Summary of Issue and Discussion: No discussion has been done.

Outcome: None.

Follow-up Action: None.

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## 7. WATER

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

### **SB22-114: Fire Suppression Ponds Water Rights**

The bill allows a board of county commissioners to apply to the state engineer for designation of historic ponds as fire suppression ponds. Rules will be promulgated to establish criteria for identification and evaluation of potential fire suppression pond designations. Fire suppression ponds and water associated with it will not be considered a water right.

Current law allows for certain exemptions of water rights, including wells that are used for firefighting purposes. Historic ponds being used for fire suppression may be at risk of being drained without a water right for evaporation. This bill supports keeping ponds that are critical to firefighting in rural areas while being protective of non-injury to water users. Aurora will benefit from supporting fire response within our watersheds through continued use of these historic ponds.

This bill will be heard on February 17<sup>th</sup>.

Aurora Water staff recommend an active support position.

CM Lawson and CM Jurinsky voted to actively support this bill.

### **SB22-126: Prioritize South Platte Water Storage Projects**

Under current law, the Colorado Water Conservation Board (CWCB) in the Department of Natural Resources (DNR) is authorized to finance water projects that will increase the beneficial consumptive use of the state's undeveloped interstate compact-entitled waters through the CWCB Construction Fund. The CWCB applies established criteria to prioritize expenditures and

make recommendations to the General Assembly for water projects to be funded each year through legislation. This bill amends established criteria to require the CWCB to prioritize projects that increase or improve water storage in the South Platte River Basin in order to reduce reliance on transmountain diversions.

This supports increased water supply storage to maximize utilization of water supplies in the South Platte River basin. This will allow for efficient and flexible water resources management that benefits agricultural, municipal, and industrial water uses and the whole State of Colorado.

This bill will be heard on February 17<sup>th</sup>.

Aurora Water staff recommend an active support position

CM Lawson and CM Jurinsky voted to actively support this bill.

Outcome: Information only.

Follow-up Action: Information only.

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## **8. MISCELLANEOUS**

None.

### **CONFIRM NEXT MEETING**

February 25, 2022, at 1 PM

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Approved:

*Angela Lawson*

Angela Lawson  
Committee Chair

3-2-22

Date