

**Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
September 23, 2022**

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

Members Absent: Council Member Gardner – Vice Chair

Others present: P. O’Keefe, T. Rees, C. McDonald, G. Koumantakis, J. Prosser, R. Luby, D. Oates, R. Venegas, S. Day, T. Vaughn, K. Kitzmann, L. Hettinger, A. Botham, C. Grant, H. Smith

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

September 1, 2022 meeting minutes were approved.

3. FEDERAL LEGISLATIVE UPDATE

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

Congress will be in session for two weeks before campaigning for the midterm election. They are currently working on the Appropriations Bill. Since they did not have a chance to pass all 12 before the end of the fiscal year, they will pass a Continuing Resolution (CR) to keep federal agencies funded until December 16. Congress is discussing the monetary donations for Ukraine. The Energy Permitting Bill that Senator Manchin Requested should pass early next week. Before the end of the session, they have to pass a final Omnibus Appropriations Bill which includes the city’s earmarks. In addition, they also have to pass the National Defense Authorization Act and the Water Resources Development Act (WRDA). The Senate will consider the Same-Sex Marriage Bill that passed the House and the Election Reform Bill. L. Hettinger is working with H. Smith and R. Venegas for City Council’s trip to DC.

Committee Discussion:

CM Marcano asked if the election reform bill is the one that the State filibustered. L. Hettinger said that it’s different. She explained that the bill clarifies the Vice President’s role in certifying presidential elections and makes other changes to the electoral count process. She added that she can send H. Smith a one-page summary of the bill. She said that the House bill version may not be the final bill if it passes the Senate.

CM Lawson requested further information regarding climate change legislation. L. Hettinger said that the Climate Change Bill was considered in the Inflation Reduction Act passed before August.

She mentioned that Senator Manchin says that they do not have a support of the bill unless permits for energy projects are streamlined.

L. Hettinger added that they met with the city department on planning for the infrastructure projects for the infrastructure bill. She added that H. Smith is setting up virtual meetings with other Councilmembers that had conflicts. CM Lawson thanked L. Hettinger for coming out and talking to city staff and Councilmembers.

Outcome: Information only.

Follow-up Action: No follow-up is needed.

4. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O’Keefe and Totsy Rees gave an update on current legislation.

The Joint Budget Committee heard from the state legislature’s economic forecast office and the Governor’s OSPB regarding the factors, including unemployment rate, inflation, housing, and employment issues, that affected the current state of the economy. Colorado is expected to have an 8.2 to 8.3% inflation rate with the rate being 7.9% nationwide. Despite the increase in revenues, there will be a loss due to TABOR and inflation. Senator Hansen mentioned that even with the 3% pay hike for state employees, they are receiving a decrease in pay due to increased inflation. These issues are being considered for budget discussions in addition to funding Medicaid, school finance, etc. The Committee will meet regularly in November. Staff are trying to get more information on the money that came into the state dedicated to cybersecurity. They have reached out to CML and the Office of Information Technology to get more insight and start the process of finding significant funding.

The Tax Oversight Committee has five bills moving forward. Bills on transportation and the treatment of persons with behavioral health in the criminal justice system have gone out. The Transportation Legislation Review Committee (TLRC) had ten bills to consider with three withdrawn. They moved forward with a bill that would help fleet operators and owners to plate their fleet as cars come in. The Committee also passed the bill that expands the “move over, slow down” statute. Now, any vehicle on the side of the road would have to move over to allow emergency vehicles and utility service vehicles to pass. TLRC also passed a bill that states that drivers would have to yield to larger vehicles in roundabouts. In addition, they moved forward a bill requiring more driver’s education for drivers 21 years and under. They are also updating the civil penalties that could be levied on commercial motor carriers for failure to comply with rules for safe operations. One bill that didn’t come out of the Committee is the bill that Bicycle Colorado is promoting which requires surveillance on roads to slow drivers down. They will also be bringing forward a bill that would allow cameras to be set up in main thoroughfares to catch speeders. This was met with pushback given that the vehicle owner would be the one cited regardless of who is driving the vehicle.

Committee Discussion:

CM Lawson asked if they have investigated the licensing of how driving schools are being formed and if they are legitimately conducting operations according to state guidelines. She mentioned that there seems to be some driving schools that were simply giving out licenses and not following state regulations. T. Rees said that this issue was briefly touched upon, but there was no discussion. She stated that she will talk to the Department of Revenue, DMV, and law enforcement about this. CM Lawson commented that they might just be making money off people and not really producing safe drivers. CM Marcano mentioned that the DMV in Texas is the one that tests drivers, and not a contractor. T. Rees explained that in Colorado, this is contracted to driving schools. CM Marcano agreed with CM Lawson and said that he has seen more dangerous drivers on the road.

Outcome: Information only.

Follow-up Action: No follow-up is needed.

4A. CML UPDATE

Summary of Issue and Discussion: CM Lawson, Jessica Prosser, and Trevor Vaughn presented updates on the CML Executive Board Meeting.

The CML Executive Board met on September 9th to provide their positions on four propositions including Propositions 123, 124, 125, and 126. Proposition 123 deals with the dedicated revenue for affordable housing programs. This passed with CML support. This is an opportunity to augment the community investment process in Aurora and would not impact staff capacity. Currently, there are 6,143 affordable units in the city. In the past three years, 1,400 were added and incentivized through the community investment process. With the 3% year-over-year increase over baseline, from the proposition, there would be 185 units per year. The proposition is also written broadly enough to support both home ownership and rental. In addition, the commitment piece related to development review and incentives was affordable. The city currently has a state grant to look at other types of incentives with the development review. Aurora city staff feels that Proposition 123 is in line with the city's housing strategy and recommends support.

Propositions 124 and 125 impact the liquor code which has a three-tier structure. Historically, lobbying focused on protecting financial interests in each point of the tier and the ability for liquor stores to sell off-premise. Several years ago, it expanded to allow the phase-in for interest in multiple liquor stores instead of just one. This allowed for full-strength beer to be sold in grocery and convenience stores which are put on by large financial interests of large business entities. There may not be a huge public safety risk with these aside from having more alcohol availability. In Aurora, liquor stores and small businesses are oftentimes immigrant-owned and have more diversity with ownership. These propositions will benefit larger corporations more. The CML Board supported the CML staff's recommendation of "no position" on both bills.

Proposition 126 pertains to third-party delivery of alcoholic beverages. This proposition has a more direct impact on public safety since third parties would only be permitted by the state licensing authority, not the local, to deliver alcohol. This removes the civil recourse against a license or

permit if there are violations of the liquor code. There are also instances wherein liquor stores throughout the state deliver into Aurora from other jurisdictions with only a state permit. Despite this, third parties may be criminally cited if they deliver to a minor or an intoxicated partner. However, the bigger tool is to hit the business and provide proper training, policies, and procedures. If Prop 126 were to pass, the city would be relying on the state for civil actions. The CML Executive Board supported the CML staff position of “oppose”.

Committee Discussion:

CM Lawson asked if the city would have the capacity to meet the goals regarding the development review process if Proposition 123 were to pass. J. Prosser confirmed this and added that she also checked with Jeannine Rustad from Planning. She said that it is an optional fast-track process and they have hired a consultant to look at it. She mentioned that it is not burdensome. CM Lawson asked what Aurora’s Housing Authority’s position is. J. Prosser stated that Craig from the Housing Authority said that the proposition looks good and that there would be more things that the city would need to do than the Housing Authority. CM Marcano expressed his support.

Outcome: Information only.

Follow-up Action: No follow-up is needed.

5. 2023 STATE & FEDERAL LEGISLATIVE PRIORITIES

Summary of Issue and Discussion: Hannah Smith presented the revised 2023 State and Federal Legislative Priorities which incorporated feedback from the last FSIR meeting. Federal Priorities incorporated regional transit language. For state priorities, more specific language on housing affordability and transit was added.

State Priorities

Proposed Additions

- Supporting a “no eviction without representation” program (Housing)
- Repeal the Statutory Rent Control Prohibition (Housing)
- Return what was taken out of the previously passed bill pertaining to lot rents and amend the law in the coming session (Housing)
- Funding a study and proposal for solutions on the root causes of criminal activity in the state of Colorado (Public Safety)

CM Marcano commented that the transportation section is great and is along the lines of what he wanted to submit regarding new developments in planning for public transportation. CM Marcano requested supporting a “no eviction without representation” program. He explained that Aurora is still the eviction capital of Colorado, and this directly contributes to homelessness. He added that when individuals have representation when they’re being evicted, they can enter a payment plan or transitional housing through an agreement instead of being kicked out with all their possessions. CM Lawson agreed to add this.

CM Marcano requested adding language to repeal the statutory rent control prohibition as it should be a matter of local control as opposed to the state. Without rent control, naturally occurring affordable housing will disappear as they are acquired by institutional investors. This addition will discourage institutional investors from acquiring property and raising rents. This will also help with employment in the metro and ensure that residents can live off their salaries and afford living spaces. She agreed that investors taking over buildings and buying single-family homes, but not putting people in them due to high rent prices and just keeping them as property investments, is part of the reason why rents are increasing. She agreed to put it on as a priority but stated that it would be a lofty goal. CM Marcano agreed that it would be a challenging hurdle. He stressed that support from a city like Aurora will help push the envelope in the right direction.

CM Marcano mentioned that he has received concerns from residents living in mobile park homes that they might lose their homes. Several mobile home parks are being bought out and lot rents are being raised. State legislature previously tackled this issue, but the Senate bill ended up getting watered down. CM Marcano proposed adding a line to return what was taken out of the bill and amend the law. CM Lawson agreed with the proposal. She mentioned that there may be some debate on these additions when discussed with the full Council.

CM Lawson asked for clarification regarding the next steps in the process. H. Smith clarified that the priorities have not yet gone for input or feedback from other council members since they need FSIR approval first. CM Lawson directed staff to reach out to council members for input. R. Venegas said that the amended priorities could be moved forward to the October 17th Study Session and solicit suggestions from other Councilmembers through email. CM Lawson agreed with this.

CM Lawson mentioned that she is presenting at CML with the proposal for the task force. She asked Judge Shawn Day for any additions or comments. S. Day thanked CM Lawson for pushing the court modernization and data sharing forward with CML since it is important for all courts. Chief Justice Boatwright is also aware of this proposal, which may lead to state judicial support. S. Day shared concerns regarding the title of the initiative and stated that it may cause confusion. He mentioned that individuals may think that it would lead to the provision of funding to update the building in line with modernization. He explained that the initiative is more geared toward sharing data and information between municipal and state courts. P. O'Keefe suggested wording it as "modernizing security aspects of the court." She mentioned that there will be a lot of focus on security, modernization, and enhancements that will secure information that the courts are dealing with. CM Lawson mentioned that the meeting with CML will be on October 9th. She said that they might need to focus on changing the titles prior to the meeting. P. O'Keefe clarified that the title is only needed once given to the legislative process. She mentioned that she will brainstorm ideas with H. Smith on this and bring it back for feedback. CM Lawson mentioned that she is requesting this as preparation for any questions during her CML presentation. CM Marcano expressed his support for the direction provided.

Federal Priorities

Proposed Additions

- Repeal the Faircloth Amendment (Housing)

CM Marcano proposed an amendment. CM Lawson agreed to add this to the federal priorities. H. Smith commented that there may be a need to revisit the priorities depending on the midterm elections and the Congress' composition in the next legislative session. She added that the federal priorities have not yet been reviewed by other council members and will go through the same process as the state priorities. The Committee members agreed to this process.

Outcome: The Committee supplied further additions to the 2023 state and federal legislative priorities. The priorities will move forward to the October 17th Study Session.

Follow-up Action: Staff will revise the priorities accordingly and ask for input from other Council Members prior to the October 17th Study Session.

6. WATER UPDATE

Summary of Issue and Discussion: Kathy Kitzmann asked for the Committee's position on an action item and presented updates.

ACTION ITEMS

State Affairs Lobbying Contract Renewal

The Aurora Water State Lobbying Services contract is due for a third-year renewal in its three-year cycle. State Lobbying Services for the City of Aurora's Water Department (R-2059) was competitively bid and awarded to Colorado Advocates LLC. The term of the initial contract was from November 1, 2020, through October 31, 2021 (20P1079) and can be extended for two additional years. Colorado Advocates first annual extension (21P0795) was from November 1, 2021, through October 31, 2022. Colorado Advocates have not proposed any changes to the initial terms. This second contract extension will maintain the initial price of \$48,000 for the third year of state lobbying services for the Water Department. In 2023, an open RFP will be done with the competitive process starting in July or August.

The Committee voted to support placing the contract on Purchasing's next weekly report for City Council Approval.

UPDATE ITEMS

Campaign Letter

K. Kitzmann thanked the Committee for approving the Camp Hale letter which went out to the elected officials. Staff also sent out a technical letter to the Forest Service detailing Aurora's water rights.

Committee Discussion:

CM Lawson requested a copy of the letter. K. Kitzmann said that she will include the letter that Colorado Springs Utilities sent to their elected.

Interim Committees and Water Committee

The Water Committee voted on nine bills and seven were withdrawn. In addition, the Water Resources Review Committee expanded its purview and became the Water Resources and Agricultural Review Committee. One of the bills that passed was pertaining to having the Water Resources and Agricultural Review Committee year-round instead of interim. The Wildfire Matters Interim Committee will consider nine wildfire bills next week.

Committee Discussion:

CM Marcano asked why only two bills came out of the Water Committee. K. Kitzmann explained that some bills needed additional work on revisions given that there are some contradictions with current water laws and past bills that were passed. There were bills that acknowledged that they were not as refined as they could be. The bills that were withdrawn might still come out in state session as individual bills.

CM Marcano asked if the nine wildfire bills to be considered are complementary or are for separate issues. K. Kitzmann said that they are for separate issues. She explained that a lot of the bills are for staffing and resources that do not overlap with watershed or water rights issues. CM Lawson commented that there may be more bills pertaining to water and water conservation in the next legislative session.

CM Marcano asked if the committee's name change signals a change in posture given that they are adding agriculture. He mentioned that other municipalities may be following Aurora by doing aggressive water conservation measures. He asked if the state is tamping down on the agricultural sector which is where the bulk of the water goes. K. Kitzmann mentioned that there have not been any proposals to make agriculture more efficient. She stated that the Colorado Water Plan is out for comments until September 30th for its revision. She said that the water community was disappointed in the addition of agriculture since the focus might be taken off water and they could be distracted by agricultural bills such as food packaging. CM Marcano commented that he thought that they will be looking at agriculture from a water perspective instead of simply putting all agricultural bills into the same committee.

Outcome: The Committee supported placing the Colorado Advocates contract for services on Purchasing's next weekly report for City Council Approval.

Follow-up Action: The contract will be placed on Purchasing's next report.

7. MISCELLANEOUS MATTERS FOR CONSIDERATION

None.

CONFIRM NEXT MEETING

The next meeting is tentatively moved to October 26, 2022, at 1:00 PM.

Approved:	<u><i>Angela Lawson</i></u>	<u>10-26-22</u>
	Angela Lawson	Date
	Committee Chair	