

**Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
December 16, 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, R. Venegas, L. Hettinger, A. Botham, C. Grant, L. Rogers, Michael Bryant, Mark Hildebrand, Jep Seman

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

November 18, 2022 meeting minutes were approved.

3. FEDERAL LEGISLATIVE UPDATE

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

The Congressional leadership agreed to the top-line numbers for the Final Appropriations Bill, which includes the city’s earmark requests. The Senate will take the Bill up on December 20 or 21 and the House will follow afterward. Since the bill was not done before the end of the previous Continuing Resolution (CR), the Senate and House passed another CR until December 23. Funding levels and included projects will not be changed. The Senate has passed the National Defense Authorization Act (NDAA) and Water Resources Development Act (WRDA). The Senate will sign them into law early next week. Congress will come back on January 3rd with a 51-49 Democrat Control. Due to this, Democrats would have additional members and staff on each of the Committees and would be able to get legislation and nominees out quicker. On the House side, Leader Kevin McCarthy still does not have votes to be the speaker next year. He could only lose four votes, but five individuals have said that they are in opposition to him. The House is planning on focusing on investigations into how municipalities spent the COVID money, and the funding for climate and energy sustainability programs were spent. Moreover, they will work on the FAA authorization bill and the Farm Bill which are traditionally bipartisan. The House Republicans are also allowing earmarks, with the process starting in March.

Committee Discussion:

CM Marcano asked how the localities will be investigated for their COVID funding spending. L. Hettinger said that they will look into if people are using it on time and on group projects. There

were concerns from Republicans that the Marriott Hotel was getting money, instead of smaller businesses.

CM Lawson asked if the city submitted a letter of interest for Thriving Communities Grant. R. Venegas said they did not. He explained that it is a technical grant and Aurora already has HDR to do the technical assistance. He mentioned that they could help identify a project or partner in the community if the grant comes back for another funding cycle. He added that they are more focused on capital projects and capital infrastructure needs. L. Hettinger mentioned that it is pending funding and they don't know how much money would be in the House and Senate Transportation Bills.

R. Venegas mentioned that they are looking into having Council look at the potential projects that the city might pursue in relation to infrastructure and federal grant programs and provide feedback either in the Winter Workshop, at Study Session, or at FSIR, depending on Mayor Pro Tem Garder decision to add as a topic. CM Lawson stated that there are several grant opportunities that the federal government is offering. L. Hettinger said that they have a tracker that they update weekly for new NOFOs. She mentioned that the bill will provide guaranteed programs for five years.

CM Lawson said that she provided suggestions of possible dates for the lobbying tour in 2023. R. Venegas introduced Liz Rogers, the new Intergovernmental Relations Manager, who will be working on setting up the lobbying trip. CM Lawson welcomed L. Rogers to the Committee. R. Venegas said that they are looking at February 7th to 9th or February 28th to March 2nd for their lobbying trip when both the House and Senate will be in session. CM Lawson requested to do the lobbying trip before schools get out on spring break. R. Venegas mentioned that Congress will drive the dates. However, they would rather go earlier. He will work the dates out with Lauri and will coordinate with the mayor's schedule. Following this, an email will be sent to councilmembers to see who would be attending. CM Marcano mentioned that he prefers the February 28th to March 2nd dates. L. Hettinger stated that most trade associations have their conferences in mid to late March, which is why they need to go earlier. CM Lawson will also provide her preference for the trip.

Outcome: Information only.

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

4. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O'Keefe provided an update on the state legislature and Division Chief Mark Hildebrand presented on the proactive approach to youth violence.

State Legislature

Leadership elections were done in all four caucuses. There were changes in the Joint Budget Committee which now includes Sen. Zenzinger, Sen. Bridges, Rep. Bird, Representative

Bockenfeld, and Sen. Kirkmeyer who replaced Sen. Rankin who is leaving the legislature. During the first CML meeting, they talked about bills that CML is bringing forth proactively. They are working on the feasibility of modernization for municipal courts, which is likely to move forward. Senator Fields is likely to be the Senate Sponsor. However, she would like the bill to start in the House. Due to this, they are still looking for a sponsor and are considering Rep. Snyder. A bill, to be sponsored by Rep. Daugherty, would add language to the statute that would allow for a municipal clerk to set an election date if nobody else is available. This is due to the situation in Florence wherein all the Council resigned and there was no one to call for an election. Several bills, including the red-light camera photo radar, the Colorado Right to Rest Act, fentanyl bills, gun bills, and red flag bills are expected to be seen next session. The Right to Rest Act will prevent local governments from passing ordinances that will prohibit camping. Moreover, Governor Polis is interested in providing more affordable housing and statewide zoning laws. There are concerns that he will make these into a matter of statewide concern and surpass land use and zoning laws that are local government jurisdictional issues. The governor has not brought in CML, mayors, or local government entities to discuss these. It is recommended that they proactively reach out to the governor's office to meet and discuss given that there has not been any stakeholder input from local governments. The Sales and Use Tax Taskforce met during the interim and will move forward a bill that would modify the Sales and Use Tax System (SUTS). This bill will add simplifications, notifications, improvements, and accessibility to the system. There will also be broadband legislation that would repeal the requirement that local governments take a vote under Senate Bill 152. CML and CCI are committed to ensuring that it is just a clean repeal of the prohibition. The Office of Information Technology will be carrying this bill and is starting the stakeholder process. They will try to ensure that the state has access to federal broadband funding. There will be implementation legislation for Proposition 122, which is the psychedelic bill, to allow local control. In addition, there will be vehicle theft legislation to make sure that there are felonies for vehicle theft regardless of value. Senator Fields is looking at this bill and the no-knock warrants bill. The Press Association will be carrying a bill on CORA and the ability to have fee exemptions for members of the press and requirements of detailed itemization for municipalities. A wildfire code bill will be seen in the session to create statewide standards for building codes. The state legislature will start on January 9th.

Committee Discussion:

CM Marcano asked if they are exploring requiring jurisdictions to provide ways to get people off the street instead of simply allowing them to be in public places as per the Right to Rest Act. P. O'Keefe stated that it might be part of the discussion. She explained that they are basing the legislation on one that was introduced years ago. She said that she will send the draft of the bill to the Committee. CM Marcano commented that he would like to see a bill that will sweep people into housing and supportive services. He asked for more details on the Right of First Refusal for multifamily residential property and asked if there will be financial support given to localities. P. O'Keefe mentioned that they had an influx of funds from the federal government which will be reviewed for how it was used and allocated. She added that Proposition 123 was recently passed, and they have additional potential funding from other sources. She mentioned that there are no solid solutions yet, but they are having those conversations.

CM Marcano noted that CML is in opposition to the CORA reform. He asked if it is still an unfunded mandate or if municipalities will be provided with support. P. O’Keefe stated that municipalities are willing to have a conversation around transparency. However, there are concerns about it being a burden on the city to fund and needing a lot of resources. She mentioned that the bill from the Press Association may primarily be focused on transparency. CM Marcano asked if there have been conversations on the lack of standardization of public sector records keeping and management. P. O’Keefe said that as municipalities modernize and use more technologically advanced methods, uniformity may become easier and less of a burden. CM Marcano said that they want to see the level of transparency and be provided resources to accomplish it. CM Lawson asked for clarification on Judge Day’s input on the modernization of the municipal court bill draft. P. O’Keefe said that the latest bill draft they received incorporated Judge Day’s suggestions. She asked P O’Keefe does she think it would be a bipartisan bill. P. O’Keefe explained that Sen. Fields would prefer it to start in the house given her workload at the start of the session. She mentioned that she does not expect it to not be a partisan issue. They are getting a House Sponsor confirmed and will start working with the House Judiciary Committee to make sure that they have the support and background information provided.

CM Lawson stressed the importance of involving mayors and local governments in the housing issue that Governor Polis wants to tackle. She asked what the strategy will be. R. Venegas said that the metro mayors have talked about it, but they have not seen drafts yet. He suggested that CML request a meeting with the Governor since Gov. Polis only met with environmental stakeholders, oil and gas companies, and some others. R. Venegas added that the Council must be briefed when the session starts in January and the meeting request must be sent prior. He mentioned that he may put the governor on the mayor’s call list.

Approach to Youth Violence

The Aurora Police Department is moving forward with an initiative that takes on a proactive approach to youth violence which involves a group violence intervention model or focus deterrence model. This requires resources to be set in place to offer families, youth, or individuals that are involved in violence. Should people decide not to take the resources and continue the criminal activity, they would then be held accountable. Division Chief Hildebrand met with DA Kellner and DA Mason regarding the reduction in juvenile bed space within the state. In 2017, there were 450 beds available for juveniles that have been arrested and are in pretrial status. Currently, there are only 215 beds throughout the state with 36 in Arapahoe County and 17 in Adams County. Due to the lack of beds, they must determine the least violent of the juveniles and release them back into the community. This action leads to a high likelihood of these individuals to re-offend. DA Kellner and other city leaders throughout the state have taken a position on this to put pressure on the legislature to revisit the bed cap and potentially increase it.

Committee Discussion:

CM Lawson asked how they could pursue this action. She mentioned that DA Mason shedded insight on the issue during the National Public Safety Partnership Conference in Tulsa. R. Venegas suggested putting together a proposal, in coordination with the City Attorney’s Office, in terms of what specific legislation they are looking for, the strategy, and allies to be considered by the FSIR

Committee. The allies would include the District Attorneys, The Chief's Association, and others in law enforcement. A formal position from FSIR would be needed to start socializing with legislators and providing direction to lobbyists to begin finding a potential sponsor. He mentioned that the proposal must focus on addressing the current state of individuals exhibiting violent criminal behavior and are on the radar of law enforcement. They would want to demonstrate to legislators that it is a numbers game given that they may have 25 violent offenders, but only 15 beds, meaning that 10 would have to be released back into the community.

CM Lawson stressed the importance of raising the bed cap given the public safety issues that are specifically related to juveniles. She asked if CML would support an initiative live this given that several municipalities are dealing with the same issue. R. Venegas said that the proposal could be presented to CML. However, they historically tend to focus more on direct impacts, but their proposal focuses on a proactive approach. He mentioned that they may have other allies in the youth violence prevention service providers. M. Hildebrand said that he will work on the concept with R. Venegas and touch base with DA Kellner. He highlighted that they are not suggesting that the beds be filled, but that they need the capacity to hold individuals. Once they start having empty beds, then they can reassess the situation. He stressed that they currently do not have enough to hold the most violent offenders. CM Lawson suggested reaching out to DA Mason's office. M. Hildebrand said that he will. P. O'Keefe asked if DA Kellner or DA Mason's intent was to bring it to DA counsel. M. Hildebrand said yes. P. O'Keefe asked how additional beds would work logistically and if they would propose more buildings or shift the purpose of buildings. M. Hildebrand explained that they have space, however, they are capped through legislation. P. O'Keefe said that those beds may have been allocated for a different purpose. She asked if they would be pulling beds from other important purposes. M. Hildebrand said that he will find more information on this.

CM Lawson asked if it was a 2013 bill that set the bed cap in Colorado. M. Hildebrand explained that there is a bill signed by the governor in 2013 that says juvenile detention bed cap but was changed to juvenile corrections programs resulting in cost reductions. CM Lawson asked for additional suggestions. P. O'Keefe stressed the importance of starting with the DA. R. Venegas said that he will provide the Committee with an update on January 13th.

CM Lawson asked if there are more items from the Chief of the Chief's Association that needed to be discussed. M. Hildebrand said no, but they will discuss legislative issues with the Chief to prepare for January.

C. Grant announced that the Committee assignments were released this week.

Outcome: Information only.

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

5. CML 2023 LEGISLATIVE ACTION ITEMS

Summary of Issue and Discussion:

The staff has sent information on the positions that the Policy Committee and the Executive Committee of CML took on pending legislation. CM Lawson mentioned that she took the position of abstaining from the limitation of no-knock warrants since she sponsored an ordinance that prohibited no-knock warrants in 2020.

Outcome: Information only.

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

6. WATER UPDATE

Summary of Issue and Discussion: Jep Seman presented this item.

The Colorado Commission on Uniform State Laws proposed a bill known as the Uniform Easement Relocation Bill which was introduced by Senator Bob Gardner. Aurora, the Farm Bureau, Northern Water, and other groups were advised by legal counsel regarding the problems related to adopting a uniform law in Colorado due to the complicated nature of water law. Following this, Senator Gardner killed the bill before it was heard in Committee. The bill has now come back and was heard by the Commission, but they delayed action until January 14th. Aurora Water is requesting to work with the bill's opponents and put Aurora Water's name on the Colorado Water Congress Letter, which will be sent to the Commission before their meeting.

Outcome: The Committee supported Aurora Water submitting the letter.

Follow-up Action: The letter will move forward.

7. MISCELLANEOUS MATTERS FOR CONSIDERATION

CM Marcano announced that they received an email from NLC regarding a cultural diversity award nomination for cities that have exemplary practices in supporting diverse communities and helping build up and integrate those communities in the city. He recommended that the city apply for the award given the excellent work of the Office of International and Immigrant Affairs.

CM Lawson thanked staff for their work on the committee and CM Marcano for stepping in for the FSIR vacancy. She mentioned that CM Jurinsky and CM Zvonek will serve in FSIR next year while she will still chair. CM Marcano thanked CM Lawson and the staff.

CONFIRM NEXT MEETING

The next meeting is tentatively scheduled for January 13, 2023, at 1:00 PM.
