

**Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
January 13, 2023**

Members Present: Council Member Lawson – Chair, Council Member Danielle Juinsky – Vice Chair, Council Member Dustin Zvonek

Absent:

Others present: L. Hettinger, R. Venegas, P. O’Keefe, Judge S. Day, L. Rogers, M. Hildebrand, D. Wilson, T. Rees, J. Seman, M. Bryant, A. Botham, G. Koumantakis, J. Prosser, J. DeHerrera, C. McDonald

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

December 16, 2022 meeting minutes were approved.

3. FEDERAL LEGISLATIVE UPDATE

Summary of Issue and Discussion: Lauri Hettinger presented the Federal Legislative Update.

Aurora D.C. Trip February 28 – March 2

The Committee has organized the chair and members of the Committee starting off with Committee A, which means major committees. The Committee and Senate is in recess until January 23rd. When the Senate returns, they will start announcing the Committee Chairs and ranking members. The State of the Union will be delayed and is going to be on February 7th. The President will then release his budget for Fiscal Year 24 (FY24). They were also able to get funding for the library and water main lines last year. L. Hettinger is also working with L. Rogers on various delegation members and will be setting up with other federal agencies such as Air Force and Department of Transportation (DOT) as the city looks forward with the grants for the Bipartisan Infrastructure Bill, which is in its two years now.

House of Senate are expected to get the FAA Authorization Bill. This bill has always been done well and applied camel bipartisan basis and is hoping to get it done together with the Farm Bill. L. Hettinger also met with the Transportation Committee Republican staff last week and they planned to do a lot of oversight of how local governments are spending their money from COVID, how they're spending their Bipartisan Infrastructure Bill Money, and then also oversight of how the administration is administering these grants. This will require 60 votes to get anything done in the Senate.

Committee Discussion

CM Zvonek asked if the policy around Housing First would be something to keep on radar for L. Hettinger and see opportunities for them to work with because of the select majorities and the requirement of 60 Republicans and Democrats. L. Hettinger confirmed and will see prospects of that bill getting done this year. She further mentioned that Inflation Reduction Act, which is also called social infrastructure, was also included in the Housing Funding.

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 State Legislation and Liz Rogers presented different legislative police recommendations brought and informed by the City Departments.

The State Legislation has started its 120-day legislative session. They are working with Colorado Municipal League (CML) on legislation to modernize the statewide case management system and municipal courts and put together a study over the interim that will make recommendations to the legislature. The City of Golden is looking at doing legislation for enforcement of noise violations, for muffled vehicles, and is now they're looking for a sponsor on that legislation. They also expect to see legislation on red light cameras and photo radar. Representative Mayberry is going to bring legislation that prevents local governments from passing legislation on camping so the Right to Rest Act is likely to come back this session. The governor's office is looking at legislation to address affordable housing and take away some of the local control, local authority issues around land use and focusing on transportation-oriented development and looking at some of the zoning ordinances that are in place in a lot of local governments.

They will also see legislation around red flag laws and expanding that statute to include DAs, therapists, doctors who might be able to seek a red flag order. Also, likely to see legislation about fentanyl and additional gun legislation. There is a Sales and Use Tax Bill that's coming that came out of the task force that addresses simplification notifications, improvements in the data accessibility for businesses, ability to file through the state set system, as well as Broadband legislation that will repeal Senate Bill 152. There is going to be a repeal of that legislation through the Office of Information Technology. There will likely be legislation around the retail delivery fee and conversations about the definition of that and how small businesses can more easily comply with that. They will also see Vehicle Theft legislation and Psychosivaben [0:15:45].

They will see a No-Knock Warrant legislation that Senator Fields is going to be bringing. They will also see legislation to address elections, where the municipal clerk can set an election date if City Council has all resigned and there's nobody available to call it. They will also see Coral legislation [ph 0:17:02] and around wildfire codes and how those impact local governments.

L. Rogers presented the first bill as Senate Bill 23-001 Authority of Public-Private Collaboration Units for Housing. The City Department stated that this additional flexibility could be really helpful for financing housing deals, especially as Aurora continues to grow and develop. CM Lawson, CM Zvonek, and CM Jurinsky accepted this position of actively support.

Committee Discussion:

L. Rogers presented the second bill as Senate Bill 23-018 Ongoing Funding For 911 Resource Centers. Essentially, this would provide ongoing funding for Colorado 911 services. The position recommendation was actively support. CM Lawson, Zvonek, and Jurinsky accepted this position of actively support.

L. Rogers then presented the next section as support if asked, which is Senate Bill 23-003 Colorado Adult High School Program. Essentially, this bill would create a Colorado Adult High School Program and coordinate with other nonprofit entities in order to provide this service. CM Lawson, CM Zvonek, and CM Jurinsky accepted this position of support if asked.

L. Rogers presented the next bill as House Bill 23-1017. Electronic Sales and Use Tax Simplification System. This is about modifying the local taxing jurisdictions and providing more simplification on the issue. The bill is supported by the financing department with the rationale support if asked. CM Lawson, CM Zvonek, and CM Jurinsky accepted this position of actively support.

HB23-1042: Admissibility Standards for Juvenile Statements Discussion

House Bill 1042 Admissibility Standards for Juvenile Statements. This bill makes any statement or admission obtained during a juvenile custodial interrogation in which law enforcement officials knowingly use deception.

Judge S. Day discussed that House Bill 1042 mirrors Senate Bill 22-023 from last year. The bill itself will in a way codify the current case law with drastic differences, one being that it creates the presumption under current law right now, the lead case, Jackson v Denno. It also adds some things that are in conflict with current law, and that is the degree of coercion or misstatement during the course of interrogation. That's a factor in any decision that the court must take and viewing the totality of the circumstances as to the confession or the statement as to what degree the misstatement was, to what degree the coercion was, all other attendant circumstances that were present at the time of the statement or the confession.

Committee Discussion:

CM Jurinsky stated to the Committee that there are two bills coming forward that have to do with Child Protective Services (CPS) and Department of Human Services (DHS). P. O'Keefe said she will and will get some additional information to CM Jurinsky and L. Rogers.

CM Zvonek stated that he wants to make sure that they watch track on the Juvenile Bed Cap and the Fair Work Week, which is a bill that deals with the service sector. The Fair Work Week would

be a huge problem for the service industry and a detriment to the employers. He also included the Property Tax, where the repeal of Gallagher will amount to the largest tax increase in Colorado history by far.

CM Lawson stated she will need APD's input on bills that are related to public safety and policing, because she is on the CML policy subcommittee policing and courts. The first meeting will be on January 19th.

CM Zvonek asked Judge S. Day on the House Bill 1042 if he happens to know where the district attorney's or the Colorado District Attorneys' Council (CDAC) is on this. Judge S. Day answered that CDAC were in opposition of the Senate Bill 22-023. D. Wilson further confirmed that there was some opposition from the CDAC last year but 90% of it is already established law because it's a juvenile.

CM Lawson asked if the support position should be changed since there is still some questions and clarification that need to happen. Judge S. Day changed his recommendation to monitor position to see how this goes to see what presentation will come before the Committee and what the arguments would be in support and in opposition. CM Lawson, CM Zvonek, and CM Jurinsky agreed to the recommendation of the position of monitoring instead of support if asked.

Cases of Domestic Violence in Municipal Court Draft Bill

Judge S. Day met with a group of other judges regarding this issue with Majority Leader Duran and also Representative Mike Weissman, Presiding Judge for Westminster, a judge from Lakewood, the legislative liaison lobbyists that we have for Colorado Municipal Judges Association (CMJA). This was the first time that they've seen this bill and they have not been contacted prior to the draft bill in any way. There hasn't been any reach or outreach by anybody to talk about the issue.

House Majority Leader Duran started out the meeting by way of introduction and then went into the statement to say that she believed, as a domestic violence survivor, that all domestic violence cases should be prosecuted in state court, specifically the type of cases that we have in county court. She believed that there were issues relating to the application of the Victims Rights Amendment of the Brady Bill federally, whether or not the municipal courts were enforcing and requiring forfeiture of weapons and the enforcement of those forfeiture orders. Representative Weissman also had similar statements on this at the meeting. One of the things that they pointed out was the misinformation about the Brady Bill not applying to municipal court convictions. That bill was amended in 2022 to include federal, state, tribal courts, or local courts, which are now municipal courts. They also pointed out the strong position of CMJA, that the Victims' Rights Amendment (VRA) should apply to municipal courts for any or any charge that would fall within the VRA classification. They were unified, as at least from an association standpoint, that the VRA should apply to municipal courts, and they had a lot of discussion about that particular issue. Judge S. Day hoped that this committee would be supportive of that particular position.

There was other discussion about whether our municipal courts enforce forfeiture orders for domestic violence cases. Each and every case has a protective order entered, and those orders are

standard in one being that they cannot possess a firearm or ammunition during the course of the prosecution of the case. If the defendant has a weapon, they must forfeit the weapon within 24 hours, provide proof by way of affidavit within 72 hours. There was some misinformation about whether or not municipal courts are doing that and questions as to the enforcement of that forfeiture order and how that would take place. Judge Flanagan, Longtime, and Day said it would be the same way that it would be enforced in county court, the same exact way.

They pointed out the long-standing program that Aurora had for 35 plus years. One of the things that they pointed out in their meeting was if it was to move to the county court, it would be prosecuted within a six-month period. They do it in 91 days. They pointed out all of the advantages of keeping the cases here in municipal court in the meeting.

Committee Discussion:

CM Jurinsky asked what happens if the person accused of Domestic Violence (DV) doesn't have a gun. Judge S. Day answered that law enforcement can look into the registration as to whether or not they have a registered gun or not and find out if that information is, in fact, true or not. If they find out that that person does have a gun, then that person could be facing a contempt citation for this statement to the court at the time that they don't have a gun. They could face further prosecution for false statement to a judge if under oath, which sometimes it could be they could be put under oath, they could face a perjury charge as well.

CM Zvonek asked if the legislation has been introduced or just a draft and Judge S. Day confirmed that it was just a draft.

P. O'Keefe stated that she reached out to a couple of the domestic violence lobbyists to try to track down whose bill it was and then figure out what Majority Leader Duran and Representative Wiseman want to do.

CM Zvonek further asked what are the best outcomes and possibilities for victims, and to make sure that they take into consideration the positions of the DA. CM Lawson also asked if DV cases that involved juveniles would go to county as well. Judge S. Day answered it would be any DV filed to into county.

CM Lawson suggested should we to look at changes to the Brady Bill. Judge S. Day expressed his concern on that and that he stated that the Brady Bill does apply to municipal court.

M. Hildebrand expressed his perspective that the process for handling those cases within the municipal courts is not as time consuming as it is as filing these cases into the county court with affidavits. D. Wilson expressed his concerns as he is torn as the Public Defender that they don't have enough data to make a decision. He had 820 cases in his office today and 305 of those are DVs. Last year, they had 56% dismissal rate of DV cases. The fiscal note will be huge because the State Police Department (PD) would need at least 25 attorneys, which is going a couple of million dollars worth of fiscal notes.

CM Lawson followed-up with a question regarding if conversations will still be ongoing with the sponsors, judges and other stakeholders. P. O’Keefe stated that they are willing to have continued discussions about it and that there’s no deadline on it. Judge S. Day stated he would be reaching out to have further conversations.

CM Jurinsky asked if calling someone an egregious name can be arrested and can be considered domestic violence. M. Hildebrand stated it could potentially be but that but it has to have an underlying criminal charge. CM Lawson then suggested that CM Jurinsky question be included in those conversations with House Majority Leader Duran and Representative Weissman. M. Hildebrand clarified that they’re looking at whether or not they establish probable cause that a crime is being committed and if there is a municipal charge that applies and there’s a county charge and there’s a matching one within the municipal code, they’re going to file it typically municipal court. CM Lawson suggested to include this information in the discussion as well.

Juvenile Detention Bed Space Update

M. Hildebrand discussed an update that there’s 215 beds within the state of Colorado. The Colorado Youth Detention Consortium are pushing forward a proposal to increase bed space across the state by 10% with an additional 10% of flexibility where they don’t need approval from the legislature. They’re trying to get an addendum to the current legislation so that can take place as soon as possible. District Attorney (DA) Counter is taking a position that he is asking just for increased bed space and hasn’t determine what number that would look like across the state. M. Hildebrand hoped that the DHS Director can get passed at least get 20% increase across the state.

Committee Discussion:

CM Lawson asked P. O’Keefe if any bill is being drafted right now. P. O’Keefe stated the DA’s Council weren’t bringing a bill or asking for an increase this session. She stated she will reach out to DHS and see if this is something that they’re either bringing legislatively or maybe through the budget process.

CM Zvonek asked if they are willing to carry and work with the team to see an elimination of the bed cap. P. O’Keefe stated they can certainly go talk to legislators specifically, starting with the delegation, to try to find somebody to sponsor a bill. She will update the committee on this.

Outcome: Information only.

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

5. WATER UPDATE

Summary of Issue and Discussion:

J. Seman presented the water update. He briefly updated two items. One is that the Aurora Waters penned a letter with Northern Water via the Colorado Water Congress and sent that letter into the

Uniform Commission, which is meeting this afternoon. They are hoping that they will heed the request. The Uniform Bill does not comport well with the complexity of Colorado Water Law, and that's the basis for the Aurora Water opposition to that concept.

Last item is that water is being mentioned as one of the top priorities for the legislative session that convened this week. There will be a lot of focus from the governor's office and others on water conservation.

Outcome: Information only.

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

6. MISCELLANEOUS MATTERS FOR CONSIDERATION

CM Lawson suggested to have at least one in-person meeting and one zoom meeting per month starting in the month of February. The Committee agreed to this suggestion. The first in-person meeting will be on February 10th.

R. Venegas stated that they will continue to do the process where they take positions per council rule in FSIR and this committee and then the subsequent study session after these meetings. L. Rogers sent a bill tracker, where they can see at any point what bills are in the queue. In terms of testifying and testimony on bills, if there's a bill that we take an official position, they can go down and testify on behalf of the city and on behalf of the City Council. If it's not, they will only ask that council members or the mayor indicate that they're testifyin as an individual and not on behalf of the city. He further asked to always give P. O'Keefe and L. Rogers a heads up so that they know and can help with anything the Committee needs done in the capital signing up.

CM Jurinsky informed CM Lawson that she is already on the list to go down and testify as soon as the two bills comes forward about DHS and CPS.

CONFIRM NEXT MEETING

January 27, 2023, at 1:00 PM.

Approved:

Angela Lawson
Angela Lawson
Committee Chair

1-27-23
Date